TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
TDHCA Governing Board Approved Draft of
10 TAC Chapter 10, Subchapter G, §10.802 Written Policies and Procedures.

Disclaimer

Attached is a proposed rule action for amendment to 10 TAC Chapter 10, Subchapter G, §10.802 Written Policies and Procedures. This action was approved by the TDHCA Governing Board on May 7, 2026. This rule action, including its preamble, is expected to be published in the May 22, 2026, edition of the *Texas Register* and that published version will constitute the official version for purposes of public comment and can be found at the following link: https://www.sos.texas.gov/texreg/index.shtml.

In compliance with §2001.023, Texas Government Code, a summary of the proposed action follows:

The Board adopted 10 TAC Chapter 10, Subchapter F Compliance Monitoring, §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments at the April 9, 2026, Board meeting. These two rule sections incorporated the requirements of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the U.S. Department of Housing and Urban Development (HUD) in its 2025 federal Grant Agreements into the Department's Compliance rules for certain multifamily properties.

This rule, 10 TAC §10.802, Written Policies and Procedures, outlines the policies and/or procedures of the Department (also called tenant section criteria) that are required to have written documentation at a multifamily rental Development. The Written Policies and Procedures now require amendment to include circumstances related to the implementation of §§10.612 and 10.628, relating to PRWORA and SAVE verifications. Revisions made address: notification to tenants or applicants; handling of verification delays that may arise from disputes or appeals or while awaiting determinations from the Department on inconclusive results from SAVE; an appeal process; and how Owners may proceed to the next applicant during delays.

The proposed rule amendments also make three other changes not related to the PRWORA implementation that include 1) clarifying the required response periods for certain Developments that are required by a LURA to have an appeal process or a Fair Lease and Grievance Procedure, 2) makes other clarifying edits, 3) addresses the means by which a property owner can effectuate a tenant leasing preference or limitation to make this process less onerous, and 4) adds ERA to the list of Programs that may have a VAWA preference without a Contract amendment.

Public Comment

Public Comment Period: Start: 8:00 a.m. Austin local time on May 22, 2026
End: 5:00 p.m. Austin local time on June 22, 2026

Comments received after 5:00 p.m. Austin local time on June 22, 2026, will not be accepted. Written comments may be submitted electronically within the designated public comment period to: **brooke.boston@tdhca.state.tx.us.**

Those making public comment are encouraged to reference the specific draft rule, policy, or plan related to their comment as well as a specific reference or cite associated with each comment. Please be aware that all comments submitted to the TDHCA will be considered public information.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
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Departamento de Vivienda y Asuntos Comunitarios de Texas
Borrador aprobado por la Junta Directiva del TDHCA
de la sección [§] 10.802 [“Políticas y procedimientos por escrito”] del subcapítulo G del título 10 del Código Administrativo de Texas (TAC)

Descargo de responsabilidad

Se adjunta una acción reglamentaria propuesta para una modificación a la sección [§] 10.802 [“Políticas y procedimientos por escrito”] del subcapítulo G del título 10 del Código Administrativo de Texas (TAC). Esta acción recibió aprobación por parte de la Junta Directiva del Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA) el 7 de mayo de 2026. Se espera que esta acción reglamentaria, incluyendo su preámbulo, se publique en la edición del *Texas Register* del 22 de mayo de 2026. Esa versión publicada constituirá la versión oficial para fines de comentarios públicos y se puede encontrar en el siguiente enlace:https://www.sos.texas.gov/texreg/index.shtml.

De conformidad con la sección [§] 2001.023 del Código de Gobierno de Texas, se incluye a continuación un resumen de la regla propuesta: La Junta aprobó en su reunión de 9 de abril de 2026 la sección [§] 10.612 [“Requisitos de expedientes de inquilinos”] y la nueva sección [§] 10.628 [“Verificación de la condición jurídica de ocupantes”] del subcapítulo F [“Supervisión de cumplimiento”] del capítulo 10 del título 10 del Código Administrativo de Texas (TAC). Ambas secciones se aplican a urbanizaciones amparadas por los programas HOME, HOME ARP y NHTF. Estas dos secciones reglamentarias incorporaron los requisitos de la sección 401(a) de la Ley de Reconciliación de Oportunidades Laborales y Responsabilidades Personales de 1996 (PRWORA) y del Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) en sus acuerdos de subvenciones a nivel federal del año 2025 en las reglas de cumplimiento del Departamento para determinadas propiedades multifamiliares.

