

PART 912—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OC- CUPANCY BY SINGLE PERSONS

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AUTHORITY: Sec. 3, U.S. Housing Act of 1937 (42 U.S.C. 1437a); sec. 7(d), Dept of HUD Act (42 U.S.C. 3535(d)); also under sec. 214, Housing and Community Development Act of 1980, as amended by sec. 329, Housing and Community Development Amendments of 1981 (42 U.S.C. 1436a).

§ 912.1 Purpose and applicability.

(a) This part:

- (1) Defines the term Family and other related terms;
- (2) Prescribes criteria and procedures for occupancy by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or as a Displaced Person or as the remaining member of a tenant family, and incorporates the statutory 15 percent limitation on assistance for Single Persons; and
- (3) Implements the statutory prohibition against making assistance under the U.S. Housing Act of 1937 ("Act") available for the benefit of ineligible aliens.

(b) This part is applicable to:

- (1) Public Housing, including rental housing, the Turnkey III Homeownership Opportunity Program and other Public Housing homeownership programs, and Indian Housing (including the Mutual Help Homeownership Opportunity Program).
- (2) Leased Housing assisted under sections 10(c) or 23 of the Act as in effect before amendment by the Housing and Community Development Act of 1974.

[51 FR 11228, Apr. 1, 1986]

EFFECTIVE DATE NOTE: At 51 FR 11228, Apr. 1, 1986, § 912.1 was revised, effective July 30, 1986. For the convenience of the user, the superseded text appears below.

§ 912.1 Purpose and scope.

The purpose of this part is to establish a definition of the term Family and other related terms applicable to all housing assisted under the United States Housing Act of 1937 (the Act). In addition, this part prescribes criteria and procedures for occupancy in low-income and lower income housing projects assisted under the Act by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or Displaced Person or as the remaining member of a tenant family. This part also incorporates the statutory 15 percent limitation. (See § 912.3(f)) This part is applicable to all housing assisted under the Act.

[47 FR 38283, Aug. 31, 1982, and 49 FR 6714, Feb. 23, 1984]

§ 912.2 Definitions.

Act. The U.S. Housing Act of 1937.

Assisted Dwelling Unit. A dwelling unit assisted under the programs covered by this Part (see § 912.1(b)).

Citizen. A citizen of the United States.

Current Participant. A Family for which an assisted lease was entered into for a lease term beginning before July 30, 1986.

Disabled person. A person who is under a disability as defined in section 223 of the Social Security Act or in section 102 of the Developmental Disabilities Services and Facilities Construction Amendments of 1970.

Displaced person. A person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

Elderly family. A Family whose head or spouse or whose sole member is at least sixty-two years of age, or a Disabled Person as defined in this section or a Handicapped Person as defined in this section. An Elderly Family may include two or more elderly, Disabled or Handicapped Persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

Eligible alien. An alien who is a resident of the United States and is one of the following:

(1) An alien lawfully admitted for permanent residence as an immigrant as defined by sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 1101(a)(20));

(2) An alien who entered the United States before June 30, 1948, or such later date as enacted by law, has continuously maintained residence in the United States since then, and is not ineligible for citizenship, but who is deemed to be lawfully admitted for permanent residence as a result of an exercise of discretion by the Attorney General under section 249 of the Immigration and Nationality Act (8 U.S.C. 1259);

(3) An alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) or pursuant to the granting of asylum (which has not been terminated) under section 208 of such Act (8 U.S.C. 1158);

(4) An alien who is lawfully present in the United States as a result of being granted conditional entry under section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity;

(5) An alien who is lawfully present in the United States as a result of an exercise of discretion by the Attorney General for emergent reasons or reasons deemed strictly in the public interest under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); or

(6) An alien who is lawfully present in the United States as a result of the Attorney General's withholding deportation under section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)).

Evidence of citizenship or eligible alien status ("evidence"). The documents which must be submitted in accordance with § 912.5 to show citizenship or eligible alien status or occu-

pants of an assisted dwelling unit. The evidence consists of both:

(1) The documents described in paragraphs (b) and (c) of § 912.5, and

(2) A verification consent form.

Family. "Family" includes but is not limited to (1) an Elderly Family or Single Person as defined in this part, (2) the remaining member of a tenant family, and (3) a Displaced Person.

Handicapped person. A person having a physical or mental impairment which (1) is expected to be of long continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.

HUD. The U.S. Department of Housing and Urban Development.

Initial Implementation Period. The 90 day period beginning on July 30, 1986.

