

Federally Subsidized Housing Guide for Immigrants, Limited English Proficient Persons, and Advocates

Why should I read this?

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- ❖ **At this time**, getting federal housing assistance does not count against an immigrant in determining if they will become a public charge. This could change. Talk to an immigration lawyer.
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Federal government housing assistance can provide low-income renters safe, sanitary, and decent housing. Renters getting this assistance pay as little as 30 percent of household income towards rent. Most low-income rental housing programs forbid the landlord from evicting a tenant unless the landlord can show "good cause" for the eviction. **Examples** of good cause: not paying rent, engaging in criminal activity, damaging the apartment.

What types of rental housing programs may be available to immigrants?

At the time we updated this publication, there are three types:

1. **Available to all immigrants**

- Short-term housing assistance, such as homeless and battered women's shelters, and shelters for runaway/abused/abandoned youth.
- Section 515 Rural Rental Housing Program: Apartments in rural areas served by the Rural Housing Service (RHS) under the U.S. Dept. of Agriculture. These units are affordable for low- and very low-income households. RHS provides loans for the construction of housing in rural areas for families, elderly persons, persons with disabilities, or for congregate living facilities.
- Low Income Housing Tax Credit units (LIHTC): Apartments owned by private landlords who get tax benefits for renting some or all units to eligible tenants. The Internal Revenue Service (IRS) administers this program.

Housing administered by the U.S. Department of Housing and Urban Development (HUD):

- Section 811: Provides funding for nonprofit organizations to develop supportive housing for persons with disabilities and provide rental assistance. Eligible households include at least one very low-income person (within 50% of median income) and at least one person over the age of 18 with a disability.
- Section 231: Provides mortgage insurance to support the construction and rehabilitation of multifamily rental housing for elderly persons (over age 62) and/or persons with disabilities.
- Section 221(d)(3) and Section 221(d)(4) (unless receiving Rent Supplement or Section 8 funds; see below): Provides mortgage insurance to support the construction and rehabilitation of rental housing for low and moderate income persons, the elderly, and persons with disabilities.
- Housing Opportunities for Persons with AIDS (HOPWA): Includes short-term assistance to prevent homelessness, longer-term rental assistance and facility-based housing (such as adult family homes) for persons living with HIV/AIDS.

2. Available only to U.S. citizens or "eligible immigrants"

To qualify for these programs, you need only verify (show/prove) that one household member (can be a child or infant) is a U.S. citizen or "eligible immigrant". If not everyone in the household is a citizen or eligible immigrant, the agency will prorate (figure out proportionately) your subsidy.

An agency may verify your immigration status at one of three points in time:

- a) Waiting list. Most housing authorities will choose not to verify status OR will allow you to be on waiting lists for housing units even if you are not yet U.S. citizens or "eligible immigrants." Citizenship/immigration status may change while you wait on the list.
 - b) When you get assistance. The housing authority may decide not to verify the immigration status of any household members before providing your household housing assistance.
 - c) Annual recertification. Your family must verify that at least one family member is a citizen or eligible immigrant at the annual recertification, the one-year anniversary date when your family first got the assistance.
- Public Housing: Program administered by local housing authorities to provide subsidized apartments owned by the housing authorities to low-income families,

the elderly, and persons with disabilities. Households generally pay 30% of the monthly adjusted income.

- All Section 8 programs, including Section 8 Voucher program, Project-based Section 8, and housing programs getting Section 8 funds: Local housing authorities provide vouchers to secure housing for very low-income families, the elderly, and persons with disabilities. Some vouchers are for renting apartments owned by private landlords who get project subsidies from HUD on behalf of eligible tenants. Others are to rent an apartment/house from a private landlord who gets no other subsidy. Households generally pay 30% of the monthly adjusted income.
- Section 202: Capital advances and rent subsidies to help the construction, rehabilitation, or purchase of supportive housing for very low-income elderly (over age 62) persons.
- Section 101: Rent supplement program for needy tenants living in privately owned housing. Tenants pay 30% of unit rent OR of their income, whichever is greater.
- Section 235: Federal Housing Administration single-family mortgage insurance with subsidies on interest for low-/moderate-income families.
- Section 236: Federal Housing Administration multifamily mortgage insurance with subsidies on interest for low/moderate income projects.

3. Loans/grants for U.S. citizen or Permanent Resident farm laborers

Sections 514 and 516 of the Housing Act of 1949, as amended, provide U.S. citizen and permanent resident farm laborers loans and grants: low-cost financing for the development of affordable rental housing for both year-round and migrant “domestic farm laborers” and their households. These Farm Labor Housing programs help build, buy, improve, and repair farm labor housing and provide related facilities, such as on-site childcare centers.

