

HUD RESIDENCY DOCUMENTATION REQUIREMENTS FOR SUBSIDIZED MULTIFAMILY HOUSING PROGRAMS

FACT SHEET

BACKGROUND

A frequent question from resettlement agencies is: Do refugees have to have a Social Security Card to be eligible for HUD-subsidized Housing? The short answer to that is no, however, some subsidized housing providers are not aware of that. There are acceptable substitutes to a Social Security Card. This fact sheet will identify alternative documentation that is acceptable, define HUD procedures for verification and submission of that documentation, and explain to which programs these guidelines apply.

There are three offices at HUD that deal with assistance to noncitizens: the Office of Public Housing, the Office of Multifamily Housing, and the Office of Community Planning and Development. The Office of Public Housing administers Public Housing programs and the Housing Choice voucher program (commonly referred to as Tenant-based Section 8). The Office of Multifamily Housing administers a variety of HUD financing programs such as the 202 elderly housing program, the 811 program for the disabled, the 236 and 221(d)(3) mortgage financing programs and the Project-based Section 8 subsidy program. The Office of Community Planning and Development administers the HOME and CDBG programs which are locally-administered block grant programs that are frequent sources for development of privately owned subsidized housing.

REGULATIONS

The primary resource governing restrictions to assistance to noncitizens is 24 CFR, §5.500. This regulation covers Public Housing, Section 8 housing, as well as HUD-assisted housing including elderly housing, housing for the handicapped, HUD-financed mortgages on privately owned multifamily housing, and housing development grant programs of HUD.

WHO IS ELIGIBLE?

§5.508(b) (2) specifies that:

- a. Noncitizens 62 years and older are eligible with only a signed declaration of eligible noncitizen status and proof of age is sufficient;
- b. Noncitizens under the age of 62 claiming eligible status are eligible with :
 1. a signed declaration of eligible immigration status;
 2. a signed verification consent form and;
 3. One of the INS [DHS] documents referred to in §5.510 and Title 42 §1436(a), identifying restrictions on use of assisted housing to non-resident aliens and defining classes of aliens eligible for assistance.
 - Title 8, §1101(a)(15) and (20) – defining immigrant as every alien (except for specific excluded immigrant classes) and immigrants lawfully admitted for permanent residents;
 - Title 8, §1259 – aliens arriving prior to 1972, living continuously in the U.S. since then, being persons of good moral character, that are eligible for citizenship and not deportable under Title 8 §1227(a)(4);
 - Title 8, §1157, §1158 – refugees and asylees;
 - Title 8, §1182(d)(5) – allowing admission of non-immigrants as parolees providing information to law enforcement agencies pursuant to criminal investigations for humanitarian reasons or because there is significant public benefit to be derived from their admission.

- Title 8, §1231(b)(3) – which stipulates that alien’s may not be removed to a country when the alien’s life or freedom would be threatened;
- Title 8, §1255(a) – providing for adjustment of status of immigrants to permanent resident status.
- §142 of the Compacts of Free Association between the U.S., the Marshall Islands, and Micronesia allowing residents of those areas to obtain permanent resident alien status in the U.S.

WHAT IS REQUIRED?

The HUD Handbook 4350.3, *Occupancy Requirements of Subsidized Multifamily Housing Programs* identifies acceptable DHS documents for anyone admitted to the United States under the above regulations as follows:

- a. Form I-551 Alien Registration Receipt Card
- b. Form I-94, Arrival-Departure record annotated with one of the following:
 - 1) “Admitted as Refugee pursuant to Section 207”
 - 2) “Section 208” or “Asylum”
 - 3) “Section 243(h)” or “Deportation stayed by the Attorney General”
 - 4) “Paroled Pursuant to Section 212(d)(5) of the INA”
- c. Form I-94, Arrival-Departure Record (with no annotation) accompanied by one of the following:
 - 1) A final court decision granting asylum
 - 2) A letter from an DHS asylum officer granting asylum or from an DHS district director granting asylum
 - 3) A court decision granting withholding of deportation; or
 - 4) A letter from an asylum officer granting withholding of deportation.
- d. Form I-688B, Temporary Resident Card annotated “Section 245A” or “Section 210”
- e. Form I-668B, Employment Authorization Card annotated “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”
- f. A receipt issued by the DHS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and that an applicant’s entitlement to the document has been verified.
- g. Form I-551, Alien Registration Receipt Card.
- h. Other acceptable evidence. If other documents are determined by the DHS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.

Sample forms can be found at: http://www.sdhda.org/property/43503c3_3-5.pdf. These requirements have yet to be put into the Public Housing Occupancy Handbook, 7465.1.

Exhibits 3-5 and 3-6 of 4350.3 REV-1, 08/04 may also be particularly useful to you. They can be found at http://www.hudclips.org/sub_nonhud/cgi/pdfforms/43503c3.doc

HOW DOES THE PROCESS WORK?

Public Housing Authorities typically have occupancy specialists who are responsible for taking applications and verifying eligibility of families applying for Public Housing or participation in the Housing Choice voucher program. Similarly, property managers at private properties that accept Section 8 Housing Choice vouchers or receive project-based Section 8 subsidies take rental applications and make rental decisions. Property Managers and Occupancy Specialists will be referred to as housing providers. These housing providers may **not** be aware of the alternative sources of documentation identified above so refugee case managers should have the regulatory references identified above to assist the housing provider verify the appropriateness of alternative documentation.

Public Housing and Section 8 properties both are required to submit documentation of legal residency to the SAVE (Automated Status Verification System). The housing provider will enter a minimum of the following information as part of a query to determine legal residency.

- ✓ Name
- ✓ Date of Birth
- ✓ Alien Number (from the I-551 or I-688 forms) or Admissions Number (from the I-94)
- ✓ Document type
- ✓ Expiration date (if appropriate).

One of the DHS-approved documents identified above is required. For new arrivals, that will be the I-94. If the refugee has been here for over a year, the I-551 may be used, however, it is unlikely that a refugee would have an I-551 Permanent Resident Card and not have a Social Security Card.

Once the documentation is submitted, it generally takes a minimum of one week, but often two or more weeks to verify legal residency through the for the SAVE system. This is because there are two different data sources and agencies involved in entering information into the SAVE system at multiple data entry locations. If the query of the SAVE system by the housing provider cannot find a record on the client, the housing provider will be asked to initiate a secondary verification process through submission of a G-845 form and back-up documentation (a copy of the front and back of the I-94). For these reasons, it often may take as long as a month for legal residency to be verified.

Therefore, it is advisable to obtain short-term housing while the resident verification process is underway for new arrivals. For example, a month-to-month rental may be a good option. Nonetheless, even though a second move is not ideal for the family, the financial benefits to the family of Section 8 or Public Housing are significant and often necessary for large families and hard-to-serve refugees.

Please feel free to call the Mercy Housing Refugee Housing Program at ph. 303-830-3300 if you have further questions.