Single person. A person living alone or intending to live alone and who does not qualify as an Elderly or a Displaced Person as defined in this part, or as the remaining member of a tenant family.

Verification consent form. A written agreement by a Family, in the form prescribed by HUD, that:

(a) Any evidence submitted by the Family to the PHA may be released to HUD.

(b) Such evidence may also be released by the PHA to a party other than HUD for the following purposes: verification of citizenship or eligible alien status, enforcement of restrictions on the availability of assistance because of such status, or investigation or prosecution of fraud in connection with any Federal housing assistance program.

(c) HUD may release the evidence or other information to any Federal, State or local government agency (including the Social Security Administration and the Immigration and Naturalization Service) for the following purposes: verification of citizenship or eligible alien status, enforcement of restrictions on the availability of assistance because of such status, investigation or prosecution of fraud in connection with any Federal housing assistance program, or other purposes

connected with administration of HUD programs.

(d) Any Federal, State or local government agency may release to HUD, or to the PHA, any information which HUD or the PHA determines to be necessary for verification of citizenship or eligible alien status, or enforcement of restrictions on availability of financial assistance because of such status.

[51 FR 11228, Apr. 1, 1986]

EFFECTIVE DATE NOTE: At 51 FR 11228, Apr. 1, 1986, § 912.2 was revised, effective July 30, 1986. For the convenience of the user, the superseded text appears below.

§ 912.2 Definitions.

The following definitions shall be applicable to all housing assisted under the Act:

(a) **Disabled person.** "Disabled Person" means a person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423) or in section 102(b)(6) of the Developmental Disabilities Services and Facilities Construction Amendments of 1976 (42 U.S.C. 6001(7)).

(b) **Displaced person.** "Displaced Person" means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(c) **Elderly family.** "Elderly Family" means a family whose head or spouse or whose sole member is at least sixty-two years of age, or a Disabled Person as defined in this section or a Handicapped Person as defined in this section, and may include two or more elderly, Disabled or Handicapped Persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(d) **Family.** (1) "Family" includes but is not limited to (i) an Elderly Family or Single Person as defined in this part, (ii) the remaining member of a tenant family, and (iii) a Displaced Person.

(2) "Family" does not include a nonimmigrant student-alien, as defined in this section, provided, however, that if such alien was a tenant in housing assisted under the U.S. Housing Act of 1937 (hereafter "Act") and was receiving assistance on November 17, 1981, such assistance may be continued during the current term of the lease of such alien. When the lease of a nonimmigrant student-alien assisted under the Act, other than one occupying public housing as defined in the Act, terminates after November

17, 1981, the alien shall have the option of vacating the unit or (subject to compliance by such alien with all other conditions to continued occupancy of the unit) entering into a new lease without the benefit of assistance under the Act. When the lease of a nonimmigrant student-alien residing in public housing assisted under the Act, terminates after November 17, 1981, the public housing authority shall require the tenant to vacate the unit.

(e) **Handicapped person.** "Handicapped person" means a person having a physical or mental impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.

(f) **Single person.** "Single Person" means a person living alone or intending to live alone and who does not qualify as an Elderly Family or a Displaced Person as defined in this part, or as the remaining member of a tenant family.

(g) **Nonimmigrant student-alien.** "Nonimmigrant student-alien" means an alien having a residence in a foreign country which he/she has no intention of abandoning, who is a bona fide student qualified to pursue a full course of study and who is admitted to the United States as a nonimmigrant alien as defined in section 101(a)(15)(FX)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(FX)(i)) temporarily and solely for the purpose of pursuing such a full course of study at an established institution of learning or other recognized place of study in the United States. Nonimmigrant student-alien also means the alien spouse and minor children of such student if accompanying him/her or following to join him/her.

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3835(d)); U.S. Housing Act of 1937 (42 U.S.C. 1437 et seq.); Department of Housing and Urban Development—Independent Agencies Appropriation Act 1978, sec. 408; sec. 314, Housing and Community Dev. Act of 1980 (42 U.S.C. 1436a))

(42 FR 23582, May 9, 1977, as amended at 42 FR 63744, Dec. 19, 1977; 46 FR 56423, Nov. 17, 1981; 49 FR 6714, Feb. 23, 1984)

§ 912.3 Authorization to admit single persons.

(a) **Requirement for HUD authorization.** No PHA or private owner shall admit Single Persons to any housing assisted under the Act except pursuant to an authorization issued by the HUD Field Office Director in accordance with this section, except as provided in paragraph (b)(2) of this section.

