

## Technical Support for Avoiding Administrative Penalty Referrals.

This document has been prepared to help you avoid the most common penalty referrals seen by the Enforcement Committee. Please note that although this list has been compiled to assist you in avoiding a future penalty assessment, it is a basic list and is not all-inclusive, nor is it customized for your property. It is your responsibility to be aware of all applicable TDHCA statutes, TDHCA rules, and the LURA terms.

If a property is referred for a penalty or debarment, immediately submit as much corrective documentation as possible via CMTS, along with a corrective action plan for consideration, detailing how and when any remaining issue(s) of noncompliance will be corrected. If complete corrections are submitted before an informal conference is set for the TDHCA Enforcement Committee to consider a penalty and/or debarment, it is possible that the referral may be closed. If the referral cannot be closed, submitting corrections and/or a corrective plan quickly will be a positive factor, demonstrating your willingness to comply.

### **Section 1:**

- Section 1: Recommendations for avoiding future penalty referrals
- Section 2: Tenant File Technical Support
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- Section 4: Reasonable Accommodations vs Reasonable Modifications Flyer

**Training Opportunities:** Combination of in-person, “live” online, and pre-recorded trainings.

1. Income Determination Training: Focuses on income eligibility requirements, including income, assets, documenting household income, calculating annual income, and student status.
  - Register for live online training at: <https://www.taa.org/events/>.
  - Register for training in-person in Austin: <https://www.tdhca.texas.gov/compliance-training>
  - A pre-recorded version is also available at <https://www.tdhca.texas.gov/compliance-program-training-presentations>.
2. Housing Tax Credit (HTC) Compliance Training: Focuses on TDHCA compliance requirements for HTC, Tax Credit Exchange (TCEP) and Tax Credit Assistance (TCAP) programs, such as student eligibility, utility allowances, tenant supportive services, and more. Register for live online training at: <https://www.taa.org/events/>
3. Multifamily Direct Loan (MFDL) Compliance Training: Focuses on TDHCA compliance requirements for HOME, HOME American Rescue Plan (HOME-ARP), National Housing Trust Fund (NHTF), Neighborhood Stabilization Program (NSP), and Tax Credit Assistance Program – Repayment Funds (TCAP-RF) programs, such as utility allowances, student eligibility, recertifications, adjusted income, and more. This course is typically only held twice a year. Register for live online training at: <https://www.taa.org/events/>. A pre-recorded version is also available at <https://www.tdhca.texas.gov/compliance-program-training-presentations>.
4. Webinars regarding, Income & Rents, Income Determination Training (this is the same course as #1 above), Utility Allowances, CMTS Training, and Supportive Services: <https://www.tdhca.texas.gov/compliance-program-training-presentations>.
5. Webinars regarding the Affirmative Marketing and Written Policies and Procedures are available online through the Fair Housing Division: <https://www.tdhca.texas.gov/programs/fair-housing-program>.
6. Fair Housing training and presentations (including affirmative marketing, reasonable accommodations, and limited English proficiency): <https://www.tdhca.state.tx.us/fair-housing/training.htm> and <https://www.tdhca.state.tx.us/fair-housing/professionals.htm>.
7. Frequently asked questions and answers are available at: <https://www.tdhca.texas.gov/compliance-frequently-asked-questions-faqs>

8. The Multifamily Compliance Division is hosting a monthly “Office Hours” webinar to give partners the opportunity to ask questions and receive real-time answers from Compliance staff. Registration opportunities for these are emailed out as announcements to those subscribed to our email list, [www.tdhca.texas.gov](http://www.tdhca.texas.gov); click “Subscribe” to register for email announcements.
9. The Section 811 Program team is offering bi-monthly trainings opportunities, which are recorded and posted online <https://www.tdhca.texas.gov/compliance-program-training-presentations>. Registration announcements for these opportunities are emailed out to the subscription list as explained above.

## Section 1:

### **Recommendations for avoiding future penalty referrals**

This list has been prepared to help you avoid the most common penalty referrals seen by the Enforcement Committee. Please note that although this list has been compiled to assist you in avoiding a future penalty assessment, it is a very basic list and is not all-inclusive, nor is it customized for your property. It is your responsibility to be aware of all applicable TDHCA statutes, TDHCA rules, and the LURA terms.

