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