Esta regla, sección [§] 10.802 [“Políticas y procedimientos por escrito”] del título 10 del Código Administrativo de Texas (TAC), describe las políticas o procedimientos del Departamento (también llamados criterios de selección de inquilinos) que exigen contar con documentación por escrito en una urbanización de viviendas multifamiliares destinadas a alquiler. La sección “Políticas y procedimientos por escrito” ahora necesitan una modificación que incluya circunstancias relacionadas con la implementación de las secciones 10.612 y 10.628, relativas a verificaciones de la Ley PRWORA y del Programa de Verificación Sistemática de Extranjeros para la Recepción de Ayudas Sociales (SAVE). Las reformas abordan lo siguiente: notificación a inquilinos o solicitantes; manejo de retrasos en verificaciones que puedan surgir por impugnaciones o apelaciones, o bien mientras se esperan resoluciones del Departamento sobre resultados no concluyentes del Programa SAVE; un proceso de apelación; y cómo los propietarios pueden proceder con el siguiente solicitante durante los retrasos.

Las modificaciones reglamentarias propuestas también efectúan otros tres cambios no relacionados con la implementación de la Ley PRWORA que incluyen lo siguiente: 1) aclarar los períodos de respuesta requeridos respecto a determinadas urbanizaciones que, de acuerdo a las exigencias de un acuerdo de restricciones de planificación urbana (LURA), deben tener un proceso de apelación o un procedimiento para contratos de arrendamiento razonables y presentación de querellas; 2) aplicar otras correcciones aclaratorias; 3) abordar los medios por los que un propietario puede hacer efectiva una preferencia o limitación de arrendamiento a inquilinos para que este proceso sea menos oneroso; y 4) agregar ERA a la lista de programas que pueden tener una preferencia amparada por la Ley sobre Violencia contra la Mujer (VAWA) sin una modificación contractual.

Comentarios del público

Periodo de comentarios del público: Inicio: 8:00 a. m., hora local de Austin, del 22 de mayo de 2026
Finalización: 5:00 p. m., hora local de Austin, del 22 de junio de 2026

No se aceptarán los comentarios que se reciban después de las 5:00 p. m., hora local de Austin, del 22 de junio de 2026. Los comentarios por escrito pueden enviarse de manera electrónica dentro del período designado de comentarios del público a **brooke.boston@tdhca.state.tx.us**.

Se anima a quienes formulen comentarios públicos a que hagan referencia al borrador de la regla, política o plan específico relacionado con su comentario, así como una referencia o cita específica asociada a cada comentario. Tenga en cuenta que todos los comentarios enviados al TDHCA se considerarán información pública.

DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS
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Attachment A: Preamble, including required analysis, for the proposed amendment to 10 TAC Chapter 10, Subchapter G, §10.802 Written Policies and Procedures

The Texas Department of Housing and Community Affairs (the Department) proposes amendments to 10 TAC Chapter 10, Subchapter G, §10.802 Written Policies and Procedures. The purpose of the proposed amendment is to add additional requirements to be included in a property's Written Policies and Procedures that are now required because of recent rule changes at 10 TAC Chapter 10, Subchapter F Compliance Monitoring, §10.612 Tenant File Requirements and new §10.628 Verification of Occupant Legal Status for HOME, HOME ARP and NHTF Developments. Those sections incorporated the requirements of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) and the U.S. Department of Housing and Urban Development (HUD) in its 2025 federal Grant Agreements into the Department's Compliance rules for certain multifamily properties. Additions to the Written Policies and Procedures now address notification to tenants or applicants; handling of verification delays that may arise from disputes or appeals or while awaiting determinations from the Department on inconclusive results from SAVE; an appeal process; and how Owners may proceed to the next applicant during delays.

The proposed rule amendments also make other changes not related to the PRWORA implementation that include 1) clarifying the required response periods for certain Developments that are required by a LURA to have an appeal process or a Fair Lease and Grievance Procedure, 2) makes other clarifying edits to more clearly describe Department practices, 3) addresses the means by which a property owner can effectuate a tenant leasing preference or limitation to make this process less onerous, and 4) adds ERA to the list of Programs that may have a VAWA preference with a Contract amendment.

Tex. Gov't Code §2001.0045(b) does not apply to the amendment because it is subject to the exception under §2001.0045(c)(4) which excepts amendments that are necessary to receive a source of federal funds or to comply with federal law. No additional funds will be needed to implement this rule.