1. **Subscribe to our Mailing List** to receive updates regarding form changes, rule changes, etc. See the “Subscribe to our Mailing List” link toward the bottom of the page at [www.tdhca.texas.gov](http://www.tdhca.texas.gov).

2. **Electronic correspondence** - TDHCA has transitioned to an electronic delivery system and will no longer send correspondence via the US postal service. All correspondence will instead be uploaded to the Compliance Monitoring and Tracking System (CMTS) and notice of the upload will be sent via email to the address on file. Please regularly check CMTS to ensure that your contact information is current and that you have responded to all TDHCA correspondence. See link for instructions: <https://www.tdhca.texas.gov/sites/default/files/pmcdocs/CMTSUserGuide-AttachingDocs.pdf>. A CMTS Training is available at <https://www.tdhca.texas.gov/compliance-program-training-presentations>.

3. **Follow up** – If you have submitted corrective documentation with respect to a TDHCA noncompliance finding and have not received correspondence acknowledging correction, it is your responsibility to contact the compliance monitor assigned to your review in order to ensure that no further documentation is required. You should periodically make contact until he or she verifies full correction. If your corrections have been reviewed and the compliance monitor issued a letter indicating that findings remain uncorrected, you must submit additional corrections immediately in order to avoid an administrative penalty referral. If you have been referred for a penalty, submit corrections as soon as possible; in most cases, no action will be taken on the penalty referral if you submit complete corrections before an informal conference notice has been issued.

4. **TDHCA Forms** – Available online at <https://www.tdhca.texas.gov/compliance-forms>

5. **TDHCA Rules** – Available online at these two links

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=10&pt=1&ch=10&sch=F&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=10&sch=F&rl=Y)

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=5&ti=10&pt=1&ch=10&sch=G&rl=Y](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=5&ti=10&pt=1&ch=10&sch=G&rl=Y)

6. **Monitoring Checklists** – Want to verify that your property is currently in compliance with additional requirements under the LURA? Curious about how we monitor when we are onsite? Be sure to review the rest of this attachment, but also look over the seven worksheets this link. They are not required forms, but are provided as a tool to help you verify compliance between onsite reviews. [https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Monitoring%20Forms%20\(XLSX\).xlsx](https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Monitoring%20Forms%20(XLSX).xlsx)

7. **Ownership transfers** – All changes to any member of the development owner, except the limited partners under the syndicator, must be approved in advance by TDHCA. Ownership transfers will be processed according to the requirements in the most recently approved Qualified Allocation Plan (not the plan that was in effect when a development applied for tax credits). You must submit the necessary Ownership Transfer Forms along with a \$1,000 processing fee. Failure to receive TDHCA approval before finalizing a transfer may result in a penalty assessment. Further information: <https://www.tdhca.texas.gov/post-award-activities-manual>.

8. **CMTS Reporting** – Annual Reports are due on April 30 of each year. Quarterly vacancy reports / Unit Status Reports are due quarterly on the 10<sup>th</sup> of January, April, July, and October. Log in at <https://pox.tdhca.state.tx.us/aims2/pox>. Technical support regarding reporting is available at <https://www.tdhca.texas.gov/compliance-reports>. There are also multiple presentations at <https://www.tdhca.texas.gov/compliance-program-training-presentations>.

9. **Affirmative Marketing Plan** – Keep a copy of the Plan in the property office along with copies of outreach marketing efforts (i.e. flyers and letters) advertising vacancies to the disabled and to groups identified as least likely to apply, based upon your analysis of the property’s demographic data versus data for the census tract, housing market area, etc (see <https://data.census.gov/cedsci/>). Entire plan must be updated every 5 years. Note that the rule was recently updated and is available at [10 TAC §10.801](#). Remember that your outreach marketing materials must include the Fair Housing Logo and a sentence (in both English and Spanish) providing contact information for the individual who can assist if reasonable accommodations are needed to complete the application process. Form available at: <https://www.tdhca.state.tx.us/fair-housing/downloads.htm>. Further technical support available at: <https://www.tdhca.state.tx.us/fair-housing/professionals.htm>. Training webinars available at: <https://www.tdhca.state.tx.us/fair-housing/presentations.htm>.

