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Immigration Requirements: Assistance Programs for Housing and Homelessness, Energy, Disaster, and Water (ESG, CoC, CDBG, HOME, FEMA, RUSH, LIHEAP, LIWHAP, CRF, and ERAP)

I. Synopsis

Section 214 of the Housing and Community Development Act of 1980 (Section 214)¹ and title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)² are the two primary source of immigration status restrictions on eligibility for federal housing, homelessness, disaster, energy, and water programs.³

Section 214's immigration restrictions cover most of the federally assisted housing programs, meaning that the other assistance provided by ESG (including RUSH), CoC, HOME, FEMA, CRF, and ERAP are not subject to Section 214.

PRWORA prohibits individuals who are not "qualified" individuals from being eligible for "federal public benefits" ("qualified" individuals include lawful permanent residents, refugees, asylees, and others).⁴ PRWORA's application depends on the type of assistance offered and whether a federal agency responsible for a program designates it as a "federal public benefit" foreclosed to not-qualified immigrants. However, many federal agencies, including HUD, have not specified which of their

¹ 42 U.S.C. §1436a.

² 8 U.S.C. §§ 1611–1646.

³ While it garnered much attention and fear during the Trump administration, the public charge rule does not apply to the programs identified here. Public charge is also limited overall in its application. It is used to determine if persons applying for lawful permanent resident (or green card) status or a visa to enter the United States would primarily rely upon the government for subsistence. In September 2022, the Biden administration finalized the [public charge rule](#) which does not consider important federal safety net and non-cash assistance programs, including housing, disaster relief, homelessness, and energy assistance, as a part of a public charge determination. Under the 2022 rule, it can consider long-term institutional care paid for by Medicaid and federal cash assistance programs used for income maintenance, but must also consider other factors such as education, income, and affidavits of support. More information on the public charge rule can found be [here](#).

⁴ 8 U.S.C. §§ 1611(a), 1641(b). On March 9th of 2024, President Biden signed the [Consolidated Appropriations Act of 2024](#), which included the [Compact Impact Fairness Act](#) as in Section 209(f). This law, which became effective immediately, makes citizens of Compact Of Free Association (COFA) "qualified" and eligible for all federal public benefits without a waiting period. COFA citizens are from the Marshall Islands, Micronesia, and Palau.

programs provide federal public benefits. Until they do so, state and local agencies that administer the programs are not obligated to verify the immigration status of people who apply for them.

There are also several important exceptions to this immigration limitation. There are no immigration restrictions imposed on assistance that is short-term, non-cash emergency disaster assistance or when it is an in-kind service necessary to protect life or safety as long as no individuals or household income qualification is required. As well, where the assistance is provided by a charitable non-profit organization, including subgrantees, those organizations are not required to verify that an individual is “qualified” under PRWORA.

When applying these rules and exceptions to these assistance programs, while some aspects of the ESG (including RUSH), CoC, HOME, FEMA, LIHEAP, and LIWHAP programs may be restricted by the immigration requirements, many of these programs fit within the PRWORA exceptions as they are short-term, non-cash emergency disaster assistance.

Thus, undocumented and other non-qualified immigrants can access certain kinds of services (see table below) funded by these programs, under a number of enumerated exceptions. As well, several groups of immigrant survivors (including VAWA self-petitioners, refugees, survivors of Human Trafficking with HHS certification) may be able to access additional services, including short-term housing for up to two years, due to their status.⁵

| Program | Assistance Not Restricted by Immigration Status |
|----------------------------|--|
| ESG (including RUSH) & CoC | <ul style="list-style-type: none">• Street Outreach Services• Emergency Shelter• Safe Haven• Rapid Re-Housing• Transitional housing owned by the grant recipient or subrecipient• Non-cash disaster relief• Programs necessary for the protection of life and safety• Programs administered by nonprofit charitable organizations |

⁵ <https://niwaplibrary.wcl.american.edu/wp-content/uploads/2015/pdf/PB-Gov-MemoHUDTransitionalHousing-01.19.01.pdf>. For more information on access to shelter, temporary housing, and rental assistance for immigrant survivors, there is a variety of guidance provided by the [National Immigrant Women's Advocacy Project](#).

