JUSTICE IN AGING
FIGHTING SENIOR POVERTY THROUGH LAW

May 1, 2026

***Submitted via regulations.gov***

Regulations Division
Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, D.C. 20410-0500

**RE: Docket No. FR-6520-P-01; Establishing Flexibility for Implementation of Work Requirements and Term Limits**

Justice in Aging appreciates the opportunity to provide comments on the Department of Housing and Urban Development (HUD)'s proposed rule, "Establishing Flexibility for Implementation of Work Requirements and Term Limits." Justice in Aging is a national legal advocacy organization with the mission of improving the lives of low-income older adults. We use the power of law to fight senior poverty by securing access to affordable housing, health care, and economic security for older adults with limited resources. We focus on the needs of low-income populations who have traditionally lacked legal protections, such as women, people of color, LGBTQ+ individuals, and people with limited English proficiency.

We strongly oppose this proposed rule, which is unlawful and would allow Public Housing Authorities (PHAs) and HUD-assisted owners to impose work requirements and time limits for HUD housing assistance. PHAs and owners would be able to impose work requirements of up to 40 hours per week and time limits as short as two years, with wide discretion on terminating assistance. Regardless of any exemptions, this proposal would take away housing assistance from older adults age 50 and over, people with disabilities, and their caregivers.

Work requirements are ineffective and unfairly punitive. Studies of work requirements in other public benefit programs, such as Medicaid and SNAP food assistance, show that 1) most people who are able to work, do work; 2) work requirements fail to improve employment outcomes; and 3) many people, including older adults and people with disabilities, lose assistance as a result of unnecessary red tape and administrative barriers.[1]

For older adults, the consequences of losing housing assistance are especially severe. The loss of housing – particularly subsidized housing – is devastating for seniors. Studies show that becoming homeless later in life takes a significant health toll on older adults – older adults who become homeless at age 50 or later have mortality rates 60% higher than those who became homeless at younger ages.[2] Once older adults enter homelessness, they experience worsening of previous health challenges or

[1] Brookings, "Congress is Debating Stricter SNAP and Medicaid Work Requirements – But Research Shows They Don't Work" (March 2025), available at https://www.brookings.edu/articles/congress-is-debating-stricter-snap-and-medicaid-work-requirements-but-research-shows-they-dont-work/.
[2] University of California San Francisco Department of Epidemiology & Biostatistics, "Older Homeless People Are at Great Risk of Dying" (August 2022), available at https://epibiostat.ucsf.edu/news/older-homeless-people-are-great-risk-dying.

develop new ones. They often end up with geriatric conditions, such as functional impairments, that more commonly occur in housed people who are 20 years older.[3] These disabilities, along with other barriers to regaining housing – such as limited options for increasing income and years-long waitlists for housing subsidies – result in many unhoused older adults becoming chronically homeless[4] or institutionalized in nursing homes.[5]

**Administrative Barriers**

While the proposed rule includes certain exemptions for older adults age 62+ and people with disabilities, older and disabled people would still be at risk of losing their housing assistance. One major issue is that new requirements would result in increased red tape, with disabled tenants likely having to verify the need for exemptions. This additional paperwork would compound administrative barriers that are already difficult for older adults and people with disabilities to navigate. Older and disabled people have higher rates of mobility and cognitive impairments, which make it more difficult for them to physically visit offices and navigate administrative procedures.[6] Technology is another common barrier – older adults tend to have less access to and familiarity with online systems, and these systems may be inaccessible for people with disabilities.[7]

Recent massive cuts to Medicaid will also mean that fewer tenants will have access to the health care and documentation they need to verify they meet disability exemptions. According to estimates, the recent budget reconciliation act (H.R. 1) will strip Medicaid coverage from 7.5-10 million low-income people.[8] Tenants who lose their housing assistance on top of their Medicaid coverage would be at higher risk of facing poor health outcomes, poverty, and homelessness.