10. **Written Policies and Procedures** – You must maintain written policies and procedures that meet all requirements of [10 TAC §10.802](#), which became effective 5/2020. We recommend using the rule as a checklist. Include a copy of the tenant selection criteria under which an applicant was screened in each household’s file. Note that section (g) of that rule includes requirements that must be incorporated into nonrenewal notices.

11. **Reasonable accommodations requests** – You must have written policies and procedures relating to reasonable accommodations requests that meet the requirements of [10 TAC §1.204](#) and [10 TAC §10.802](#). Among other requirements outlined in those rules, responses to reasonable accommodations requests must be provided within 14 calendar days (not business days). Webinars are available at <https://www.tdhca.state.tx.us/fair-housing/presentations.htm>. Further technical support is available at <https://www.tdhca.state.tx.us/fair-housing/professionals.htm>.

12. **Social Supportive Services** (*if in LURA*) – You must comply with any supportive service requirements in your LURA. We recommend that you keep a binder in the property office to maintain calendars, flyers and sign in sheets, organized by supportive service type. Information regarding monitoring requirements is at [10 TAC §10.619](#). If you cannot provide all services required by the LURA, or if they are not appropriate to your property, it is your responsibility to request a material LURA amendment. See policy at page 25 of <https://www.tdhca.texas.gov/sites/default/files/asset-management/docs/20-PostAwardActivitiesManual.pdf>. A supportive services webinar is at <https://www.tdhca.texas.gov/compliance-program-training-presentations>. The “*Social Services*” tab of this spreadsheet provides details regarding how we monitor for this item: [https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Monitoring%20Forms%20\(XLSX\).xlsx](https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Monitoring%20Forms%20(XLSX).xlsx).

13. **Household qualification** – [10 TAC §10.612](#) outlines tenant file requirements. You must collect and maintain sufficient documentation to demonstrate that all restricted units are occupied by qualified households. A tenant file must include: tenant application, verifications of *all* sources of income and assets, income certification form, lease, lease addenda, Tenant Rights and Resources Guide Acknowledgment. It is also your responsibility to maintain recertifications and/or Annual Eligibility Certifications as applicable under 10 TAC §10.612. Income limits are posted by TDHCA and updated periodically at: <https://www.tdhca.texas.gov/income-and-rent-limits>. A tenant file checklist is available at this link: <https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Suggested-File-Checklist.docx>. A link to TDHCA forms is at #4 above. It is also your responsibility to screen for student status, see 10 TAC §10.612 for details. If your property has a Special Needs occupancy requirement, a certification is at the Forms page.

14. **Recertifications** - It is your responsibility to maintain recertifications and/or Annual Eligibility Certifications as applicable under [10 TAC §10.612](#). Also remember that HOTMA requires all households to have assets fully verified once during each 3 years of tenancy, households may then self-certify assets when the total is equal to or less than \$50,000. There are some exceptions to this rule regarding assets: (1) HTC, Exchange, TCAP, and THTF may self-certify assets when the amount is \$50,000 or less; (2) BOND must verify assets at initial certification and during every 3<sup>rd</sup> year of tenancy when an income certification is completed; (3) MFDL Programs: at Initial Certification the assets must be verified by third party or first-hand documentation, and must be verified during the 6th year of the affordability period certifications.

15. **Rent Limits** – [10 TAC §10.615](#), [§10.622](#), and [§10.614](#), provide details regarding rent restrictions. Rent limits are posted by TDHCA and updated periodically in an “Income and Rent Tool” spreadsheet at: <https://www.tdhca.texas.gov/income-and-rent-limits>. Generally speaking, when determining the rent for MFDL programs, you must ensure that the tenant-paid rent, plus the utility allowance, plus any housing subsidies, plus any mandatory fees, are below the maximum limit set by TDHCA. For HTC, BOND, TCEP and TCAP, you must ensure that the tenant-paid rent, plus the utility allowance, plus any mandatory fees, are below the maximum limit set by TDHCA.

16. **Utility allowances** – Must be updated annually and require TDHCA approval. See [10 TEX. ADMIN. CODE §10.614](#) and <https://www.tdhca.texas.gov/compliance-utility-allowance-information>. The “Utility Allowances” tab of this spreadsheet provides details regarding how we monitor for this item: [https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Monitoring%20Forms%20\(XLSX\).xlsx](https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Monitoring%20Forms%20(XLSX).xlsx). A detailed training about Utility Allowance is available: <https://www.tdhca.texas.gov/compliance-program-training-presentations>.