(b) *Types of projects eligible for authorization.* (1) The HUD Field Office Director may authorize any PHA or private owner to permit Single Persons to occupy any project for which the PHA or private owner has the authority to select tenants or intends to acquire that authority if (i) the project is one which has been or is intended to be converted to a low-income or lower-income project assisted under the Act, and (A) Single Persons are residing in the project at the time of conversion, or (B) the Director determines that the project is not suitable for occupancy by the elderly, disabled, or handicapped because of design or location; or (ii) the project is a low-income or lower-income project receiving assistance under the Act and is experiencing sustained vacancies as evidenced by one or more units having been vacant for a period of sixty days or more and no eligible applicants other than Single Persons are available.

(2) A PHA administering a section 8 Existing Housing Program pursuant to Part 882 of this title is authorized to issue a Certificate of Family Participation to a Single Person who otherwise qualifies without specific authorization from the Field Office Director provided that (i) no more than 15 percent of the units in the PHA's Existing Housing Program for which Leases are approved by the PHA are leased by Single Persons, and (ii) the PHA determines that issuance of a Certificate to a Single Person is appropriate because rehabilitation of an existing structure (not assisted pursuant to the Act), resulting in increased rents, would require the Single Person to either pay more than 25 percent of income towards rent or move out.

(c) *Authorization for occupancy by single persons.* The Field Office Director may request the PHA or private owner to submit an application for authorization to permit Single Persons to occupy a project meeting criteria of paragraph (b)(1) of this section. In addition, any PHA or private owner may initiate an application for such authorization. The application shall be submitted to the appropriate HUD Field Office in the form of a letter which shall include the following:

(1) Identification of the project or projects involved and the maximum number of units for which the authorization is requested.

(2) A copy of the tenant selection policy which shall govern occupancy by Single Persons or, in the case of a project receiving assistance under Part 880, 881, 883, or 886 of this title, as statement that the selection criteria set forth in the Management Plan applicable to the project will be adhered to in the selection of Single Persons.

(3) A narrative justification for the request including, in cases where the request is based on vacancies in a project already receiving assistance, a description of the PHA's or private owner's efforts to attract eligible applicants other than Single Persons to the project or projects involved.

(d) *Approval.* The HUD Field Office shall notify the PHA or private owner in writing of the action taken with respect to the application which may be one of the following:

(1) Approval as requested.

(2) Approval for a lesser number of units or projects than requested and any other conditions or modifications.

(3) Disapproval, with a statement of the reasons. In the event of approval, the letter of approval shall constitute the authorization to the PHA or private owner to permit Single Persons to occupy the specified number of units under the specified conditions.

(e) *Priority to elderly and displaced persons.* Notwithstanding any authorization to permit occupancy by Single Persons, a PHA or private owner shall extend preference to Elderly Families (including Disabled Persons and Handicapped Persons) and Displaced Persons over Single Persons unless the Field Office Director has determined pursuant to paragraph (b)(1)(i) of this section that the project or portion of such project is not suitable for occupancy by the elderly, disabled, or handicapped.

(f) *Statutory 15 percent limitations pursuant to Section 3(2)(D) of the Act.* The number of units authorized by the HUD Field Office to be made available to Single Persons within the area under the jurisdiction of a PHA shall not exceed 15 percent of the difference between the total number of

units within the jurisdiction assisted under the Act at the time of the authorization and the number of units under the Existing Housing Program (24 CFR Part 882, Subparts A and B) within the jurisdiction.

[42 FR 23582, May 9, 1977, as amended at 47 FR 38283, Aug. 31, 1982; 49 FR 6714, Feb. 23, 1984]

§ 912.4 Effect of authorization on contract provisions.

Notwithstanding the provisions of any contract or agreement pursuant to the Act, defining terms otherwise than as defined in § 912.2, PHAs or private owners are authorized to house Single Persons in accordance with an authorization by HUD pursuant to this part.

[42 FR 23582, May 9, 1977, and 49 FR 6714, Feb. 23, 1984]

§ 912.5 Evidence of citizenship or eligible alien status.

(a) *Requirement for submission of evidence.* (1) Evidence of citizenship or eligible alien status shall be submitted in accordance with this section by each Family applying for admission to an assisted dwelling unit, and by each Family residing in an assisted dwelling unit.

(2) The required evidence of citizenship or eligible alien status shall be submitted by the Family for the Family head and spouse regardless of age, and for all other persons 18 years of age or older. The evidence shall be submitted for each Family member who is or will be an occupant of the assisted dwelling unit.

