



Immigrants and Affordable Housing Programs

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NOT ALL AFFORDABLE HOUSING PROGRAMS ARE ALIKE



There are several different kinds of public and subsidized housing and vouchers- each with different rules affecting applicants and occupants.

Public and subsidized housing is different than SNAP, cash assistance, and other benefits

Public and subsidized housing is not an entitlement. Although there is a limited supply it is definitely worth applying because

- There are more than 200,000 affordable housing units and vouchers in Massachusetts.
- Thousands of units and vouchers become available each year (turnover).
- New affordable units are added occasionally

Housing programs are also different from other benefits because they are not centrally administered

- 240 Public Housing Authorities and 11 Regional Administrative Agencies (RAA), administer public housing and vouchers.
- There are hundreds of subsidized developments around the state.

State housing programs are generally open to all immigrants, regardless of status

STATE HOUSING -- the major programs include:

- State public housing

- Massachusetts Rental Voucher Program (MRVP)

- Alternative Housing Voucher Program (AHVP)

- State-funded multifamily (privately owned subsidized) housing

Major federal housing programs have some immigrations restrictions

FEDERAL HOUSING --

The major programs include:

- Public Housing
- Section 8 Vouchers
- Subsidized multifamily housing

These federal housing programs are “restricted” - assistance can only be provided to individuals who are citizens and “eligible noncitizens”.

- “Mixed status” households can be admitted to these programs – but they will pay a higher rent.
- If entire household is not eligible, they will not be admitted to the major federal housing programs.

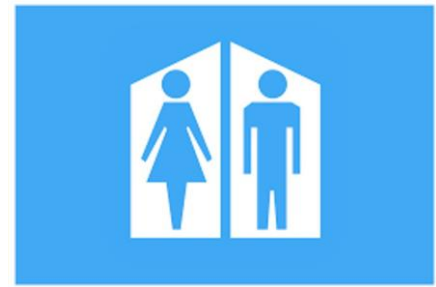
Several other federal programs have NO immigration restrictions including the Low Income Housing Tax Credit program.

Which noncitizens are eligible for “restricted” federal housing programs?

For admission to restricted federal housing, at least one member of the household must be a citizen or an “eligible noncitizen”. An eligible noncitizen is one of these statuses:

- A lawful permanent resident
- A registry immigrant (admitted for permanent residency by U.S. Attorney General & eligible for citizenship)
- A refugee or asylee
- A conditional entrant
- A parolee
- A withholding grantee
- A person granted 1986 amnesty status
- A resident of Marshall Islands, Micronesia, Palau or Guam
- A victim of trafficking or relatives of such victim
- VAWA self-identified is now also counted as eligible

What are “mixed status” families?



In the restricted federal programs “mixed status” families are those with at least one citizen or eligible noncitizen.

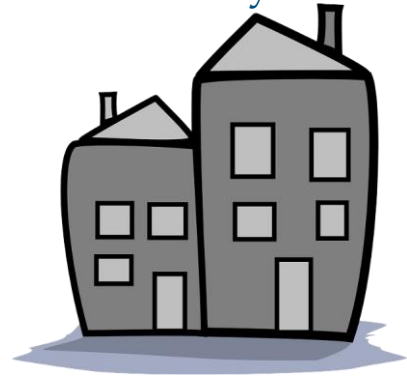
Mixed families, which can include undocumented persons, are eligible for the restricted federal housing programs – but they will pay a higher rent (called a pro-rated rent) and unit may not be affordable.

Mixed families include statuses **NOT** eligible for a federal subsidy including Temporary Protected Status (TPS), “DACA” youth, pending application for another status

How much “prorated rent” will mixed status families in federal “restricted” housing pay?

Pro-rated rent in federal restricted housing means that the housing authority or multifamily owner will base your housing assistance or subsidy on the number of eligible family members, not on the total number of people, in the household.

You can move into a unit in one of these programs but your subsidy will be **lower** than if all household members were citizens or eligible noncitizens. That means your share of the rent will be higher.



Section 8 proration example



There are four people in your household - two are citizens or eligible noncitizens. Two are not eligible.

The housing authority will give you a Section 8 subsidy as if you are a two-person household. The subsidy will be prorated by 50%.

If the total rent is \$2,000, and the Section 8 voucher is worth \$1500, this is how it would work:

Calculation of voucher before proration

Total rent to landlord \$2,000
- Section 8 voucher worth

Your rent payment without proration **\$500**

50% prorated Section 8 voucher **\$750**

Recalculation of your rent with pro-ration

Total rent
\$2,000
- Prorated Section 8 voucher worth \$750

Your rent payment with proration **\$1,250**

Declaration and Verification of Status in the federal restricted programs

In restricted **federal** housing programs, the housing authority or subsidized owner will verify the immigration status of all household members and require completion of a *Section 214 Declaration* for each household member claiming that he or she is either a *citizen* or an *eligible noncitizen*.

- You should NOT complete this form if you have non-eligible family members, because by signing it you claim the whole household has eligible status and you are agreeing that immigration authorities can check on your status.



Declaration and Verification of Status in the federal restricted programs

- **Instead of completing the Section 214 Declaration**, you can provide a written statement that one or more household members are not claiming to have eligible status.

Do you need a social security number for housing programs?



