

Restrictions on Assistance to Noncitizens

Directive Number: 7465.7G

7465.7

U.S. Department of Housing and Urban Development  
PUBLIC AND INDIAN HOUSING

Special Attention of:

Secretary's Representatives;  
State/Area Coordinators;  
Directors, Offices of Public  
Housing; Administrators, Native  
American Programs; Housing  
Authorities; Resident Management  
Corporations; Resident Councils

Transmittal Handbook No.: 7465.7 CHG-1

Issued: November 6, 1995

1. This Transmits

Appendices B and H to Housing Agencies (HAs) Guidebook 7465.7, Restrictions on Assistance to Noncitizens, dated July 1995; and Appendix C to the INS SAVE Program Instructions Manual For HUD (which is located in Appendix G of Guidebook 7465.7).

2. Explanation of Material Transmitted:

Guidebook 7465.7 contains the requirements and procedures for the implementation of Section 214 of the Housing and Community Development Act of 1980. Section 214 prohibits the Secretary of the Department of Housing and Urban Development (HUD) from making financial assistance available to a person other than United States citizens, nationals, or certain categories of eligible noncitizens in HUD's assisted housing programs.

When Guidebook 7465.7 was issued on July 13, 1995, Appendix B, Questions and Answers, and Appendix H, Methodology for Establishing Maximum Rent, were not included in the package. Appendixes B and H are transmitted in this issuance.

3. Description of Contents:

The following changes have been made to Guidebook 7465.7:

a. Paragraph 3-2a was corrected to remove a portion of the text which was inadvertently repeated. The repetition which was deleted is illustrated below:

a. Exception for Mixed Families. Despite the ineligibility of one or more family members, a mixed family may be eligible for one of the three types of assistance provided in Section 812.10. A family without any eligible members and receiving assistance on June 19, 1995, may be eligible for temporary deferral of termination of

assistance as provided in paragraph 10-5.

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- b. Paragraph 3-4 was modified by insertion of a footnote to clarify that only the policies and procedures where the HA has discretion to establish local policy are stated in the administrative plan and HUD does not approve these policies.
- c. Paragraphs 9-2c and 12-2 have been revised to provide the citations located in the Code of Federal Regulations that are applicable to the HA informal hearing processes in the Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation; public housing; and the Native American housing programs.
- d. Paragraph 11-4e has been revised to correct the reference to read "Indian" instead of "public" housing maximum rent.
- e. Appendix B provides supplemental information on the implementation of Section 214. Insert Appendix B immediately following Page B-1.
- f. Appendix G contains the Immigration and Naturalization Service (INS) Systematic Alien Verification For Entitlements (SAVE) Program Instructions For HUD. Appendix C of the Program Instructions contains a listing of the INS File Control Office Addresses. INS has updated this listing. Delete Appendix C of the INS SAVE Program Instructions and insert the revised listing.
- g. Appendix K contains an explanation of the methodology that HAs may use to derive the 95th percentile which is used to calculate the Maximum Rent. Remove page H-1 and insert Appendix H.

Note: The revised pages and new appendixes have been dated for updating purposes.

- 4. Pen and Ink Changes:  
Paragraphs 7-2a, 7-3b and 7-5 improperly refer to Appendix F of the Guidebook as containing the INS SAVE Program Instructions Manual For HUD. Correct the reference to refer to Appendix "G" instead.
- 5. Forwarding to Users:  
This Transmittal and all of the attachments should be forwarded immediately to the individual(s) responsible for processing applications for housing assistance, making determinations of eligibility, and for processing recertification of income for continued occupancy.

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- 6. SAVE Primary Verification User Access Code Agreement:  
REMINDER: The INS SAVE Program Instructions Manual for HUD requires that upon receipt of the user access code, the HUD-authorized user is required to complete, sign and return a Primary Verification User Access Code Agreement. If the agreement is not returned within ten working days, system access may be terminated by INS. See paragraph 7-6 of the Guidebook for additional information. Paragraph 7-7 informs the HA how to determine its own User Access Code. In some circumstances, an HA's operations might require use of more than one User Access Code. This might occur, for example, where the HA performs its admissions function

at more than one locality. Also, a state-HA administering Section 8 Rental Certificate, Rental Voucher programs might subcontract for admissions services. Under these circumstances, the use of separate User Access Codes for each location would provide for better accountability. An HA requiring more than one User Access Code should contact Mr. Bruce Vincent of the Marketing, Leasing and Management Division In HUD Headquarters for advice. Mr. Vincent's telephone number is: 202-708-0744, Ext. 109.

7. Filing Instructions:  
Re: Guidebook 7465.7, dated 7/95

Remove:  
Guidebook 7465.7  
Pages 3-2 and 3-2;  
9-1 and 9-2; 9-3;  
11-3; 12-1; B-1;  
APPENDIX C to the INS  
SAVE Instructions Manual  
for HUD (located within  
Guidebook 7465.7's  
Appendix G); and page H-1  
dated 7/95

Insert:  
Guidebook 7465.7 CHG-1  
Page 3-1 dated 7/95;  
Page 3-2 dated 11/95  
Page 9-1 dated 7/95;  
Page 9-2 dated 11/95  
Page 9-3 dated 7/95;  
Pages 11-3 and 12-1 dated  
11/95; and APPENDIX B;  
APPENDIX C to the INS  
SAVE Instructions Manual  
for HUD (located within  
Guidebook 7465.7's  
Appendix G); and  
APPENDIX H dated 11/95

Kevin Emanuel Marchman, Deputy Assistant  
Secretary for Distressed and Troubled  
Housing Recovery

Attachments

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U.S. Department of Housing and Urban Development  
PUBLIC AND INDIAN HOUSING

Special Attention of: Transmittal for Handbook No.: 7465. 7  
Secretary's Representatives;  
State/Area Coordinators;  
Directors, Offices of Public  
Housing; Administrators, Native Issued: July 13, 1995  
American Programs; Housing  
Authorities; Resident Management  
Corporations; Resident Councils

1.This Transmits: Housing Agencies (HAs) Guidebook entitled  
Restrictions on Assistance to Noncitizens, dated July 1995.

