

Texas Department of Housing and Community Affairs

Frequently Asked Questions Regarding Implementation of PRWORA Requirements in TDHCA Programs, Systematic Alien Verification for Entitlements (SAVE) and U.S. Citizenship Documentation

The Texas Department of Housing and Community Affairs (the Department) has created this FAQ to assist Subrecipients and Owners in implementing the applicability of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) as required by Department rules. The FAQ is designed to answer implementation questions, as well as specific questions on SAVE and immigration status. This document is organized first by questions that are applicable to all types of programs/properties, then by questions particular to Community Affairs programs only, followed by questions particular to Single Family and Homelessness programs only, and lastly by questions specific to the HOME, NHTF and HOME-ARP Rental properties subject to PRWORA. It is most helpful to read all of the first section followed by reading the subsequent section specific to your program.

In addition to this document, Subrecipients and Owners are encouraged to take the following steps:

1. Review [§8 USC 1642\(b\)](#) Verification of Eligibility for Federal Public Benefits
2. Review the Department rules applicable to your entity:
 - a. [10 TAC §1.410](#) (general applicability to all Subrecipients)
 - b. [10 TAC §6.307](#) (CEAP)
 - c. [10 TAC §6.406](#) (WAP)
 - d. [10 TAC §6.204](#) (CSBG)
 - e. 10 TAC [§7.28](#) and [§7.44](#) (HHSP and ESG respectively)
 - f. 10 TAC [§20.4](#) and [§20.6](#) (Single Family programs)
 - g. 10 TAC §§[10.612](#), [10.625](#), [10.628](#), and [10.802](#) (HOME, NHTF and HOME-ARP rental properties)
 - h. 10 TAC §§[2.302](#) and [2.401](#) (relating to Administrative Penalties and Debarment)
3. Register for and complete the following SAVE webinars: SAVE Overview, SAVE Current Users & Best Practices, and SAVE Commonly used Immigration Documents Overview at <https://www.uscis.gov/save/current-user-agencies/save-webinars> (SAVE Website)
4. Review the SAVE User Reference Guide at [SAVE User Reference Guide](#) (SAVE Website)
5. Review ALL documents on the [PRWORA/SAVE](#) webpage (TDHCA Website)

If after following the above steps, and reading this document, you still have questions, you may submit a question to Gavin Reid at gavin.reid@tdhca.texas.gov . This document will be updated periodically as additional questions arise.

Please note: unless otherwise specified, all forms and documents mentioned in this FAQ are available on the Department's [PRWORA/SAVE](#) webpage (TDHCA Website).

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**I. GENERALLY APPLICABLE INFORMATION RELATING TO PRWORA AND SAVE
VERIFICATIONS**

1. Where can I find the SAVE webinars?

SAVE webinars are found on the USCIS website here:
<https://www.uscis.gov/save/resources/save-webinars>.

2. Do Subrecipients or Owners have to verify U.S. Citizenship, U.S. National status, or Qualified Alien Status for everyone in the household, including children and babies?

This depends on the program you have funding through or if you are a covered development. Populations covered by the Violence Against Women’s Act (VAWA) or the Family Violence Prevention and Services Act (FVPSA) are excepted from having verification performed at this time. See chart below for who in the household needs to be checked.

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	CA Programs (CEAP, WAP, CSBG)	Homeless Programs (ESG, HHSP, EH) ¹	Single Family (TBRA)	Single Family (all activities other than TBRA)	HOME, NHTF and HOME- ARP Rental Properties
Who in the Household do I check status for?	All household members including children.	All household members including children.	All household members including children.	Any household member who has or will have an ownership interest in the assisted housing upon completion of the activity.	All persons signing the lease.

1: ESG, EH or HHSP activities that do not provide direct housing or financial assistance such as emergency shelter, case management and street outreach, and in-kind disaster relief, are not required to check household status.