Who is eligible?

Under federal law (Housing and Development Act of 1990, as amended) and Department of Housing and Urban Development (HUD) regulations, immigrants eligible for housing programs getting federal funding include:

1. Lawful Permanent Residents (LPRs or “green card holders”)

2. Refugees
3. People granted asylum
4. People granted withholding of deportation/removal
5. Conditional entrants
6. People granted parole by the U.S. Citizenship and Immigration Services (USCIS) or Department of Homeland Security (DHS)
7. Lawful temporary residents under the general amnesty program created by the Immigration Reform and Control Act of 1986
8. Citizens of Micronesia, the Marshall Islands, and Palau

Under other laws, these immigrants may be able to get housing assistance:

- **Victims of trafficking.** Must be under age 18 or certified by the U.S. Dept. of Health and Human Services as willing to help in the investigation and prosecution of severe forms of trafficking.
- **Cuban/Haitian entrants**
- **Certain abused immigrants,** their children, and/or their parents

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- ❖ You fall within the battered spouse or child category if you have an approved visa petition filed by a spouse or parent, a VAWA self-petition that sets forth a prima facie case for relief, or an application for cancellation of removal under VAWA.
 - ❖ If you have filed a VAWA self-petition but have not yet gotten a notice of deferred action, you may be eligible for federal housing programs. You will not be eligible for work authorization. You will have a hard time getting a Social Security number.
 - ❖ You may be able to get a non-work Social Security number if DSHS asks Social Security to issue one as part of the receipt of cash, food, or medical benefits.
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Is there home ownership assistance?

Yes. For more info, contact: **HUD Seattle Regional**

Office (for WA)

Seattle Federal Office Building

909 First Avenue, Suite 200

Seattle, WA 98104-1000

Phone: (206) 220-5101

Toll-free: (877) 741-3281

Fax: (206) 220-5108

TTY: (206) 220-5254

How do I prove my immigration status?

If you provide false or falsified document(s) to get federal housing assistance, you can lose your federal housing assistance and put your immigration status at risk.

If you believe you have "eligible immigrant" status, but do not have papers showing that, talk to an immigration lawyer or call CLEAR at 1-888-201-1014.

The list of required paperwork includes:

U.S. citizens: Signed declaration of U.S. citizenship or nationality. (You may also need a U.S. birth certificate or passport.)

"Eligible immigrants" ages 62 and older need both a signed declaration of eligible non-citizen status and proof of age.

"Eligible immigrants" under age 62 need all of these:

- Signed declaration of eligible non-citizen status
- Signed consent form
- One of these:
 - **Form I-551**, *Alien Registration Receipt Card* (for permanent resident aliens)
 - **Form I-94**, *Arrival-Departure Record* that says one of these:
 - "Admitted as a Refugee Pursuant to Section 207"

- “Section 208” or “Asylum”
- “Section 243(h)” or “Deportation stayed by Attorney General”
- “Paroled Pursuant to Section 212(d)(5) of the INA”
- **Form I-94**, *Arrival-Departure Record*, along with one of these:
 - Final court decision granting asylum (only if no appeal)
 - Letter from U.S. Citizenship and Immigration Services (USCIS) asylum officer granting asylum (if application filed on or after October 1, 1990) or from the USCIS district director granting asylum (if application filed before October 1, 1990)
 - Court decision granting withholding of deportation
 - Letter from asylum officer granting withholding of deportation (if application filed on or after October 1, 1990)
- **Form I-688**, Temporary Resident Card marked “Section 245A” or “Section 210”
- **Form I-668B**, Employment Authorization Card marked “Provision of Law 274a.12(11)” or “Provision of Law 274a.12”
- **Receipt from the USCIS** stating you have made an application for replacement document (for one of the above) and are entitled to a replacement copy
- **Form I-151**, Alien Registration Receipt Card
- **Form I-914**, for T-1 Nonimmigrant Visa and written confirmation that application is “bona fide”

Do I need to provide a Social Security Number?

Housing programs available to U.S. citizens or "eligible immigrants": Only household members claiming to be US citizens or "eligible immigrants" must verify a valid Social Security number.

Housing programs available to all U.S. citizens and immigrants: You should not have to give a Social Security number to a program that does not verify citizenship or immigration status.

How will the housing program set rent?

It depends on the family members' immigration status.

