

On May 10, 2019, the Department of Housing and Urban Development (HUD) released a **proposed** rule called “Housing and Community Development Act of 1980: Verification of Eligible Status.” The rule would change HUD’s regulations by adding more restrictions for eligibility for *certain* federal housing assistance *provided by HUD* based on immigration status. **IMPORTANT:** This rule is not in effect.

If this rule takes effect, I might lose my housing. Should I move now?

- At this point it is *not* advisable for families who might be affected by this rule change to give up their housing. The rule change is in its early stages and is not yet in effect. There will be time for families to decide what to do after the rule is final.
- Take time now to learn the details and how they might impact you and your family.

What would the rule do?

- The proposed HUD rule says that *all* tenants living in a unit that receives HUD housing assistance must have eligible immigration status. Current law allows families to live together in subsidized housing even if one family member is ineligible so long as the housing subsidy is decreased to exclude the ineligible person from the assistance. Non-eligible tenants do not have to verify their immigration status.
- Status for *all* tenants under 62 years old will be verified using the SAVE database that is run by Department of Homeland Security.

Whom would the rule affect?

- Mixed-status families receiving most types of HUD housing assistance. Mixed-status families are households with members who have eligible and ineligible immigration statuses. Not eligible doesn’t mean undocumented - Immigrants can have legal status and still not be eligible for public housing and Section 8 programs.
- Families in public housing, some rural development programs or receiving a subsidy through a Section 8 voucher or a project-based subsidy would all be affected by the rule change.¹ The rule does **not** affect most housing provided by US department of Agriculture Rural Housing (RD).
- The rule change would not affect families living in a tax credit property with no additional subsidy. However, some types of low-income housing are a mix of local and federal subsidies.

Are there exceptions?

- Families that meet the following conditions may be able to keep their housing, even if not all family members have eligible immigration status:
 - o The family was receiving assistance from a covered housing program on June 19, 1995,

¹ For a complete list of housing that is covered by the rule, see attachment from NHLP

- The head of household has eligible immigration status, and
- The ineligible family members are either the head of household's spouse, or children or parent of the spouse or head of household
- Families may be eligible to stay in their housing for up to 18 months after the rule takes effect if there is no other comparable affordable housing to move to, but the family would still have to submit their immigration status information to SAVE even if they know they will eventually move.

Is the rule in effect yet?

- The rule is *not* in effect now and there is not a certain date when it will take effect.
- The rule can't become final until after the public comment period ends on July 9, 2019. Even after July 9th, the rule probably won't take effect for at least another month, and it could take even longer - several months or a year.
- After the rule takes effect, families will not be required to verify their eligible immigration status until their next scheduled annual recertification.

Where can I learn more?

- If you have questions about your individual situation, you can consult an attorney. Find your local legal aid office at <https://oregonlawhelp.org//resource/oregon-legal-aid-offices>.
- Stay up to date on this proposed rule by checking with the #keepfamilies-together campaign at <https://www.keep-families-together.org/resources>.

Federally Assisted Housing and Immigrant Eligibility

Section 214 of the Housing and Community Development Act of 1980

(updated January 2018)

HUD Programs Covered by Section 214

- Public Housing
- All Section 8 housing assistance (including Vouchers and Project-based Section 8)
- Section 236 Housing, with or without Rent Supplements (low-income units only)
- Rent Supplement housing
- Section 235 Homeownership housing
- Housing Development Grants (HoDAG) (low-income units only)
- Section 23 Leased Housing Assistance Program

HUD Eligible Immigrants

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| <ul style="list-style-type: none"> • U.S. Citizens and Nationals • Lawful Permanent Residents (LPR) • VAWA Self-Petitioners • Asylees and Refugees • Parolees • Persons Granted Withholding of Removal/Deportation • Qualified Victims of Trafficking • Persons granted admission for emergent or public interest reasons | <ul style="list-style-type: none"> • Persons granted amnesty under the Immigration Reform and Control Act of 1986 • Immigrants eligible for registry who entered the U.S. before June 30, 1948 • Lawful U.S. residents under the Compacts of Free Association with the Marshall Islands, Micronesia, Palau and Guam • Immigrants admitted for lawful temporary residence prior to January 1, 1982 |
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Rural Development (RD) Programs Covered by Section 214

- Rental housing units in Section 515 and Section 514/516 development that are receiving RD Rental Assistance¹
- Section 514 Farm Labor Housing
- Section 502 Direct Homeownership Loan Program
- Section 504 Minor Rehabilitation Loan and Grant Programs for Single Family Homes
- RD Voucher Program

RD Eligible Immigrants

- Section 514/516: Lessee (but not household) must be U.S. Citizen or LPR²
- Section 502/504: Persons responsible for paying the loan must be U.S. Citizen or Section 214 eligible immigrant
- RD Voucher: Section 214 eligible immigrants

Programs Unrestricted by Section 214 (non-comprehensive list)

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| <ul style="list-style-type: none"> • Low Income Housing Tax Credit • Section 202 • Section 811 • Section 221(d)(3) and (5) • CDBG • HOME • HOPWA | <ul style="list-style-type: none"> • Indian Housing • Rental Rehabilitation • McKinney-Vento/HEARTH Act Programs • HOPE 2 • Rural Housing Preservation Grants • Section 515 Rural Rental Housing Program • Section 538 Multifamily Loan Guarantees |
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¹ RD regulations improperly extend restriction to all occupants of Section 515 Rental Housing. However, RD has indefinitely postponed the application of this requirement. 7 C.F.R. § 3560.152 note.

² RD takes position that Sections 514 and 516 are more restrictive than Section 214. There is no proration of rents.