17. **Lease language** – [10 TAC §10.613](#) outlines required and/or excluded lease provisions and additional notices that must be signed by each household. If you are a member of the Texas Apartment Association, they have an addendum form incorporating the required language called the “Lease Contract Addendum for Units Participating in Government Regulated Affordable Housing Programs” that may be used to comply with this requirement. If you are not a member, you should generate your own form including the required language from §10.613.

18. **Material Participation of a Nonprofit or Historically Underutilized Business (“HUB”)** (*If in LURA, HTC and Bond only*) – If you received application points for the material participation of a nonprofit or HUB, this requirement will be included in your LURA and will be monitored during onsite file monitoring reviews. It is possible that a finding has not been identified in the past, but this item is being checked during all current onsite reviews. Among other things, TDHCA staff will verify that:

- a. **The required entity is a qualified nonprofit or HUB.** For a nonprofit, we will verify via the Texas Secretary of State (“TX SOS”) at: <https://direct.sos.state.tx.us/acct/acct-login.asp>. For a HUB, we will verify via the Texas Comptroller at: <https://mycpa.cpa.state.tx.us/coa/search.do?userType=public>. If there is a HUB requirement, Staff recommends keeping evidence of HUB qualification on site.
- b. **The required entity is part of the ownership structure.** Verified via the TX SOS website indicated above. Staff also recommends keeping evidence on site.
- c. **The required entity is in good standing.** Verified via the TX SOS website indicated above.
- d. **The required entity is materially participating.** If a representative for the entity is not present for the onsite review, keep a letter on site regarding how they materially participate.

If you are aware of a problem relating to the material participation of a nonprofit or HUB, you are urged to begin work to resolve it immediately, rather than waiting for a monitoring review finding.

19. **Material Participation of a Community Housing Development Organization (“CHDO”)** (*HOME only, if funded after 8/23/2013 and if required by LURA*). Will be monitored the same as #18 above.

20. **NSPIRE (Previously Uniform Physical Condition Standards (“UPCS”)) Violations** – Remember that when work orders are requested to resolve NSPIRE/UPCS violations, they must include the following components:

- a. Location of the deficiency,
- b. Description of deficiency,
- c. Action taken or repairs made to correct the deficiency,
- d. Date of correction,
- e. Signature of the person responsible for correction.

For pest control, you must submit the scope of work and dated invoice of a licensed pest control contractor. If repairs were made by a contractor, you must submit the scope of work and a dated invoice from the contractor who completed the work. Additional suggestions for submitting acceptable work orders: <https://www.tdhca.texas.gov/sites/default/files/pmcdocs/inspections/docs/UPCS-WorkOrderGuidelines.pdf>. HUD has published NSPIRE guidance at [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/reac/nspire/standards](https://www.hud.gov/program_offices/public_indian_housing/reac/nspire/standards). A checklist for completing a self-inspection is at this link if you want to verify your property’s condition in between TDHCA inspections: [https://www.hud.gov/program\\_offices/public\\_indian\\_housing/reac/nspire](https://www.hud.gov/program_offices/public_indian_housing/reac/nspire).

## Section 2:

### Tenant File Technical Support

The following technical support does not represent a complete list of all file requirements and is intended only as basic technical support. TDHCA staff recommends that all onsite staff responsible for accepting and processing applications sign up for Income Determination Training in order to get a full overview of the process. Forms discussed below are available at: <https://www.tdhca.texas.gov/compliance-forms>. A suggested tenant file checklist is available at this link: <https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Suggested-File-Checklist.docx>.

*\*Important Note\* The application, verifications of income and assets, and Tenant Income Certification (1 – 5 below) must be signed within 120 days of one another. If one component is outside of that time frame, you must recertify.*