2. Explanation of Material Transmitted:  
This Guidebook contains the requirements and procedures required for the  
implementation of Section 214 of the Housing and Community Development  
Act of 1980. Section 214 prohibits the Secretary of the Department of  
Housing and Urban Development (HUD) from making financial assistance  
available to a person other than United States citizens, nationals, or

certain categories of eligible noncitizens in HUD's assisted housing programs. Section 214 was implemented by the final rule, Restrictions on Assistance to Noncitizens, published in the Federal Register, on Monday, March 20, 1995, at 60 FR 14816-14861.

3. Effective Date:

The final rule was effective June 19, 1995.

4. Applicability:

Section 214 applies to those programs that make available financial assistance pursuant to the United States Housing Act of 1937 (USHAct of 1937), Section 235 or Section 236 of the National Housing Act, and Section 101 of the Housing and Urban Development Act of 1965.

The Guidebook is applicable to those covered programs which operate directly under the Office of the Assistant Secretary for Public and Indian Housing. Specifically, this Guidebook is applicable only to those programs providing financial assistance primarily under:

a. Section 8 of the USHAct of 1937, and covering the Section 8 Rental Certificate, Rental Voucher, and Moderate Rehabilitation programs operated pursuant to 24 CFR Part 812;

b. The USHAct of 1937, as added by the Indian Housing Act of 1988, and covering the Indian housing programs, including homeownership, operated pursuant to 24 CFR Part 950 (formerly Part 905);

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c. The USHAct of 1937, and covering the public housing programs operated pursuant 24 CFR Part 912.

It should be noted that Section 214 also applies to other HUD programs which provide housing assistance. However, the verification procedures discussed in this Guidebook cannot be safely applied to any HUD housing assistance programs other than those specified above.

5. Description of Contents:

The Guidebook is broken down into a number of major areas:

a. Chapter 1 provides background information on the purpose and applicability of Section 214. It also covers compliance with Federal nondiscrimination requirements.

b. Chapter 2 covers the definitions used in the Guidebook.

c. Chapter 3 covers the applicability of Section 214 to persons.

d. Chapter 4 discusses the documentation that must be obtained as evidence of citizenship or eligible immigration status, declarations of status, and retention of documents.

e. Chapter 5 deals with Section 214 notification requirements regarding verification of the eligible immigration status of

applicants and residents.

f. Chapter 6 is concerned with the collection of evidence to document eligible immigration status.

g. Chapter 7 describes the primary and secondary verification processes. It includes instructions for accessing the SAVE (Systematic Alien Verification For Entitlements) system and, if necessary, for obtaining secondary verification. See paragraph 7 below regarding action to be taken with respect to execution of the SAVE Primary Verification User Access Code Agreement.

h. Chapter 8 describes the three situations involving limitations on the provision of financial assistance: delay, denial or termination of assistance.

i. Chapter 9 explains the appeal processes that are available in the event of notification by the responsible entity that Immigration and Naturalization Service (INS) secondary verification failed to confirm eligible immigration status. After notification of the unfavorable INS response on appeal, or in lieu of request of appeal to the INS, the family may also request that the HA provide an informal hearing.

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j. Chapter 10 covers delay, deferral or termination of assistance.

k. Chapter 11 provides guidance for the proration of assistance to mixed families, i.e., families where one or more members of the family is not a citizen or does not have eligible citizenship status.

l. Chapter 12 discusses protection from liability afforded by the legislation and Noncitizens Rule to a responsible entity, or state, local and tribal government agencies, and their officials.

m. Appendixes contain reference and other supportive information.

Special Note: Appendix B, Questions And Answers, provides supplemental information on the implementation of Section 214. Appendix H, Methodology For Establishing Maximum Rent. Appendix H contains an explanation of the methodology that HAs may use to derive the 95th percentile which is used to calculate the Maximum Rent. Neither of these Appendixes are included with this package. They will be transmitted under separate cover within a few days. If you do not receive Appendixes B and H within 30 days of receipt of this Guidebook, contact your State/Area office for copies.

#### 6. Forwarding:

The Guidebook should be forwarded immediately to the individual(s) responsible for processing applications for housing assistance, making determinations of eligibility, and for processing recertification of income for continued occupancy.

7.SAVE Primary Verification User Access Code Agreement: IMPORTANT: The SAVE Program Instructions Manual requires that upon receipt of the user access code, the HUD-authorized user is required to complete, sign and return a Primary Verification User Access Code Agreement. If the agreement is not returned within ten working days, system access may be terminated by INS. See paragraph 7-6 of the Guidebook for additional information.

Attachment

Assistant Secretary for Public and Indian Housing

Page 3

Guidebook 7465.7

U.S. Department of Housing and Urban Development  
Office of Public and Indian Housing

Departmental Staff  
Public Housing Agencies  
Indian Housing Authorities

Housing Agencies  
(HAs) Guidebook:

Restrictions on  
Assistance to  
Noncitizens

July 1995

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