

# United States Senate

WASHINGTON, DC 20510

May 21, 2026

The Honorable Scott Turner  
Secretary  
U.S. Department of Housing and Urban Development  
451 7th Street SW  
Washington, DC 20410

Dear Secretary Turner:

We write to oppose the Department of Housing and Urban Development's (HUD) notice of proposed rulemaking (NPRM) entitled, "Establishing Flexibility for Implementation of Work Requirements and Term Limits," which would allow the broad implementation of work requirements and term limits on rental assistance.<sup>1</sup> Specifically, the Trump Administration has proposed two changes: First, it would allow public housing authorities (PHAs) and some private landlords to require work-eligible adults (ages 18-61) to work for up to 40 hours per week in order to continue receiving public housing benefits or rental assistance through the Housing Choice Voucher (HCV), Project-Based Voucher (PBV), or Project Based Rental Assistance (PBRA) programs.<sup>2</sup> Second, HUD would allow PHAs and eligible owners to limit the duration a household can receive rental assistance to "no less than two years" under public housing, HCVs, PBVs, or PBRA. This NPRM exceeds HUD's statutory authority and would exacerbate the current housing crisis. If finalized, the proposed rule would weaken the nation's social safety net without meaningfully addressing the fundamental barriers to workforce participation and economic stability. It would also undermine affordable access to housing for American families, including those who work irregular hours, attend education programs, or provide care to loved ones. We urge you to withdraw the NPRM.

## **1. The Proposed Rules Would Exceed HUD's Statutory Authority.**

In the NPRM, HUD contends that it has the authority to permit PHAs to implement work requirements because the United States Housing Act of 1937 directs the agency to "vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration."<sup>3</sup> HUD, however, fails to recognize that the same statute limits when and how HUD or a PHA can terminate assistance, and includes other requirements and objectives which HUD and PHAs must comply with and that limit the flexibilities HUD may

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<sup>1</sup> U.S. Department of Housing and Urban Development, Federal Register Notice, Proposed Rule, "Establishing Flexibility for Implementation of Work Requirements and Term Limits," March 2, 2026, <https://www.federalregister.gov/documents/2026/03/02/2026-04095/establishing-flexibility-for-implementation-of-work-requirements-and-term-limits>.

<sup>2</sup> *Supra* note 1.

<sup>3</sup> 42 U.S.C. 1437(a)(1)(C); *See also Supra* note 1.

permit.<sup>4</sup> For example, the statute makes clear that assistance may not be terminated under the public housing program, except when a household fails to meet pre-existing community service requirements.<sup>5</sup> Furthermore, it notes that any lease terminations may only be triggered by a “serious or repeated violation of the terms or conditions of the lease or for other good cause.”<sup>6</sup> In other words: even within the “maximum flexibility” framework that HUD purports to be operating within, the law does not allow HUD to permit PHAs to evict residents or deny lease renewals based on work-related activities.<sup>7</sup>

Furthermore, the proposed rule would exceed HUD’s statutory authority by extending Moving to Work (MTW) demonstration program flexibilities to all PHAs. Congress established and has expanded the MTW demonstration program under appropriations law which provides HUD the legal authority to waive certain statutory requirements under the public housing and HCV programs to allow 139 PHAs—or approximately 4% of all PHAs—to use program funds “more flexibly” by “design[ing] and test[ing] innovative, locally-designed housing and self-sufficiency strategies for low-income families.”<sup>8</sup> HUD’s authority to approve work requirements and time-limit policies is limited to those 139 PHAs with MTW flexibilities, and all flexibilities granted under MTW must be documented and approved by HUD.<sup>9</sup> The administrative flexibility allowed under the Housing Act of 1937 does not extend, as HUD argues, to the termination of leases or rental assistance on the basis of work requirements or time limit policies. In fact, HUD itself has recognized these limitations that when a PHA loses a waiver under MTW, it also loses the ability to utilize statutory and regulatory flexibilities, including to impose work requirements and time limits on assistance.<sup>10</sup> The legal justification HUD provides in its NPRM directly contradicts Congressional intent as demonstrated under both the Housing Act of 1937 and MTW statute.