3. What steps do I take when I first engage with a household?

- If the household member is a U.S. born citizen with proper support documentation, do not use the SAVE system. Complete the *Household Status Verification (HSV)* form based on the documentation the household member provides and proceed as applicable.
- If the household member is a Qualified Alien, use the SAVE system to verify the document being presented to establish Qualified Alien status:
 - If the household member is verified immediately by the system, print out the results and place them in the file along with the *HSV form*.
 - If a household member is not verified immediately, perform additional verification steps as directed by SAVE, print out the results and place in the file along with the *HSV Form*.
 - Note that for HOME, NHTF or HOME-ARP properties all steps and notifications must be followed and provided to the household as required by 10 TAC §10.802, Written Policies and Procedures and as discussed further below in this FAQ.
 - If after all verification steps have been pursued the household member is still not verified, provide information on contacting U.S. Citizenship and Immigration Services (USCIS) to the household member and document in the household file. Print out the SAVE results and place in the file along with the *HSV form*.

4. For subrecipients and owners that operate programs that assist the same households over multiple years, are we required to complete a new *Household Status Verification Form* at each application cycle or lease renewal?

This depends. U.S. Citizens/U.S. Nationals verifications may be carried forward to successive program years or lease renewals, as this verification must only be obtained

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once. A *Household Status Verification Form* is required for all households. If the household composition has not changed and did not have household members confirmed in SAVE (for instance all household members are U.S. Citizens), then you may reuse the previous year's form if you verify its accuracy. If there are any household composition changes, those new household members must be checked, and you should use a new *Household Status Verification Form*. However, any household members who had been validated via the SAVE System must be reverified at each application cycle, income recertification, or lease renewal and a printout of the verification maintained in the file.

5. Do we have to retain copies of the documents used to establish identity and proof of U.S. Citizenship, U.S. National status, or Qualified/Unqualified Alien Status?

No, subrecipients and owners should not retain copies of individuals' documents. They should only be reviewed and recorded on the *Household Status Verification Form* to establish identity and U.S. Citizenship, U.S. National status, or Qualified/Unqualified Alien Status for each member of a household applying for assistance or occupancy. The documentation you should keep will consist of a completed and signed, by both the applicant and agency staff, *HSV Form* placed in the file, and the SAVE response of each household member verified through SAVE (qualified or unqualified). Copies of other citizenship/identification documentation should not be retained.

6. Regarding elderly applicants who apply for services via an authorized representative, will the authorized representative be able to sign the HSV form on behalf of the elderly applicant and provide the applicant's documents?

Only individuals who have documented power of attorney, legal guardianship, or parental control may sign on behalf of a client or applicant. Otherwise, the client or applicant must sign all necessary documents, or the application is incomplete.

7. What if a household member claims to be a U.S. born citizen but cannot provide documentation of their status?

Any individual that cannot provide documents that establish their status as a U.S. citizen, U.S. National, or Qualified Alien must be treated for eligibility purposes as an unqualified alien. This includes U.S. born citizens that cannot provide documentation as outlined in the *Flowchart for Confirming US Citizenship and Determining Legal Status*.

8. Can we serve households with unqualified aliens?

Yes, however, how the assistance is determined will vary. Any household with a mixture of US Citizens/US Nationals/Qualified Aliens and Unqualified Aliens can be served if they meet eligibility requirements. See chart below; more detail can be found in the 10 TAC rules applicable to each program activity type.

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How is assistance calculated for a mixed household?	Income eligibility includes the income of all adult household members regardless of status, but unqualified aliens are excluded when determining household size.	Direct assistance is prorated using a fraction in which the numerator is the # of eligible household members and the denominator is the total # of household members. Fraction is applied to full benefit amount.	Assistance is prorated using a fraction in which the numerator is the # of household members who have established qualified immigration status and the denominator is the total # of household members. Fraction is applied to the housing assistance payment.	Any household member who has or will have an ownership interest in the assisted housing upon completion of the activity must be verified as eligible. Those with ownership interests cannot have unqualified status.	All persons signing the lease must have qualified status. The members signing the lease must also attest that there are no occupants that do not have qualified legal status.

9. Can we verify an applicant is currently registered to vote by going to the SOS or Tax Assessor websites in place of a voter registration card?

Yes, this method can be used in place of an actual voter registration card, but only in cases of verifying identity of an applicant. Note that voter registration must be used in conjunction with another form of identity to completely verify identity. Voter registration does not confirm US Citizenship.