(3) The verification consent form shall be signed by each person for whom the information is submitted. Failure to submit required evidence of citizenship or eligible alien status shall result in denial or termination of assistance in accordance with § 912.7.

(4)(i) The required evidence shall be submitted by the Family to the PHA. The PHA is responsible for administering the restrictions on providing assistance to ineligible aliens, and shall exercise this responsibility in accordance with HUD requirements.

(ii) The PHA is not required to assist the Family in obtaining the evidence to be submitted, and is not required to

determine the validity or authenticity of evidence submitted. If the PHA suspects that a document submitted is not valid or authentic, or suspects misrepresentation, the PHA shall inform HUD.

(5)(i)(A)(1) A Family shall (except as provided in paragraph (a)(5)(i)(B) of this section, which concerns continuous assisted occupancy by a citizen) submit the required evidence of citizenship or eligible alien status at each annual reexamination.

(2) In the case of a Current Participant, the Family shall (except as provided in paragraph (a)(5)(i)(B) of this section) submit the required evidence at the first annual reexamination effective after the end of the Initial Implementation Period, and at each subsequent annual reexamination. (See provisions concerning notice to a Current Participant at § 912.6(b).)

(B) Submission of evidence that an occupant of the assisted dwelling unit is a citizen is only required one time during continuous assisted occupancy by the citizen.

(ii)(A) The Family shall request PHA approval for occupancy of the dwelling unit by any additional person for whom submission of evidence of citizenship or eligible alien status is required. The PHA shall not approve occupancy by the additional person until the evidence has been submitted.

(B) In the case of a Current Participant, paragraph (a)(5)(ii)(A) of this section is not applicable before the effective date of the first reexamination at which the Family is required to submit evidence of citizenship or eligible alien status pursuant to paragraph (a)(5)(i)(A)(2) of this section.

(iii) When a member of the household (other than the head of household or spouse) reaches age of 18, evidence of the person's citizenship or eligible alien status must be submitted at the next annual reexamination.

(6) The requirement to submit evidence of citizenship or eligible alien status under this section shall not apply to a homebuyer under the Homeownership Opportunity Agreement or Mutual Help and Occupancy Agreement entered into before July 30, 1986.

(b) *Citizenship status.* (1) The original or a certified copy of one of the following documents shall be submitted to support a claim of citizenship status:

- (i) U.S. Passport,
- (ii) Birth Certificate,
- (iii) Consular Report of Birth,
- (iv) Naturalization Certificate (original only),
- (v) Certificate of Citizenship (original only),
- (vi) U.S. Citizenship Identification Card (INS form I-197),
- (vii) Baptismal or other religious certificate which provides evidence of birth in the United States and was created within one year of birth,
- (viii) A document issued by the Bureau of Indian Affairs and which indicates membership in a federally recognized tribe, or
- (ix) Any other document designated by HUD.

(2) If none of the above documents can be obtained, and a person claiming to be a U.S. citizen provides a reasonable explanation of inability to obtain the document, a signed statement from a third party may be submitted. The third party must produce one of the above documents to evidence that the third party is a citizen, and must state under penalty of perjury that the person for whom the document is not available is a citizen, and the basis of this statement.

(c) *Eligible alien status.* (1) The original of one of the following documents shall be submitted to support a claim of eligible alien status:

- (i) Form I-151, Alien Registration Receipt Card (for permanent resident aliens);
- (ii) Form I-551, Alien Registration Receipt Card (for permanent resident aliens);
- (iii) Form I-181B, Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence (for permanent resident aliens);
- (iv) Passport stamped "processed for I-551, temporary evidence of lawful admission for permanent residence" (for permanent resident aliens);
- (v) Form AR-3a, Alien Registration Receipt Card (Issued during 1941-1949 for permanent resident aliens);

(vi) Form I-94, Arrival-Departure Record (Annotated either "Section 207" or "Refugee," or "Section 208" or "Asylum");

(vii) Form I-94, Arrival-Departure Record—Parole Edition (Annotated "Section 212(d)(5)," or "Conditional Entry" or "Section 203(a)(7)");

(viii) Form I-94, Arrival-Departure Record (Annotated "Section 243(h)"); or

(ix) Any other document designated by HUD.

(2) A third party's statement or certification is not acceptable evidence of eligible alien status, and may not be submitted in lieu of the requirement to submit the documents listed in paragraph (c)(1) of this section.

