

CHAPTER 5. NOTIFICATION

5-1.Verification Consent Form. [812.6(d); 950.310(e)(4); 912.6(d)]

a.Who signs. Each noncitizen who declares eligible immigration status must sign a verification consent form as follows:

(1)For each adult, the form must be signed by the adult;

(2)For each child, the form must be signed by an adult member of the family who is (or, for applicants, will be) residing in the assisted dwelling unit who is responsible for the child.

b.Notice of release of evidence by HA. The verification consent form shall provide that evidence of eligible immigration status may be released by the HA, without responsibility for the further use or transmission of the evidence by the entity receiving it, to:

(1)HUD as required by HUD; and

(2)The INS for purposes of verification of the immigration status of the individual.

c.Notice of release of evidence by HUD. The verification consent forms also shall notify the individual of the possible release of evidence of eligible immigration status by HUD. Evidence of eligible immigration status shall only be released to the INS for purposes of establishing eligibility for financial assistance and not for any other purpose.

d.Model Verification Consent Form. Appendix D contains a Model Verification Consent Form. This format may be modified to suit individual design considerations.

5-2.Individuals Who Do Not Contend To Have Eligible Immigration Status. If one or more members of a family elect not to contend that he or she has eligible immigration status, and the other members of the family establish their citizenship or eligible immigration status, the family may be considered for assistance under paragraphs 10-4, 10-5 and Chapter 11 despite the fact that no declaration or documentation of eligible immigration status is submitted by one or more members of the family. The family, however, must identify to the HA the family member (or members) who will elect not to contend that he or she has eligible immigration status. This may be accomplished by listing each member who elects not to contend U.S. citizenship or eligible immigration status on a separate sheet of paper. A Model Listing of Ineligible Family Members is shown in Appendix E. The form need not be signed by those members of the family who do not wish to contend either U.S. citizenship or eligible immigration status. However, the Head of Household or Spouse

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must sign and date the form in the space provided and must either be a citizen or have eligible immigration status.

5-3.When Notice Of Requirements Of Section 214 Is To Be Issued. Notification of the requirement to submit evidence of citizenship or eligible

immigration status, as required by this paragraph, or to elect not to contend that one has eligible immigration status as provided by paragraph 5-2, shall be given by the HA as follows: [812.6(f); 950.310(g); 912.6(f)]

a. Notice to applicants. The notification described in paragraph 5-3 shall be given to each applicant at the time of application for financial assistance.

Families whose applications are pending on June 19, 1995, shall be notified of the requirements to submit evidence of eligible immigration status as soon as possible after June 19, 1995.

b. Notice to families already receiving assistance. For a family in occupancy on June 19, 1995, the notification described in paragraph 5-3a above shall be given at the time of, and together with, the HA's notice of the first regular reexamination after that date, but not later than one year following June 19, 1995.

5-4. Form And Content Of Notice. The notice shall: [812.6(f)(2); 950.310(g)(2); 912.6(f)(2)]

a. State that financial assistance is contingent upon the submission and verification, as appropriate, of the evidence of citizenship or eligible immigration status, as required by this paragraph;

b. Describe the type of evidence that must be submitted and state the time period in which that evidence must be submitted (see paragraph 6-1 of this paragraph concerning when evidence must be submitted); and

c. State that assistance will be prorated, denied or terminated, as appropriate, upon a final determination of ineligibility after all appeals have been exhausted (see paragraph 9-1 concerning INS appeal, and HA informal hearing process) or, if appeals are not pursued, at a time to be specified in accordance with HUD requirements. Families already receiving assistance also shall be informed of how to obtain assistance under the preservation of families provisions of Chapter 10.

5-5. When Must Notice Be Provided? For applicants, at the time of application for assistance, and for tenants, at the time of notification of the first regular reexamination after June 19, 1995, the HA will provide each applicant and tenant with a notice containing the Section 214 requirements.

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5-6. Model Notification Of Section 214 Requirements. The format for a Model Notice of Section 214 Requirements is contained in Appendix F. This model notice may be modified as necessary to conform with the HA's application or recertification documents and procedures.