

## CHAPTER 12. LIMITATIONS ON LIABILITY

12-1. Protection From Liability For Responsible Entities. HUD will not take any compliance, disallowance, penalty, or other regulatory action against an HA with respect to any error in its determination of eligibility for financial assistance based on citizenship or immigration status:

- a. If the HA established eligibility based upon verification of eligible immigration status through the verification system described in Chapter 7;
- b. Because the HA was required to provide an opportunity for the applicant or family to submit evidence in accordance with paragraph 4-2;
- c. Because the HA was required to wait for completion of INS verification of immigration status in accordance with Chapter 7;
- d. Because the HA was required to wait for completion of the INS appeal process provided in accordance with paragraph 9-1; or
- e. Because the HA was required to provide an informal hearing in accordance with paragraph 9-2.

12-2. Protection From Liability For State, Local And Tribal Government Agencies And Officials. State, local and tribal government agencies and officials shall not be liable for the design or implementation of the verification system described in Chapter 7, and the HA informal hearings provided under paragraph 9-2 and

- o for Section 8 Rental Certificate, Rental Voucher and Moderate Rehabilitation Programs: 24 CFR '812.9 (Delay, denial, or termination of assistance)
- o for Native American Programs: 24 CFR 950.340 (Grievance procedures and leases), and
- o for Public Housing Programs: 24 CFR Part 966 (Lease and Grievance Procedures),

as long as the implementation by the state, local or tribal government is in accordance with prescribed HUD rules and requirements.

['812.14(b); 950.310(u)(2); 912.14(b)]