

**Contact Information** 

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**Division Phone Number: (512) 305-8869** 

or (800) 525-0657 (toll free in Texas only)

#### **Announcements**

#### Schedule:

- The webinar and open forum will run from 9:00 am until approximately 11:30 am
- We will take a break mid-morning to shift from the webinar to the open forum
- Staff will be present to answer any questions

#### Housekeeping:

- Certificates <u>will not</u> be emailed but you will receive an email confirming your attendance, usually within 24-hours in an email from the GoTo Platform, please check your "junk" folders as we cannot reissue these emails
  - If you did not use your emailed link for the training from your registration you will not receive a followup email or show as having attended the webinar
- We suggest you silence your phones and put an "out of office" email response to help avoid distractions during the training
- Please pose questions and comments to the "Questions Box"

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# **TDHCA (Department) Resources**

- Main Compliance Page
  - https://www.tdhca.texas.gov/compliance
- Compliance Manuals & Rules
  - https://www.tdhca.texas.gov/compliance-manuals-and-rules
- Compliance Forms
  - https://www.tdhca.texas.gov/compliance-forms
- Compliance Reports
  - https://www.tdhca.texas.gov/compliance-reports
- Compliance Utility Allowance Information
  - https://www.tdhca.texas.gov/compliance-utility-allowance-information
- · Income and Rent Limits
  - https://www.tdhca.texas.gov/income-and-rent-limits
- Compliance Training
  - https://www.tdhca.texas.gov/compliance-training
- Compliance Frequently Asked Questions (FAQs)
  - https://www.tdhca.texas.gov/compliance-frequently-asked-questions-faqs
- · Compliance Division Staff
  - https://www.tdhca.texas.gov/compliance-division-staff



## In This Training...

- In this training:
  - We will talk about the complaint process and rules.
  - We will talk about some of the common complaints.
  - We will talk about suggestions that might help avoid future complaints.
  - We will not discuss specific properties or complaints.
  - We will not discuss complaints about programs that are not monitored by TDHCA.
  - We **will not** change the outcome of an existing complaint or corrective action required.



# **The Department Complaint Process Links**

- The Department Complaint Process: https://texas-sos.appianportalsgov.com/rules-and-meetings?\$locale=en\_US&interface=VIEW\_TAC\_SUMMARY&queryAsDate=08%2F11%2F2025&recordId=208706
- Filing a Compliant: https://www.tdhca.texas.gov/tdhca-complaint-process
- Vacancy Clearing House: https://hrcic.tdhca.state.tx.us/hrc/VacancyClearinghouseSearch.m
- Income and Rent Limits FAQ for Tenants: https://www.tdhca.texas.gov/income-and-rent-limits-tdhca-supported-properties

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### **Definitions**

- Complainant--A Person filing a Complaint.
- Complaint--A complaint submitted to the Department in writing (via mailed letter, fax, email, or submitted online through the Department website) from a person that believes the Department has the authority to resolve the issue.
- Complaint Coordinator--Department employee designated by the Executive Director or their designee to monitor the Public Complaint System and coordinate activities related to complaints.
- Complaint Liaison--the Department employee(s) designated by each division or program to handle each division or program's complaint-related issues.
- Department--The Texas Department of Housing and Community Affairs.
- Person--Any individual, other than an employee of the Department, and any partnership, corporation, association, governmental subdivision, or public or private organization of any character.
- Public Complaint System--Department-created system used to track complaints received by the Department.