- **State assisted housing programs:** Generally each household member must provide a SSN. However, by notice from EOHLC, no one can be denied or otherwise sanctioned if they do not have a SSN
- **Federal housing:** Generally each household member must provide a SSN. However, this does not apply to those immigrants in “mixed families” who do not claim to be either citizens or eligible noncitizens. But if those households do have an SSN they should provide it.

**“Public Charge” does not apply to any
housing programs**



Resources:

National Housing Law Project **guide** on immigration restrictions - https://www.nhlp.org/wp-content/uploads/Immigration-Restrictions_Other-Programs.pdf

Noncitizen Eligibility for Federal Housing Programs, Congressional Research Service - <https://sgp.fas.org/crs/misc/R46462.pdf>

National Immigration Law Center guide on immigrant eligibility for federal programs, including housing programs - <https://www.nilc.org/issues/economic-support/>

Housing Access for Immigrant Households - https://nlihc.org/sites/default/files/2023-03/2023AG6-11_Immigrant-Households.pdf

The background of the slide is a photograph of a multi-story brick building. The building features a mix of red and dark grey brickwork. Several windows with white frames are visible, some of which are open. Balconies with white metal railings are attached to the building. Some balconies have small plants or decorations. The overall scene is a typical urban residential building.

Immigrants and Emergency Assistance (EA) Shelter

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What is Emergency Assistance (EA) Shelter?

Emergency Assistance (EA) provides emergency shelter and services to children and their caregivers, or pregnant people, who are experiencing homelessness. EA is run by the Executive Office of Housing and Livable Communities (EOHLC), which used to be the Department of Housing and Community Development (DHCD).



Does immigration status affect EA eligibility?

Yes, but as long as one person in the household has an eligible immigration status, the entire household is eligible.

Ex: Mother and older child are undocumented, but her youngest child is a legal permanent resident. The household has eligible immigration status for EA shelter.

An otherwise eligible family can be deemed eligible for shelter while they gather documentation to show that at least one person in the family has an eligible immigration status (presumptive eligibility).

The following individuals have eligible immigration status for EA Shelter purposes (same as DTA cash assistance regulations on immigrant eligibility)



1. Refugees and others with special protection status, including
 - Asylees
 - Persons granted withholding of deportation or removal
 - Some Amerasians
 - Cuban/Haitian Entrants
 - Victims of trafficking
 - Some Afghan/Iraqi interpreters with Special Immigrant Status
 - Individuals with TPS
 - DACA recipients
2. Legal Permanent Residents & approved immediate relative petitions
3. Veterans
4. Battered noncitizens
5. Indefinite stays of deportations
6. Indefinite voluntary departures, and/or who are under an order of supervision
7. Present in the U.S. with knowledge and consent (lawful entry)

How is Household defined?



For EA shelter purposes, a household consists of at least one child and parents, stepparent or caretaker relatives, legal guardian, and siblings (including half-siblings and step-siblings) of the child. 760 CMR 67.02(1)(a).

Ex: A household consists of a child, her mother, her stepfather, and her stepsister. Only the stepsister is a citizen. The household has eligible immigration status for EA shelter.

HomeBASE

Families who are eligible for EA shelter may apply for HomeBASE. HomeBASE provides up to \$30,000 over a 2-year period, with the possibility of \$15,000 for subsequent years, to help pay for first and last months' rent, security deposit, monthly rent, furniture, and overdue rent and utility payments.

If you have been found eligible for EA, you can receive HomeBASE as “diversion” instead of entering shelter. If you are already in EA shelter, you can use HomeBASE to exit into private or subsidized housing.

HomeBASE also provides you with a stabilization case manager.

Since you must be eligible for EA to receive HomeBASE, the eligibility requirements, including immigration, are the same as EA.



Immigrants and Emergency Homelessness Prevention Assistance

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Statewide Homelessness Prevention Funds

The largest statewide homelessness prevention program is the Residential Assistance for Families in Transition (RAFT), which provides funds for rent and utilities to eligible households. **RAFT is available regardless of immigration status.**

There may be local rent assistance programs available, so check with your city or town.

Residential Assistance for Families in Transition - RAFT

RAFT is a **state-funded** homelessness prevention program that provide short-term financial assistance to low-income renters who are homeless or at risk of becoming homeless.

- Income eligibility for RAFT is 50% AMI; up to 60% AMI for domestic violence.
- RAFT currently provides up to \$7,000 over 12 months for rent arrears, future rent, moving costs, utilities.
- RAFT payments are not made directly to individuals who apply, but to the landlord or mortgage company.
- **RAFT is available regardless of immigration status.** If you have an Social Security number you must provide it. If you do not, you can leave that space blank.

Resources

For information about EA shelter visit:

<https://www.mass.gov/how-to/apply-for-ea-emergency-family-shelter>

Mass Legal Services: Emergency Assistance Advocacy Guide, 2022:

<https://www.masslegalservices.org/EmergencyAssistanceAdvocacyGuide>

For more information about RAFT visit: <https://www.mass.gov/service-details/residential-assistance-for-families-in-transition-raft-program>

To access the online RAFT application portal visit:

https://applyhousinghelp.mass.gov/s/?language=en_US&LanguageCode=en_US

Find your local Rental Assistance Administrator's website here:

<https://hedfuel.azurewebsites.net/raa.aspx>