| | |
|---------------------|---|
| CDBG | <ul style="list-style-type: none"> No specific immigration restrictions limiting allowable assistance |
| HOME | <ul style="list-style-type: none"> Non-cash disaster relief Programs necessary for the protection of life and safety Programs administered by nonprofit charitable organizations |
| FEMA Assistance | <ul style="list-style-type: none"> Non-cash disaster relief, including crisis counseling and disaster legal services, and other short-term, non-cash assistance other non-monetary, in-kind emergency disaster relief programs. These include medical care, shelter, food and water. Programs necessary for the protection of life and safety Programs administered by nonprofit charitable organizations Households with non-qualified individuals can receive cash assistance if an eligible adult or eligible minor child in that household applies for assistance |
| CRF, including ERAP | <ul style="list-style-type: none"> No specific immigration restrictions limiting allowable assistance |
| LIHEAP | <ul style="list-style-type: none"> Prorated energy assistance if at least one eligible household member; Full assistance (as long as one eligible household member) for assistance that cannot be prorated (i.e., turning on utilities, new heater) |
| LIWHAP | <ul style="list-style-type: none"> Prorated water assistance if at least one eligible household member; Full assistance (as long as one eligible household member) for assistance that cannot be prorated (i.e., addressing or preventing water shut off). |

II. Introduction

Relevant to this discussion, there are two main federal laws limiting immigrant eligibility for certain federal housing and homelessness programs, disaster relief, water, and energy: Section 214 of the Housing and Community Development Act of 1980 (Section 214)⁶ and title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA).⁷

Section 214 restricts immigrant access to a set of enumerated HUD and USDA housing programs,⁸ only allowing certain non-citizens to receive assistance under these housing programs, while allowing “mixed-status” families to live together in the housing. The assistance will be pro-rated in the HUD programs while full assistance will be offered in the USDA programs as long as the head of household meets the immigrant eligibility requirements under Section 214.⁹ HUD has promulgated regulations and issued guidance on implementing Section 214 in covered HUD programs.¹⁰ If the federal housing program is not specifically enumerated in the statute, it is not subject to Section 214.

PRWORA, by not identifying specific programs, covers a potentially broader pool of federal benefits programs. But there are important exceptions that permits undocumented immigrants and immigrants without eligible status under PRWORA to still receive help. HUD has also instructed housing providers administering Section 214 covered programs not to implement the restrictions provided under PRWORA.¹¹

⁶ 42 U.S.C. §1436a.

⁷ 8 U.S.C. §§ 1611–1646.

⁸ 42 U.S.C. §1436a(b)(1). HUD programs covered by Section 214: Public Housing; All Section 8 housing assistance (including Vouchers and Project-based Section 8); Section 236 Housing, with or without Supplements (low-income units only); Rent Supplement Housing; Section 235 Homeownership housing; Housing Development Grants (HoDAG) (low-income units only); Section 23 Leased Housing Assistance Program. USDA programs covered by Section 214: Section 214 however only applies to the following RD programs: Section 502 direct single-family home loan program; Section 504 direct single-family home repair loans and grants; Section 515 when there is Rental Assistance; persons who receive financial assistance or debt forgiveness pursuant to Section 502(c)(5)(D); Section 1490r Rural Development Vouchers that are issued to persons displaced from Section 515 or 514/516 housing when the owner of such housing prepays the RD loan for such housing prior to its maturity date.

⁹ 42 U.S.C. §1436a(a). Eligible Non-Citizens under Section 214: U.S. Nationals; Lawful Permanent Residents (LPR); VAWA Self-Petitioners; Asylees; Refugees; Parolees; Persons Granted Withholding of Removal/Deportation; Certain Victims of Trafficking; Individuals who entered under the Compacts of Free Association with the Marshall Islands, Micronesia, and Palau; Immigrants admitted for lawful temporary residence prior to January 1, 1982. Furthermore, HUD has stated that VAWA self-petitioners can access Section 214 covered programs. See Memorandum from Tonya Robinson, HUD Acting General Counsel, to Julian Castro, HUD Secretary re: Eligibility of Battered Noncitizen Self-Petitioners for Financial Assistance Under Section 214 of the Housing and Community Development Act of 1980 (Dec. 15, 2016).

¹⁰ See, e.g. 24 C.F.R. §§ 5.500–5.528; HUD Guidebook 7465.7G, Restrictions on Assistance to Non-Citizens.