## **2. Proposal Lacks Robust Oversight and Protections for the Families that HUD Serves.**

Concerningly, HUD provides for minimal administrative oversight of the PHAs and owners that choose to implement work requirements or term limits on assistance. Under the MTW demonstration program, HUD must review, approve, and oversee PHAs’ policies to ensure that they align with program requirements. Yet, the proposed NPRM allows PHAs and owners to implement policies without prior approval or robust oversight by HUD. Instead, a PHA or owner may simply incorporate these new policies in their administrative plan, admission and continued occupancy plan, public housing leases, or tenant selection plans, as applicable.<sup>11</sup> Even more troublingly, it is unclear if HUD will conduct reviews to determine whether implemented work requirements violate the Fair Housing Act by adversely affecting members of protected classes. For example, a PHA or owner may choose to limit implementation of work requirements in

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<sup>4</sup> *Id.*

<sup>5</sup> 42 U.S.C. 1437j(c)(1).

<sup>6</sup> 42 U.S.C. 1437d(l) and f(d).

<sup>7</sup> Letter from National Housing Law Project to Housing Justice Network, March 25, 2026, <https://www.nhlp.org/wp-content/uploads/Benefits-Cuts-Legal-Analysis.pdf>.

<sup>8</sup> U.S. Department of Housing and Urban Development, “Operations Notice for the Expansion of the Moving to Work Demonstration Program,” August 28, 2020, <https://www.federalregister.gov/documents/2020/08/28/2020-18152/operations-notice-for-the-expansion-of-the-moving-to-work-demonstration-program>.

<sup>9</sup> P.L. 104-134; P.L. 114-57.

<sup>10</sup> *Supra note 8.*

<sup>11</sup> *Supra note 1.*

buildings or neighborhoods where the majority of residents are people of color with impunity. Separately, while HUD will require PHAs and owners to provide supportive services, like education, job referral services and training, childcare, and financial literacy, alongside work requirements—without HUD providing additional resources to help PHAs and owners actually provide these supportive services—the NPRM fails to contemplate enforcement of this requirement beyond the general auditing process.

### **3. The NPRM’s Regulatory Impact Analysis is Severely Limited and Relies on Outdated Data.**

The data provided to justify the need and efficacy of these policies is weak and outdated.<sup>12</sup> In its regulatory impact analysis (RIA) HUD argues that federal rental assistance programs disincentivize workforce participation, relying on 2024 administrative data to estimate regulatory impact despite data being available for 2025. The 2024 data shows that between 38% and 46% of HUD-assisted renters who are able to work and would be affected by this proposal have wage income.<sup>13</sup> HUD’s 2024 data shows that a smaller share of individuals are work eligible compared to past analyses of HUD administrative data which showed that 48% and 43% of households assisted by HUD’s rental assistance programs were able to work based on age in 2004 and 2016, respectively.<sup>14</sup> These figures are being used to suggest individuals who should be working, aren’t. Yet the majority of HUD-assisted households are headed by individuals who may not be able to work due to a disability or older age (over 61 years old).<sup>15</sup> HUD’s RIA notes that over 68% of the 9.1 million individuals who were served by the programs affected under this proposal were children, had a disability, or were older adults and therefore likely unable to work, and estimates that up to 90,000 individuals would have been considered non-compliant and could lose assistance under the NPRM.<sup>16</sup> Further, independent research has shown that those who are able to work but do not often cite school, family, and caregiving obligations as their barriers to workforce participation.<sup>17</sup>

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<sup>12</sup> *Supra* note 1; *See also* U.S. Department of Housing and Urban Development, “Regulatory Impact Analysis, FR-6520-P-01 - Work Requirements and Term Limits,” March 2, 2026, <https://www.regulations.gov/document/HUD-2026-0298-0002>.

<sup>13</sup> U.S. Department of Housing and Urban Development, “Regulatory Impact Analysis, FR-6520-P-01 - Work Requirements and Term Limits RIA,” March 2, 2026, <https://www.regulations.gov/document/HUD-2026-0298-0002>.

<sup>14</sup> Center on Budget and Policy Priorities, “Employment and Earnings for Households Receiving Federal Rental Assistance,” Alicia Mazzara and Barbara Sard, February 5, 2018, <https://www.cbpp.org/research/housing/chart-book-employment-and-earnings-for-households-receiving-federal-rental>.

<sup>15</sup> U.S. Department of Housing and Urban Development, “Regulatory Impact Analysis, FR-6520-P-01 - Work Requirements and Term Limits,” March 2, 2026, <https://www.regulations.gov/document/HUD-2026-0298-0002>; *See also* Center on Budget and Policy Priorities, “Employment and Earnings for Households Receiving Federal Rental Assistance,” Alicia Mazzara and Barbara Sard, February 5, 2018, <https://www.cbpp.org/research/housing/chart-book-employment-and-earnings-for-households-receiving-federal-rental>.

<sup>16</sup> *Supra* note 13.

