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Contact Information

- Emails:
 - 811 Administration Division: 811info@tdhca.texas.gov
 - 811 Compliance Monitor Justin Merrill: justin.merrill@tdhca.texas.gov
- Electronic Communications/Submissions
 - CMTS to receive letters from the Department: <https://pox.tdhca.state.tx.us/aims2/pox>
 - Serv-U to submit review/complaint/corrective action documentation: <https://s811-files.tdhca.state.tx.us/>
- Other Ways to Communication:
 - Physical Address: TDHCA 221 East 11th Street Austin, TX 78701
 - Mailing Address: TDHCA PO Box 13941 Austin, TX 78711-3941
 - Compliance Division Staff List: <https://www.tdhca.texas.gov/compliance-division-staff>


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How to Find Other Trainings Offered by the Department


- Visit the Compliance Division's Training webpage here: <https://www.tdhca.texas.gov/compliance-training>
 - Property Compliance Training, including training in partnership with the Texas Apartment Association
 - Income Determination Training
- Visit the TDHCA Calendar here: <https://www.tdhca.texas.gov/calendar>
 - Filter for upcoming Trainings/Office Hours/Roundtables
 - Select "Meeting Location" to register
- Register to receive LISTSERV emails from the Department:
 - <http://maillist.tdhca.state.tx.us/list/subscribe.html?sessionId=4588E880F0FASA0EE78DE211319D1F77ul=9mu0e2e8mContalner7&mOwner=c882e2727b&mlistid=H15233>
 - On the main webpage for TDHCA, scroll down to the very bottom and select "Subscribe" next to "Subscribe to our Mailing List"
- Visit the Compliance Division's Presentation webpage here: <https://www.tdhca.texas.gov/compliance-program-training-presentations>
 - 2020 Section 811 Project Rental Assistance Program Training
 - 2024 Maintaining Compliance with Unit Vacancy and Waitlist Requirements for the 811 PRA Program Training
 - 2024 811 PRA – Written Policies and Procedures Training
- Visit TDHCA's YouTube Channel here: <https://www.youtube.com/@tdhca>
 - Recordings of trainings
 - Handouts found on the Compliance Division's Presentation webpage (link above)

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About This Training




- This training will:
 - Focus on the 811 PRA program
 - Discuss basic requirements during leasing activities
 - Identify forms required during those processes
 - Provide references to other resources for additional, more-detailed information
- This training will not:
 - Provide guidance on other programs monitored by the Department
 - Discuss in detail calculations and EIV reports (trainings to come later this year)
 - Identify all forms and processes required




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Handouts




- This presentation in notes format
- HUD Notice 2010-10 (HOTMA Guidance)
- HUD Notice 2012-5 (Bedbugs)
- HUD Notice 2024-10 (Revised Written Policies Due Date)
- Appendix 3 (Acceptable Forms of Verification) of the current HUD Handbook 4350.3




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Something to Keep in Mind



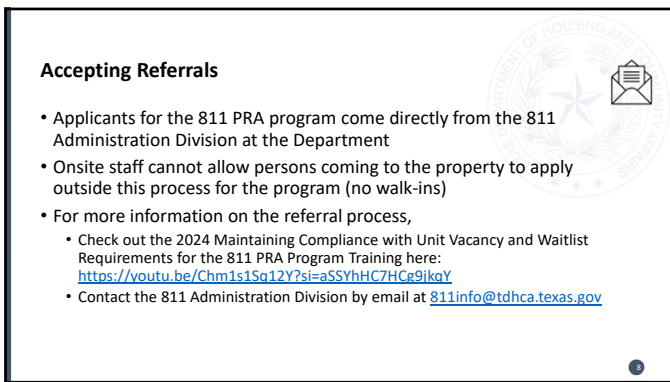
- For other multifamily programs monitored by the Department, documentation be dated within 120 days of the certification
- For the 811 PRA program, verifications must be dated within 120 days of the date of receipt.
- Some forms of documentation have the date of receipt built into the form (faxes, emails, etc.)
- Some forms of documentation do not have the date of receipt (applications, paychecks, etc.)
- For documentation that does not have already the date of receipt, onsite staff needs to stamp the date received and recommend either initialing or signing that it was accepted
- If the Department cannot determine that a documentation was dated within 120 days of receipt, the document may not be determined to be acceptable by itself
- Once HOTMA is implemented, must follow and document verification hierarchy found under 1.5 of HUD Notice 2010-10



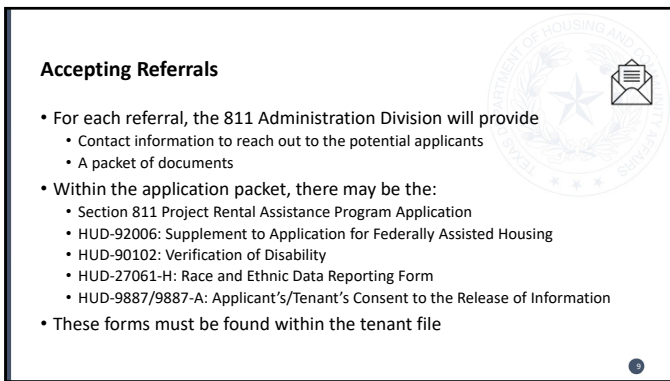
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Accepting Referrals: 811 PRA Program Application


- Section 811 Project Rental Assistance Program Application
- Created by the 811 Administration Division
- Completed by applicant along with the referral agent
- Needed by Department and property
- Screens for basic info on:
 - Household members
 - Social Security Numbers (SSN)
 - Students
 - Veterans
 - Income and assets
 - Target Population for 811 PRA program
 - Housing needs
 - Criminal history



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Accepting Referrals: 811 PRA Program Application


- Not sufficient alone to screen for:
 - Residence information
 - Household composition
 - Student status
 - Income/Assets
 - Eligible Deductions
- Must use additional application to screen for these items
- May use own application or the Department's "Intake Application" and "Supplement to the Intake Application" found here: <https://www.tdhca.texas.gov/compliance-forms>
- Must be dated within 120 days of date of receipt if using as part of screening process for property
- Found in referral from the Department
- Keep in tenant file with Move-In certification paperwork