(3) The following documents are not acceptable evidence of eligible alien status:

- (i) Form I-94, Arrival-Departure Record: Annotated with any codes "A" through "L" for Non-Immigrants (for temporary resident aliens);
- (ii) Form I-95A, Crewman's Landing Permits (for alien visitors);
- (iii) Form I-144, Mexican Border Visitors Permit;
- (iv) Form I-186, Nonresident Alien Mexican Border Crossing Card;
- (v) Form I-185, Nonresident Alien Canadian Border Crossing Card;
- (vi) Unnumbered form, Nonresident Alien Canadian Border Crossing Identification Card; or
- (vii) Any Foreign issued Visa.

(d) *Retention of evidence.* A photocopy of each document (or the original if released by the person submitting the document), and a signed verification consent form, shall be retained by the PHA. However, a photocopy need not be made or retained of any document bearing an identifying serial number if a record of such serial number and other necessary identifying information is made and retained in such manner as shall be prescribed by the Department.

(e) *Disclosure of evidence.* Evidence of citizenship or eligible alien status submitted to the PHA by the Family shall be deemed to have been submitted in confidence. However, the evidence may be released by the PHA to HUD. The evidence may also be re-

leased by the PHA to a party other than HUD for these purposes:

- (1) Verification of citizenship or eligible alien status,
- (2) Enforcement of restrictions on the availability of assistance because of such status, or
- (3) The investigation or prosecution of fraud in connection with any Federal housing assistance program.

(The information collection requirements in paragraph (a)(1) approved by the Office of Management and Budget under control number 2577-0083)

[81 FR 11229, Apr. 1, 1986]

EFFECTIVE DATE NOTE: At 81 FR 11229, Apr. 1, 1986, § 912.5 was added, effective July 30, 1986.

§ 912.6 Notice to applicants and tenants.

(a) *Notice to applicant.* Before admission of an applicant, the PHA shall give notice to the applicant that the applicant must submit evidence of citizenship or eligible alien status. An applicant may not be admitted unless the evidence has been submitted. See § 912.7(a).

(b) *Notice to Current Participant.* The PHA shall notify a Current Participant of the requirement to submit evidence of citizenship or eligible alien status no later than 75 days before the effective date of the first annual reexamination at which the Family is required (under § 912.5(a)(5)(IX)(A)(2)) to submit such evidence.

(c) *Form of notice.* A notice under this section of the requirement to submit evidence of citizenship or eligible alien status shall describe the evidence that must be submitted, and shall state when the evidence must be submitted. The notice shall be given in accordance with HUD requirements, and shall be in a form prescribed by HUD, or complying with HUD requirements.

[81 FR 11230, Apr. 1, 1986]

EFFECTIVE DATE NOTE: At 81 FR 11230, Apr. 1, 1986, § 912.6 was added, effective July 30, 1986.

§ 912.7 Denial or termination of assistance.

(a) *Denial of assistance.* (1) The PHA shall not take any of the follow-

ing actions unless required evidence of citizenship or eligible alien status has been submitted to the PHA in accordance with § 912.5:

- (i) Admit an applicant,
- (ii) Enter into a lease for an assisted dwelling unit (including entering into a lease extension or lease renewal for a family residing in an assisted dwelling unit),
- (iii) Approve any additional person for occupancy of a assisted dwelling unit, or
- (iv) Enter into a Turnkey III or Mutual Help homeownership opportunity agreement, or into any other new contractual commitment for public housing homeownership assistance.

(2)(i) With respect to a participant, the PHA may take actions described in paragraph (a)(1) (ii) or (iii) of this section although the Family has not yet submitted required evidence of citizenship or eligible alien status for a Family member to the PHA in accordance with § 912.5 if:

(A) The Family certifies that any person for whom required evidence has not been submitted by the Family is a citizen or eligible alien, but shows that the Family is temporarily unable to obtain evidence to support a claim of citizenship status (under § 912.5(b)(1) or (2)), or a claim of eligible alien status (under § 912.5(c)), and needs additional time to obtain and submit the evidence.

(B) The Family promises to make prompt and diligent efforts to obtain the evidence, and

(C) the PHA decides, in the PHA's administrative discretion, to grant an extension of time for the Family to submit the evidence.