1. **Intake Application:** Each adult household member must complete their own application in order to be properly screened at initial certification. A married couple can complete a joint application. The Department does not have a required form to screen households, but we make a sample form available for that purpose. All households must be screened for household composition, income and assets, and student status. Applicants must complete all blanks on the application and answer all questions. Any lines left intentionally blank should be marked with “none” or “n/a.” Applications must be signed and dated using the date that the form is actually completed. If you use the Texas Apartment Association (TAA) Rental Application, be aware that it does not include all requirements, but they have a “Supplemental Rental Application for Units Under Government Regulated Affordable Housing Programs” that includes the additional requirements. TDHCA also has an application form that you can use; using our form is not required for the application, but it does screen for all requirements.
2. **Release and Consent:** Have tenant sign TDHCA’s Release and Consent form so that verifications may be collected by the property.
3. **Verify Income:** Each source of income and asset must be documented for every adult household member based upon the information disclosed on the application. There are multiple methods:
  - a. **Income Verification for Households with Section 8 Certificates:** If you use this form, you do not need to verify income further, but you do need to collect all other components of the tenant file. The Public Housing Authority, verifying that the household is eligible at initial occupancy or at recertification, signs this form. Since the housing authority performed the necessary verifications. The form must include the following information: a certification date from the housing authority that is within 120 days of that effective date, either at initial move-in or at recertification, number of household members and the gross annual income before any adjustments. This form must also be dated within 120 days of the application and Income Certification that you collect. If the housing authority certification is outside of that period, you must verify income yourself.
  - b. **First hand verifications:** Paystubs or payroll printouts that show gross income. If you choose this method, ensure that you consistently collect a specified number of consecutive check stubs as defined in your management plan (*at least two months’ (60 days) worth of check stubs for MFDL<sup>1</sup> programs is required*);
  - c. **Employment Verification Form:** Part 1 must be completed by you and signed by the tenant. Part 2 must be completed by the employer. To prevent fraud, you must submit the form directly to the employer and must not allow the tenant to handle it. You should ensure that the person completing the employer portion has authority to do so and has access to all applicable information in order to verify the employment income. If you receive the verification via mail, retain the envelope. If you receive it via fax, ensure that the fax stamp is on it. If received by email, ensure the email address is was received from is evidenced and from the employer;
  - d. **Verification of non-employment income:** You must obtain verifications for all other income sources, such as child support, social security, and/or unemployment benefits. Self-

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<sup>1</sup> Multifamily Direct Loan Programs include HOME, National Housing Trust Fund, TCAP, TCAP RF, and NSP.

certification by the household is not acceptable. Examples: benefit verification letter(s) are acceptable for social security and/or unemployment benefits. Acceptable verifications for child support could include documents such as divorce decree(s), court order(s), or a written statement from the court or attorney general regarding the monthly awarded amount;

- e. **Telephone Verifications:** These are acceptable *only* for clarifying discrepancies and cannot be used as primary form of verification. Include your name, the date, the name of the person with whom you spoke, and your signature. These are appropriate if there is an unusual circumstance relating to the tenant file;
  - f. **Certification of Zero Income:** If an adult household member does not report any sources of income on the application, this form can be used to document thorough screening and to document the source of funds used to pay for rent, utilities, and/or other necessities.
4. **Verify Assets:** Regardless of their balances, applicants must report all assets, including assets such as checking or savings accounts. Accounts are typically disclosed on the application form, but you must review all documentation from the tenant to ensure proper documentation of the household's income and assets. For instance, review the credit report (if you pull one), application, pay stubs, and other documents to ensure that all information is consistent. Examples of ways to find assets that are frequently overlooked: Review pay stubs for assets such as checking and retirement accounts that the household may have forgotten to include in the application. These accounts must also be verified. Format of verifications:
- a. **Under \$50,000 Asset Certification Form :** If the total cash value of the assets owned by members of the household is less than \$50,000, as reported on the Intake Application, the TDHCA Under \$50,000 Asset Certification form may be used to verify assets. If applicable, follow the instructions to complete one form per household that includes everyone's assets, even minors, and have all adults sign and date using the date that the form is actually completed.
  - b. **First hand verifications**, such as bank statements to verify a checking account. If using this method, the most current statement will be needed for both checking and savings accounts. MFDL programs require two months of source documentation.
  - c. **3<sup>rd</sup> party verifications** using the TDHCA Asset Verification form. As with the "Employment Verification Form" discussed above, Part 1 must be completed by you and signed by the tenant. Part 2 must be completed by the financial institution. To prevent fraud, you must submit the form directly to the employer and must not allow the tenant to handle it. You should ensure that the person completing the financial institution's portion has authority to do so and has access to all applicable information in order to verify the asset(s). If you receive the verification via mail, retain the envelope. If you receive it via fax, ensure that the fax stamp is on it, If received by email, ensure the email address it was received from is evidenced and from the financial institution.
5. **Verify Student Status:** Must screen for student status; can be collected on the Annual Eligibility Certification, the Certification of Student Eligibility Form, or the income Certification Form. If the household indicates they are students, there are two forms that *must* be used: the Certification of Student Eligibility form must be completed by the household, and the Student Verification form is used to verify and document their student status.
- a. **With the changes from HOTMA, student income from financial assistance must be evaluated for inclusion/exclusion. A detailed training on this topic is available online: <https://www.tdhca.texas.gov/compliance-program-training-presentations>.**
6. **Verify Special Needs:** This form is generally optional, but is a great way to screen households for special needs. It is required if there is a Special Needs occupancy requirement under your LURA, unless there is another form of special needs verification in the file.
7. **Tenant Income Certification Form:** Upon verification of all income and asset sources disclosed on the application and any additional information found in the documentation submitted by the tenant, the next step is to annualize the sources on the Income Certification Form, add them together, and compare to the applicable income limit for household size which can be found at