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Accepting Referrals: HUD-92006

- Supplement to Application for Federally Assisted Housing
- Created by HUD
- Completed by applicant
- Indicates if tenant:
 - Wants to elect a person or persons to help with stuff
 - Does not want to elect anyone
- May include referral agent or counselor for the 811 PRA program
- Must be offered at application, recertification, and upon request to update info
- Does not need to be updated annually
- Not required to be dated within 120 days of receipt
- Found in referral from the Department and here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in the tenant file



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Accepting Referrals: HUD-90102

- Verification of Disability
- Created by HUD
- Used by 811 PRA even though for other programs
- Completed by medical professional or other authority that can certify the applicant is disabled
- Cannot be completed by the tenant or onsite staff
- Not required to be dated within 120 days of receipt
- Found in referral from the Department
- Keep in the tenant file with Move-in certification paperwork

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Accepting Referrals: HUD-27061-H

- Race and Ethnic Data Reporting Form
- Completed by applicant for each family member
- Is optional without penalty for the applicant to complete
- Do not complete on behalf of applicant, but indicate on form elected not to do so
- Not required to be dated within 120 days of receipt
- Found in referral from the Department and here: <https://www.tdhca.texas.gov/participating-ownersagents>
- Keep in the tenant file with the Move-in certification paperwork

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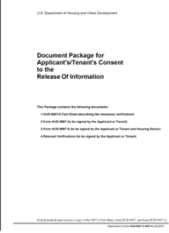

Accepting Referrals: HUD-9887/9887-A

- HUD-9887: Notice and Consent for the Release of Information
 - Must be signed and dated by head, spouse, co-head, and other family members 18 and over
 - Keep in tenant file
- HUD-9887-A: Applicant's/Tenant's Consent to the Release of Information
 - Must be signed and dated by head, spouse, co-head, and other family members 18 and over
 - Must be completed by owner or owner rep must provide: name, title, signature, and date
 - Keep in tenant file
- Must be dated within 120 days of certification
- Found here: <https://www.tdhca.texas.gov/participating-ownersagents>
- HOTMA Change:
 - Signed currently at annual recertification (expires every 15 months)
 - Will sign only once or again if rescinded or at initial certification, once new forms ready and property is HOTMA compliant

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Accepting Referrals: HUD-9887/9887-A


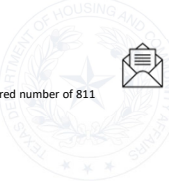
- Must be in file before using EIV employment and income reports
 - New Hires Report, Income Report, and Income Discrepancy Report
 - But not: EIV Verification Reports, such as Existing Tenant Search
- Provisions for Refusal to Sign
 - Deny assistance and admission to applicant household
 - Terminate assistance to family (do this carefully)

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Accepting Referrals

- Be sure to keep in contact with the 811 Administration Division to lease up the required number of 811 units in the Rental Assistance Contract, as amended
- Document:
 - Move-Out Reports
 - Timely notifications to the 811 Administration Division
 - Unit availability
 - Application outcomes
 - Outcomes when offering units to the Department, such as a log
- Failing to meet the required number of 811 tenants in the Rental Assistance Contract, as amended or required by the Department may result in findings of noncompliance
- Keep referral documents in the applicant/tenant file
- Do not forget training was provided for the referral process
 - 2024 Maintaining Compliance with Unit Vacancy and Waitlist Requirements for the 811 PRA Program Training
 - Found here: <https://youtu.be/Chm1s1Sn12Y?si=aSSyhHC7HCe9ikqY>
- Contact the 811 Administration Division for help at 811info@tdhca.texas.gov

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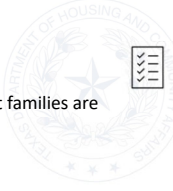
Determining Eligibility




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Determining Eligibility



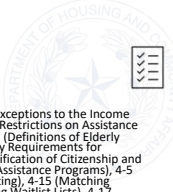
- The Owner is required to determine whether applicant families are eligible participate in the 811 PRA program by:
 - Screening
 - Verifying
 - Certifying
- Includes requirements are determined by HUD and the Department
- Determined during Move-In and Initial Certifications only program eligibility, except student status, which is an on-going requirement



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Determining Eligibility




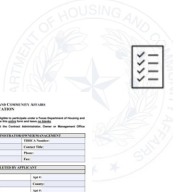
- Refer Chapters 3 and 4 of the current HUD Handbook 4350.3
 - The following paragraphs do not apply to the 811 PRA program: Para. 3-7 (Exceptions to the Income Limits in Section 8 Projects), 3-8 (Admitting Over-Income Applicants), 3-12 (Restrictions on Assistance to Noncitizens), 3-13.A (Eligibility of Students for Section 8 Assistance), 3-17 (Definitions of Elderly and Disability Used to Determine Project Eligibility), 3-18 and 3-19 (Eligibility Requirements for Admission to Elderly Projects), and 3-20 (Eligibility for Admission), 3-32 (Verification of Citizenship and Immigration Status), 3-33.B (Verification of Eligibility of Students for Other Assistance Programs), 4-5 (Income-Targeting), 4-6 (Preference), 4-12 (Affirmative Fair Housing Marketing), 4-15 (Matching Applicants on Waiting List to Available Units), 4-16 (Creating and Maintaining Waitlist Lists), 4-17 (Placing Families with Disabled Family Members), 4-18 (Documenting Changes to Waitlist Lists), 4-19 (Updating Waitlist List Information), 4-20 (Removing Names from the Waiting List), 4-21 (Reinstating Applicants to the Waiting List), 4-25 (Applying Income Targeting), 4-26 (Verification of Preferences), and 4-31 (Denial of Assistance to Noncitizens)
- Check out these other Compliance trainings:
 - 2024 Income Determination Training here: <https://www.youtube.com/watch?v=xvB8i2Hid4A>
 - 2024 Adjusted Income Training here: <https://www.youtube.com/watch?v=mjzq9XppxE>
 - 2024 811 PRA – Written Policies and Procedures Training here: https://youtu.be/p_cDyzt_Ulk?si=9a21WQwmX0kpnq4