Establishing U.S. Citizenship for U.S. Born Citizens

10. What are the acceptable forms of documentation for establishing U.S. Citizenship?

Please refer to the [*Flowchart for Confirming US Citizenship and Determining Legal Status*](#) found on the [PRWORA/SAVE](#) webpage (TDHCA Website).

11. Does a Texas-issued REAL ID establish my citizenship?

No. Because lawful permanent residents (Green Card holders) and individuals on valid work or student visas are legally allowed to be in the country, they are also eligible to receive a REAL ID. Therefore, holding the card proves that your identity has been verified and that you are allowed to reside in the country *at the time of issuance*, but it

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does not specify which legal status you hold. Further, the categories of lawful presence for a REAL ID are not the same as the categories allowed under PRWORA.

12. If a copy of the Birth Certificate does not have a seal, is it acceptable documentation?

Yes, photocopies are acceptable, as well as birth certificates or records without a seal, if they were issued by the appropriate State Bureau of Vital Statistics or equivalent agency from a U.S. state or local government, a U.S. commonwealth or territory, or the District of Columbia.

13. Can birth certificates issued by a U.S. hospital be used to establish U.S. citizenship?

Yes, but you must read the fine print on birth certificates issued by hospitals. If the birth certificate indicates that the certificate is a souvenir or if it states that the birth will be filed with the state (or local government entity), it is not acceptable, and you have to get the official certificate.

14. Can baptismal forms issued by the applicants' religious institution be used to establish U.S. citizenship?

No. A baptismal form is not the same as a birth certificate in that the form would not be issued by a State Bureau of Vital Statistics or equivalent agency from a U.S. state or local government, a U.S. commonwealth or territory, or the District of Columbia. It can be used to establish citizenship if in conjunction with another piece of secondary documentation, as referenced in the [Flowchart for Confirming US Citizenship and Determining Legal Status](#).

15. Can the Texas Election Identification Certification (EIC) be used as proof of U.S. citizenship or identity?

No. Texas has established that the EIC is not valid for identification purposes and thus the Department has determined that it cannot be used for proof of U.S. citizenship or identity.

16. Do we have to deny elderly applicants services or housing because they can't provide documentation to establish his/her citizenship?

U.S. Citizenship, U.S. National status, or Qualified Alien Status must be determined for all applicants. Please refer to the [Flowchart for Confirming US Citizenship and Determining Legal Status](#) for a complete list of acceptable primary and secondary documentation for U.S. born citizens. Unfortunately, if an applicant does not have these, even elderly applicants and children, they will need to obtain the proper documentation or not receive services or housing unless they are applying as part of a mixed status household in which case they would be considered an unqualified alien

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(until they can produce the proper documentation) for eligibility purposes as described in the TAC and as referenced in the table above in Questions 2 and 8.

17. What is a form DS-10 Birth Affidavit?

This is a U.S. Department of State form (available at <http://eforms.state.gov>) that can be used as a secondary citizenship document when used in addition to another evidentiary document as listed in the *Flowchart for Confirming US Citizenship and Determining Legal Status*. It must be notarized. This form provides a way for an “identifying witness” to describe what they know about the birth facts of the person they are identifying. This should be someone that has first-hand knowledge of the household member’s birth in the U.S. Subrecipients and owners do not need to retain a copy of this form for the file. This form should only be reviewed and recorded on the *Household Status Verification Form* to establish U.S. Citizenship in addition to another evidentiary document as depicted in Step 5 of the Flowchart.

Establishing U.S. Citizenship, U.S. National status, or Qualified Alien Status

18. What forms of documentation will household members need to provide for us to review to establish U.S. Citizenship, U.S. National status, or Qualified Alien Status?

Refer to the *Flowchart for Confirming US Citizenship and Determining Legal Status* for a complete list of acceptable primary and secondary documentation for U.S. born Citizens and U.S. Nationals and the [Commonly Used Immigration Documents | USCIS](#) for acceptable documentation for Qualified Aliens.