¹¹ Department of Housing & Urban Development, Revised Restrictions on Assistance to Noncitizens, 61 Fed. Reg. 60535, 60537 (Nov. 29, 1996); Maggie McCarty and Abigail F. Kolker, Cong. Rsch. Serv., R46462, , CRS Noncitizen Eligibility for Federal Housing Programs (2020), <https://sgp.fas.org/crs/misc/R46462.pdf>. USDA has stated its intention to update its mixed status rule policy to mirror HUD’s mixed status policies. See USDA, “Implementation of the Multi-Family Housing U.S. Citizenship Requirements” (Spring 2020) (“[Rural Housing Service] plans to publish a proposed rule that would implement the citizenship requirements and harmonize RHS’s requirements with those currently established by HUD.”),

<https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202004&RIN=0575-AC86>.

Below is a breakdown of the immigration restrictions under PRWORA, followed by an analysis of what this means for specific federal benefits programs.

III. Immigration Restrictions Under PRWORA

PRWORA prohibits individuals that are not “qualified” from being eligible for certain federal public benefits programs.¹²

A. Federal Public Benefits

Unlike Section 214, PRWORA does not have an enumerated list of covered programs. Instead it has a broad edict covering “federal public benefits” which the act defines as:

- (A) 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; and
- (B) any retirement, welfare, health, disability, public or assisted housing, postsecondary education, food assistance, unemployment benefit, or any other similar benefit for which payments or assistance are provided to an individual, household, or family eligibility unit by an agency of the United States or by appropriated funds of the United States.¹³

PRWORA’s primary targets are regular, on-going cash assistance programs such as those funded under the Temporary Assistance for Needy Families (TANF) block grant and Supplemental Security Income (SSI) as well as programs having a significant impact on the federal budget such as Medicaid and food stamps (now the Supplemental Nutrition Assistance Program or SNAP). Because state and local emergency housing and utility assistance programs are very different in scope, duration, federal budgetary impact, and rationale from the on-going cash assistance and major federal programs that were Congress’s focus, PRWORA does not deny non-qualified immigrants’ access to such aid.

It has been left to federal agency guidance to determine which programs if any under their jurisdiction are federal public benefit programs. In the absence of such federal guidance, or another law restricting access to benefits, it should be assumed that such services are not subject to PRWORA’s restrictions.

The most definitive guidance on the application of PWRORA to various assistance programs comes from the U.S. Department of Health and Human Services (“HHS”) and reflects government-wide policy. Because of HHS’s expertise, its incorporation of other agencies’ input during the rulemaking process, and because HHS was understood to be providing the authoritative interpretation for the U.S.

¹² 8 U.S.C. §§ 1611(a), 1641(b). While there is overlap of “qualified” status under PRWORA and Section 214, the lists are not identical. Under PRWORA, “qualified” status includes: Legal Permanent Residents; Refugees; Asylees; individuals paroled into the U.S. for a period of at least one year; individuals whose deportation is being withheld on the basis of prospective persecution; individuals granted conditional entry pursuant to INA § 203(a)(7) as in effect prior to April 1, 1980; and Cuban/Haitian entrants (as defined by P.L. 96-422).

¹³ 8 U.S.C. §1611(c).

Government, no other agency made any attempt to publish a comparable exegesis on the pertinent provisions of PRWORA, although as necessary some did publish lists of their own programs that did or did not meet the definitions as HHS had interpreted them. HHS rules instruct that any short-term emergency disaster relief program should be judged based on whether a program's predominate means of delivering assistance is in-kind; if it is, providing cash to a minority of recipients where in-kind aid is not feasible should not alter the fundamental character of the program.¹⁴ So in a disaster where in-kind assistance is not feasible, cash assistance to a minority of recipients is permissible.

Detailed below, there are important exceptions in PWRORA that allow immigrants regardless of status access to some programs.

B. Exceptions

Even if a program has been determined to be a federal public benefit under PRWORA, three key exceptions are relevant for housing and homelessness assistance programs:

1. Programs necessary for the protection of life and safety;
2. Short-term, non-cash, in-kind emergency disaster relief;
3. Nonprofit Charitable Organizations Exception.