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Determining Eligibility: Application

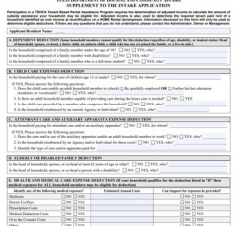
- An application must be completed, signed, and dated by all adult household members
- Live-in aides are screened for suitability, but not program eligibility or ability to pay rent
- Screen for:
 - Family and household members
 - Age
 - Family member that is between 18 to 62 years of age at time of application
 - Social Security Numbers
 - Veteran status
 - Student status
 - Residencies
 - Income/Assets
 - Eligible Deductions
 - Member of target population
 - Criminal history
 - Occupancy standards



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Determining Eligibility: Application


- May not screen and deny for:
 - Citizenship
 - Different disability definition
 - Asset or real estate limitations under HOTMA
- May not reference a lease contract not permitted under the program
- May use own application or the Department's Intake Take and Supplement to the Intake found here: <https://www.tdhca.texas.gov/compliance/forms>
- Recommend being dated within 120 days of certification (otherwise must clarify any updates or changes in older applications)
- Keep in the tenant file



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Determining Eligibility: Family and Household Members

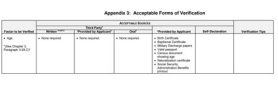
- Determine who will be living in the unit
- Family members include:
 - Head of household
 - Spouse
 - Co-head
 - Other Adult Members
 - Dependents
- Household members include:
 - Live-in aides
 - Foster adults and children
- Guests are not considered family or household members
- Consider family members temporarily away, such as college students, deployed military, etc.



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Determining Eligibility: Verification of Age

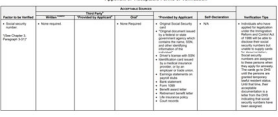

- Obtain verification of age for all household members
- Need to verify that qualifying disabled person in the family is between the ages of 18 and 62
 - Is not eligible if over 62 years of age at Move-In or Initial Certification
 - May become older than 62 after moving into the unit without issue
- Acceptable forms of verification are found under Appendix 3 of the HUD Handbook 4350.3
- Keep in tenant file



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Determining Eligibility: Verification of SSNs


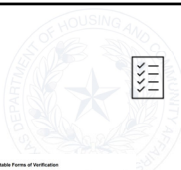
- Obtain verification of Social Security Number (SSN) for each household member, except:
 - Do not contend eligible immigration status or
 - Were age 62 or older as of January 31, 2010 and whose initial determination of eligibility began before January 31, 2010
- Acceptable forms of verification are found under Appendix 3 of the HUD Handbook 4350.3
- Once HOTMA is implemented, J.6 of HUD Notice 2010-10 permits the applicant or tenant to self-certify their SSN and provide a third-party document (such as a bank statement, utility or cell phone bill, benefit letter) with the applicant's name printed on it if the Owners has exhausted all other attempts to obtain the required verification
- Keep in tenant file

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Determining Eligibility: Verification of SSNs

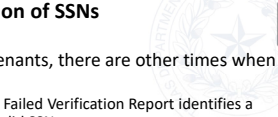

- Live-in aides are not excluded from providing SSNs
- Although citizenship is not a requirement for the 811 PRA program, if a tenant indicates that they are not an eligible immigrant, they must certify that they do not have a SSN due to immigration status, which must be kept in the tenant file
- If exempt due to age, a self-certification is not sufficient, but requires verification (or needs to provide verification of SSN)

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Determining Eligibility: Verification of SSNs

- After the applicant family become tenants, there are other times when verification of SSN is needed
 - When the EIV Pre-Screening Report or Failed Verification Report identifies a household member has provide an invalid SSN
 - When the Summary Report identifies a household member has provide an invalid SSN
 - At recertification, when the tenant has been assigned a new SSN
 - When a new household member is added
 - At the time of adding the new household member, for persons age 6 or older
 - Within 90 days of adding the new household member, for persons age 6 and younger

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Determining Eligibility: Veteran Status



- Required to ask if any members of the household are veterans
- Must include the statement in the application:
 - "Important Information for Former Military Services Members. Women and men who served in any branch of the United States Armed Forces, including Army, Navy, Marines, Coast Guard, Air Force, Reserves or National Guard, may be eligible for additional benefits and services. For more information please visit the Texas Veterans Portal at <https://veterans.portal.texas.gov/>."
- This is providing info and resources to our veterans
- Do not verify veteran status

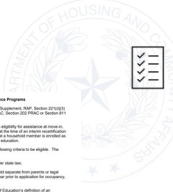
3. VETERAN INFORMATION

Are any of the household members a Veteran? NO YES, AND? _____

For important information for Former Military Services Members, Women and men who served in any branch of the United States Armed Forces, including Army, Navy, Marines, Coast Guard, Reserves or National Guard, may be eligible for additional benefits and services. For more information please visit the Texas Veterans Portal at <https://veterans.portal.texas.gov/>.

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Determining Eligibility: Student Restrictions



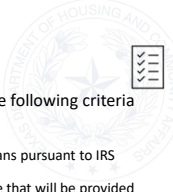
- Screen and verify student status of each family member
- Check each certification (MI, IR, AR, IC)
- Consider eligibility of both part- and full-time students enrolled at institution of higher education
- Do not check eligibility for students who are dependent to their parents who are living in the unit with them
- Eligibility criteria is found under Par. 3-13.B of the HUD Handbook 4350.3 (not Par. 3-13.A)

Eligibility of Students for Other Assistance Programs

- The program applies to the Best Management, Adult Services (BMS), Adult Day Care, Senior Adult Day Care, and Senior Adult Center programs.
- Students must determine a student's eligibility for assistance at the time of their enrollment. A student's eligibility for assistance is determined at the institution of higher education.
- Students must meet all of the following criteria to be eligible. The student must:
 - Be of legal contract age under state law.
 - Have established a household separate from parents or legal guardians for at least one year prior to application for assistance.
 - Meet the U.S. Department of Education's definition of independent student. (See the criteria for definition of independent student.)