Moreover, a patchwork of restrictions around work requirements and time limits would add to administrative barriers, leading to confusion for all tenants. Under HUD's proposal, different PHAs and owners could have varying rules on work requirements and time limits across different programs and even different properties. For tenants receiving other public benefits like Medicaid and SNAP food assistance, the potential for confusion would be even greater. These tenants would have to navigate multiple sets of work requirements with disparate rules on the number of hours required, what activities count as work, who qualifies for exemptions, and more. This maze of requirements would lead

[3] Rebecca T Brown, et al., "Geriatric Conditions in a Population-Based Sample of Older Homeless Adults" (August 2017), available at https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5881727/.
[4] HUD data shows that between 2019 and 2021, the number of older adults experiencing chronic homelessness increased by 73%. HUD also concluded that more older adults are aging into chronic homelessness. HUD, "The 2021 Annual Homelessness Assessment Report (AHAR) to Congress, Part 2: Estimates of Homelessness in the United States" (July 2023), available at https://www.huduser.gov/portal/sites/default/files/pdf/2021-AHAR-Part-2.pdf.
[5] Homelessness Policy Research Institute, "Older Adults Experiencing Homelessness" (August 2019), available at https://socialinnovation.usc.edu/wp-content/uploads/2020/02/Older-Adults-Literature-Review-Final_V2.pdf.
[6] Pamela Herd, "Improving Older Adults' Health by Reducing Administrative Burden" (April 2023), available at https://pmc.ncbi.nlm.nih.gov/articles/PMC10126975/.
[7] Brookings, "Public Policy Can Improve Older Adults' Access to Technology" (June 2017), available at https://www.brookings.edu/articles/public-policy-can-improve-older-adults-access-to-technology/.
[8] Justice in Aging, "What's in the Budget Reconciliation Act of 2025 and What Does it Mean for Low-Income Older Adults' Access to Health and Long-Term Care?" (August 2025), available at https://justiceinaging.org/budget-reconciliation-and-low-income-older-adults/.

to tenants losing their housing assistance merely as a result of misunderstanding rules that are not aligned and may even conflict with each other.

**Problems with Exemptions**

HUD's exemptions fail to cover older adults age 62+ and people with disabilities who are living with younger, non-disabled household members. Older and disabled people may be living with "work-eligible" family members who are subject to work requirements. If a PHA/owner finds these household members non-compliant, the entire household would potentially face termination of their housing assistance. In addition, younger, non-disabled family members may be the heads of their households. These households – even if they include older adults and people with disabilities – would not be considered "elderly" or disabled households under HUD's proposal. They would therefore not be exempt from time limits.

PHAs and owners are also ill-equipped to identify everyone with a disability who needs exemptions. We are concerned that PHAs/owners will lack clear and robust policies on exemptions, including comprehensive hardship and reasonable accommodation policies. A review of Moving to Work (MTW) agencies has shown that hardship policies in these programs are inconsistent in the types of information they include. For example, some PHAs explain in detail the hardship exemption process, while others do not. Some PHAs even include unnecessary restrictions around requesting hardship exemptions, with at least one PHA imposing deadlines by which tenants can apply for hardship waivers.[9] Such unclear and inaccessible policies inevitably harm older adults and people with disabilities.

Further, HUD lacks the capacity to ensure that PHAs/owners have sufficient disability-related policies, as evidenced by recent reports on this issue from the Government Accountability Office (GAO) and HUD's Office of Inspector General (OIG).[10] Together, these reports highlight the need for more oversight of HUD-assisted housing providers to ensure they comply with civil rights laws and provide reasonable accommodations for people with disabilities. HUD's OIG report determined that "HUD did not have adequate policies and procedures for ensuring that PHAs properly addressed, assessed, and fulfilled requests for reasonable accommodation."[11] These problems remain unaddressed by HUD.

**Harms for Older Adults Aged 50-61**

Work requirements would disproportionately harm older adults aged 50-61, who have significantly lower employment rates than younger individuals. Under HUD's proposal, these older adults would be considered "work-eligible" because they are not yet 62. Older adults over the age of 50 generally face more barriers to work due to issues such as health problems and age discrimination.[12]

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[9] GAO, "Rental Housing: Improvements Needed to Better Monitor the Moving to Work Demonstration, Including Effects on Tenants" (January 2018), available at https://www.gao.gov/assets/gao-18-150.pdf.

[10] GAO, "Enhanced Data and Strategy Could Improve Oversight of Accessibility Requirements" (July 2023), available at https://www.gao.gov/assets/gao-23-105083.pdf; HUD OIG, "HUD Did Not Have Adequate Policies and Procedures for Ensuring That Public Housing Agencies Properly Processed Requests for Reasonable Accommodation" (February 2022), available at https://www.hudoig.gov/reports-publications/report/hud-did-not-have-adequate-policies-and-procedures-ensuring-public.

[11] HUD OIG, supra note 9.

[12] UC Berkeley Labor Center, "Medicaid Cuts – Including Work Documentation Requirements – Harm Older Adults" (June 2025), available at https://laborcenter.berkeley.edu/medicaid-cuts-including-work-documentation-requirements-harm-older-adults/.

