



U. S. Department of Housing and Urban Development
Washington, D.C. 20410

OFFICE OF HEALTHY HOMES and
LEAD HAZARD CONTROL

POLICY GUIDANCE NUMBER: 2001-01

DATE: January 16, 2001

SUBJECT: Personal Responsibility and Work Opportunity Reconciliation Act of 1996

STATUS: Current

APPLICABILITY: All grant rounds.

RELATED

GUIDANCES:

COMMENTS:

Dear Lead-Based Paint Hazard Control Grantee:

I am writing this policy guidance letter to inform you of HUD's determination whether activities funded by the Department of Housing and Urban Development's Lead Hazard Control Program are "Federal public benefits" and therefore limited to "qualified aliens" as those terms are defined in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 ("Welfare Reform Act"), Pub. L. 104-193. After reviewing the applicable statutes, regulations, and grant procedures, it is the Department's conclusion that the Welfare Reform Act restrictions are inapplicable to the Lead Hazard Control Program because the benefits under the program are not "Federal public benefits" within the meaning of § 401(c) of the Welfare Reform Act.

The Welfare Reform Act, § 401(c)(1)(A), defines "Federal public benefit" to include "any grant, contract, loan, professional license, or commercial license provided by an agency of the United States or by appropriated funds of the United States." In its guidance on the Welfare Reform Act, HHS has stated: "the term 'grant' in Part A refers to financial awards to individuals; it does not include so-called 'block grants' which are provided to states or localities." Department of Health and Human Services, Notice, "Personal Responsibility and Work Opportunity Reconciliation Act of 1996—Interpretation of Federal Public Benefit", 63 FR 41658, 41659 (Aug. 4, 1998); *see also* Department of Justice, "Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility under Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 62 FR 61344, 61361 (Nov. 17, 1997). Grants under the Lead Hazard Control Program are not provided directly to individuals, but to States and local governments.

The Welfare Reform Act, § 401(c)(1)(B), further defines "Federal public benefit" to include "any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit." Grants under the Lead Hazard Control Program do not provide any of the

benefits specifically identified. Secondly, grants under the Lead Hazard Control Program are not “similar benefit[s]” to the benefits specifically identified. Accordingly, it is the position of the Department that procedures to verify the citizenship or immigration status of families whose dwellings receive lead paint abatement services are not required or authorized by the Welfare Reform Act. The Department of Health and Human Services and the Department of Justice have similarly construed the Act as it relates to other programs. Department of Health and Human Services, Notice, 63 Fed. Reg. 41658; Department of Justice, Interim Guidance, 62 Fed. Reg. 61344.

If you have any questions regarding this guidance, please contact John B. Shumway, HUD Office of General Counsel, at (202) 708-3137 ext. 5190.

Sincerely,

A handwritten signature in black ink, appearing to read "Ellis Goldman", with a long horizontal line extending to the left and right of the name.

Ellis G. Goldman
Director, Program Management Division