<sup>17</sup> National Housing Law Project, “Get the Facts: Work Requirements and Time Limits Will Worsen Housing Instability,” January 27, 2026, <https://www.nhlp.org/publications/get-the-facts-work-requirements-and-time-limits-will-worsen-housing-instability/>; *See also* The Council of Large Public Housing Authorities, “Who Lives and Works in Federally Assisted Housing,” Accessed on April 13, 2026, <https://clpha.org/sites/default/files/CLPHA-WF%201pg-who-dig%20%281%29.pdf>; *See also* PAHRC, “Employment Trends Among People Living in Publicly Supported Homes,” December 2018, <https://www.pahrc.org/wp-content/uploads/2019/10/Employment-Trends->

HUD’s inadequate impact analysis comes as studies demonstrate the limited efficacy of work requirements and term-limits in housing assistance programs.<sup>18</sup> Many of the PHAs that have implemented even abbreviated work requirements or longer term-limits have weakened or abandoned them entirely due to administrative burden.<sup>19</sup> According to one review, at least 7 of the 16 PHAs that adopted work requirements later changed or discontinued those policies “because they were deemed punitive or hard to administer.”<sup>20</sup> Similarly, 11 of 17 PHAs that implemented term limits removed them, due to lack of capacity to administer or enforce the limits, and learned that households reaching the end of their assistance period still faced significant need and risk of housing instability.<sup>21</sup> While some studies have found positive effects of work requirements on employment or income, others have found that affected households are more likely to experience the following: modest employment increases that fade over time;<sup>22</sup> significant barriers to employment, such as never finding work even after participating in “successful” work programs;<sup>23</sup> short-lived and minimal increases to rates of stable employment;<sup>24</sup> and earnings that were still inadequate to lift families out of poverty.<sup>25</sup> Term limits have been shown to create other negative effects, including increased housing instability, overcrowding, and homelessness.<sup>26</sup> The NPRM does not meaningfully grapple with this data.

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[Among-People-Living-in-Publicly-Supported-Homes.pdf](#).

<sup>18</sup> See footnotes 24, 25, and 26.

<sup>19</sup> U.S. Department of Housing and Urban Development, “A Review of Work Requirement Policies in HUD-Funded Assisted Housing: Final Research Report,” Hiren Nisar, Maxwell Matite, Lan Hu, June 10, 2022, <https://www.huduser.gov/portal/portal/sites/default/files/pdf/A-Review-of-Work-Requirement-Policies.pdf>; See also Housing Solutions Lab, “Policy at a crossroads: What we know about work requirements and time limits in federal housing assistance,” Claudia Aiken and Ellie Lochhead, September 3, 2025, <https://www.localhousingsolutions.org/policy-insights/policy-insights-work-requirements-and-time-limits-in-federal-housing-assistance/>.

<sup>20</sup> Housing Solutions Lab, “Policy at a crossroads: What we know about work requirements and time limits in federal housing assistance,” Claudia Aiken and Ellie Lochhead, September 3, 2025, <https://www.localhousingsolutions.org/policy-insights/policy-insights-work-requirements-and-time-limits-in-federal-housing-assistance/>.

<sup>21</sup> *Id.*

<sup>22</sup> Center on Budget and Policy Priorities, “Work Requirements Don’t Cut Poverty, Evidence Shows,” LaDonna Pavetti, June 7, 2016, <https://www.cbpp.org/research/poverty-and-inequality/work-requirements-dont-cut-poverty-evidence-shows#finding2>; See also Rand Corporation, “Consequences of Welfare Reform: A Research Synthesis,” Jeffrey Grogger et al., January 1, 2002, <https://www.rand.org/pubs/drafts/DRU2676.html>; See also MDRC, “National Evaluation of Welfare-to-Work Strategies: How Effective Are Different Welfare-to-Work Approaches? Five-Year Adult and Child Impacts for Eleven Programs,” Gayle Hamilton et al., December 2001, <http://www.mdrc.org/publication/how-effective-are-different-welfare-work-approaches>.

<sup>23</sup> Center on Budget and Policy Priorities, “Work Requirements Don’t Cut Poverty, Evidence Shows,” LaDonna Pavetti, June 7, 2016, <https://www.cbpp.org/research/poverty-and-inequality/work-requirements-dont-cut-poverty-evidence-shows#finding2>

<sup>24</sup> *Id.*

<sup>25</sup> MDRC, “National Evaluation of Welfare-to-Work Strategies, Evaluating Alternative Welfare-to-Work Approaches: Two-Year Impacts for Eleven Programs,” Stephen Freedman et al., June 2000, <http://www.mdrc.org/publication/evaluating-alternative-welfare-work-approaches>.

