

# Request for Waiver of Housing Directive

U.S. Department of Housing and Urban Development  
Office of Housing  
Federal Housing Commissioner

OMB Approval No. 2502-0029  
(Expires 04/30/2020)

1. Field Office Office of Single Family Program Development	2. Program and DAS (e.g., multifamily development) Office of Single Family Housing
3. Waiver Requested by (person, entity, HUD employee) Barbara Leslie, Acting Director, Home Mortgage Insurance Division	
4. Waiver Item (directive number, date, page, paragraph, etc.) Handbook 4000.1, II.A.1.b.ii(A)(9)(b)	
Relief Sought A partial waiver of the Handbook requirement which states that for a non-permanent resident alien to be eligible for FHA-insured financing, the "Borrower [must be] eligible to work in the United States, as evidenced by the Employment Authorization Document [EAD] issued by the USCIS." A waiver of the requirement of proof of eligibility for employment in the United States by EAD will allow citizens of the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI), and the Republic of Palau (Palau) to obtain FHA-insured financing without having to obtain and present an EAD as proof of eligibility of employment. Lenders will be able to accept other forms of verification of employment consistent with FHA requirements.	
5.	<input type="checkbox"/> Yes (skip No. 6)      If previously approved, give Counsel's name and date of approval. <input checked="" type="checkbox"/> No (go to No. 6)
6. Counsel Determination. The Waiver Proposal <b>does not conflict</b> <input checked="" type="checkbox"/> <b>conflicts</b> <input type="checkbox"/> with statutory or regulatory provisions (cite rule or provision)	

Counsel (signature) <b>Elizabeth Davis</b>	Digitally signed by Elizabeth Davis Date: 2020.04.23 11:35:58 -04'00'	Date 04/23/20
---	--	------------------

7. Employee Justification (attach additional pages if necessary)

Under the respective Compacts of Free Association between the United States and the Freely Associated States (FAS) of the FSM, RMI and Palau, citizens of the FAS may apply for admission to the United States as non-immigrants without visas and may freely seek employment in the United States. As with other employees working in the United States, FAS citizens will be required by their employers at the time of hire to complete an attestation regarding their employment authorization. One such form of proof of that authority may be an EAD. Under the Compacts of Free Association, citizens of the FAS are not required to obtain an EAD for purposes of verifying eligibility for employment in the United States. FHA Handbook policies, however, do require an EAD for purposes of verifying eligibility for employment for non-US citizens and non-lawful permanent resident aliens. FHA wishes for its policies to be consistent with the Compacts of Free Association, and to facilitate participation of eligible FAS citizens in its mortgage insurance program without placing burdensome and unnecessary requirements on FAS citizens. Thus, a waiver of the policy in Handbook 4000.1, II.A.1.b.ii(A)(9)(b) which requires verification of employment for FAS citizens "as evidenced by the Employment Authorization Document issued by the USCIS" will eliminate the EAD requirement for citizens of the FSM, RMI, and Palau. These borrowers would still have to meet all other pertinent eligibility requirements for FHA-insured financing.

Field Office Concurrence		
Name Kevin Stevens	Title Acting Director, Office of Single Family Program Dev.	Date
8. <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Not Granted	Housing Director (signature) <b>KEVIN STEVENS</b>	Date
Digitally signed by KEVIN STEVENS Date: 2020.04.23 12:06:37 -04'00'		

Comments

Public reporting burden for this collection of information is estimated to average xx minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

Distribution: (includes waivers granted and denied)  
Original to Field Office;  
One copy to each of the following: Director, Organizational Policy, Planning and Analysis Division, Room 9116, HUD Headquarters, HRO  
Assistant General Counsel, Multifamily Mortgage Division, HUD Headquarters, Room 9230, CAHAA  
And one copy to either of the following: Office of the Deputy Assistant Secretary for Single Family Housing, Room 9282, HUD Headquarters, HU  
Office of the Deputy Assistant Secretary for Multifamily Housing, Room 6106, HUD Headquarters, HT