## **The Complaint Process**

- A Complaint Coordinator will enter the complaint in the Public Complaint System.
- A Complaint Coordinator will review the Complaint and as needed, forward the Complaint to the appropriate program or division Complaint Liaison(s).
  - A Complaint Liaison will research and evaluate the issues identified in the Complaint, and then resolve and close the Complaint. The
    Complaint Liaison will enter in the Public Complaint System summaries of each contact made with the Complainant and any actions taken
    leading to complaint resolution
- Notwithstanding any other provisions of this subsection (Rule §1.2), in the case of Complaints received by the
  Department in which no method of contacting the Complainant was provided, the Complaint Coordinator will close the
  Complaint in the Public Complaint System and provide a copy of the Complaint to the applicable program or division for
  informational purposes only.
- A Complaint Coordinator may also identify whether a Complaint received involves a potential Reasonable Accommodation request involving a Department recipient or property; in such cases the Complaint will be handled as provided for in §1.204 of this chapter relating to Reasonable Accommodations.
- Complaints that have potential Fair Housing Act violations may, at the Department's discretion, be also referred to the Texas Workforce Commission's Civil Rights Division.
- The Department will notify the Complainant of the status of the Complaint at least quarterly until there is a disposition of the Complaint, which is the final determination; there is no further process available, except as otherwise provided in state or federal law.



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# The Complaint File

- An information file about each Complaint will be maintained. The file must include:
  - the Complaint number;
  - the name of the Complainant;
  - the date the Complaint was received by the Department;
  - the subject matter of the Complaint;
  - the name of each Person contacted in relation to the Complaint, if applicable;
  - a summary of the results of the review of the Complaint;
  - · the date the Complaint was closed; and
  - an explanation of the final resolution of the Complaint including the reason the file was closed.





# **The Complaint Process: Tenants and Complainants**

- A Person who has a Complaint may submit such Complaint in writing to the Department, which will be directed to a Complaint Coordinator.
- If an accommodation because of a disability is needed in relation to the process of filing of a Complaint, the Person interested in filing the Complaint should refer to 10 TAC §1.1, Reasonable Accommodation Requests to the Department.
- If assistance is needed for non-English speaking persons, the Person interested in filing the Complaint should access the Department's Language Assistance webpage (https://www.tdhca.state.tx.us/lap.htm).
- The Department will provide to the Person filing the Complaint, and to each Person who is a subject of the Complaint (to the extent contact information is available), a link to this rule, which serves as the Department's policy and procedures relating to complaint investigation and resolution.

## **The Complaint Process: Tenants and Complainants**

- The Department will either notify the Complainant of the resolution of the Complaint within 15 business days after the date the Complaint was received by the Department, or notify the Complainant, within such period, of the date the Complainant can expect a response to the Complaint.
- Additional Complaints submitted by the same Complainant describing an issue which has previously been closed, had a final resolution, and for which there is no substantively new information presented, will be considered resolved by the Department.
  - A letter to this effect will be sent to the Complainant by the Department.
  - In such cases, a new Complaint will not be opened in the system.
- A Complaint may be withdrawn by the Complainant at any time.
- A Complainant may request and receive from the Department copies of any documentation or records collected by the Department with regard to the Complaint, subject to the Texas Public Information Act.



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## **Tenants and Complainants: Most Common Concerns**

- Many complaints are easily explained with program requirements; however, tenants do not feel they get an adequate explanation from the onsite staff and feel they have nowhere to turn except the complaint process.
  - Rent Increases
    - Explain the process of rent changes at the initial lease signing and send the Income and Rent handout at renewal/rent increase time. Transparency can help avoid these types of complaints.
  - Maintenance Requests
    - Make sure tenants know the timeline for repairs and requests, if a part has to be ordered and the
      request is delayed let them know this. Communication is key when it comes to maintenance
      concerns.
  - Lease Violations
    - Have a clear policy on what is allowed and what is disallowed, when a tenant violates this cite the specifics and provide the back-up which caused the violation.
  - General Tenant Concerns
    - We get a lot of "the manager/maintenance person does not like me and won't help me." Answering tenant questions, providing copies of paperwork, being open during posted hours, etc.



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# **The Complaint Process: Ownership and Management**

- When a complaint is received by the Complaint Coordinator it is then forwarded to the appropriate division.
  - Multifamily Compliance and Physical Inspections for purposes of this webinar.
- The Complaint Team in the applicable division will review the complaint and assign it to a monitor or inspector.
  - This person becomes the Complaint Liaison and will reach out to communicate to all parties.
- The Complaint Liaison will request documentation, this is usually due within 5 days of the request and it is important that the request is adhered to.
  - Prompt response can help resolve a complaint quickly and efficiently.
- If the Owner or Management Group has questions they should reach out to the Complaint Liaison.