<sup>26</sup> Center on Budget and Policy Priorities, “Rental Assistance Time Limits Would Place More Than 3 Million People - Half of Them Children - at Risk of Eviction and Homelessness,” Will Fischer and Erik Gartland, July 18, 2025, <https://www.cbpp.org/research/housing/rental-assistance-time-limits-would-place-more-than-3-million-people-half-of-them>; See also National Public Radio, “The Trump Administration Is Working on a Plan for Time Limits on Rental Aid,” Jennifer Ludden, June 4, 2025, <https://www.npr.org/2025/06/04/nx-s1-5422410/housing-rent-assistance-time-limits-work-requirements-hud>.

These findings are bolstered by an examination of the impact of work requirements on the efficacy of other federal programs. For example, when work requirements were implemented under the Supplemental Nutrition Assistance Program, the policy reduced program participation without increasing employment or earnings.<sup>27</sup> Under Medicaid, when Arkansas briefly implemented work requirements, researchers found that many adults lost insurance, and there was no increase in employment or hours worked.<sup>28</sup> Even more troubling was that the vast majority of people subject to the work requirements in Arkansas were already working or should have qualified for an exemption, demonstrating that compliance burdens result in even eligible participants losing benefits.<sup>29</sup> HUD fails to incorporate these findings into its RIA.

#### **4. HUD Expects Its Proposal Will Likely Increase Evictions, Homelessness, and Administrative Costs.**

If HUD moves forward with this rulemaking, there is risk of real harm to families who rely on public housing or rental assistance to obtain safe and affordable housing. Experts estimate that as many as 3 million people may be removed from HUD-assisted housing as a result of the rule, if finalized.<sup>30</sup> Notably, many of those families may lose access to housing not because they are not working, but because they are unable to keep up with new paperwork burdens or meet contradictory and sometimes impossible standards. For example, many minimum wage jobs do not provide consistent shift scheduling, leaving employed adults unable to reliably meet the set minimum of work hours per week that a PHA or owner may require under HUD's NPRM, even if an individual is in fact working.<sup>31</sup> HUD recognizes in its RIA that "[t]enants exiting [rental assistance programs] early would also lead to increased costs for surrounding communities through the consequences of increased housing instability and homelessness" and that it expects renters affected by the NPRM to "face hardships, including homelessness."<sup>32</sup>

HUD argues that its new policy is necessary to "effectively leverage limited resources for assisted housing to address the shortage of affordable housing."<sup>33</sup> Today, only 1 in 4 families who

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<sup>27</sup> Housing Solutions Lab, "Policy at a crossroads: What we know about work requirements and time limits in federal housing assistance," Claudia Aiken and Ellie Lochhead, September 3, 2025, <https://www.localhousingsolutions.org/policy-insights/policy-insights-work-requirements-and-time-limits-in-federal-housing-assistance/>.

<sup>28</sup> The New England Journal of Medicine, "Medicaid Work Requirements - Results from the First Year in Arkansas," Benjamin D. Sommers et al., vol. 381 no. 11, June 19, 2019, <https://www.nejm.org/doi/full/10.1056/NEJMSr1901772>.

<sup>29</sup> Center on Budget and Policy Priorities, "States' Experiences Confirm Harmful Effects of Medicaid Work Requirements," Jennifer Wagner and Jessica Schubel, November 18, 2020, <https://www.cbpp.org/health/states-experiences-confirming-harmful-effects-of-medicaid-work-requirements>.

<sup>30</sup> Center on Budget and Policy Priorities, "Rental Assistance Time Limits Would Place More Than 3 Million People - Half of Them Children - at Risk of Eviction and Homelessness," Will Fischer and Erik Gartland, July 18, 2025, <https://www.cbpp.org/research/housing/rental-assistance-time-limits-would-place-more-than-3-million-people-half-of-them>.

<sup>31</sup> Economic Policy Institute, "Irregular Work Scheduling and Its Consequences," Lonnie Golden, April 9, 2015, <https://www.epi.org/publication/irregular-work-scheduling-and-its-consequences/>.

<sup>32</sup> *Supra note* 13.

<sup>33</sup> *Supra note* 1.

are eligible for rental assistance through HCVs actually receive a voucher.<sup>34</sup> Although HUD’s proposed work requirements may cause PHAs to cycle through affordable housing waiting lists faster, work requirements will do nothing to actually increase housing supply—which is the primary problem contributing to the supply-and-demand imbalances in the housing market.