19. Will a Social Security card, or Social Security or SNAP/TANF award letters be sufficient for verification of U.S. Citizenship, U.S. National status, or Qualified Alien Status?

No. These documents alone are not acceptable documentation for proof of U.S. Citizenship, U.S. National status, or Qualified Alien Status. Refer to the *Flowchart for Confirming US Citizenship and Determining Legal Status* for a complete list of acceptable primary and secondary documentation for U.S. born Citizens and U.S. Nationals and the [Commonly Used Immigration Documents | USCIS](#) for acceptable documentation for Qualified Aliens.

20. Can expired documents be used to establish U.S. Citizenship, U.S. National status, or Qualified Alien Status?

It depends. Refer to the *Flowchart for Confirming US Citizenship and Determining Legal Status* for a complete list of acceptable primary and secondary documentation for U.S. born Citizens U.S. Nationals and the [Commonly Used Immigration Documents | USCIS](#) for acceptable documentation for Qualified Aliens.

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Qualified Aliens

21. Who is a Qualified Alien?

Qualified Aliens are defined in 10 TAC §6.2(45): Qualified Alien – A person that is not a U.S. Citizen or U.S. National and is described at [8 U.S.C. §1641\(b\) and \(c\)](#).

22. If an applicant presents a birth certificate listing them born in another country and has a government-issued ID Card, can we assist them without verifying citizenship?

No, unless they were born in one of the U.S. Commonwealths and Territories listed here:

- Puerto Rico
- U.S. Virgin Islands
- American Samoa (including the Swains Island)
- Guam
- The Panama Canal Zone between February 26, 1904, to October 1, 1979 (if at least one parent was a U.S. Citizen)
- The Commonwealth of the Northern Mariana Islands after November 3, 1986
- The Philippines before July 4, 1946

These individuals may be a U.S. National or U.S. Citizen and should provide the same documentation as any other U.S. Citizen.

If they were born in a foreign country to U.S. parents, they may have U.S. citizenship documented by a Consular Report of Birth Abroad or Certification of Report of Birth. Certificates of Citizenship can also be acquired through other means, so they should be run through the SAVE system.

If they were born in a foreign country, and not to U.S. parents, they will need to present documentation of their Qualified Alien status and you will need to verify through SAVE.

Unqualified Aliens

23. What if we complete the *Household Status Verification Form* and not all household members are U.S. Citizens, U.S. Nationals, or Qualified Aliens?

They may possibly be served as a mixed-status household (see response #8 above).

24. For Community Affairs and Homelessness programs, if none of the adults in the household are U.S. Citizens, U.S. Nationals, or Qualified Aliens, can one of them still sign the application and the *Household Status Verification Form*?

Yes, one of the adults would sign since children under age 18 cannot sign. However, someone in the household must have legal status to receive benefits. A household with no one qualifying cannot be assisted.

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25. If a Household member is determined unqualified, but their potential status changes in the future, could they be re-run through SAVE to be determined eligible?

Yes. If an applicant has potential changes in eligibility status, Subrecipients and Owners could utilize the [Flowchart for Confirming US Citizenship and Determining Legal Status](#) or SAVE to update/change their eligibility status. A new HSV Form and SAVE response would be needed to support this change.

Application Process

26. What should we do in the case of applicants that do not bring all necessary documents to prove U.S. Citizenship, U.S. National status, or Qualified Alien Status?

Applications are not complete until the U.S. Citizenship, U.S. National status, or Qualified Alien Status can be determined for each required household member. For Subrecipient programs, the Subrecipient should establish a policy regarding how long applicants have to return the necessary documentation before the application is denied and ensure that the policy is followed consistently for every application. The policy must be followed consistently for every application.

For HOME, NHTF and HOME-ARP Rental properties, the notifications and process in 10 TAC §10.802 must also be followed.

27. Can we help people born in the U.S. who don't have the money to purchase a birth certificate?

You may use available non-federal unrestricted funds to assist applicants in acquiring necessary documentation at your discretion.