# The Complaint Process: Ownership and Management

- The Complaint Liaison will review the submitted documents and update the complaint system.
  - Submission resolved the issue, or not within TDHCA jurisdiction.
  - Submission did not resolve the issue and more documentation is required/requested.
  - Submission showed noncompliance and now a new Corrective Action Period is identified.
    - Sometimes there will be two dates, a very quick date (3 or 5 days from the date of the letter) and then a later date that is the full 90-day corrective action period.
    - If the issue requires, or needs, a quicker response (reasonable accommodations, eviction notices, notices to vacate, etc.) then we will require this.
- Once the complaint is resolved the resolution letter is uploaded into CMTS and the complainant is also notified.



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# **Ownership and Management: What to Submit**

- Things that might be requested to resolve the complaint:
  - Entire tenant file, this includes the communications file
  - Written Policies and Procedures, please send all of them and not just the Tenant Selection Plan
  - Tenant lease and ledger
  - Maintenance Requests
  - Completed work orders
  - Invoices from work completed
  - Estimates for reasonable accommodations which require modifications
  - Responses to reasonable accommodation requests
  - The property waitlist
  - · Anything else that the Department needs to resolve the complaint

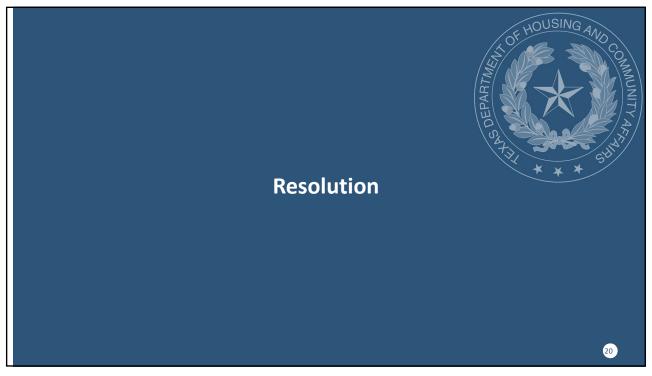


# **Ownership and Management: The Property's Perspective**

- The Owner and/or Management Group are encouraged to include a dated cover letter that outlines the "property's side of the story" and helps explain the issue from the property's perspective.
- This may not change the citation of noncompliance, but can help the Complaint Liaison understand the whole story and not only the complainant/tenant's side.

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# **The Complaint Process: Resolution**

- The goal to the complaint process is to resolve the issue which caused the complaint.
- Sometimes this is a change to the policies and procedures for the ownership, management and/or property.
- The Department must have evidence of resolution.
  - Lowered rent, lease, ledger, notices, etc.
  - Maintenance requests, completed work orders, invoices, etc.
  - Updated policies and procedures, owner's certifications, etc.
- The Complaint Liaison will communication resolution and expectations to the complainant, if the required resolution was not reached or provided the complaint will remain open.
  - Notice to vacate being revised to compliant version was not issued, for example.
  - Rent was increased more than once in 12 months and did not revert back to lower rent as required, for example.



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# **The Complaint Process: Department Tools**

- Tenant Rights and Resources Guide
- Income, Rent and Utility Allowance Handout
- Utility Allowance Posting
- Fair Housing Trainings
- Compliance and NSPIRE Trainings
- Income Determination Trainings
- Vacancy Clearinghouse



