Housing Update from Washington

Verification of Eligibility Proposed Rule

11/19/26

NAHRO

building communities together

Verification of Eligibility Rule

- Applies to PH, HCV, and PBRA
- Would not allow new mixed-status families
- PHAs and owners would need to verify status from all non-eligible non-citizens
- Would be able to defer termination for 6 months, then 2 more 6 month periods

- Final Rule released final rule on 11/12/26
  - ***Effective Date:*** *December 14, 2026*

General Requirements

- The proposed rule would impose stricter requirements on mixed-status families.
- In general, a new family would not be eligible for assistance (even at a prorated amount) unless
  - Every member of the family in the unit has eligible status.
  - Exception - In some instances, a family that was receiving assistance on June 19, 1995 may be eligible for continued assistance.

General Requirements

- Families may be eligible for a temporary deferral of termination of assistance at a prorated amount.
  - The initial deferral period may not exceed six months.
  - Deferrals may be renewed in six-month increments, up to an aggregate of 18 months
  - Check regulation for differences between programs
- Must have in your policy reasons why a deferral could be provided
  - Must be necessary to give the family more time to find suitable housing

Other Requirements

- Under the proposed rule, certain documentation would be required to verify eligible status.
- U.S. citizens:
  - Signed declaration and
  - Signed verification consent form.
- Noncitizens
  - Signed declaration of eligible immigration status;
  - Acceptable documentation of eligible immigration status;
  - Signed verification consent form.

Notification of Requirements Timeline

- New applicants must be notified **at time of application**.

- Current tenants **who have not previously submitted evidence of citizenship or eligible immigration status** must be notified within 30 days of the effective date **(January 13, 2027)**.
  - The notice must explain the documentation requirements, applicable deadlines, and availability of extensions of up to 60 days.

Timeline to Submit Evidence

- Applicants must submit evidence of eligible citizenship or immigration status at the same time they submit other evidence of eligibility for the program

- Current tenants who have not previously submitted evidence must have evidence submitted within **90 days of the effective date of the rule (March 14, 2027)**.

- All other families must do so at the next annual examination or interim reexamination.

Timeline to Submit Evidence

- Added family members must submit evidence not later than the **date verification occurs**
- Changing programs requires submittal of evidence of eligible status unless family has already provided it.
- One-time evidence requirement still exists
  - Moving forward tenants would also be required to inform the responsible entity of any changes in eligible status and submit appropriate evidence of new status.

Verification Process

- Under the proposed rule, PHAs may elect to provide assistance before verification is complete
  - This flexibility is specifically provided to PHAs under the final rule; it is not extended to all responsible entities.
- Primary Verification
  - The Systematic Alien Verification for Entitlements (SAVE) system.
  - If the SAVE system is unable to verify eligible status, then engage in secondary verification.

Verification Process

- Secondary Verification
  - The notice must be in writing:
    - Notify need for secondary verification
    - List acceptable documentation, and
    - Notify the person of the ability to pursue a records correction with any agency that maintains documentation relevant to verification.
- Hearing
  - If secondary verification fails, the responsible entity must notify the family they have a right to a hearing.

Verification Process

- **Acceptable Documentation (Secondary Verification)**
  - Includes:
    - U.S. birth certificate;
    - Naturalization certificate;
    - Consular report of birth (FS-240);
    - Valid, unexpired passport;
    - Certificate of citizenship; or
    - Other acceptable documentation as specified in HUD guidance.
  - A document designated by DHS as acceptable evidence of immigration status

Important Dates

- **12/14/16 –** Rule goes into effect
- **1/13/27 –** Notify Current tenants who have not previously submitted evidence of citizenship or eligible immigration status
- **3/14/ 27** – Current tenants who have not previously submitted evidence must have evidence submitted