
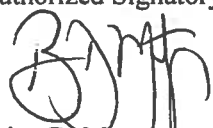


**Request for Waiver of  
Single Family Housing Directive**

**U.S. Department of Housing  
and Urban Development  
Office of Housing**

1. Office/Field Office HUD HQ	2. Program Single Family Housing/Office of Program Development	
3. Waiver Requested By: (person entity, HUD employee) Brian Montgomery, Deputy Secretary		
4. Waiver Item (directive number, date, page, paragraph, etc.) FHA Single Family Housing Policy Handbook 4000.1 Section II.A.1.b.ii(A)(9)(c)		
5. Relief Sought: Waiver in full of the most recent FHA Single Family Housing Handbook ("Handbook 4000.1 Section II.A.1.b.ii(A)(9)(c), which provides: "Non-US citizens without lawful residency in the U.S. are not eligible for FHA-insured mortgages."		
6. Waiver Justification: This language was incorporated into the FHA Handbook by the Obama Administration in September 2015. The term "lawful residency" was initially inserted into the FHA guidelines in 2003 and pre-dates the 2012 DACA Executive Order and thus did not anticipate a situation in which a borrower might not have entered the country legally, but nevertheless be considered lawfully present. To avoid confusion and provide needed clarity to HUD's lending partners, FHA is waiving the above referenced FHA Handbook subsection in its entirety. In a subsequent update to the FHA Handbook the language will be removed.		
7. Did a check of SharePoint indicate prior approval of a similar waiver? <input type="checkbox"/> Yes (Section #6 below is not required) <input checked="" type="checkbox"/> No (Section #6 is required)	8. If previously approved, give Counsel's name and date of approval.	
9. <u>Counsel Determination</u> : The waiver proposal <input checked="" type="checkbox"/> does not conflict <input type="checkbox"/> conflicts with statutory or regulatory provisions (comments or statutory/regulatory provision):		
Counsel Name & Signature:  Amy L. Brown, Deputy General Counsel for Housing Programs		Date: 1/18/2021
10. Waiver: <input checked="" type="checkbox"/> Granted <input type="checkbox"/> Not Granted	Authorized Signatory:  Brian D. Montgomery, Deputy Secretary	Date: 1/19/2021
11. Additional Comments:		

**Distribution:**

**Original to:** Office of the Deputy Assistant Secretary for Single Family Housing, Room 9282

**Copies to:** Sheila Ricks-Jordan, Director, Organizational Policy, Planning and Analysis Division, Room 9116, HUD Headquarters  
Sherece Tolbert, Associate General Counsel for Insured Housing, Room 9226, HUD Headquarters  
Elizabeth Davis, Assistant General Counsel, Single Family Mortgage Division, Room 9240, HUD Headquarters