

**DCA’s Housing Finance Office Multifamily Policies and Procedures  
Regarding Public Benefits Recipients and Verification of Eligible  
Workforce**

**Purpose:**

These policies and procedures are designed to facilitate compliance with H.B.2 compliance with Public Benefit Reporting (signed by the Governor on May 11, 2009) and with H.B. 87 Illegal Immigration Reform and Enforcement Act of 2011 (signed by the Governor on May 13, 2011) which requires public employers to only contract with contractors that are registered with and participate in the E-Verify program.

**I. Public Benefits Requirements:**

The public benefits administered by the Housing Finance Office include the HOME Multifamily Program. Low Income Housing Tax Credits have not been determined to be a public benefit. However, DCA has extended verification to this program. DCA’s expectations and requirements for applicants for Public Benefits are detailed below.

**New Applications**

Commencing July 1, 2011, every application submitted to DCA requesting an allocation of tax credits or an award of HOME Multifamily resources must contain an affidavit executed under oath, as referenced in O.C.G.A. § 50-36-1, verifying that he is a qualified applicant under DCA’s policies and procedures. The affidavit shall be in substantially the following form:

**O.C.G.A. § 50-36-1(e)(2) Affidavit**

By executing this affidavit under oath, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) \_\_\_\_\_ I am a United States citizen.
- 2) \_\_\_\_\_ I am a legal permanent resident of the United States.
- 3) \_\_\_\_\_ I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is:\_\_\_\_\_.

The undersigned applicant also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:  
\_\_\_\_\_.

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of O.C.G.A. § 16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in \_\_\_\_\_ (city), \_\_\_\_\_ (state).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Printed Name of Applicant

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE  
\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:

Additionally, each applicant should provide a copy of an acceptable verifiable document per the Georgia Attorney General's List of Secure and Verifiable Documents provided pursuant to O.C.G.A 50-36-2. These include a driver's license or a United States passport. This documentation must be included in the submitted application in order for it to be considered for selection.

If an applicant does not have a lawful legal presence in the United States, then the Application is not eligible for an award or allocation

**II. Eligible Workforce Requirements:**

Housing Finance's workforce verification process supports the policy that all recipients of Low Income Housing Tax Credits and HOME Multifamily funds exhibit the highest standards in verifying the eligibility status of employees and workers on DCA funded projects. Every Recipient must adopt internal procedures to verify that all direct and indirect beneficiaries of federal and state resources are eligible to work in the United States.

As part of that verification process, all project owners (applicants), developers, general contractors and subcontractors are required to participate in E-Verify. E-Verify is a free, Internet-based employee verification system recognized as the best method for employers

to verify the authorization status of its employees. If DCA determines that a participant has knowingly utilized illegal workers, additional sanctions including debarment may be initiated. It is the responsibility of the Owner/Applicant to ensure that all workers involved in the construction and/or rehabilitation of a project funded with DCA resources are eligible workers.

DCA's expectations and requirements for verification of eligible workforce participants are detailed below.

#### **Developers, General Contractors and Subcontractors – E-Verify**

DCA requires all developers, general contractors, and subcontractors to submit a General Contractor affidavit and enroll in E-Verify. The E-Verify website, operated by the Department of Homeland Security, offers an array of tools and services to help educate new participants and guide them through the enrollment process. Project teams should direct questions regarding registration and use of the E-Verify system to the Department of Homeland Security and not to DCA. However, DCA will hold periodic trainings on the workforce verification procedures as well as the E-Verify system.

**The Affidavits of the Developer and General Contractor should be sent to the attention of Lynette Watson, Federal Compliance Officer, prior to the commencement of construction.** All subcontractors for the project will also be required to sign the "Subcontractor Affidavit and Agreement Form." These affidavits are to be collected and kept by the General Contractor. **Subcontractor affidavits should not be forwarded to DCA unless requested by DCA.** Subcontractor affidavits should be kept at the project site and should be available for DCA inspectors to review upon request.

### **III. DCA Contractor Requirements**

H.B. 87 requires DCA to only contract with entities that are registered with the E-Verify program and to obtain an affidavit from the entity certifying participation in the E-Verify program (the affidavit actually requires the entity to provide their E-Verify I.D. number).

Subsequent to July 1, 2011, all contracts entered into by the Office of Housing Finance for the performance of physical services and professional services must certify their participation in the E-Verify program and their E-Verify number.

**Internal Immigration Verification Procedures  
For the Office of Housing Finance**

**The Division Director shall appoint an Immigration Compliance Officer on or before January 1 of each year. Sandy Wyckoff has been appointed as the initial Immigration Compliance officer for the Office of Affordable Housing.**

Public Benefits Reporting:

The Immigration Compliance Officer for Housing Finance shall verify that each applicant seeking Public Benefits administered by DCA submits the appropriate affidavit and identification before awards are announced. A copy of each affidavit and identification shall be kept in a separate binder which is available for public review.