The state of Texas provides an explicit fee waiver for certified birth certificates for children and youth (18-21) experiencing homelessness or foster youth, or young adult (18-21) residing in foster care placement. More information may be accessed in the Texas Department of State Health Services at <https://www.dshs.texas.gov/vital-statistics/costs-fees>. In order to claim this fee waiver a third party (list of eligible individuals is within the form) must complete the [Certification of Homeless Status for Texas Birth Certificate and Texas Identification Card and Driver's License form](#).

For military personnel a fee waiver is also available, please refer to [Texas Government Code 437.217](#) for specific guidelines.

For individuals that are experiencing or at risk of homelessness, ESG funding may be used to pay for birth certificate if the primary document is directly necessary for the program participant to secure, stabilize, or maintain their housing. However, please note that subrecipients should prioritize using other local funding options or fee waiver

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programs before ESG program funds whenever possible to cover the cost of obtaining primary documents.

This expense must be directly tied to case management or essential services under the active program component. EX:

- Emergency Shelter: essential services; case management
- Rapid Re-Housing: Housing stability case management
- Homelessness Prevention: Housing stability case management

SAVE Process

28. Is there a written manual on how to verify alien status?

Please refer to the [PRWORA/SAVE](#) webpage (TDHCA Website), which has a variety of resources, as well as a link to the U.S. Citizenship and Immigration Services' [SAVE Current User Agencies](#) which has tutorials and reference materials.

29. Are we expected to inform immigration and/or customs enforcement when we encounter unauthorized immigrants?

No. We are not a law enforcement agency, so that is not required.

30. Is SAVE used to share information provided by user agencies for administrative (non-criminal) immigration enforcement purposes?

No.

31. Do I need to run all household members through the SAVE system?

No. If the household members can prove their citizenship or national status, there is no need to run that member through SAVE. Any other persons required to have their status checked as shown in Question 2 above, should be run through the SAVE system.

32. Once we conduct the initial verification in SAVE, if we are prompted with "Need Additional Verification" will we be able to input the additional information at a later date if the applicant does not have any other information that we can use at the time of intake?

The SAVE system will keep the search in the same status until you enter additional information. Most of the identification documents can be received within 4-6 weeks. Once the additional documents are obtained, search for the household member within the SAVE system to add the additional information. Do not create a new case. If the applicant does not want to pursue further verification, or does not provide additional documentation, the case should be closed in SAVE by staff.

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Special Considerations for Children Under age 18

33. How can I establish identity for children under age 18?

You can establish identity for children either using the same documents as for adults, or you can have the parent identify the child by:

- Identifying the named parent/guardian using acceptable primary or secondary documentation, as referenced in the *Flowchart for Confirming US Citizenship and Determining Legal Status* and
- Establishing parental/guardian relationship using one of the documents listed in the *Flowchart for Confirming US Citizenship and Determining Legal Status* (the document must list the name of the parent(s)/guardian(s)).

34. How can we document the guardian relationship for foster children?

Foster parents should have a Department of Family and Protective Services Form 2085FC (Placement Authorization) which documents the foster parent's guardianship.

35. How can we document the guardian relationship in informal custody arrangements, such as a grandparent taking care of their grandchild without formal custody.

Informal custody relationships should be documented using an unexpired, notarized *Authorization Agreement for Voluntary Adult Caregiver* form (available from the Texas Department of Family and Protective Services [Website](#)) signed by at least one of the child's parents or legal guardians.

36. Do we need to document parent/guardian relationship for every child?

You only need to document parent/guardian relationship if you are using that relationship to confirm the identity of a child.

**II. QUESTIONS SPECIFIC TO SUBRECIPIENTS OF COMMUNITY AFFAIRS
PROGRAMS**

37. Should unqualified aliens be included in program reporting (MPRs)?

Yes, data should be reported for all household members, regardless of their status.

38. If the only vulnerable household member is an Unqualified Alien, is the household still considered Vulnerable?

No. This household would be treated as a non-vulnerable household for purposes of determining priority and benefits.

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**III. QUESTIONS SPECIFIC TO SUBRECIPIENTS OF SINGLE FAMILY AND
HOMELESSNESS PROGRAMS**

39. As a subrecipient, what do I need to do NOW to be sure I am compliant with the rule?

First, it is critical that any communication you receive asking that you update your Reservation System Participation Agreement (RSP) or Contract, or signing an amendment, is done promptly and returned.