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Determining Eligibility: Student Restrictions

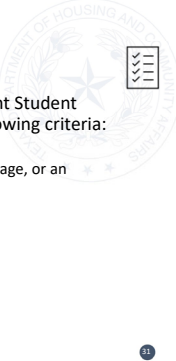


- To be eligible, each individual student must meet ALL of the following criteria and documentation must be kept in the file:
 - Must be of legal contract age under state law
 - Must not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations
 - Must obtain a certification of the amount of financial assistance that will be provided and signed by the parent (required even if no assistance will be provided)
 - And 1 of the following:
 - Must have established a household separate from parents or legal guardians for at least one year prior to the application for occupancy OR
 - Meet the US Department of Education's definition of independent student
- Files must document how a student was determined to be eligible and it is helpful to have a student certification for this process

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Determining Eligibility: Student Restrictions

- US Department of Education's definition of Independent Student requires the individual to meet one or more of the following criteria:
 - Be at least 24 years old by December 31st of the current year
 - Be an orphan or ward of the court anytime since 13 years of age, or an emancipated minor
 - Serving on active duty of US Armed Forces
 - Have legal dependents other than spouse
 - Be a graduate or professional student
 - Married
 - Homeless or self-supporting at risk of being homeless

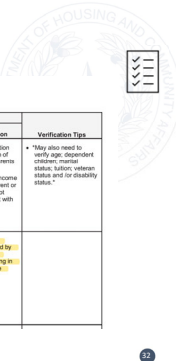


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Determining Eligibility: Student Restrictions

Appendix 3: Acceptable Forms of Verification



Factor to be Verified	ACCEPTABLE SOURCES			Self-Declaration	Verification Tips
	Written****	Third Party**	Oral*		
* Student Status (Section 8 only) (See Chapter 3, Paragraphs 3-13.A and 3-13.A.1)	* Enrolled full-time student part-time at an institution of higher education * Verification of independence from parents * Financial assistance received?			* Signed declaration and certification of income from parents * Certification of income provided by parent or from persons not living in the unit with the student	* May also need to verify age, dependent children's marital status, veteran status and/or disability status.
* Student status (Section 221(d)(2), BAH, Section 202 PRA, Section 202 PRA) and Section 811 (PRA) (2) (See Chapter 3, Paragraph 3-13.B and 3-13.B.1)	* Enrolled full-time student part-time at an institution of higher education * Verification of independence from parents * Financial assistance received?			* Certification of income provided by parent or from persons not living in the unit with the student.	



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Determining Eligibility: EIV Existing Tenant Search


- Sole Residence Requirement**
 - Must be the family's only residence
 - Must not provide assistance to applicants who will maintain another residence (living in and not just an asset)
- Prohibition Against Double Subsidies**
 - Must not receive assistance for two units at the same time
 - Must not receive assistance from another rental subsidy program at your property, such as project-based Section 8 or Rural Development programs
 - Must not benefit from Housing Choice Voucher assistance in an 811 PRA unit
 - If receiving assistance, needs to cut off previous assistance the day before moving into an 811 PRA unit

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Determining Eligibility: EIV Existing Tenant Search

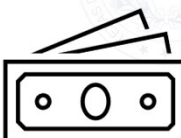
- Ran at the time of processing an applicant for admission
- Search each family and household member to see if receiving assistance at another location
- Discuss with tenant regarding circumstances relative to be assisted at another property or with a voucher
- Follow up with other property or Public Housing Authority (PHA) to confirm participation status
- Coordinate move-in/move-out dates with the other property or PHA
- Found in the EIV System
- Keep in the tenant file, along with any supporting documentation to resolve any discrepancies or coordination efforts with other entities



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Determining Eligibility: Income

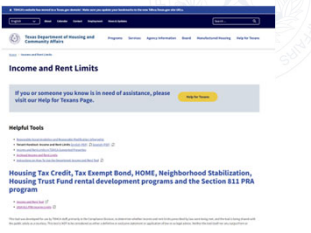
- Consider income from family members, but not household members
- Screen and verify all sources of:
 - Income
 - Assets (including disposed of assets)
 - Eligible Deductions
- Continue to screen, verify, and calculate under pre-HOTMA requirements until third-party software used to transmit HUD-50059 to TRACS is HOTMA compliant
- Acceptable forms of verification are found under Appendix 3 of the HUD Handbook 4350.3
- Keep in tenant file



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Determining Eligibility: Income

- Family size determines the income limits
- The family's annual income (before deductions) must be at or below the low-income limit (30% AMI) based on the property's location
- Income limits are updated annually by HUD
- Income limits are found here: <https://www.tdhca.texas.gov/income-and-rent-limits>



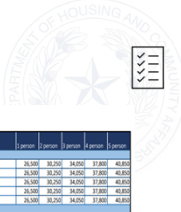
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Determining Eligibility: Income

- Found within a PDF
- Grouped by MSA and then county
- In example, a property located within Hays County would have the following limits:
 - 1 person - \$26,500
 - 2 person - \$30,250
 - 3 person - \$34,050
 - 4 person - \$37,800
 - 5 person - \$40,850

Section 811 PRA Program Income Limits

MSA	1 person	2 person	3 person	4 person	5 person
San Antonio Metropolitan Area					
Brewster County	26,500	30,250	34,050	37,800	40,850
Comal County	26,500	30,250	34,050	37,800	40,850
Hays County	26,500	30,250	34,050	37,800	40,850
Hidalgo County	26,500	30,250	34,050	37,800	40,850
McCombs County	26,500	30,250	34,050	37,800	40,850
San Antonio South					
Brewster County	13,750	15,125	17,025	18,900	20,425
Comal County	13,750	15,125	17,025	18,900	20,425
Hays County	13,750	15,125	17,025	18,900	20,425
Hidalgo County	13,750	15,125	17,025	18,900	20,425
McCombs County	13,750	15,125	17,025	18,900	20,425
San Antonio North					
Brewster County	26,500	30,250	34,050	37,800	40,850
Comal County	26,500	30,250	34,050	37,800	40,850
Hays County	26,500	30,250	34,050	37,800	40,850
Hidalgo County	26,500	30,250	34,050	37,800	40,850
McCombs County	26,500	30,250	34,050	37,800	40,850
San Antonio West					
Brewster County	26,500	30,250	34,050	37,800	40,850
Comal County	26,500	30,250	34,050	37,800	40,850
Hays County	26,500	30,250	34,050	37,800	40,850
Hidalgo County	26,500	30,250	34,050	37,800	40,850
McCombs County	26,500	30,250	34,050	37,800	40,850