The Department has analyzed this rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221. Mr. Bobby Wilkinson has determined that, for the first five years the amended section would be in effect:

1. The amendment does not create or eliminate a government program but relates to changes to an existing activity: the policies and procedures that must be kept as it relates to the implementation and applicability of Section 401(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) in the Department's HOME, HOME-ARP and NHTF properties.
2. The amendment does not require a change in work that creates new employee positions nor does it create savings that would allow for a reduction in employee positions.
3. The amended section will not require additional future legislative appropriations.
4. The amended section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The amended section does not create a new regulation.
6. The amended section does expand an existing regulation to provide additional requirements, however the expanded regulations are required to comply with federal law.
7. The amended section does not increase the number of individuals subject to the rule's applicability.
8. The amended section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the amendment and based on prior comment received regarding implementation of PRWORA, it is possible the amendment will create an economic effect on small or micro-businesses or rural communities. The added processes to the Written Policies and Procedures may require additional work for small operators or rural properties and because they tend to more frequently utilize the programs that are applicable. Small operators and rural properties often have limited onsite capacity, increasing the proportional burden and the risk of findings. When verifications escalate to nonrenewal and a household will not vacate, properties can incur foreseeable enforcement costs for court and attorney fees, staff time and the costs of turning over a unit.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The amended section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the amended section as to its possible effects on local economies and has determined that for the first five years the amended section would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson has determined that, for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of the new section would be a rule compliant with the federal regulations relating to PRWORA with clear guidance for properties on how they must handle specific issues that may arise. There will not be economic costs to individuals required to comply with the amended section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the amended section is in effect, enforcing or administering the amended section will have no economic costs.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the rule and also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis from any person required to comply with the proposed rule or any other interested person. The public comment period will be held from May 22, 2026 to June 22, 2026. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by email to brooke.boston@tdhca.texas.gov. ALL COMMENTS AND INFORMATION MUST BE RECEIVED BY 5:00 pm Central time, June 22, 2026.

STATUTORY AUTHORITY. The rule action is proposed pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules. Except as described herein the amended section affects no other code, article, or statute.

10 TAC Chapter 10, Subchapter G, §10.802 Written Policies and Procedures

§10.802. Written Policies and Procedures.

(a) The purpose of this section is to outline the policies and/or procedures of the Department (also called tenant section criteria) that are required to have written documentation. If an Owner fails to have such Written Policies and Procedures, or fails to follow their Written Policies and Procedures it will be handled as an Event of Noncompliance as further provided in §10.803 of this subchapter (relating to Compliance and Events of Noncompliance).

(1) Owners must inform applicants/tenants in writing, at the time of application, or at the time of other actions described in this section, that such policies/procedures as described in this section are available, and that the Owner will provide copies upon request to applicants/tenants or their representatives.

(2) The Owner must have all policies and related documentation required by this section and the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation" available in the leasing office and anywhere else where applications are taken; Developments that accept electronic applications must maintain on their website these Written Policies and Procedures and the same noted forms.

(3) All policies must have an effective date. Any changes made to the policies require a new effective date, and a notice regarding the availability of new policies must be communicated to tenants in writing. Acceptable forms of notification in writing are:

(A) Written notice to each household through an active communications portal or online rental payment portal, if either are used at the Development;

(B) written notice via hard copy placed on the door to each occupied Unit;

(C) a notice online on the Development's website, if the Development has one; or

(D) a hard copy notice posted in the leasing office's public area for at least 30 calendar days.

(4) In general, policies addressing credit, criminal history, and occupancy standards cannot be applied retroactively. Tenants who already reside in the Development or applicants on the waitlist at the time new or revised tenant selection criteria are applied, and who are otherwise in good standing under the lease or waitlist, must not receive notices of termination or non-renewal based solely on their failure to meet the new or revised tenant selection criteria or be passed over on the

waitlist. However, criteria related to program eligibility or compliance with PRWORA may be applied retroactively when a market rate development receives a new award of tax credits, federal, or state funds and a household is not eligible under the new program requirements, or when prior criteria violate federal or state law.

(b) Tenant Selection Criteria. A Development Owner must maintain current and prior versions of the written Tenant Selection Criteria, for the longer of the records retention period that applies to the program, or for as long as tenants who were screened under the historical criteria are occupying the Development.