(ii) An extension under paragraph (a)(2)(i) shall be for a specific period needed to obtain the evidence. Where the Family is required (under § 912.5) to submit the evidence at an annual reexamination, any extension or extensions granted by the PHA shall not allow submission of the evidence beyond ninety days after the effective date of the reexamination. Where the Family is required (under § 912.5) to request the PHA's approval for occupancy of the dwelling unit by an additional person, any extension or extensions granted by the PHA shall not

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allow submission of the evidence beyond ninety days after occupancy by the additional person.

(iii) The PHA's decision to grant an extension of the time for the Family to submit the evidence, and the PHA's determination of the length of the extension, shall be made in accordance with HUD requirements, and after considering the facts and circumstances of the individual case. The Family shall not have any right to an extension, and the PHA may revoke an extension. The PHA may only continue an extension if the Family is making diligent efforts to obtain the evidence, and if there is a reasonable likelihood that the Family will be able to submit the evidence during the extension. If the Family has not submitted the evidence by the end of the extension, the PHA shall promptly take action in accordance with § 912.7(b) to terminate the tenancy and evict the Family. The PHA's decision to grant an extension shall be in writing, and shall state the reasons for the PHA determination. The PHA shall provide information required by HUD concerning the PHA's policy and practice regarding extensions.

(3) During the Initial Implementation Period, an applicant shall not lose its position on the PHA's waiting list because of the applicant's failure to submit required evidence.

(b) *Termination of Tenancy.* (1) Upon the occurrence of any of the following events, the PHA shall initiate promptly, and shall diligently pursue, action in accordance with Part 966 to terminate the tenancy, and to evict the Family by judicial action pursuant to State and local law:

(i) If evidence of citizenship or eligible alien status is not submitted by the family at reexamination when required,

(ii) If the Family fails to obtain PHA approval in accordance with § 912.5(a)(5)(ii) for occupancy of the dwelling unit by an additional person for whom submission of evidence of citizenship or alien status is required, or

(iii) If the PHA has admitted a Family, but the PHA is subsequently informed by HUD, or otherwise learns, that documents used to evidence citi-

zenship or eligible alien status were fraudulently obtained or submitted, or are otherwise not valid or authentic evidence of such status.

(2) In the cases described in paragraphs (b)(1) (i) and (ii) of this section, the PHA is not required to take action to terminate the tenancy and evict the Family if:

(i) any person for whom required evidence has not been submitted by the Family has moved from the assisted dwelling unit, or

(ii)(A) the Family certifies that any person for whom required evidence has not been submitted by the Family is a citizen or eligible alien, but shows that the Family is unable to obtain evidence to support a claim of citizenship status (under § 912.5(b) (1) or (2)), or a claim of eligible alien status (under § 912.5(c)), and needs additional time to obtain and submit the evidence,

(B) The Family promises to make prompt and diligent efforts to obtain the evidence, and

(C) The PHA decides, in the PHA's administrative discretion, to grant an extension of time for the Family to submit the evidence.

(3) An extension under paragraph (b)(2)(ii) shall be for a specific period needed to obtain the evidence. Where the Family is required (under § 912.5) to submit the evidence at an annual reexamination, any extension or extensions granted by the PHA shall not allow submission of the evidence beyond ninety days after the effective date of the reexamination. Where the Family is required (under § 912.5) to request the PHA's approval for occupancy of the dwelling unit by an additional person, any extension or extensions granted by the PHA shall not allow submission of the evidence beyond ninety days after occupancy by the additional person.

(4) The PHA's decision to grant an extension of the time for the Family to submit the evidence, and the PHA's determination of the length of the extension, shall be made in accordance with HUD requirements, and after considering the facts and circumstances of the individual case. The Family shall not have any right to an extension of time to submit the evi-

dence, and the PHA may revoke an extension. The PHA may only continue an extension if the Family is making diligent efforts to obtain the evidence, and if there is a reasonable likelihood that the Family will be able to submit the evidence during the extension. If the Family has not submitted the evidence by the end of the extension, the PHA shall promptly take action in accordance with § 912.7(b)(1) to terminate the tenancy and evict the Family in accordance with HUD requirements. The PHA's decision to grant an extension shall be in writing and shall state the reasons for the PHA determination. The PHA shall provide information required by HUD concerning the PHA's policy and practice regarding extensions.

(5) The PHA may halt action to terminate tenancy and evict the Family if:

(i) All required evidence has been submitted by the Family to the PHA, and

(ii) Continuation of assistance is authorized in accordance with HUD requirements.

[51 FR 11230, Apr. 1, 1986]

EFFECTIVE DATE NOTE: At 51 FR 11230, Apr. 1, 1986, § 912.7 was added, effective July 30, 1986.