



Questions and Answers Regarding Housing Assistance for Refugees Office of Public and Indian Housing (PIH)¹

1. Are refugees eligible for housing assistance?

Yes, non-citizens who have the immigration status of refugee are eligible and qualified for all HUD programs to the same extent as a U.S. citizen. Like U.S. citizens, refugees must meet all eligibility criteria (e.g., having an income below the income limit for the area) to be eligible for the assistance. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and Section 214 of the Housing and Community Development Act of 1980 (Section 214), each of which impose some immigration-status based limitations on who may qualify for federal services, provide that refugees are eligible and qualified for HUD-funded housing and services.

For additional information, or if a noncitizen is not a refugee, PHAs should consult PIH Program Guidebooks for information about which immigration statuses allow non-citizens to qualify for HUD-subsidized housing.

2. How can PHAs verify an individual's status as a refugee? What types of documentation are PHAs allowed to accept?

To verify an applicant's immigration status as a refugee, PHAs must continue to use the U.S. Citizenship and Immigration Services' Systematic Alien Verification for Entitlements ([SAVE system](#)) for any program that falls under Section 214, including the Public Housing and Housing Choice Voucher programs. PHAs may have applicants who present documents that are unfamiliar when there are new immigration statuses. Consult the SAVE system to determine whether those documents are adequate proof of status.² PHAs should refer to HUD's guidance on the list of qualifying immigration statuses and contact their local HUD office for clarification as necessary.

3. Can PHAs establish a preference for refugees?

Yes, PHAs may establish a preference for refugees as long as they do not create preferences based on national origin because national origin is a protected class under the Fair Housing Act and Title VI of the Civil Rights Act of 1964. PHAs may not set a preference for one specific

¹ This document addresses housing assistance for refugees, which is only one of the many types of immigration statuses that a noncitizen might have. For guidance related to statuses other than refugee status, please visit the HUD website, including the [Operation Welcomes Allies](#) webpage and the [Public Housing Occupancy Guidebook](#).

² In particular, SAVE users may find this document to be helpful: [Common Immigration Documents Guide](#). SAVE also has publicly available factsheets and announcements for specific populations, including: [Parole Under Uniting for Ukraine](#), [Information for SAVE Users: Afghan Arrival Categories, Documentation, and SAVE Responses](#), and [Information for SAVE Users: Cuban-Haitian Entrants](#). You can find other documents and guides on verifying immigration status on the user-accessible password-protected system.

immigration status that only applies to refugees from a particular country. PHAs may, however, establish a preference for one or more immigration statuses that are not based on national origin if the preferences are applied equally to all of those who meet the immigration status and the status is not limited to or primarily comprised of persons of a particular national origin. **For example**, PHAs can establish a preference for applicants who are refugees, as long as applicants from any country who meet those statuses qualify for the preference and the status is not limited to or primarily comprised of persons of a particular national origin.

For the Public Housing program, PHA selection preferences are described in the Admissions and Continued Occupancy Policy (ACOP). For the HCV Program, preferences are described in the HCV Administrative Plan. Any system of local preferences must be consistent with the PHA's ACOP or Annual Plan and must be based on local housing needs and priorities, as determined by the PHA.

If a PHA wishes to change the current preference system in place, they are required at a minimum to update the ACOP or Administrative Plan; and publicize and post copies of any newly adopted and implemented tenant selection policies. Changes to the preference system must also conform to the Consolidated Plan for the PHA's jurisdiction and the PHA may also be required to update the PHA Annual Plan based on whether or not the changes to the current preference system constitute a "significant amendment" to or "substantial deviation" from the PHA Plan. If the change to a PHA's preference system is considered a significant amendment, the PHA is subject to requirements for consultation and period for public comment under the PHA Plan.

As a reminder, preferences are only used to establish the order of applicants on the waiting list. Preferences do not impact eligibility for applicants who are otherwise ineligible, nor do preferences change the right of a PHA to adopt and enforce tenant screening criteria. PHAs must explain each preference to applicants and provide them with the opportunity to claim a preference prior to application submission. PHAs may limit the number of applicants that may qualify for any local preference.

4. Are refugees considered homeless?

It depends. PHAs have discretion to adopt a homeless preference and define what the term "homeless" means in their ACOP or Administrative Plan. Some refugees may meet the PHA's definition of homeless. PHAs may also consider modifying their definition of homeless to include scenarios that would apply to many refugees. However, since national origin is a protected class under the Fair Housing Act, PHAs may not set different policies that only apply to applicants from certain countries. In other words, a PHA may amend its homeless definition but must do so across the board so as not to discriminate against any protected group. For example, a PHA may currently have a preference for individuals or families who will imminently lose their primary nighttime residence. However, this definition may not account for refugees living in supervised publicly- or privately-operated shelters (e.g., temporary housing established by a faith-based organization), or other scenarios that may be typical in the community. As a result, a PHA may decide to expand their preference system, to include persons an individual or family living in a supervised publicly- or privately-operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid

for by charitable organizations or by federal, state, or local government programs for low-income individuals).