1. Programs necessary for the protection of life and safety

This exception applies to programs that: “(i) deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient’s income or resources; and (iii) are necessary for the protection of life or safety.”¹⁵

HUD, in partnership with HHS and DOJ, issued guidance elaborating on this exception in a [joint letter](#) issued by the agencies in 2016.¹⁶ The letter emphasizes that “immigration status is not a bar to providing certain services necessary to protect life or safety, such as emergency shelter, short-term housing assistance including transitional housing, crisis counseling, and intervention programs.”¹⁷ It highlights the 2001 guidance issued by the Attorney General that specifies the types of programs that are exempt, although the 2001 guidance does not name any specific federal benefits programs.¹⁸

¹⁴ See Office of the Sec’y, HHS, Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); Interpretation of “Federal Public Benefit”, 63 Fed. Reg. 41,658, 41,660 (Aug. 4, 1998) (excluding from the definition of a “federal public benefit” programs that do not predominately rely upon individual or household eligibility determinations even when they do provide some benefits in that manner.

¹⁵ Department of Housing & Urban Development, Department of Health and Human Services, and Department of Justice, *Joint Letter Regarding Immigrant Access to Housing and Services* (Aug. 5, 2016), at 3, <https://files.hudexchange.info/resources/documents/HUD-HHS-DOJ-Letter-Regarding-Immigrant-Access-to-Housing-and-Services.pdf>.

¹⁶ *Id.*

¹⁷ *Id.* at 1.

¹⁸ Attorney General Order No. 2353-2001, 66 Fed. Reg. 3616 (Jan. 16, 2001). Specifically:

(a) Crisis counseling and intervention programs; services and assistance relating to child protection, adult protective services, violence and abuse prevention, victims of domestic violence or other criminal activity; or treatment of mental illness or substance abuse;

While the joint letter from HUD does not specifically name any HUD programs exempted from PRWORA, HUD issued a [fact sheet](#) on the day the letter was released that specifies exempted activities under the Emergency Solutions Grant (ESG) and Continuum of Care (CoC) programs. The PRWORA-exempted activities are:

- Street Outreach Services
- Emergency Shelter
- Safe Haven
- Rapid Re-Housing
- Transitional Housing, **but ONLY** “when the recipient or subrecipient owns or leases the building used to provide transitional housing.” Transitional housing provided in the form of rental assistance which must be based on the applicant’s income **is NOT an exempted activity** under these programs.

2. Short-term, non-cash, in-kind emergency disaster relief

The joint letter from HUD highlights the fact that under PRWORA “short-term, noncash, in-kind emergency disaster relief is available regardless of an individual’s immigration status.”¹⁹

The Federal Emergency Management Agency (FEMA) has also issued an [FAQ](#) that addresses non-qualified individuals’ access to assistance from FEMA, which provides some clues as to what “short-term, noncash, in-kind emergency disaster relief” may include. Although the FAQ does not make references to PRWORA, it follows PRWORA’s guidelines, and notes that while non-qualified individuals cannot receive cash assistance from FEMA, they may be eligible for non-cash assistance. It goes on to define such assistance to include Crisis Counseling and Disaster Legal Services, and other short-term, non-cash disaster assistance, such as shelter, food, water, and medical care.

3. Nonprofit Charitable Organizations Exception

While PRWORA affirmatively requires federal benefits granting agencies to verify an applicant’s immigration status, the statute exempts nonprofit charitable organizations from this verification requirement, including subgrantees.²⁰ This means that nonprofits are not required to inquire about or verify an applicant’s immigration status, thus allowing them to provide aid to non-qualified individuals.

(b) Short-term shelter or housing assistance for the homeless, for victims of domestic violence, or for runaway, abused, or abandoned children;

(c) Programs, services or assistance to help individuals during periods of heat, cold, or other adverse weather conditions;

(d) Soup kitchens, community food banks, senior nutrition programs such as meals on wheels, and other such community nutritional services for persons requiring special assistance;

(e) Medical and public health services (including treatment and prevention of diseases and injuries) and mental health, disability, or substance abuse assistance necessary to protect life or safety;

(f) Activities designed to protect the life or safety of workers, children and youths, or community residents; and

(g) Any other programs, services, or assistance necessary for the protection of life or safety.

¹⁹ Department of Housing & Urban Development, *supra* note 15, at 3.

²⁰ 8 U.S.C. § 1642(d).