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Determining Eligibility: Drug Abuse and Criminal Activity

- Owners must establish standards that prohibit admission of:
 - Any household containing a member who was evicted in the last three years from federally assisted housing for drug-related criminal activity, unless have completed an approved supervised drug rehabilitation program or the circumstances that lead to the eviction no longer apply
 - Any household member who is subject to a State sex offender lifetime registration requirement
 - A household in which any member is currently engaged in illegal use of drugs or for which the owner has a reasonable cause to believe that a member's illegal use or pattern of illegal use of a drug may interfere with the health, safety, and right to peaceful enjoyment of the property by other residents
 - Any household member if there is a reasonable cause to believe that member's behavior, from abuse or pattern of abuse of alcohol, may interfere with health, safety, and right to peaceful enjoyment by other residents. This must be based on behavior and not the condition of alcoholism or alcohol abuse.



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Determining Eligibility: Drug Abuse and Criminal Activity




- Screen for these standards on application paperwork
- The tenant file must document screening for these standards, such as criminal history report
- The file also should document reasons why the tenant was approved to participate in the program when these issues that appear to conflict with these program requirements were found, such as considerations of dates, unique circumstances, etc. (Explain why this is not that scenario)
- Otherwise, applicants are not eligible



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Determining Eligibility: No Citizenship Requirements




- An applicant or tenant may not be denied assistance or tenancy with the 811 PRA program solely for reasons based on a family or household member's citizenship status
- Other Multifamily Programs monitored by the Department do not have a citizenship requirement (HTC, HOME, etc.)
- Programs that required citizenship cannot be layered with 811 PRA, which would be receiving double subsidy (Project-based Section 8)
- Not recommended to ask applicants or tenants their citizenship status on applications or questionnaires, unless it is required by federal, state, or local laws; and if required, it must be clear not a requirement of the program
- Do not confuse this requirement with the SSN requirement for family or household members that do not contend their immigration status

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Determining Eligibility: Occupancy Standards


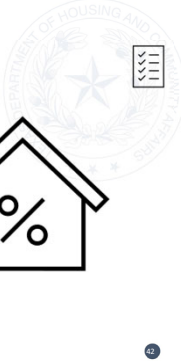

- Owners must develop and follow occupancy standards that take into account the size and number of bedrooms needed based on the number of people in the household
- The standards prevent over- or under-utilization of units that can result in an inefficient use of housing assistance
- This must be done:
 - Prior to assigning a unit
 - After there has been a change in household size
- Keep in mind that you must comply with all fair housing requirements

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Determining Eligibility: Occupancy Standards

- If a family, based on the number of members, would qualify for more than one unit size, the owner must allow the family to choose which unit size they prefer
 - In example, 3-person family with head of household and two dependents could live in a 2- or 3-bedroom unit
- Count the following persons:
 - All family members, head, spouse, co-head, other adults, dependents, etc.
 - All household members, such as live-in asides, foster children, and foster adults
 - Children that may be temporarily away, such as 50%/50% custody or students away at college
- Do not count:
 - Guests

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Determining Eligibility: Occupancy Standards

- A household may have a smaller unit size than suggested by the occupancy standards if all of the following apply:
 - The family requests the smaller unit
 - The family is eligible for the smaller unit based on the number of family members, and occupancy of the smaller unit will not cause serious overcrowding.
 - The assignment will not conflict with local codes
- A household may have a larger unit than suggested by the occupancy standards if one of the following conditions apply:
 - The larger unit is not needed by another family for the 811 PRA program
 - The need is based on a reasonable accommodation for family member who is a person with a disability

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Determining Eligibility: Occupancy Standards

- If an applicant household does not qualify for a smaller or larger unit, they must be denied the size unit that does not comply with the occupancy requirements
- Unless due to a reasonable accommodation request, households that have a change in household size must transfer to a different unit
- The tenant file must document:
 - The denial of different sized units
 - Documentation evidencing a program or reasonable accommodation exception to comply with the occupancy requirement

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Determining Eligibility: Tenant Selection Plan

- Provide during application to the household
- Screen also live-in aides for suitability of occupancy (Not program eligibility)
 - In example, live-in aides determined to be registered state lifetime sex offenders are not eligible to move into a unit at the property
- Comply with 10 TAC §10.802 requirements (reviewed by Fair Housing Division) in addition to 811 PRA program requirements (reviewed by 811 Administration Division)
- Can be incorporated into general plan for all programs, making special notes for 811 PRA requirements, or may attach 811 Administration Division's addendum
- Not required to be placed in the tenant file; but, must maintain record of current and past versions
- Find the addendum here: <https://www.tdhca.texas.gov/compliance-forms>
- HOTMA: Update to be compliant with HOTMA by 5/31/2024
- Consider watching the 2024 811 PRA – Written Policies and Procedures Training found for more details: https://youtu.be/p_eDyZt_Uk7si?si=9h2MwQwmX0kpnou4

Tenant Selection Plan Section 811 Addendum

Development Name: Click to have text inserted. Effective Date: Select a date.

The purpose and practical application of this addendum shall be to establish the 811 PRA program requirements for all programs and procedures related to the 811 PRA program and the 811 PRA program requirements and procedures for the 811 PRA program. This document shall be used in conjunction with the 811 PRA program requirements and procedures for the 811 PRA program.

Section Header

This document contains specific requirements for screening and providing notification of tenant selection.

