

104TH CONGRESS
2D SESSION

H. R. 2885

To amend section 214 of the Housing and Community Development Act of 1980 to limit the use of federally assisted housing by aliens.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 25, 1996

Mr. GALLEGLY introduced the following bill; which was referred to the Committee on Banking and Financial Services

A BILL

To amend section 214 of the Housing and Community Development Act of 1980 to limit the use of federally assisted housing by aliens.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Use of Assisted Hous-
5 ing by Aliens Act of 1995”.

6 **SEC. 2. ACTIONS IN CASES OF TERMINATION OF FINANCIAL**
7 **ASSISTANCE.**

8 (a) IN GENERAL.—Section 214(c)(1) of the Housing
9 and Community Development Act of 1980 (42 U.S.C.
10 1436a(c)) is amended—

1 (1) in the matter preceding subparagraph (A),
2 by striking “may, in its discretion,” and inserting
3 “shall”;

4 (2) in subparagraph (A), by inserting after the
5 period at the end the following new sentence: “Fi-
6 nancial assistance continued under this subpara-
7 graph for a family may be provided only on a pro-
8 rated basis under which the amount of financial as-
9 sistance is based on the percentage of the total num-
10 ber of members of the family that are eligible for
11 such assistance under the program for financial as-
12 sistance and this section.”; and

13 (3) in subparagraph (B), by striking “6-month
14 period” and all that follows through “affordable
15 housing” and inserting “single 3-month period”.

16 (b) SCOPE OF APPLICATION.—The amendment made
17 by subsection (a)(3) shall apply to any deferral granted
18 under section 214(c)(1)(B) of the Housing and Commu-
19 nity Development Act of 1980 on or after the date of the
20 enactment of this Act, including any renewal of any defer-
21 ral initially granted before such date of enactment, except
22 that a public housing agency or other entity referred to
23 in such section 214(c)(1)(B) may not renew, after such
24 date of enactment, any deferral which was granted under

1 such section before such date and has been effective for
2 at least 3 months on and after such date.

3 **SEC. 3. VERIFICATION OF IMMIGRATION STATUS AND ELI-**
4 **GIBILITY FOR FINANCIAL ASSISTANCE.**

5 Section 214(d) of the Housing and Community De-
6 velopment Act of 1980 is amended—

7 (1) in the matter preceding paragraph (1), by
8 inserting “or to be” after “being”;

9 (2) in paragraph (1)(A), by inserting at the end
10 the following new sentences: “If the declaration
11 states that the individual is not a citizen or national
12 of the United States, the declaration shall be verified
13 by the Immigration and Naturalization Service. If
14 the declaration states that the individual is a citizen
15 or national of the United States, the Secretary may
16 request verification of the declaration by requiring
17 presentation of documentation the Secretary consid-
18 ers appropriate, including a social security card, cer-
19 tificate of birth, driver’s license, or other documenta-
20 tion.”;

21 (3) in paragraph (2)—

22 (A) in the matter preceding subparagraph
23 (A), by striking “on the date of the enactment
24 of the Housing and Community Development

1 Act of 1987” and inserting “or applying for fi-
2 nancial assistance”; and

3 (B) by inserting at the end the following
4 new sentence:

5 “In the case of an individual applying for financial
6 assistance, the Secretary may not provide such as-
7 sistance for the benefit of the individual before such
8 documentation is presented and verified under para-
9 graph (3) or (4).”;

10 (4) in paragraph (4)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “on the date of the enactment
13 of the Housing and Community Development
14 Act of 1987” and inserting “or applying for fi-
15 nancial assistance”;

16 (B) in subparagraph (A)—

17 (i) in clause (i)—

18 (I) by inserting “, not to exceed
19 30 days,” after “reasonable oppor-
20 tunity”; and

21 (II) by striking “and” at the end;

22 and

23 (ii) by striking clause (ii) and insert-
24 ing the following new clauses:

1 “(ii) in the case of any individual who
2 is already receiving assistance, may not
3 delay, deny, reduce, or terminate the indi-
4 vidual’s eligibility for financial assistance
5 on the basis of the individual’s immigra-
6 tion status until such 30-day period has
7 expired, and

8 “(iii) in the case of any individual who
9 is applying for financial assistance, may
10 not deny the application for such assist-
11 ance on the basis of the individual’s immi-
12 gration status until such 30-day period has
13 expired; and”;

14 (C) in subparagraph (B), by striking
15 clause (ii) and inserting the following new
16 clause:

17 “(ii) pending such verification or ap-
18 peal, the Secretary may not—

19 “(I) in the case of any individual
20 who is already receiving assistance,
21 delay, deny, reduce, or terminate the
22 individual’s eligibility for financial as-
23 sistance on the basis of the individ-
24 ual’s immigration status, and

1 “(II) in the case of any individ-
2 ual who is applying for financial as-
3 sistance, deny the application for such
4 assistance on the basis of the individ-
5 ual’s immigration status, and”;

6 (5) in paragraph (5), by striking all that follows
7 “satisfactory immigration status” and inserting the
8 following: “, the Secretary shall—

9 “(A) deny the individual’s application for
10 financial assistance or terminate the individ-
11 ual’s eligibility for financial assistance, as the
12 case may be; and

13 “(B) provide the individual with written
14 notice of the determination under this para-
15 graph.”; and

16 (6) by striking paragraph (6) and inserting the
17 following new paragraph:

18 “(6) The Secretary shall terminate the eligi-
19 bility for financial assistance of an individual, for a
20 period of not less than 24 months, upon determining
21 that such individual has knowingly permitted an-
22 other individual who is not eligible for such assist-
23 ance to use the assistance (including residence in the
24 unit assisted).”.

1 **SEC. 4. PROHIBITION OF SANCTIONS AGAINST ENTITIES**
2 **MAKING FINANCIAL ASSISTANCE ELIGI-**
3 **BILITY DETERMINATIONS.**

4 Section 214(e)(4) of the Housing and Community
5 Development Act of 1980 is amended—

6 (1) in paragraph (2), by inserting “or” at the
7 end;

8 (2) in paragraph (3), by striking “, or” at the
9 end and inserting a period; and

10 (3) by striking paragraph (4).

11 **SEC. 5. SUSPENSION OF IMPLEMENTATION OF REGULA-**
12 **TIONS.**

13 Notwithstanding any other provision of law, the regu-
14 lations relating to restrictions on assistance to noncitizens,
15 contained in the final rule issued by the Secretary of
16 Housing and Urban Development in RIN 2501-AA63
17 (Docket No. R-95-1409; FR-2383-F-050), published in
18 the Federal Register of March 20, 1995 (Vol. 60., No.
19 53; pp. 14824-14861), shall not apply on or after April
20 1, 1996, and the Secretary of Housing and Urban Devel-
21 opment may not issue, implement, or enforce any regula-
22 tion or guideline that is effective on or after such date
23 that is substantially based upon such regulations unless
24 such regulation or guideline is consistent with the provi-

1 sions of section 214 of the Housing and Community De-
2 velopment Act of 1980, as amended by this Act.

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