Low-income older adults over 50 are often forced to retire or leave their jobs because of health conditions.[13] Among older adults age 50-64 enrolled in Medicaid (and who are not receiving SSI or other disability benefits) who are retired or not working, the vast majority (86%) report having a health condition that prevents them from working. Among Medicaid recipients age 50-64 not receiving disability benefits, only 37% work full-time.[14]

Many low-income older adults previously worked in more physically demanding blue-collar jobs, which are harder to sustain into older age. Data reveals that HUD-assisted renters frequently work in jobs such as nursing or personal/home health aides, janitors and building cleaners, and laborers and stock movers.[15] People in these types of occupations are less able to remain in their jobs once they are over 50 and become more susceptible to illness or injuries.[16] Research on older adults age 51-61 shows that those with physically demanding jobs are more likely to apply for disability benefits because they are unable to continue working.[17]

Forcing older adults to comply with work requirements despite their physical limitations would put them at risk of developing long-term health complications. Studies have found that over 50% of older workers have physically demanding jobs, are exposed to unhealthy or hazardous conditions at work, or have difficult work schedules. Researchers have noted that "the wear and tear of physical labor, the cumulative impact of exposure to toxic substances, and the effects of other difficult working conditions…may contribute more to disability and premature deaths than accidents" for older workers.[18]

Further, many older adults over age 50 do not identify as "disabled" even though they qualify as such and are unable to work. According to a national poll, 42% of older adults age 50+ with significant functional difficulties do not identify as disabled or report being unsure if they are disabled.[19] Older adults may be reluctant to identify as disabled because disability-related stigmas were particularly negative when older adults were young. Other seniors view having disabilities as a part of aging rather than being disabled.[20] The result of such views, however, is that many disabled older adults do not seek

[13] Urban Institute, "To Stay in the Labor Force, Older Workers Need to Know Their Rights When They Become Ill or Injured" (October 2020), available at https://www.urban.org/urban-wire/stay-labor-force-older-workers-need-know-their-rights-when-they-become-ill-or-injured.

[14] Justice in Aging, "HUD's Proposal on Work Requirements and Time Limits Would Take Away Housing Assistance From Older Adults" (March 2026), available at https://justiceinaging.org/huds-proposal-on-work-requirements-and-time-limits-would-take-away-housing-assistance-for-older-adults/.

[15] PAHRC, "Employment Trends Among People Living in Publicly Supported Homes" (December 2018), available at https://www.pahrc.org/wp-content/uploads/2019/10/Employment-Trends-Among-People-Living-in-Publicly-Supported-Homes.pdf.

[16] Center for Retirement Research, "Blue-Collar Workers Say Physical Demands Are Rising" (December 2023), available at https://crr.bc.edu/blue-collar-workers-say-physical-demands-are-rising/.

[17] Michigan Retirement and Disability Research Center, "Job Demands and Social Security Disability Insurance Applications" (April 2023), available at https://mrdrc.isr.umich.edu/wp-content/uploads/2024/04/wp461.pdf.

[18] Economic Policy Institute, "Many Older Workers Have Difficult Jobs That Put Them at Risk" (May 2023), available at https://www.epi.org/publication/older-workers-difficult-jobs/.

[19] Institute for Healthcare Policy & Innovation, "Experiences of Disability After 50: Poll Looks at Self-Identity and Help with Health Care Visits" (October 2025), available at https://ihpi.umich.edu/news-events/news/experiences-disability-after-50-poll-looks-self-identity-and-help-health-care.

[20] Nargis Rahman, "National Poll Finds Older Adults Do Not Seek Accommodations for Disabilities As Often As Others" (November 2025), available at https://wdet.org/2025/11/25/national-poll-finds-older-adults-do-not-seek-accommodations-for-disabilities-as-often-as-others/.

the disability-related accommodations they need.[21] Disabled seniors between age 50-61 may therefore not seek disability-related exemptions or reasonable accommodations with regard to work requirements.

Many older adults age 50+ also have difficulty finding and retaining work due to age discrimination. Studies of older workers show that employment becomes increasingly unstable as people age. Over half of Americans over age 50 working full-time, long-term jobs are pushed out of their jobs by their employers. Many subsequently experience long-term unemployment or are forced to retire before they plan to.[22] HUD's proposal would punish older adults in these situations by terminating their housing assistance when they have already lost their employment.