Second, you must submit an election form immediately that clearly indicates whether you will be performing SAVE verifications yourself, whether you will have TDHCA perform those verifications, or whether you are hiring a third-party to perform those verifications. It is important to point out that even if a Subrecipient elects for the Department to perform the SAVE verification for them, the Subrecipient will still first have to verify identity and seek to use documents provided by the household to confirm legal status. Only if the review of those documents results in the household needing to be confirmed in SAVE would the subrecipient then gather the correct documents and transmit them to TDHCA for verification. **Not submitting an election form is considered good cause for nonrenewal or termination of a Contract and may cause an Administrator to not be eligible to perform.**

Specific to Homeless Programs Subrecipients – All elections were made during your applicable application cycle. Once you receive your award notice, please ensure your desired selection is correct; if a change must be made please respond within 7 calendar days from the notice date.

40. If I am a homelessness provider that provides case management and emergency shelter to a household (which does not require me to check for status), but then also end up providing that household with direct housing and financial assistance, do I have to verify their qualified status?

While you do not have to confirm qualified status while assisting the household with case management, emergency shelter or street outreach, as soon as you consider assisting the household with direct assistance, you will need to determine their qualified status as shown in the response to Questions 2 and 8 above.

41. If I am providing HOME Homeowner Reconstruction Assistance, and there are multiple homeowners, can I still assist the household if not all of the homeowners have qualified legal status?

No. Every household member who has or will have an ownership interest in the assisted housing upon completion of the activity must be verified as eligible. Those with

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ownership interests cannot have unqualified status. So, a household with one owner that is qualified and one owner that is not qualified would not be able to be assisted.

IV. QUESTIONS SPECIFIC TO HOME, HOME-ARP RENTAL AND NHTF PROPERTIES

42. Is there a cut-off date for when I need to initiate verification for a household already occupying a unit that is up for lease renewal or recertification?

Yes, to provide sufficient time for verification and any possible delays or needed appeals, all verifications for existing occupant households must be initiated at least 90 days in advance of the lease renewal or recertification date. When 90 days cannot be provided because of when the rule becomes effective, the verification of qualified status must be determined at the following recertification or renewal. ***The [§10 TAC 10.802\(I\)](#) effective date is July 30, 2026***, so if a household's lease renewal or recertification date is on or before October 27, 2026, they do not need to have their verification performed this year, but at their subsequent renewal/recertification. If, however, their lease renewal or recertification date is **after** October 27, 2026, their verification for qualified status must be performed during this current renewal/recertification.

43. I have a household occupying an existing unit whose lease is up for renewal / recertification on November 1, 2026 (or later). What do I need to do?

As provided for in [10 TAC §10.802](#), the verification process must be initiated with the household at least 90 days in advance of their lease renewal or recertification date. You will refer to the [Flowchart for Confirming US Citizenship and Determining Legal Status](#) for a complete list of acceptable primary and secondary documentation for U.S. Citizens and U.S. Nationals and the [Commonly Used Immigration Documents | USCIS](#) for acceptable documentation for Qualified Aliens and proceed with seeking to confirm status as described throughout this FAQ for all those household members that are signing the lease. If the results for each household member support their qualified status, then you will complete the *Household Status Verification Form*, and save the SAVE system response in the file.

44. If I have confirmed that all lease signers have qualified status, what else do I need to document in the file before I proceed with a lease?

You need 3 things in the file – the *Household Status Verification Form*, the SAVE response for those lease signers verified in SAVE (as referenced in the answer to Question 5 above) AND a completed *Household Legal Status Attestation Form* for each

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lease signer (see #45 below). *If the lease signers do not sign the Attestation then the unit cannot be available to the household.*

45. What is the attestation that lease signers must also sign?

The *Household Legal Status Attestation Form* must be executed by each signer of the lease. The form requires the signer to attest that to their knowledge there are no occupants of the Unit that would be required to be on the lease (per the property's lease requirements), that do not have qualified legal status under PRWORA. This includes persons in the household that are not signing the lease but also includes temporary occupants. For example, if a property's requirement is that a unit cannot have an adult live in the unit for more than 14 days without being added to the lease, then that person would be someone the lease signer would be making the attestation for.