5. Can a PHA adjust the current occupancy standards, e.g., 2 persons per bedroom, to accommodate larger families?

For Public Housing: HUD does not prescribe specific public housing unit occupancy standards. PHAs set public housing occupancy standards locally in their ACOPs. However, when determining these policies, PHAs must comply with fair housing requirements and may need to comply with specific state or local laws regarding occupancy standards (e.g., a local law allowing a maximum of two persons per sleeping space). Since national origin is a protected class under the Fair Housing Act, PHAs may not set a different policy for occupancy standards that only applies to applicants from specific countries of origin. In other words, a PHA may amend existing occupancy limits but must do so across the board so as not to discriminate against any protected group. For more information, please see the Public Housing Occupancy Guidebook Chapter on [Transfers](#) and [HUD's Fair Housing OAW FAQs](#).

For HCV: PHAs must ensure that the rented unit meets Housing Quality Standards space requirements listed at 24 CFR 982.401 (d)(2). As a reminder, families participating in the HCV program do not need to rent a unit that is the same size as their voucher.

However, when determining these policies, PHAs must comply with fair housing requirements and may need to comply with specific state or local laws regarding occupancy standards (e.g., a local law allowing a maximum of two persons per sleeping space). Since national origin is a protected class under the Fair Housing Act, PHAs may not set different subsidy standards or occupancy policies that only apply to applicants from refugee applicants. For more information, please see [HUD's Fair Housing OAW FAQs](#).

6. If our PHA requires credit checks at admission, can we make an exception for refugees?

Yes. A PHA that requires credit checks for admission may set a policy in their ACOP or Administrative Plan to forgo the credit check requirement for refugees, as long as applicants from any country who meet those statuses qualify for the exception and the status is not limited to or primarily comprised of persons of a particular national origin. Resettlement agencies are known to vet refugees and financially back their first months' rent.

As a general reminder, HUD does not mandate or prescribe the use of credit screening for determining eligibility for the Public Housing or Housing Choice Voucher programs. PHAs, property managers and landlords may forgo credit checks for any potential residents if they do not discriminate because of a protected characteristic under the Fair Housing Act, which prohibits discrimination in housing-related transactions on the basis of race, color, national origin, religion, sex (including gender identity and sexual orientation), familial status, and disability. See [HUD's Fair Housing OAW FAQs](#) for more information.

7. What are the PHA's obligations when serving people with limited English proficiency (LEP)?

Under Title VI of the Civil Rights Act of 1964, PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by limited English proficient (LEP) persons. If a PHA serves a community of LEP persons who speak a particular language, it may be required to ensure that translation services are available for that language. Please see HUD's [Limited English Proficiency](#) web page and [Guidance on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficiency Persons](#) for more information.

8. What resettlement services and supports have been/will be provided to refugees?

Through the U.S. Department of Health and Human Services' Office of Refugee Resettlement (ORR) and the U.S. Department of State's Bureau of Population, Refugees, and Migration PRM funding, state governments, resettlement agencies, and other nonprofit community-based organizations are assisting eligible refugees to apply for and access these federal benefits and resettlement services. Additional information on Assistance Resources can be found on ORR's [website](#). For questions regarding these resettlement benefits and services, please contact your [State Refugee Coordinator](#).

9. Is lump sum assistance that refugees receive excluded from income?

Refugees may receive lump sum or direct cash assistance from various agencies and organizations as they are resettling in the community. A lump sum addition to a family's assets is excluded under 24 CFR 5.609(c)(3) (prior to Jan. 1, 2024) or 24 CFR 5.609(b)(24) (after Jan. 1, 2024). Organizations and agencies assisting refugees may provide direct cash assistance for the first 30 to 90 days as families try to find housing in the community. Assistance during this period may be excluded as nonrecurring income under 24 CFR 5.609(c)(9) (prior to Jan. 1, 2024) or 24 CFR 5.609(b)(24) (after Jan. 1, 2024). If refugees receive public benefits such as Supplemental Security Income (SSI), Temporary Assistance for Needy Families (TANF), or Supplemental Nutrition Assistance Program (SNAP) benefits, the PHA would apply existing rules and policy for the receipt of such benefits. If PHAs have questions about specific sources of income beyond the initial temporary assistance for families and public benefits for which HUD has existing rules and policies, they should contact their HUD PIH field office representative.

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While this document provides general guidance on the Fair Housing Act and other civil rights requirements relevant to the questions and answers above, for any additional guidance, landlords and property managers should consult their own counsel.