(1) The criteria identified by a Development must be reasonably related to an applicant's ability to perform under the lease (for a Development with MFDL funding this means to pay the rent, not to damage the housing, and not to interfere with the rights and quiet enjoyment of other tenants) and include at a minimum:

(A) Requirements that determine an applicant's basic eligibility for the Development, including any preferences, restrictions (such as the Occupancy Standard Policy), the Waitlist Policy, Changes in Housing Designation Policy, low income unit designations utilized, and any other tenancy requirements. Any restrictions on student occupancy and any exceptions to those restrictions, as documented in the tenant file as provided for in 10 TAC §10.612(b)(2) of this chapter (relating to Tenant File Requirements) must be stated in the policies;

(B) Applicant screening criteria, including what applicant attributes are screened and what scores or findings would result in ineligibility;

(C) The following statement: Screening criteria will be applied in a manner consistent with all applicable laws, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, PRWORA, program guidelines, and TDHCA's rules;

(D) Specific age requirements if the Development is operating as an Elderly Property either under the Housing for Older Persons Act of 1995 as amended (HOPA), or the age related eligibly criteria required by its use of federal funds.

(2) The criteria must not:

(A) Include population limitations (such as Elderly or Veterans) unless the limitation is in a recorded LURA that has been approved by the Department;

(B) Include preferences for admission, unless it is:

(i) in a recorded LURA or Contract (as defined by programmatic requirements) or written agreement that which has been approved by the Department (preferences are required to be in a Contract or LURA when a Development has federal or state funding, except for the preference allowed by paragraph (3) of this subsection or the mandatory preference as required by 24 CFR §8.27),

(ii) is required by a program in which the Owner is participating thatwhich requires the preference, or

(iii) is allowed by paragraph (3) of this subsection.

(v) Owners that include preferences in their leasing criteria due to other federal financing must provide to the Department either written approval from HUD, USDA, or VA for such preference, or identify the statute, written agreement, or federal guidance documentation that permits the adoption of this preference.;

(vi) A preference may be required to be in a LURA as a result of a subordination agreement, Rider, or other similar instrument, that the Department is requested to execute with another funding source;

(CB) Exclude an individual or family from admission to the Development solely because the household participates in the HOME Tenant Based Rental Assistance Program, the housing choice voucher program under Section 8, United States Housing Act of 1937 (42 U.S.C. §1-437), or other federal, state, or local government rental assistance program. If an Owner adopts a minimum income standard for households participating in a voucher program, it is limited to the greater of a monthly income of 2.5 times the household's share of the total monthly rent amount or $2,500 annually except in the case of Foster Youth to Independence (FYI) vouchers any adopted minimum income standard is limited to one month of the household's share of the total monthly rent amount; or

(DC) In accordance with VAWA, deny admission on the basis that the applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking.

(3) If the Development is funded with HOME, HOME ARP, ERA, TCAP RF, NHTF, or NSP funds, in accordance with 24 CFR §93.356 and 24 CFR §92.359, the criteria may have a preference for persons who have experienced domestic violence, dating violence, sexual assault, or stalking.

(4) Occupancy Standard Policy.

(A) If the Development restricts the number of occupants in a Unit in a more restrictive manner than found in Section 92.010 of the Texas Property Code, the Occupancy Standard Policy must allow at least two persons per Bedroom plus one additional person per Unit. An Efficiency Unit that is greater than 600 square feet, must also have an Occupancy Standard Policy of at least three persons per Unit. In an SRO or in an Efficiency that is less than 600 square feet, the Occupancy Standard Policy must allow at least two persons per Unit. Supportive housing or transitional housing Developments where all Units in the Development are SROs or Efficiencies, are not required by the Department to have an Occupancy Standard Policy, except as required for the 811 PRA Program or as reflected in the Development's LURA.

(B) A Development may adopt a more restrictive standard than described in subparagraph (A) of this paragraph, if the Development is required to utilize a more restrictive standard by a local governmental entity, or a federal funding source. However, the Development must have this information available onsite for Department review.

(C) Except for an Elderly Development that meets the requirements of the Housing for Older Persons Act exception under the Fair Housing Act, the Occupancy Standard Policy must state that children that join the household after the start of a lease term will not cause a household to be in violation of the lease.

(c) Reasonable Accommodations Policy. Owners must maintain a written Reasonable Accommodations policy. The policy must be maintained at the Development. Owners are responsible for ensuring that their employees and contracted third party management companies are aware of and comply with the reasonable accommodation policy.