46. For an existing household occupying a unit, one or more of the lease signatories are unable to be verified, needs more documentation, or the results are inconclusive. What next?

First, the property must provide Notice to the household within 2 business days of the receipt of the determination and at least 60 days prior to lease renewal. This Notice must meet certain criteria listed in Question #48 below. The household may seek to obtain adequate documentation or correct status with applicable agencies. If the occupant indicates that they will be seeking to appeal or correct records in response to the Notice, the Owner must allow at least 30 days from the date of notification before seeking to reverify. If upon receipt of further documentation, a required lease signatory is still unable to be verified or the person has not signed the required attestation, the Owner must provide the household with at least 30 days' notice of nonrenewal.

47. For a household applying for a unit (not a current occupant of a unit) what do I need to do?

At application, the property must inform the applicant in writing that verification under [10 TAC §10.628](#) will be performed prior to lease execution, identify the documentation or information the applicant may need to provide, disclose the Attestation that will be required and describe the applicant's right to an appeal. If a new applicant household is unable to be verified or verification results are inconclusive, or more documentation is needed, the property must provide written notice to the applicant within two business days of receipt of the determination that meets the requirements of a Notice in the answer to Question #48. If the household seeks to appeal or correct records in response to the Notice, the Owner must allow the household 30 days from the date of notification before seeking to reverify the household. If verification cannot be completed after the applicable response and extension and appeal periods have

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elapsed, the Owner must deny the application under [10 TAC §10.628\(f\)](#) of this section and provide one coordinated Notice.

48. If a household is applying for a unit and is waiting for an appeal, updated status or documentation they need, do I have to hold the unit vacant for them during this time?

Unless a federal program requires another method for Waiting List Management, during the applicant verification process the property must either hold the Unit vacant for the period specified in its Written Policies and Procedures or place that applicant household at the top of the Waiting List for the next available Unit for which the household qualifies, and proceed to the next applicant on the Waiting List.

49. What has to be included in the Notice to an existing occupant of a unit or an applying household when they are unable to be verified, results are inconclusive or they must provide additional documentation?

As described in [10 TAC §10.802](#) the Notice must:

- A. state the results received from SAVE;
- B. state whether any additional documentation or information is required to complete verification, to contest the result or cure the deficiency;
- C. provide the household with the information necessary to contact the Department of Homeland Security (DHS) to correct their immigration records;
- D. notify the applicant household that they may seek correction of records with any agency that issued or maintains records relevant to verification;
- E. notify the household of their appeal rights and identify the applicable deadlines;
- F. notify the applicant of the property allowing the household 30 days from the date of notification before seeking to reverify; and
- G. state the consequence if the household does not respond or if verification cannot be completed after the applicable cure and appeal periods.

50. What needs to be in the Written Policies and Procedures about Waiting Lists?

As described in [10 TAC §10.802](#), the property's policies and procedures must:

- 1. describe how the Waiting List will be handled,
- 2. if holding a Unit vacant, the procedures must specify the number of days a Unit will be held
- 3. denote if an extension beyond 30 days at the top of the Waiting List will be permitted and under what circumstances
- 4. establish the appeal policy

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51. What does the appeal process entail?

As described in [10 TAC §10.802](#), the property must have a written procedure to address an applicant's, occupant's, or tenant's appeal of a determination. That procedure shall at a minimum include:

1. An appeal period of not fewer than 14 days from the receipt of the Notice that provides for an investigation and final decision by the Owner or Management Company, with notification of completion including the results of the investigation, reasoning for the final decision, and instructions for how to file an appeal with the Department delivered to the tenant within 10 days of appeal receipt
2. If after a Management Company or Owner determination has been made, an appeal may be submitted to the Department. The Owner must not proceed with denial or nonrenewal while a timely filed appeal under [§1.7 Appeals Process](#) of this title is pending. An appeal under this paragraph concerns whether the Owner followed this subsection and correctly applied the verification result; it does not adjudicate immigration status.