811 PRA

811 PRA is the process of household members during eligible program status and requiring:

- 811 PRA is the process of household members during eligible program status and requiring:
- 811 PRA is the process of household members during eligible program status and requiring:

811 PRA

811 PRA is the process of household members during eligible program status and requiring:

- 811 PRA is the process of household members during eligible program status and requiring:
- 811 PRA is the process of household members during eligible program status and requiring:

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Determining Eligibility: Tenant Rights and Resources Guide

- Required per 10 TAC §10.613(I)
- Post in a common area of the leasing office or where applications are accepted
- Provided the guide to applicants
- Found here: <https://www.tdhca.texas.gov/compliance-forms>
- Keep in the tenant file the acknowledgment page

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Determining Eligibility: Fair Housing Posters

- Display prominently in a common area of the leasing office or where applications are accepted
- Post each poster as 11 x 14 inches in size
- Offer in English, Spanish, and other languages as required per Limited English Proficiency standards
- Include the Equal Housing Opportunity logo and specific language
- Found here: <https://www.tdhca.texas.gov/participating-ownersagents>
- Owners must self-certify at each 811 monitoring review for compliance with the Fair Housing Poster requirements using the Department's certification form

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Determining Eligibility

- Be sure to contact the Compliance Monitoring section at the Department for help
- Document:
 - Screening
 - Verify
 - Certifying
- Clarification records are great ways of clarifying decisions and unique scenarios
- For more detailed information on the on screening households for eligibility, check out these other Compliance trainings:
 - 2024 Income Determination Training here: <https://www.youtube.com/watch?v=XbB8i2Hj4IA>
 - 2024 Adjust Income Training here: <https://www.youtube.com/watch?v=mpzq9XppxE>
 - 2024 811 PRA – Written Policies and Procedures Training here: https://youtu.be/p_cDYzt_Ulk?si=9q2MWQwmX0kpnqu4
- Contact Justin Merrill at justin.merrill@tdhca.texas.gov

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Leasing Activities




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Leasing Activities



- The Owner is required to:
 - Execute a HUD model lease
 - May only use Department approved lease addenda
 - Must collect a security deposit
 - May charge permissible fees
 - May not charge impermissible fees
 - Execute certain forms
- For more information, please refer Chapter 6 of the current HUD Handbook 4350.3
 - The following paragraphs do not apply to the 811 PRA program: 6-12 (Modifying the Lease)

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Leasing Activities: HUD-92236-PRA

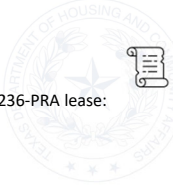

- Required specific HUD model lease for the 811 PRA program
- Do not execute an additional companion lease along side
- Provide in other languages to comply with Limited English Proficiency requirements
- Do not modify in any way other than completing the required form fillable information
- Provides rights and responsibilities for both the tenant and owner
- Execute an initial lease term of 12 months
- Changes in tenant rent are reflected in the HUD-50059 and HUD-50059-A
- Will renew automatically month-to-month if not renewed for 12-month term
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in the tenant file

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Leasing Activities: Lease Addenda




- The following documents must be attached to the HUD-92236-PRA lease:
 - HUD-50059
 - HUD-50059-A
 - Move-in inspection report signed by both the owner and tenant
 - House rules
 - Pet rules
 - No Lien or Lockout 811 Lease Addendum
 - Lead-based paint disclosure form (if applicable)
 - Live-in aide addendum (if applicable)
- The following documents must not be attached to the lease:
 - HUD-91067 VAWA addendum
 - Any other addendum

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Leasing Activities: HUD-50059 Addendum

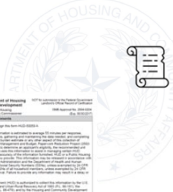


- Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures
- Addendum to the HUD-92236-PRA
- Used to certify income and rents at Initial, Interim, and Annual certifications
- Amends the rents found within the HUD-92236-RA
- No other addendum permitted to change the rents
- Makes aware both the tenant and owner how much rent the tenant must pay each month
- Must be executed by the Owner's representative
- Must be executed by all adult family members if there is a change in tenant rent, utility reimbursement, or the utility allowance
- Do not forget to provide written notices of change in tenant rent and utility reimbursements to the tenants
- Printed from the property's third-party software
- Keep in the tenant file along with documentation used to support the certification

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Leasing Activities: HUD-50059-A Addendum

- Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures
- Addendum to the HUD-92236-PRA
- Used to certify move-out, termination, gross rent change, or unit transfers
- Amends the rents found within the HUD-92236-RA
- No other addendum permitted to change the rents
- Makes aware both the tenant and owner how much rent the tenant must pay each month
- Must be executed by the Owner's representative
- Must be executed by all adult family members if there is a change in tenant rent, utility reimbursement, or the utility allowance
- Do not forget to provide written notices of change in tenant rent and utility reimbursements to the tenants
- Printed from the property's third-party software
- Keep in the tenant file along with documentation used to support the certification

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Leasing Activities: Move-in/Move-Out Inspection Addendum

- Move-in/Move-Out Inspection
- Addendum to the HUD-92236-PRA
- Required to be completed at move-in and move-out
- At Move-In
 - Inspect jointly with tenant prior to signing the lease
 - Indicate dates by which cleaning or repairs noted will be made
 - Exclude along with the tenant (sign and date)
 - Include the statement, "The unit is in decent, safe, and sanitary condition."
 - Tenant has 5 days to report any additional issues
- At Move-Out
 - Notify tenant in advance
 - Encourage tenant to join in the inspection
 - Allow tenant to accompany during inspection if requested
 - Same form requirements as MI inspection
- May have Owner-generated inspection, but must comply with all requirements
- Find an example in Appendix 5 of the HUD Handbook 4350.3
- Keep in the tenant file attached to the lease

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Leasing Activities: Move-in Inspection Waiver

- Section 811 Project Rental Assistance Program Waiver of Right To Be Present During Move-In Inspection
- Created by the 811 Administration Division at the Department
- Include alongside the move-in inspection report if the tenant does not wish to accompany during move-in inspection
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in the tenant file attached to the MI inspection

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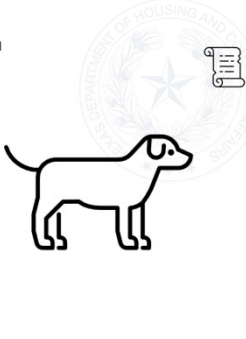
Leasing Activities: House Rules Addendum