<https://www.tdhca.texas.gov/income-and-rent-limits>. Be sure to include any income derived from assets. The form must include all household members, and be signed by each adult household member.

8. **Lease:** Must conform with your LURA and TDHCA requirements and indicate a rent below the maximum rent limits, which can be found at <https://www.tdhca.texas.gov/income-and-rent-limits>. Generally speaking, when determining the rent for MFDL programs, you must ensure that the tenant-paid rent, plus the utility allowance, plus any housing subsidies, plus any mandatory fees, are below the maximum limit set by TDHCA. For HTC, BOND, TCEP and TCAP programs, the tenant-paid rent, plus the utility allowance, plus any mandatory fees, must be below the maximum limit set by TDHCA. [10 TAC §10.613\(a\)](#) prohibits the eviction or termination of tenancy of low income households for reasons other than good cause throughout the affordability period in accordance with Revenue Ruling 2004-82. In addition, [10 TAC §10.613\(e\)](#) prohibits HTC developments from locking out or threatening to lock out any development resident, or seizing or threatening to seize personal property of a resident, except by judicial process, for purposes of performing necessary repairs or construction work, or in case of emergency. The prohibitions must be included in the lease or lease addendum. Additionally, certain programs must include a Lead Warning Statement and the TDHCA VAWA lease addendum, per [10 TAC 10.613\(f\) and \(h\)](#). TAA has an affordable housing lease addendum that has incorporated this required language. If you are not a TAA member, you can draft a lease addendum using the requirements outlined above. For Section 811 units, you must use the HUD Model Lease, HUD form 92236-PRA.
9. **Written Policies and Procedures / Tenant Selection Criteria:** Written policies and procedures requirements are at [10 TAC §10.802](#).
10. **Violence Against Women Act of 2013 (VAWA):** The property is required to provide all prospective tenants the VAWA forms 5380 and 5382 at the time of application, at the time they are approved, at the time of denial, and at the time the household is given a notice to vacate or non-renewal. Forms are available at the Forms link above.
11. **Tenant Rights and Resources Guide:** In accordance with [10 TAC §10.613\(i\)](#), you must customize the Guide for your property and post a laminated copy in a common area of the leasing office. Development must also provide a copy of the guide to each household during the application process and upon any subsequent changes to the items described at paragraph b) below. The guide includes:
  - a. Information about Fair Housing and tenant choice; and
  - b. Information regarding common amenities, unit amenities, and services.

Additionally, a representative of each household must receive a copy of the guide and sign an acknowledgment of receipt of the brochure prior to, but no more than 120 days prior to, the initial lease execution date. A copy of the signed acknowledgment must be maintained in the tenant file.