**Harms for Caregivers and Direct Care Workers**

This proposed rule does not recognize the full range of caregivers who may need exemptions from work requirements, putting these caregivers at risk of losing their housing assistance. While HUD's proposed rule exempts caregivers of people with disabilities, it does not explicitly exempt caregivers of older adults or others who may not identify as disabled. Many people serve as family caregivers for aging relatives, with those between the ages of 45-64 most likely to be caregivers.

Family caregivers for older adults face difficulty balancing their care duties with their jobs, often reducing their participation in or withdrawing from the workforce. These individuals typically dedicate substantial time – often exceeding 20 hours a week – to caregiving.[23] A third of women caregivers end up decreasing their work hours, more than 20% take leaves of absence, and almost 15% retire early.[24] Moreover, some caregivers may be living with the older adults they support. If these caregivers lose their assistance, the older adults they live with could lose both the housing and caregiving that allow them to age in place and avoid institutionalization.

Work requirements would harm the paid direct-care workforce as well. Direct care workers provide long-term services and supports (LTSS) for older and disabled people in their own homes and in institutional settings.[25] These workers perform the most essential tasks, such as assisting with activities of daily living like bathing, eating, and toileting. Paid care workers typically work irregular schedules with varying and unpredictable hours. This variability would make it challenging for these workers to meet minimum-hour requirements. Unpredictable schedules would also make tracking and reporting work activities more burdensome.[26]

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[21] Michigan Medicine, "Disability After 50: Poll Looks at Self-Identity and Help with Health Care" (October 2025), available at https://www.michiganmedicine.org/health-lab/disability-after-50-poll-looks-self-identity-and-help-health-care.
[22] Justice in Aging, supra note 10.
[23] Family Caregiver Alliance, "Caregiver Statistics: Demographics" (2016), available at https://www.caregiver.org/resource/caregiver-statistics-demographics/.
[24] Family Caregiver Alliance, "Women and Caregiving: Facts and Figures" (2003), available at https://www.caregiver.org/resource/women-and-caregiving-facts-and-figures/.
[25] KFF, "10 Things About Long-Term Services and Supports (LTSS)" (2024), available at https://www.kff.org/medicaid/10-things-about-long-term-services-and-supports-ltss/.
[26] Justice in Aging, "Work Requirements Would Cut Medicaid for Older Adults" (June 2025), available at https://justiceinaging.org/fact-sheet-work-requirements-would-cut-medicaid-for-older-adults/.

Although the direct care workforce is becoming increasingly critical as the aging population grows, direct care workers earn very low wages. In 2025, 36% of direct care workers lived in low-income households, and 49% relied on public assistance to meet their basic needs.[27] Housing assistance is particularly crucial for sustaining the direct care workforce as housing costs significantly burden 40% of workers.[28] Without access to housing assistance, many workers would be forced to leave the direct care field to keep up with rising housing costs. These departures would exacerbate current shortages in the direct care workforce, leaving seniors and people with disabilities without care.[29]

**HUD's Proposal is Unlawful**

Finally, HUD's proposed rule violates the U.S. Housing Act. HUD lacks the legal authority to unilaterally allow work requirements and time limits, as highlighted by HUD's MTW demonstration program. MTW allows a limited number of PHAs to experiment with work requirements and time limits. However, it requires waivers of statutory provisions of the U.S. Housing Act and therefore operates under congressional authorization.[30] HUD's proposed rule is an attempt to bypass the congressional approval necessary to expand work requirements and time limits in HUD programs. Simply put, the U.S. Housing Act does not permit the work requirements and time limits proposed by HUD.

**Conclusion**

Thank you for your consideration of Justice in Aging's comments. We strongly oppose this proposed rule and urge HUD to withdraw it in its entirety. Work requirements and time limits would harm older adults, people with disabilities, and their caregivers. If you have any questions, please contact Jennifer Kye, Director of Federal Housing Advocacy, at jkye@justiceinaging.org.

Sincerely,

Tracey Gronniger
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[27] PHI, "Direct Care Workers in the United States: Key Facts 2025" (2025), available at https://www.phinational.org/resource/direct-care-workers-in-the-united-states-key-facts-2025/.
[28] *Id.* at 10 (reporting that for 40% of direct care workers, rent or mortgage payments take up over 30% of their income).
[29] *See* LeadingAge, "Workforce Shortages: Bold Solutions from LeadingAge" (2019), available at https://leadingage.org/workforce-shortages-bold-solutions-from-leadingage/.
[30] National Low Income Housing Coalition, "Moving to Work Demonstration and Expansion" (2026), available at https://nlihc.org/sites/default/files/AG-2026/CH4/5_Moving_to_Work_Demonstration_and_Expansion_Chapter_4.pdf.