- Addendum to the HUD-92236-PRA
- Identifies allowable and prohibited activities in the unit and common areas
- Replaces common industry practice lease addenda
- Must:
 - Be related to the safety, care, and cleanliness of the building or the safety and comfort of tenants
 - Be compliant with HUD requirements
 - Not circumvent HUD requirements
 - Not discriminate against individuals based upon membership in a protected class
 - Be reasonable
 - Comply with state and local requirements
- Given tenants a 30-day advance notice for changes prior to implementing
- Monitored by the 811 Administration Division during 811 monitoring reviews
- Owner generated document
- Keep in the tenant file attached the lease

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Leasing Activities: Pet Rules Addendum

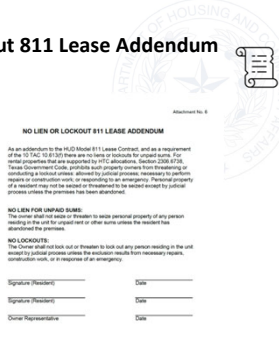
- Addendum to the HUD-92236-PRA
- Identifies allowable and prohibited activities regarding household pets
- If the property allows household pets for other tenants not participating in the 811 PRA program, the pet policy must allow household pets for 811 PRA tenants
- If the property does not allow anyone household pets, that is the pet policy
- Do not apply to assistance animals
- May include in the house rules
- Check out Exhibit 6-5 of the HUD Handbook 4350.3: How to Develop Pet Rules
- Give tenants a 30-day advance notice for changes prior to implementing
- Monitored by the 811 Administration Division during 811 monitoring reviews
- Owner generated document
- Keep in the tenant file attached the lease



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Leasing Activities: No Lien or Lockout 811 Lease Addendum

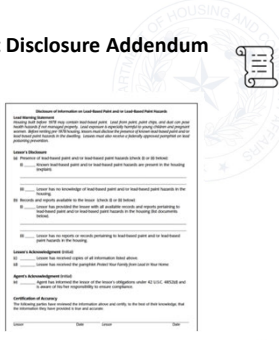
- Addendum to the HUD-92236-PRA
- Required per 10 TAC §10.613 to notify tenants of protections under Section 2306 for tenant also participating in the Housing Tax Credit program
- Cannot use other industry standard addenda for this requirement
- Execute along with the tenant
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in the tenant file attached to the lease



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Leasing Activities: Lead-Based Paint Disclosure Addendum




- Addendum to the HUD-92236-PRA
- Required per 10 TAC §10.613 to notify tenants
- Must only include as an attachment to the lease for properties initially built for occupancy prior to 1978
- Not required if all lead has been certified to have been cleared from the Development in accordance with 24 CFR §35.130 and if required certification is in on-site records
- Found here: <https://www.tdhca.texas.gov/compliance-forms>
- Keep in the tenant file attached the lease



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Leasing Activities: Live-In Aide Addendum

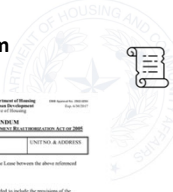

- Addendum to the HUD-92236-PRA
- Only required if a member of the family requires a live-in aide
- Identifies the live-in aide
- Establishes that a live-in aide is not eligible to remain in the unit once the tenant is no longer living in the unit, regardless of the circumstances for the tenant's departure
- Gives the owner the right to evict a live-in aide who violates any of the house rules
- Owner generated document
- Keep in the tenant file attached the lease
- Remember: adult children cannot be added to the household after Move-in certification unless documented as meeting the requirement of being a live-in aide

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Leasing Activities: HUD-91067 VAWA Addendum

- Addendum to the HUD-92236-PRA
- Required under normal circumstances
- **NOT PERMITTED** currently under 10 TAC §10.613 since expired
- Do not confused with requirements for VAWA forms 5380 and 5382 requirements under 10 TAC §10.802
- Found: N/A
- **DO NOT** keep in the tenant file attached the lease
- Check your email inbox for notice from the Department when updated and to be implemented

VAWA ADDENDUM

U.S. Department of Housing and Urban Development
Office of Housing

LEASE ADDENDUM

VAWA ADDENDUM TO HUD FORM 92236-PRA (REVISED 04/2012)

TENANT	LANDLORD	UNIT NO. & ADDRESS
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The lease addendum with the following strengths to the Lease between the above identified Tenant and Landlord.

Purpose of the Addendum

This lease (to the extent referenced and being amended) is hereby amended to include the provisions of the VAWA Addendum to the Lease (Department Form HUD-91067) as of 04/2012 (N/A).

Conflict with Other Provisions of the Lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

Term of the Lease Addendum

The provisions of this lease Addendum shall remain in effect until the Lease is terminated.




VAWA Provisions

- The Landlord may not consider inclusion of domestic violence, dating violence or stalking as grounds for termination of the lease or other "good cause" for termination of tenancy.
- The Landlord may not consider inclusion of domestic violence, dating violence or stalking as a basis for evicting a tenant or any guest or other person who the tenant invites, unless the tenant provides a written statement, signed by the tenant, stating the date, time, location and nature of the incident.
- The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify the incident as a report of domestic violence, dating violence or stalking on the HUD-91067 form, be completed and submitted within 14 business days, or an actual

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Leasing Activities: Other Addenda




- Bed Bug
 - Permitted HUD Notice 2012-5 issued on April 23, 2012.
 - Optional addendum to the HUD-92236-PRA
 - May be included in the house rules
 - Refer to the notice for additional guidance
- Other Addenda
 - No other addenda will be approved by the Department to be attached to the HUD model lease for the 811 PRA program
 - If other lease or lease addenda are executed, a finding of noncompliance may be cited
 - To correct the finding, a letter must be sent to the tenant notifying them the lease or addenda is not an approved or permitted under the program
 - Do not have companion leases or addenda from other programs or from other sources
 - Seriously, do not do it

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Leasing Activities: Security Deposits




- Security deposits provide owners with some financial protection when a tenant moves out of the unit and fails to fulfill their obligations under the lease
- Must collect a security deposit at the time of the initial lease executed for the 811 PRA program
- Collect the greater of the Total Tenant Payment or \$50
- Does not change when the tenant's rent changes
- May not charge any additional deposits, such as extra deposits for credit or housing history (pet deposits to be discussed soon)
- Comply with any applicable state and local laws
- Paid for by the tenant using their own resources (cannot use 811 PRA funds to pay for instance)
- May be paid in full by the tenant or paid in installment basis