The interim guidance issued by DOJ offers some clarification on what is required to qualify for the nonprofit charitable organization exemption.²¹ For starters, an organization must be both a “nonprofit” and “charitable.” An organization is a “nonprofit” if “it is organized and operated for purposes other than making gains or profits for the organization, its members or its shareholders, and is precluded from distributing any gains or profits to its members or shareholders.” To qualify as charitable, the nonprofit must be “organized and operated for charitable purposes,” and charitable is to be interpreted “in its generally accepted legal sense as developed by judicial decision.”²²

The DOJ guidance affirmatively states that ***a nonprofit charitable organization cannot be penalized for providing benefits to non-qualified individuals if it chooses not to verify status***, so long as there are no other competing requirements to do so (for example Section 214) and the individual has not already been deemed a non-qualified individual by a non-exempt entity.²³

IV. PRWORA Interactions with Specific Programs

A. Emergency Solutions Grants (ESG) and Continuum of Care Program

The ESG and CoC programs are not subject to the immigration restrictions in Section 214 of the Housing and Community Development Act of 1980.²⁴ The programs are covered by the immigration provisions in PRWORA, but as discussed above,²⁵ many of the services are exempted benefits under PRWORA. Individuals can access the following ESG and CoC services regardless of their immigration status:

- Street Outreach Services
- Emergency Shelter
- Safe Haven
- Rapid Re-Housing
- Transitional housing owned by the grant recipient or subrecipient

Transitional housing that utilizes rental assistance payments to individuals **is restricted under** PRWORA, and cannot be used unless the individual is a qualified individual. For other services not directly addressed by HUD, the HHS guidance may be helpful in determining whether it is a restricted benefit under PRWORA.

HUD’s new program - [Rapid Unsheltered Survivor Housing \(RUSH\)](#) - developed to help communities provide outreach, emergency shelter, rapid re-housing, and other assistance to people experiencing or at risk of homelessness who are in a disaster affected area but who cannot access all services provided by FEMA programs, **is ESG funding. Thus, the ESG PRWORA policies also apply**

²¹ Department of Justice, Interim Guidance on Verification of Citizenship, Qualified Alien Status and Eligibility Under Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 62 Fed. Reg. 61344, 61345-61346 (Nov. 17, 1997).

²² *Id.*

²³ *Id.*

²⁴ 42 U.S.C. §1436a(b).

²⁵ See *supra* section III.B.1 at pg. 4-5.

to RUSH.

B. Community Development Block Grants (CDBG)

The CDBG program is not subject to the immigration restrictions in Section 214 of the Housing and Community Development Act of 1980.²⁶ The CDBG program also does not have specific immigration status restrictions subject to PRWORA. CDBG services fall outside of the type of programs subject to PRWORA, as those services include the repair of streets, parks, or public buildings, are programs necessary for life and safety (for example funds used to create or renovate homeless shelters), or be effectively exempt because they are administered by a nonprofit charitable organization that is not required to verify immigration status for eligibility.

C. The HOME Investment Partnership Program (HOME)

HOME is not subject to the immigration restrictions in Section 214 of the Housing and Community Development Act of 1980.²⁷ A [2004 HOME Q&A](#) posted on HUD's website states "HOME is considered a Federal public benefit under PRWORA." The Q&A indicated that HUD would elaborate further on this issue in a HOMEfires they had drafted, but that HOMEfires was never published. However, applying the PRWORA exceptions, HOME assistance that is non-cash disaster relief, necessary for the protection of life and safety, and or administered by a nonprofit charitable organization is available to undocumented immigrants and immigrants without eligible status.

D. Relief Provided by the Federal Emergency Management Agency (FEMA)

Assistance provided by FEMA is not subject to the immigration restrictions in Section 214 of the Housing and Community Development Act of 1980.²⁸ As discussed above, FEMA has issued an [FAQ](#) that addresses non-qualified individuals' access to assistance from FEMA. Although it does not specifically reference PRWORA limitations, the FAQ notes that while non-qualified individuals cannot receive cash assistance from FEMA, they are eligible for non-cash assistance such as crisis counseling, disaster legal services, and other short-term non-cash emergency assistance. All individuals, regardless of status, affected by a major disaster may also be eligible for other non-monetary, in-kind emergency disaster relief programs, including medical care, shelter, food, and water. Charitable non-profit agencies can also help regardless of immigration status. Finally, households can receive cash assistance if an eligible adult or minor child in that household applies for assistance. In these cases, "no information regarding [the non-qualified individual's] status will be gathered."