**Section 3**

**Suggested Tenant File Checklist**

<https://www.tdhca.texas.gov/sites/default/files/pmcdocs/Suggested-File-Checklist.docx>



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

**Tenant File Checklist**

{Insert Property Name}

Tenant Name: \_\_\_\_\_

Unit #: \_\_\_\_\_

Section 1	Section 2
<ul style="list-style-type: none"> <li><input type="checkbox"/> Tenant File Checklist</li> <li><input type="checkbox"/> Income Certification (IC, HUD 50059, RD 3560-8)</li> <li><input type="checkbox"/> Rental Application(s)</li> <li><input type="checkbox"/> Tenant Release &amp; Consent Form</li> <li><input type="checkbox"/> Calculation Worksheet</li> <li><input type="checkbox"/> Child Support Documentation</li> <li><input type="checkbox"/> Unemployment Affidavit (if applicable)</li> <li><input type="checkbox"/> Zero Income Certification (if applicable)</li> <li><input type="checkbox"/> Income Verifications</li> <li><input type="checkbox"/> Clarifications (if applicable)</li> <li><input type="checkbox"/> Asset Verifications</li> <li><input type="checkbox"/> Student Verifications</li> <li><input type="checkbox"/> Special Needs Certification</li> <li><input type="checkbox"/> Live-in Aide Certification and Verification (if applicable)</li> <li><input type="checkbox"/> Tenant Rights &amp; Resources Acknowledgement page</li> <li><input type="checkbox"/> Rental Criteria</li> <li><input type="checkbox"/> Background Screening Report</li> </ul> <p><b>Recertification-</b> Place on top of previous certification</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Annual Eligibility Certification</li> <li align="center">Or</li> <li><input type="checkbox"/> Full Certification (Placed in the same order as above)</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Housing Contract (1st page only)</li> <li><input type="checkbox"/> Lease Contract</li> <li><input type="checkbox"/> Affordable Housing Addendum (if applicable)</li> <li><input type="checkbox"/> All other applicable Addendum (s) and policies</li> </ul> <p><b>Renewal Lease-</b> Place on top of previous lease</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Housing Contract (1st page only)</li> <li><input type="checkbox"/> Lease Contract</li> <li><input type="checkbox"/> Affordable Housing Addendum (if applicable)</li> <li><input type="checkbox"/> All other applicable Addendum (s) and policies</li> </ul>
Section 3	Section 4
<p><b>All Housing Authority Correspondence</b> – Request for Tenancy Approval, Section 8 Inspection, etc. Rent portion changes are filed on top of the lease contract.</p>	<p><b>Tenant correspondence</b>-such as Lease Violations, Eviction Hold Off Agreements, Resident Letters, Recert/Renewal Notices, Conversation Logs, etc</p>

**NOTE:** Developments with files that do not contain a 3<sup>rd</sup> and 4<sup>th</sup> section are encouraged to place such items in a separate file or behind section 2. Developments are also encouraged to place a color page or file divider in between certification periods.

## Section 4

### Reasonable Accommodations vs Reasonable Modifications Flyer

<https://www.tdhca.state.tx.us/ppa/media/ctb-images/18-FHM-infographic-reasonable-800px.png>

**REASONABLE ACCOMMODATION AND REASONABLE MODIFICATION**

**WHAT IS IT?**

Reasonable Accommodations are changes in the way things are usually done.

Reasonable Modifications are changes to an apartment or rental unit.

**EXAMPLES**

- Requesting a service animal despite a "no pets" policy
- Requesting a reserved parking spot closer to a unit because of a mobility disability
- Adding grab bars to a bath tub or shower
- Widening doorways
- Adding a ramp to make an entrance accessible

**HOW DO I MAKE A REQUEST?**

If you have a disability-related need, ask the property owner or manager for the Reasonable Accommodation/Modification Policy. Requests can be made orally or in writing and are not required to be entered on specific forms, though management may provide a form for this purpose.

**WHAT IF I LIVE IN AN ELIGIBLE PROPERTY PARTICIPATING IN TDHCA PROGRAMS?**

Persons living in properties that participate in TDHCA programs may have additional benefits. The housing provider may pay for reasonable accommodations and modifications including structural modifications to dwelling units or public and common-use areas if they do not amount to an undue financial and administrative burden.

**DOES A REQUEST HAVE TO BE PROVIDED?**

Owners have the right to deny an accommodation request if the request was not made by or on behalf of a person with a disability, if there is no disability-related need for the accommodation or modification, or if the request would result in an undue administrative and financial burden or would fundamentally alter the nature of the provider's operations.

**FAIR HOUSING COMPLAINTS?**

The Texas Workforce Commission enforces the Fair Housing Act in the State of Texas.

Call TWC at: 888-452-4778 or TTY: 512-371-7473

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS · [WWW.TDHCA.STATE.TX.US/FAIR-HOUSING](http://WWW.TDHCA.STATE.TX.US/FAIR-HOUSING)