

Applying for Subsidized Housing in Massachusetts

Supplement: Options for Non-Citizens

Which non-citizens are eligible for all types of subsidized/affordable housing?

If they otherwise qualify, such as by having a low income, the following immigrants are eligible to apply to restricted programs:

- lawful permanent residents
- registry immigrants (admitted for permanent residence by the U.S. Attorney General and eligible for citizenship)
- refugees or asylees
- conditional entrants
- parolees
- withholding grantees
- persons granted 1986 amnesty status
- residents of the Marshall Islands, Micronesia, Palau, or Guam
- victims of trafficking or certain relatives of such victims (spouses, children, parents, and minor siblings of child victims.)
- individuals displaced from Iraq and Afghanistan* and individuals displaced from Ukraine**, may have special provisions.
- certain recent immigrants from Cuba and Haiti†

The date of entry and length of stay in the U.S. do not matter.

*Iraqi and Afghan special immigrant visa holders (SIV) and special immigrant parolees (who have applied for SIV status) are eligible for federal benefits to the same extent as refugees. Other Afghans granted parole between July 31, 2021, and December 16, 2022 — and their spouses and children, and parents/guardians of unaccompanied children granted parole after September 30, 2022 — also are eligible for federal benefits to the same extent as refugees. Eligibility for this group continues until the end of their parole term. (10/1/22)

**Ukrainians paroled into the U.S. between February 24, 2022, and September 30, 2023 — and their spouses and children, and parents, guardians or primary caregivers of unaccompanied children paroled into the U.S. after September 30, 2023 — are eligible for federal benefits to the same extent as refugees. (There is an exception for an initial resettlement program). Benefits are available to this group regardless of the length of their parole period —but eligibility continues only until their parole is terminated. (5/24/22)

†**Cuban/Haitian entrants** who have Parolee status are eligible for Subsidized Housing and Section 8, if otherwise eligible. Others may qualify, we recommend seeking legal advice.

For more information, please speak to your social worker and ask for the *Immigration Clinics and Lawyers* *handout*. Additional information can be found at:

nilc.org/wp-content/uploads/2022/10/tbl1_ovrvw-fed-pgms-rev-2022-10.pdf

Which housing programs are restricted?

Only U.S. citizens and those immigrants listed above may get assistance from these restricted federal housing programs:

- Federal public housing for families, elders, and people with disabilities
- Section 8 Housing Choice Vouchers
- Section 8 moderate rehabilitation program
- Most federal multifamily buildings
- Federal First Time Homebuyer programs

Which housing assistance programs do NOT have immigration restrictions?

Anyone with any immigration status (who otherwise qualifies) **can apply for the following:**

State housing programs

- MA public housing for families
- MA public housing for elders and people with disabilities
- Massachusetts Rental Voucher Program (MRVP)
- Alternative Housing Voucher Program (AHVP)
- MA State-funded multifamily housing
 - This includes 13A developments through MassHousing, and the SHARP program (State Housing Assistance for Rental Production).

Federal housing programs

- A few federal multifamily buildings
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney Homeless Programs (**except** for the McKinney Section 8 moderate rehabilitation program)
- Shelter Plus Care
- Supportive Housing
- HOME Rental Assistance
- Some Low-Income Housing Tax Credit properties

Does everyone in the household have to be either a citizen or an eligible non-citizen to apply to restricted programs?

No, but due to special rules for “mixed households” (where some members are citizens or eligible non-citizens and some are not), it may be better to only apply to state programs and/or federal non-restricted programs.

This is because **mixed households are only eligible for pro-rated assistance** in the restricted programs. The amount of the housing assistance or subsidy will be based solely on the number of eligible-immigrant family members. Therefore, the rent the family has to pay will be higher in the federal/restricted programs than in the housing programs that do not have restrictions and is unlikely to be affordable.

Can an applicant be reported or deported for applying to public or subsidized housing?

State funded housing programs do not collect citizenship or immigration information; in any case, these programs should also be prohibited from distributing such information by laws protecting confidentiality.

There is only one situation where a housing program is required to report lack of lawful immigration status: if an applicant states on an application for a **federal** housing program that he or she has eligible immigration status, that person is denied housing, and then appeals the denial of housing, and, during the appeal, he or she is found not to be lawfully present in this country. A housing program should report only “known,” not “suspected,” unlawfully present people. See HUD’s questions and answers on this issue at:

nilc.org/issues/economic-support/overview-immeligfedprograms/ (See: *Reporting to the Department of Homeland Security*)

Be aware, however, that the U.S. Immigration and Customs Enforcement division of the Department of Homeland Security maintains a toll-free number to accept anonymous reports of immigration and customs violations.

Can receiving public housing assistance lead to “public charge” concerns?

No. Immigration authorities will not consider one a public charge for applying for or receiving public housing.

A public charge is a person who will likely need government financial support through cash assistance, such as Transitional Assistance for Families with Dependent Children (TAFDC), or through long-term institutionalized care, like nursing home care. An immigrant who is found “likely at any time to become a public charge” can be denied admission to the U.S. or denied status as a lawful permanent resident. But again, applying for or receiving public housing will not lead one to be considered a public charge.

Never use a fake Social Security Number (or someone else's number).

Providing a fake social security number is a federal offense. Applicants should never provide a fake social security number. If an adult member of the household does not have a Social Security number, applicants should ask whether there are other forms, such as pay stubs and bank account statements, to use to verify identity or income.

A housing agency or owner may say that they need a Social Security number so that they can search for criminal history, or Criminal Offender Record Information (CORI). Using Social Security numbers is not mandatory, and there are other sources of information that can be used to verify identity. Applicants should tell the housing agency or owner that no Social Security number has been assigned, that they understand that having a Social Security number is not necessary to be eligible for the program, that they are willing to certify that they have no Social Security number, and to cooperate in providing other verifications.

If these strategies do not work, it may be useful to contact a local legal services office for assistance (see masslrf.org/en/home).

How does one prove income if one has not reported income for taxes?

Most housing programs base the amount of rent on the household's income. A family can be charged with fraud and/or evicted for failing to report income.

Immigrants who do not have a Social Security number can and should apply to the Internal Revenue Service for an Individual Taxpayer Identification Number (ITIN), an identification number for tax purposes that allows one to report income and pay taxes without being deported. One can apply for an ITIN by filling out Form W7, found at: irs.gov (search for "W7").

Ideally, the applicant will have an ITIN number in place BEFORE applying to any public or subsidized housing programs.

Excerpted with permission from, and for more information see: *Legal Tactics: Finding Public and Subsidized Housing*, by Massachusetts Law Reform Institute, Third Edition, 2009 Updated March, 2015; Chapter 9: Immigrants and Housing at:

masslegalservices.org/system/files/library/Immig&Hsig%20Legal%20Tactics.pdf.

To purchase a copy of the publication, please contact Massachusetts Continuing Legal Education, Inc. (MCLE | New England) at 1-800-966-6253.