E. Emergency Rental Assistance Program (ERAP)

ERAP is not subject to the immigration restrictions of Section 214 of the Housing and Community Development Act of 1980.²⁹ The laws establishing CRF and ERAP also have no specific immigration restrictions. Treasury has not imposed restrictions based on immigration status in CRF or ERAP and

²⁶ 42 U.S.C. §1436a(b).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

has stated that social security numbers should not be collected or risk violating the Federal Privacy Act.³⁰ State and local governments therefore should assume that services funded under CRF, including ERAP are not restricted. A district court decision found that the City of Phoenix's attempt to exclude "not qualified" immigrants from its CRF funded rental assistance was preempted by PRWORA. Even if such assistance were subject to PRWORA's restrictions, it would be exempt as "short-term, non-cash, in-kind emergency disaster relief."³¹

In the absence of federal restrictions, state and local governments cannot impose their own immigration status or social security number requirements. The Treasury Department states that requiring applicants to provide their social security numbers to be eligible for ERA is not consistent with [Treasury's guidance](#) or the [Privacy Act](#).

F. Low Income Home Energy Assistance Program (LIHEAP)

LIHEAP is not subject to the immigration restrictions of Section 214 of the Housing and Community Development Act of 1980.³² The Office of Community Services, an office of the Administration for Children & Families, issued guidance that determined that LIHEAP is a "federal public benefit" subject to PWRORA.³³ However, LIHEAP energy payments can be prorated based upon the number of eligible members of the household. So as long as at least one member of the household is eligible, they can receive some level of assistance. LIHEAP grant recipients may also pay the full amount of an arrearage to reconnect services or prevent the disconnection of utilities for a qualified household member, even if the qualified person resides with one or more ineligible household members. As well, as long as there is one eligible household member, LIHEAP assistance can be used to provide services that cannot be prorated such as the purchase/repair/replacement of a heating or air-conditioning unit, weatherization services, and other minor-home energy related repairs.

E. Low Income Household Water Assistance Program (LIHWAP)

LIHWAP was authorized under two separate appropriations as part of an emergency effort to prevent respond to COVID-19. LIHWAP does not have a permanent or ongoing statutory authorization or appropriation beyond the current funding. LIHWAP is not subject to the immigration restrictions of Section 214 of the Housing and Community Development Act of 1980.³⁴ The Office of Community Services (OCS) issued a Q and A that determined that LIHWAP is a "federal public benefit" subject to

³⁰ *Guidelines for ERA program online applications*, <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/emergency-rental-assistance-program/service-design/application-web-sites#protect-applicant-data>

³¹ *Poder in Action v. City of Phoenix*, No. CV-20-01429-PHX-DWL, 2020 WL 7245072 at *4, *7 (D. Az. Dec. 9, 2020).

³² 42 U.S.C. §1436a(b).

³³ Office of Community Services, *LIHEAP IM 1998-25 on interpretation of "Federal Public Benefits" Under the Welfare Reform Law*, <https://www.acf.hhs.gov/ocs/policy-guidance/liheap-im-1998-25-interpretation-federal-public-benefits-under-welfare-reform> (Aug. 6, 1998); see also Office of Community Services, Low Income Housing Energy Assistance Program Information Memorandum, https://www.acf.hhs.gov/sites/default/files/documents/ocs/LIHEAP_IM%202023-03_Proposed%20Policy%20for%20Eligible%20Household%20Members%20Living%20with%20Ineligible%20Members.pdf (June 2023).

³⁴ 42 U.S.C. §1436a(b).

PRWORA, which OCS later interpreted as guidance.³⁵ Like LIHEAP, a grantee can pay in full an arrearage if intended to restore water services or prevent a shutoff if there is at least one household member with eligible status. If the household needs ongoing help with their water bills, the LIHWAP assistance will be prorated based on the number of eligible household members.

³⁵ Office of Community Services, *LIHWAP IM-2021-03 Use of Funds Q and A FY 2021*, <https://www.acf.hhs.gov/ocs/policy-guidance/lihwap-im-2021-03-use-funds-q-and-fy2021> (July 23, 2021).