Eligible Workforce Reporting:

The Federal Compliance Officer shall verify that every Developer and General Contractor has completed the appropriate affidavit prior to the commencement of construction.

DCA Contracts Reporting:

Each Manager shall be responsible for including the affidavit and E-Verify number in contract documents entered after July 1, 2011. Furthermore, the Managers should obtain, when applicable, from the Contractor the required affidavit for any sub contractors and sub-subcontractors that will be utilized under the contract project.

A listing of contracts entered into by each DCA Office (initially between July 1, 2011 and December 1, 2011 (the list should include contracts entered into in December)—then it should be for a calendar year going forward) should be forwarded to the Division Director on or before November 1 of each year. This listing should include the date of the contract, the name of the Contractor, the E-Verify I.D. number for the Contractor and the date that the contractor received the E-Verify I.D. The Immigration Compliance officer will validate that the list is complete by reviewing DCA Finance Division record for contracts on or before November 15 of each year.

## **E-Verify Training Questions**

1. Do owners, developers and contractors need to resubmit documentation if they have sent in required documents in prior funding rounds?

**Yes, recipients of OAH-administered resources must submit the required documentation regardless of their participation in prior rounds.**

2. If a new subcontractor is used will all of the subcontractors' workers (new and old) need to use E-Verify?

**Only new workers may be verified in E-Verify (refer to E-Verify website, MOU). However, it is still the responsibility of the Project Owner to ensure that only eligible workers are used on any project site.**

3. What records or verification do general contractors/owners need to keep?

**Contractors/Owners should keep the subcontractor affidavits on file at the project site. DCA may request verification of subcontractor registration in E-Verify at any time. There are also requirements for posting of E-Verify notices on sites in English and Spanish. Documentation relating to the eligibility of workers that cannot be e verified should also be kept with the general contractor records.**

4. How do I verify that subcontractors who hire new contractors are using E-Verify?

**There is no ability to audit compliance with E-Verify procedures on E-Verify. However, Affidavits signed by subcontractors verifying the steps taken to verify workers should be kept by the General Contractor.**

5. Will DCA require all members of the limited partnership to register with E-Verify?

**DCA will require that all business entities in the General Partner and Developer entities register with E-Verify.**

6. Will DCA delay draw requests to developers if the E-Verify process fails and it is found that ineligible workers are present on a project site?

**DCA will investigate any allegations related to the eligibility of project workers. DCA will confer with the Georgia Attorney General regarding appropriate actions if it is determined that there has been a knowing use of ineligible workers. Owners that implement appropriate procedures to verify workers should be able to refute any allegations that there has been a knowing use of ineligible workers.**

7. If we are using a temporary staffing agency, should we get them to sign a contractor affidavit?

**Please contact the Department of Homeland Security for questions about temporary staffing agencies and use of E-Verify. It is recommended that if it is impossible to use E-Verify to determine whether a particular worker or subcontractor is eligible, additional procedures be implemented to ensure that only eligible workers are utilized.**

8. If the general contractor uses a subcontractor and the subcontractor is a company, who in the company do we E-Verify?

**Generally, each subcontractor will E-Verify his/her employees. It is the general contractor's responsibility to educate all subcontractors and require subcontractors to sign affidavits.**

9. What is DCA's policy for property management companies?

**Property Management companies should also use E-Verify.**

10. Will affidavits be required yearly? How often?

**Affidavits should be provided on a project basis prior to the start of construction.**

11. Is there a poster template for the E-Verify program?

**Yes, they can be downloaded from the E-Verify website.**

12. Why can't E-Verify be used for pre-screening?

**E-Verify information must be entered within the first 3 days of employment, not before employment. Please refer to E-Verify website for more information.**

13. Does the employee have to acknowledge and agree in order for the employer to enter their information into E-Verify?

**The Department of Homeland Security should be contacted with all questions regarding the rights of employees in the E-Verify process.**

14. Can employers verify existing workers?

**No, only new hires are permitted to be entered into E-Verify. See the E-Verify website for more details.**

15. Is the policy inclusive of current residents of funded properties?

**No, E-Verify is intended only to confirm a person's authorization to work legally in the United States.**

16. Are manufacturers and suppliers required to register with E-Verify?

**No.**

17. Who is considered a federal contractor?

**For E-Verify purposes, a federal contractor is one who signed a contract with the federal government. The contract must include the E-Verify clause. DCA does not believe any of our participants will qualify as a federal contractor, but refer to the E-Verify website and resources for confirmation.**

18. What are the requirements for individuals hired using Form 1099?

**Each individual hired using Form 1099 is considered to be a separate subcontractor. As such, each '1099' employee must sign the Subcontractor Affidavit and Agreement Form to be collected by the project owner.**