



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

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February 26, 2010

The Honorable René Ramírez
County Judge
Hidalgo County Courthouse
P.O. Box 1356
Edinburg, TX 78539

Re: Disaster Recovery Community Development Block Grant Funds Made Available
Under Public Law 110-329

Dear Judge Ramírez:

I am writing to clarify for you the operation of federal and state requirements associated with residency status as they relate to the Texas Department of Housing and Community Affairs' (TDHCA) administration of Disaster Recovery Community Development Block Grant Funding made available under Public Law 110-329.

With respect to federal requirements, the U.S. Department of Housing and Urban Development (HUD) does not monitor grantees receiving these funds to determine if the grantees have processes in place to verify whether a household is eligible to receive assistance on the basis of citizenship; nor has HUD given the state any guidance or instituted any regulatory requirement related to verifying citizenship.

With respect to state requirements, the State of Texas has not established state law requiring the verification of citizenship in state-administered programs. TDHCA has not placed any restrictions on the funds over and above those required under current state and federal law and, therefore, is not requiring that subrecipients establish processes to verify citizenship.

In establishing the program at the local level, TDHCA has not asserted that it has the authority to limit a County in establishing requirements to ensure that funds that it is

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administering are made available only to persons who are there lawfully (such as citizens and other persons with legally compliant rights to be present, such as persons with current visas). If the County were to do so, TDHCA would monitor for compliance with this requirement to ensure that the County was following its own rules. TDHCA is not in the position to provide guidance to the County related to the documentation that must be used to substantiate that the household is eligible to receive benefits on the basis of citizenship as there are neither federal nor state program guidelines in place for this but would caution against any requirements that do not recognize other lawful rights to be in the United States of America. TDHCA will, however, monitor to ensure that if Hidalgo County develops a process to verify citizenship, that Hidalgo County obtains the same documentation for each household applying for assistance and makes the same determination related to whether or not the household is eligible on the basis of citizenship. The process must be clear, transparent, consistently applied, and comport with all applicable state and federal laws.

With respect to Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 - Section 401, HUD has not indicated that this law applies to these funds.

Please let me know if you have additional questions related to this or any other issues related to the disaster recovery funds made available under Public Law 110-329.

Sincerely,



Sara Newsom
Deputy Executive Director of Emergency Housing/Disaster Recovery
Texas Department of Housing and Community Affairs