(1) The policy must provide:

(A) Information on how an applicant or current resident with a disability may request a reasonable accommodation;

(B) How transfers related to a reasonable accommodation will be addressed; and

(C) A timeframe in which the Owner will respond to a request that is compliant with §1.204(b)(3) and (d) of this title (relating to Reasonable Accommodations).

(2) The policy must not:

(A) Require a household to make a reasonable accommodation request in writing;

(B) Require a household whose need is readily apparent to provide third party documentation of a disability;

(C) Require a household to provide specific medical or disability information other than the disability verification that may be requested to verify eligibility for reasonable accommodation;

(D) Exclude a household with person(s) with disabilities from admission to the Development because an accessible unit is not currently available; or

(E) Require a household to rent a unit that has already been made accessible.

(d) Waitlist Policy. Owners must maintain a written waitlist policy, regardless of current Unit availability. The policy must be maintained at the Development. The policy must include procedures the Development uses in:

(1) Opening, closing, and selecting applicants from the waitlist, including but not limited to the requirements in §10.615(b) of this title (relating to Elections under IRC §42(g) and Additional Income and Rent Restrictions for HTC, Exchange, and TCAP Developments);

(2) Determining how lawful preferences are applied; and

(3) Procedures for prioritizing applicants needing accessible Units in accordance with 24 CFR §8.27, and Chapter 1, Subchapter B of this title (relating to Accessibility and Reasonable Accommodations).

(e) Changes in Household Designation Policy. This is applicable if a Development has adopted a policy in accordance with §10.611(c) of this subchapter (relating to Determination, Documentation and Certification of Annual Income).

(f) Denied Application Policies. Owners must maintain a written policy regarding the procedures they will follow when denying an application and when notifying denied applicants of their rights.

(1) The policy must address the manner by which rejections of applications will be handled, including timeframes and appeal procedures, if any.

(2) Within seven days after the determination is made to deny an application, the owner must provide any rejected or ineligible applicant that completed the application process a written notification of the grounds for rejection. The written notification must include:

(A) The specific reason for the denial and reference the specific leasing criteria upon which the denial is based;

(B) Contact information for any third parties that provided the information on which the rejection was based and information on the appeals process, if one is used by the

Development. An appeals procedure is required for HOME Developments that are owned or sponsored by Community Housing Development Organizations, (including a Development that ever received HOME funding that was purchased under a CHDO ROFR Provision on or after April 30, 2026), and Units at Developments that lease Units under the Department's Section 811 PRA program. The appeals process must provide a 14-day period for the applicant to contest the reason for the denial, and comply with other requirements of the HUD Handbook 4350.3 4-9; and

(C) The TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation."

(3) The Development must keep and may periodically be requested to submit to the Department a log of all denied applicants that completed the application process to include:

(A) Basic household demographic and rental assistance information, if requested during any part of the application process; and

(B) The specific reason for which an applicant was denied.

(4) If an 811 applicant is being denied, within three calendar days of the denial the Department's 811 PRA Program point of contact must be notified and provided with a copy of the written notice that was provided to the applicant.

(g) Non-renewal and/or Termination Notices. A Development Owner must maintain a written policy regarding procedures for providing households non-renewal and termination notices.

(1) The Owner must provide in any non-renewal or termination notice, a specific and lawful reason for the termination or non-renewal.

(2) The notification must:

(A) Be delivered as required under applicable program rules and the lease. For HOME, HOME ARP, TCAP RF, NHTF, NSP, HTC, TCAP, ERA, and Exchange Developments, see 10 TAC §10.613(a) - (b) of this chapter (relating to Lease Requirements). For Section 811 PRA, see 24 CFR §247.4(a) - (f);

(B) Include the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation." To avoid providing applicants and residents with duplicate information, TDHCA administered Developments

layered with other federal funds are permitted to amend the TDHCA VAWA forms to incorporate requirements of other funders. However, none of the information included in the TDHCA created form may be omitted;

(C) State how a person with a disability may request a reasonable accommodation in relation to such notice;

(D) Include information on the appeals process if one is used by the Development.~~ (t~~ This process is required under some LURAs, for HOME Developments that are owned or sponsored by Community Housing Development Organizations (including a~~,~~ Development that ever received HOME funds purchased under a CHDO ROFR Provision on or after April, 30, 2026) and for 811 PRA units.~~)~~ For HOME Developments, the Owner must provide at least 30 days for the household to respond to the termination or non-renewal, and for 811 PRA Units the Owner must provide at least 14 days; and

