

June 9, 2022

William R. Corbett
Director
Homeowner Assistance Fund
United States Department of Treasury
1500 Pennsylvania Avenue NW
Washington, D.C. 20220
cc: Janis Bowdler, Counselor to the Secretary for Racial Equity

Dear Mr. Corbett,

The undersigned civil rights, consumer, and housing organizations write to request that the Department of the Treasury provide guidance on state Homeowner Assistance Fund (HAF) providers' unwarranted requirement of Social Security Numbers (SSNs) for individuals to access program benefits. We bring this issue to your attention as it has concerning implications for the equitable access to HAF benefits for Individual Tax Identification Number (ITIN) holders, a disproportionate number of who are Latino.

As we work to ensure that our constituents have equitable access to HAF funds, we are finding that a subset of states required or are requiring HAF applicants to provide a SSN to establish eligibility for the program or for the pre-screening part of the application process. In assessing published plans, we have identified 14 states that require or asked for SSNs in HAF applications: California, Connecticut, Idaho, Iowa, Kentucky, Florida, Oklahoma, Maine, Maryland, Missouri, New Hampshire, Nevada, South Carolina, and Vermont.

In states where SSNs are not required for HAF eligibility, online and paper application forms still ask for it. In many cases, applicants are not provided a disclaimer clarifying that a SSN is not required for HAF eligibility. Further, the application process does not give applicants the choice to provide an ITIN.

Evidence gathered from state advocates and those assisting homeowners in completing the HAF application process suggests that the SSN question, even in states where the number is not required for eligibility, discourages ITIN applicants from continuing with the application process. The inclusion of a prompt for a SSN may lead ITIN applicants to believe that it is required to be eligible to receive HAF funds. This notion is cemented further when no space is given in the application for applicants to provide their ITIN.

As states begin to close applications for HAF due to large volumes of applications, there is a sense of urgency in ensuring that ITIN applicants are afforded the opportunity to apply for HAF. We urge Treasury to release similar guidance as was provided for the implementation of the Emergency Rental Assistance Program (ERAP).

Treasury reporting guidance for ERAP explicitly states that "State, Local, and Territorial ERA Recipients should take care to never include beneficiary names or SSNs in the file submission."¹ Treasury also points out that the collection of beneficiaries' SSNs is not consistent with the Privacy Act.² This ensures that ERAP administrators can protect applicant data through data privacy and security measures, including limiting the collection of SSNs.³

We urge the Treasury to provide similar guidance and clarify that SSNs are not required for HAF, encourage HAF providers not to collect or require SSNs for data privacy and security measures, and clarify that ITIN homeowners are also eligible for HAF funds. Further, because eligibility for Social Security numbers is primarily limited to American citizens, this unnecessary requirement may cause disproportionate harm based on national origin and expose HAF administrators to liability for potential violations of the Fair Housing Act and Title VI of the Civil Rights Act of 1964. Since HAF administrators must certify to Treasury that they will comply with these and other civil rights laws, guidance from Treasury about this potential liability would be helpful for administrators and ITIN homeowners alike. ITIN homeowners deserve the opportunity to apply for this much-needed aid and stay in their hard-earned homes.

Sincerely,

Administration of Resources and Choices

All In Education

Americans for Financial Reform

California Reinvestment Coalition

CNY Fair Housing

Community Development Network of Maryland

Connecticut Fair Housing Center

Consumer Action

Consumer Credit and Budget Counseling, Inc. d/b/a National Foundation for Debt Management

Cool & Associates LLC

Eden Council for Hope and Opportunity

Fair Housing Advocates Association

Fair Housing Advocates of Northern California

Fair Housing Center of Central Indiana

Fair Housing Center of Southwest Michigan

Fair Housing Center of the Greater Palm Beaches

Fair Housing Center of West Michigan

Fair Housing Justice Center

Fair Housing Resource Center, Inc.

Fair Housing Rights Center in Southeastern Pennsylvania

Financial Protection Law Center

Greater Napa Valley Fair Housing Center

High Plains Fair Housing Center

Housing Equality Law Project (HELP)

Housing Equality Law Project (HELP)

Housing Opportunities Made Equal of Virginia

Housing Opportunities Project for Excellent, Inc.

Houston Area Urban League

Integrated Community Solutions, Inc.

Intermountain Fair Housing Council

Latino Economic Development Center

Legal Aid Society of the District of Columbia

Living United for Change in Arizona (LUCHA)
Long Island Housing Services, Inc.
Louisiana Fair Housing Action Center
Louisiana Fair Housing Action Center
Maryland Latinos Unidos
Massachusetts Communities Action Network
Massachusetts Fair Housing Center
Metro Fair Housing Services, Inc.
Miami Valley Fair Housing Center, Inc.
MICAH- Metropolitan Interfaith Council on Affordable Housing
National Association for Latino Community Asset Builders
National CAPACD- National Coalition for Asian Pacific American Community Development
National Community Stabilization Trust
National Consumer Law Center (on behalf of its low-income clients)
National Fair Housing Alliance
National Housing Resource Center (NHRC)
North Carolina Justice Center
North Texas Fair Housing Center
Northeast Denver Housing Center
Open Communities
Project Sentinel
Prosperity Now
Public Good Law Center
Renewity, LLC.
Revolving Door Project
Savannah-Chatham County Fair Housing Council Inc.
SeniorLAW Center
Southwest Fair Housing Council
UnidosUS
Westchester Residential Opportunities
Wisconsin Community Action Program Association

¹ <https://home.treasury.gov/system/files/136/ERA-Reporting-Guidance-v2.pdf>

² <https://www.justice.gov/opcl/overview-privacy-act-1974-2020-edition/ssn>

³ <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>