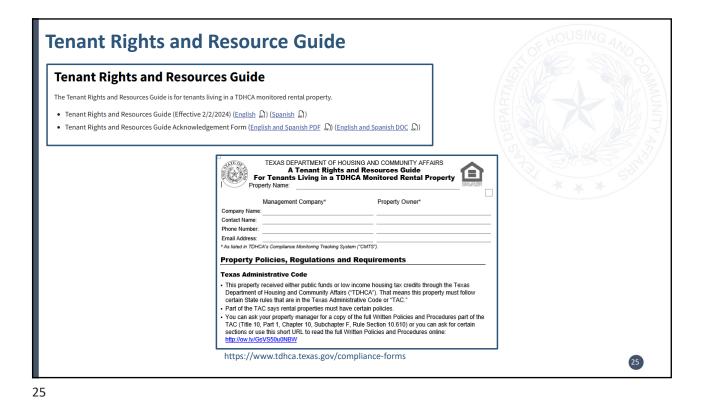


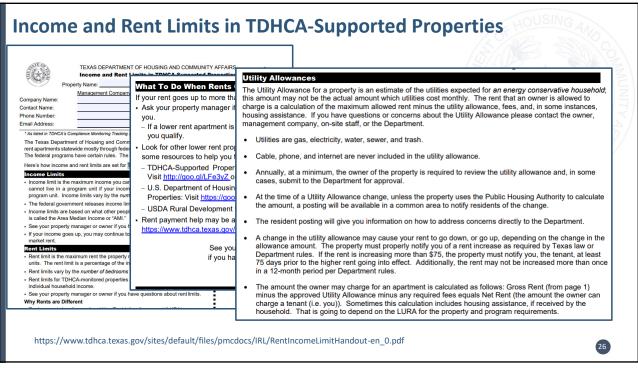
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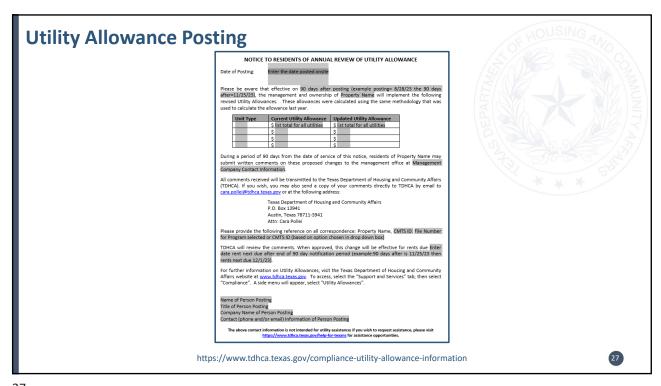
# The Complaint Process: Notices to Vacate or Non-Renewal

- If using Blue Moon through the Texas Apartment Association, use the forms developed for low-income properties.
- If using forms through the property operating system, insure that the language on the notices are compliant with the requirements outlined in 10 TAC §10.613 and the Written Policies and Procedures rule, 10 TAC §10.802.
  - Must include a lawful and specific reason for termination or non-renewal.
  - Be delivered under applicable rules and the lease.
  - Include the TDHCA form based on HUD form 5380 "Notice of Occupancy Rights under the Violence Against Women Act (VAWA)."
  - State how a person with a disability may request a reasonable accommodation in relation to such notice.
  - Include information on the appeals process if one is used by the Development (required for some HOME and all 811 PRA units).

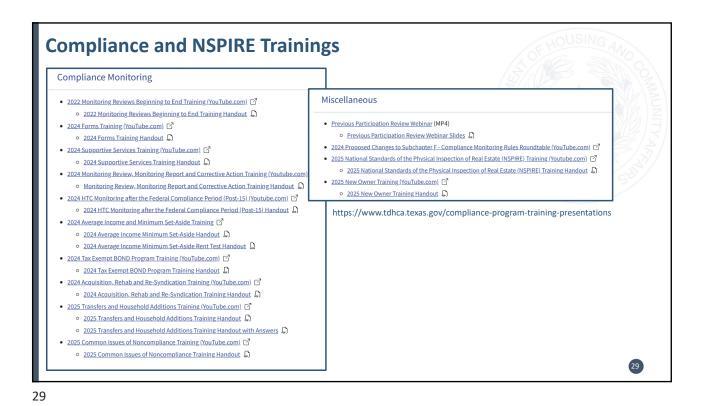












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