If everyone in the family is a U.S. citizen or an "eligible immigrant:" It depends on the program. Some, such as the Low Income Housing Tax Credit, charge all tenants in subsidized units the same rent amount regardless of income. HUD-funded housing programs generally base the rent amount on household income. When all family members are U.S. citizens or "eligible immigrants," families in these programs generally pay about 30% of their total income toward rent.

- "Income" generally means: wages, business and property income, Social Security, retirement, pensions, unemployment compensation, disability compensation, worker's compensation, severance pay, alimony, and child support.
- "Income" generally does NOT mean: income of children under age 18, reimbursed medical expenses, income of a live-in aide, income to a person with a disability disregarded under a Plan to Attain Self-Sufficiency, or resident service stipends.
- Adjustment: household income used to figure out what a family should pay may be reduced by deductions, including those for dependents, elderly or disabled family members, unreimbursed medical expenses of elderly or disabled family members, unreimbursed reasonable attendant care, and/or reasonable child care expenses.

If at least one person in the family is NOT a U.S. citizen or an "eligible immigrant (called a "mixed family"): the rent will be higher than if all family members were eligible. The landlord prorates (figures out proportionately) the rent based on the number of citizens or "eligible immigrants" in the household.

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- ❖ If no one in the family is a U.S. citizen or "eligible immigrant" by the one-year anniversary date: Their housing assistance will end.
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Where do I apply for rental housing assistance?

There is no single application or waiting list. To apply for public housing and/or the Section 8 Voucher program, contact your local public housing authority. You can get housing info for other agencies through their websites:

- [HUD \(in Washington state\) - https://portal.hud.gov/hudportal/HUD?src=/states/washington](https://portal.hud.gov/hudportal/HUD?src=/states/washington)

- [Rural Housing Service of WA](https://www.rd.usda.gov/wa) - <https://www.rd.usda.gov/wa>
- [Washington State Housing Finance Commission](http://wshfc.org/) (administering LIHTC properties) - <http://wshfc.org/>
- Searchable website for affordable rental properties- www.aptfinder.org

❖ You should apply at as many places as you want. Some waiting lists may be several years long.

Ask to get on the waiting list. The agency operating the housing program does not have to check your immigration status until it is ready to offer you a unit or other housing assistance. Immigration laws may change or you may get approval of a petition filed to change immigration status while you are on a waiting list.

Once the housing is available:

- Give the name and income of everyone (even those who are not citizens or "eligible immigrants") who will live in the home.
- If you **knowingly** allow any unauthorized person to live in a unit, you may be cut from the housing program. This provision does not apply if you list the ineligible person as a household member. Someone in the family who is not a citizen or "eligible immigrant" does not have to tell the housing authority their immigration status. They can mark "decline to state" or "ineligible" on the application.
- Anyone claiming to be a U.S. citizen or eligible immigrant must prove immigration status with the proof listed in "How do I prove my immigration status," above.
- You should ask for a grievance hearing if a housing provider has improperly determined that you or a family member does not have "eligible immigrant" status.

❖ Housing providers will also screen you and all other adults in the household for criminal, credit, and rental history. If they deny you housing assistance for any of these reasons, you may be entitled to a hearing to challenge the denial.

What if I have no credit or rental history?

Many immigrants are new arrivals to the United States. They often do not have a credit or rental history. Housing programs/ services cannot deny immigrant applicants because they have no credit or rental history. You should be able to show other proof, such as a letter from a social service provider, or proof of income.

The housing authority/landlord/HUD can only use the info you give them to figure out your eligibility for housing assistance.

HUD must report to the USCIS anyone it knows is not lawfully in the U.S. That is when both these are true:

1. An agency has made a formal determination subject to administrative review on the immigrant's claim (of eligibility for housing assistance) and the immigrant has not appealed it.
2. A determination by the USCIS or the Executive Office of Immigration Review, such as in a Final Order of Deportation, supports the agency's determination that the individual is unlawfully in the U.S.

What if my ability to read, write, speak, or understand English is limited?

Anyone getting federal financial assistance from housing providers must take reasonable steps to ensure you have meaningful access to their programs and activities. The LEP.gov website has more info at https://www.lep.gov/fags/fags.html#One_LEP_FAQ.

What if I need legal help?

The HUD Office for Civil Rights investigates complaints and monitors programs and services for compliance. The contact number for the regional office overseeing programs in Washington State is 206-220-5170. If you know someone denied meaningful access to a housing-related program or activity that receives federal assistance, have them talk to a lawyer or call CLEAR at 1-888-201-1014.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of March 2017.

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