Rather than increasing housing supply, HUD finds that the NPRM will instead increase both administrative costs and costs on renters who lose assistance. According to the NPRM RIA, the costs of unit turnover and administering the policy will be anywhere between \$15.3 million and \$255.8 million in the first year, and between \$2 million and \$29 million every year thereafter.<sup>35</sup> The NPRM RIA estimates up to an additional \$54.3 million annually in implementation costs for PHAs, PBRA owners, HCV landlords, and households in comparison to the baseline costs of current regulations.<sup>36</sup> For scale, when the Government Accountability Office analyzed administrative costs in implementing Medicaid work requirements, they found that implementation in five states alone increased spending by an estimated \$408.3 million over 1-3 years.<sup>37</sup> HUD also acknowledges its proposal will increase costs for working families: “[t]enants whose housing assistance is terminated because of the new policies would potentially face costs beyond the value of the subsidy lost, including moving costs and the consequences of housing instability and eviction.”<sup>38</sup>

We call on HUD to rescind this NPRM, which exceeds its statutory authority and poses real risks to affordable access to housing for families across the country, including those who are working, seeking economic mobility through education, or caring for loved ones. There are many ways to improve housing affordability for Americans, and implementing an arbitrary, punitive proposal to kick families out of housing and cut off their benefits at a time when housing is more unaffordable than ever is not one of them.

Sincerely,

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<sup>34</sup> National Low Income Housing Coalition, “Federal Government Reopened; Congress Must Now Pass FY26 HUD Spending Bill to Protect Vouchers and Housing Assistance for Over 170,000 People who Have Experienced Homelessness-Take Action!” Kim Johnson and Alayna Calabro, November 17, 2025, <https://nlihc.org/resource/federal-government-reopened-congress-must-now-pass-fy26-hud-spending-bill-protect-vouchers>.

<sup>35</sup> *Supra note 13*.

<sup>36</sup> *Supra note 13*.

<sup>37</sup> Government Accountability Office, “Medicaid Demonstrations: Actions Needed to Address Weaknesses in Oversight of Costs to Administer Work Requirements (GAO-20-149),” October 2019, p. 20, <https://www.gao.gov/assets/gao-20-149.pdf>.

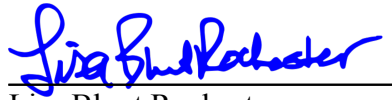
<sup>38</sup> *Supra note 13*.



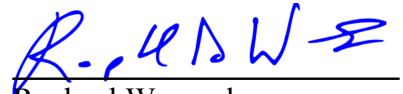
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Ranking Member  
Committee on Banking,  
Housing, and Urban Affairs



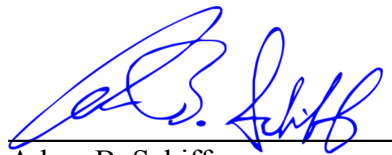
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United States Senator



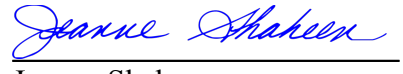
Lisa Blunt Rochester  
United States Senator



Raphael Warnock  
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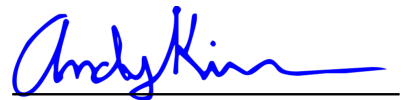
Adam B. Schiff  
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Jeanne Shaheen  
United States Senator



Alex Padilla  
United States Senator



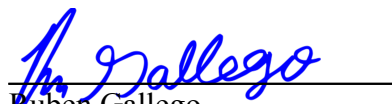
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Chris Van Hollen  
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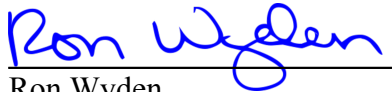
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United States Senator



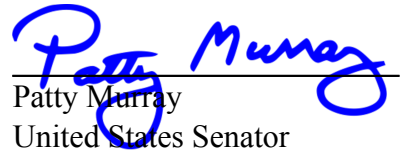
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Cory A. Booker  
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Ron Wyden  
United States Senator



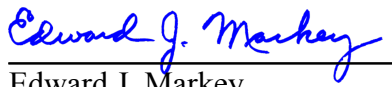
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Tina Smith  
United States Senator




Charles E. Schumer  
United States Senator



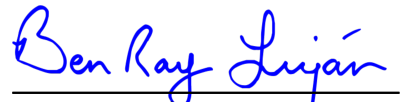
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Richard Blumenthal  
United States Senator



Ben Ray Lujan  
United States Senator



John Fetterman  
United States Senator



Catherine Cortez Masto  
United States Senator