(E) For Units subject to the 2025 HOME Final Rule as identified in §10.601(g), of this chapter relating to 2025 HOME Final Rule applicability,

1. Such notice should be provided in a translated format when needed to ensure meaningful access for limited English proficient (LEP) persons; and

2. Be provided to TDHCA within the timeframe identified in §10.613(o)(4) if this chapter, relating to Notices to Vacate.

(h) At the time of application Owners must provide each adult in the household the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act" and the HUD form 5382 "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation." To avoid providing applicants and residents with duplicate information, TDHCA administered Developments layered with other federal funds are permitted to amend the TDHCA VAWA forms to incorporate requirements of other funders. However, none of the information included in the TDHCA created form may be omitted.

(i) Policies and procedure~~s~~ reviews may~~will~~ be ~~reviewed~~ initiated periodically by the Department ~~Department's Fair Housing staff,~~ as a result of complaints, or through an owner ~~initiated~~ requested written policies and procedures review. Owners may request a review of the written policies and procedures for a portfolio of Developments by submitting a request to fair.housing@tdhca.state.tx.us. After review by the Department, an Owner may make non-substantive changes to the policies.

(j) A Development Owner must allow applicants to submit applications via mail and at the Development site or leasing office; if the Development is electronically equipped, the Development may also allow applications to be submitted via email, website form, or fax. The Development's tenant

selection criteria must state available alternate means of submission and include address, email, or other necessary contact information on the form or its attached leasing criteria.

(k) If the Development has ever been funded via Direct Loan or has HOME Match Uunits, the Development's written policies and procedures must list at least two methods to contact the Development.

(l) For HOME, HOME ARP, and NHTF Developments as it relates to verifying qualified legal status as required under §10.612 Tenant File Requirements and §10.628 Verification of Occupant Legal Status for HOME, HOME ARP, and NHTF Developments of this title, the Development's written policies and procedures must include:

(1) For an existing tenant household that has not been verified for legal status, the Owner must initiate a household's eligible legal status at least 90 days prior to lease renewal. If an existing tenant household is unable to be verified or results are inconclusive based on the results of the verification process, the Owner must provide written notice within two business days of when that determination is made and at least 60 days prior to lease renewal, during which the tenant household may seek to obtain adequate documentation or correct status with applicable agencies. Such notice must meet the criteria in paragraph (3) of this subsection. If upon receipt of further documentation from the household, the household still is unable to be verified or the household has not signed the required attestation, the Owner must provide the household with at least 30 days notice of nonrenewal.

(2) If a new applicant household is unable to be verified or results are inconclusive based on the results of the verification process, the Owner must provide written notice to the applicant within two business days of the determination and such notice must meet the criteria in paragraph (3) of this subsection. In response to the notice, if the household seeks to appeal, or seeks to correct records, the Owner must allow the household 30 days from the date of notification before seeking to reverify the household. Unless a federal program requires another method for Waiting List Management, the Owner may elect to hold the Unit vacant or must place that applicant household at the top of the Waiting List and proceed to the next applicant on the Waiting List. The policies and procedures must describe how the Waiting List will be handled, and if holding a Unit vacant, the procedures must specify the number of days a Unit will be held. The policies and procedures must denote if an extension beyond 30 days at the top of the Waiting List will be permitted and under what circumstances. Additionally, if another federal program requires a different method of Waiting List Management, those requirements must be available for review by the Department or must be reviewed by the Department (if required by programmatic requirements).

(3) Notice to a household that is unable to be verified or has received inconclusive results must:
(A) state the results received from SAVE;

(B) state whether any additional documentation or information is required to be able to be successfully verified, or to contest or cure the result;
(C) provide the household with the information necessary to contact the Department of Homeland Security (DHS) to correct their immigration status;
(D) notify the applicant household that they may seek correction of records with any agency that issued or maintains records relevant to verification; and
(E) notify the household of their appeal rights.

(4) Appeals. Owners shall establish a written procedure to address an applicant's or tenant's appeal of a determination. The procedure shall at a minimum include:
(A) An investigation and final decision, completed within 10 days of appeal receipt, by the Owner or Management Company; and
(B) If after a Management Company or Owner determination has been made, an appeal may be submitted to the Department under §1.7 of this title.