

CHAPTER 2. DEFINITIONS

2-1. Definitions And Terminology Used. The Noncitizens Rule added a number of definitions to augment program definitions in existing regulations. In particular, the Noncitizens Rule added the definitions contained in 24 CFR Sections 812.2, 950.102, and 912.2. Note that not all of the definitions listed below were added by the new sections. That is, some definitions, such as IHA, already existed in regulation and, thus, were not reiterated in the Noncitizens Rule. For the purposes of this Guidebook, therefore, the following definitions and terminology, as used in this Guidebook, were taken from both the prior regulations and the new (i.e., final) Noncitizens Rule. [812.2, 950.102, 912.2]

ACC or Annual Contributions Contract. A written agreement between HUD and an HA to provide annual contributions to the HA for participation in the HUD-assisted housing program.

Child. A member of the family, other than the family head or spouse, who is under 18 years of age.

Citizen. A citizen (by birth or naturalization) or national of the United States.

Evidence of citizenship or eligible immigration status. The documents which must be submitted to evidence citizenship or eligible immigration status.

Family. The term "family" is used throughout this Guidebook to refer to applicants, residents and program participants. The term "family" should be understood as including any household of one member or more. The use of the term "family" as used herein should not be construed, however, as altering the technical meaning of family as it may be defined in other HUD regulations.

HA. A housing authority -- either a public housing agency (PHA) or an Indian housing authority (IHA), or both. There is little difference in HUD requirements for PHAs and IHAs. To avoid repetition, the term "HA" is used throughout this Guidebook to designate both PHAs and IHAs. Where the requirement for IHAs differs, the difference will be noted. See also, Responsible entity, below.

Head of household. The adult member of the family who is the head of the household for purposes of determining income eligibility and rent.

HUD. The Department of Housing and Urban Development.

Indian housing authority or IHA. An entity that is authorized to engage in or assist in the development or operation of low-income housing for Indians that is established either: (1) by exercise of the power of self-government of an Indian tribe independent of state law; or (2) by operation of state law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.

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INS. The U.S. Immigration and Naturalization Service.

Mixed family. A family whose members include those with citizenship or eligible immigration status, and those without citizenship or eligible immigration status.

National. A person who owes permanent allegiance to the United States, for example, as a result of birth in a United States territory or possession, including Puerto Rico, the U.S. Virgin Islands, Guam, Canal Zone, etc.

Noncitizen. A person who is neither a citizen nor a national of the United States.

Public housing agency or PHA. Any stated county, municipality or other governmental entity or public body (or agency or instrumentality thereof) that is authorized to engage in or assist in the development or operation of housing for low-income families.

Responsible entity. As utilized throughout the Noncitizens Rule, the person or entity responsible for administering the restrictions on providing assistance to noncitizens with ineligible immigration status:

oFor the Section 8 Rental Certificate, the Section 8 Rental Voucher, and the Section 8 Moderate Rehabilitation programs, the housing authority (HA) administering the program under an ACC.

oFor all other Section 8 programs, the owner.

Note: Because this Guidebook applies only to the programs noted above, the term "HA" is used in lieu of the term "responsible entity."

Section 214. Section 214 of the Housing and Community Development Act of 1980, as amended (42 U.S.C. 1436a). Section 214 restricts HUD from making financial assistance available for noncitizens unless they meet one of the categories of eligible immigration status specified in Section 214. See also paragraph 1-2, Authority.

Section 214 covered programs. Programs to which the restrictions imposed by Section 214 apply are programs that make available financial assistance pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437-1440), Section 235 or Section 236 of the National Housing Act (12 U.S.C. 1715z-1) and Section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s).

Spouse. Spouse refers to the marriage partner, either a husband or wife, who is someone you need to divorce in order to dissolve the relationship. It includes the partner in a common law marriage. It does not cover boyfriends, girlfriends, significant others, or "co-heads." "Co-head" is a term recognized by some HUD programs, but not by public and Indian housing programs.