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Leasing Activities: Security Deposits




- When transferring, an owner may
 - Transfer the security deposit or
 - Charge a new deposit and refund the deposit for the old unit
- Placed the security deposit into a segregated, interest-bearing account, where the balance of the account must equal the total amount collected from all tenants then in occupancy, plus any accrued interest
- Tenant must provide a forwarding address as part of condition to receive refund (so ask for one)
- May use the tenant's security deposit as reimbursement for any unpaid rent or other amounts the tenant owes under the lease as required under state and local laws
- Must within 30 days either:
 - Refund the deposit plus accrued interest or
 - Provide an itemized list of expenses
 - If retained for the security deposit plus accrued interest, the owner must refund the amount to the tenant
 - Adding to provide the list to the tenant, within three to the full refund of the security deposit plus accrued interest
- Tenant may dispute these charges for up to three years
- Keep in the tenant file any documentation regarding disputes move-out charges
- Keep in the tenant ledger the charges, payments, and refunds of security deposits

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Leasing Activities: Pet Deposits

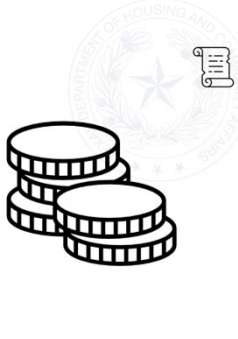

- May be required in pet rules addendum for a tenant to pay a pet deposit
- Applies only to cats and dogs (no other animals)
- Never applies to service animals, which are not pets
- Must be fully refundable
- Maximum amount to be charged is \$300 in total for all pets (not a per pet deposit)
 - In example, \$300 for three pets
- May be paid by tenant in full or installment payments (tenant decides)
 - \$50 when the pet is brought onto the premises
 - \$10 per month thereafter until paid in full
- Deduct at move-out only reasonable expenses attributed directly to the presence of the pet on the property (not rent or other damages)
- Refund after a reasonable amount of time any unused portion of pet deposit if the tenant or pet moves out

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Leasing Activities: Permissible Fees

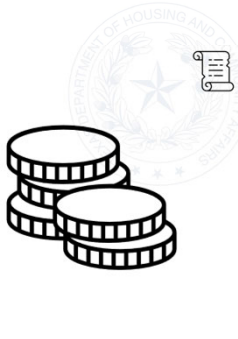

- Checks Returned for Insufficient Funds
 - May impose a fee on the second time, and each additional time, a check is not honored for payment (optional to charge the fee)
 - May bill only for the amount the bank charges for the processing of the returned check (keep your receipts)
- Damages
 - Permitted when damage is caused by carelessness, misuse, or neglect on the part of the family members, household members, or guests
 - Be reasonable with these costs and charge only what it costs (keep your receipts)
 - May collect within 30 days after the tenant receives the notices and bill (may collect over longer period of time)
 - May collect at the time of move-out if permitted by state and local laws

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Leasing Activities: Permissible Fees

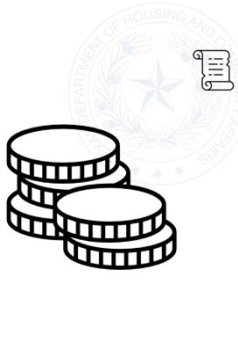

- Special Management Services
 - May charge a tenant for special services
 - Examples include:
 - Responding to lock-out calls,
 - Providing extra keys
 - Garages, carports, storages
 - Fees for actions taken must be in house rules
 - Such as, a replacement key fee is \$5
 - Charges for garages, carports, or other "rental spaces" must be found within an agreement between the owner and tenant
 - May be canceled at any time by the tenant
 - Must be optional
 - May not be charged for reasonable accommodations
 - May not terminate assistance or tenancy for failing to comply
 - May not charge late rent or fees for failing to pay for
 - Keep a copy of the agreement in the tenant file
 - Does not include fees for participating in 811 PRA related social services, which are optional under the program

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Leasing Activities: Permissible Fees

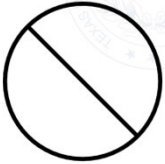

- Court Filing, Attorney, and Sheriff Fees
 - May accept payment of these fees from tenant who wish to avoid or settle an eviction suit provided:
 - Permitted under state and local laws AND
 - The fee appears reasonable and does not exceed the actual costs incurred

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Leasing Activities: Impermissible Fees

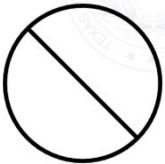

- Unless a fee is specific mentioned as being permitted, it is not permitted
- May not charge for such fees as:
 - A tenant for bad behavior, such as foul language, noise, or failure to supervise children
 - Costs associated with accepting and processing applications, screening applicants, or verifying income and eligibility (Application fees, credit checking fees, etc.)
 - First time a check is returned for insufficient funds
 - Late payment of rent

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Leasing Activities: Impermissible Fees



- Unless a fee is specific mentioned as being permitted, it is not permitted
- May not charge for such fees as:
 - Fees on top of reimbursement of utilities disconnect from tenant's name (may charge cost of utility bill only)
 - Fees to reduce the utility reimbursements owed under the program, when:
 - The utilities are NOT paid normally directly from tenants to utility providers (must be able to document otherwise) or
 - Over the actual amount owed (keep bills on-hand to document costs).
 - Unless agreed upon in writing by both the tenant and owner when doing so benefits the tenant (keep in the file)

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Leasing Activities: Impermissible Fees



- Unless a fee is specific mentioned as being permitted, it is not permitted
- May not charge for such fees as:
 - Nonrefundable portions of security or pet deposits
 - Fees associated with trying to pay rent (such as special card fees, portal fees, credit card fees, etc.)
 - Transferring between units
 - Use of amenities of the unit or property
 - Accelerated rent
 - Reletting
 - Delivery of notices or documents as required under the program
 - Printing or provision of file documentation or written policies and procedures
- This list is not exhaustive

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Leasing Activities: EIV & You

- EIV & You brochure
- Provide to the household at Move-In, Initial, and Annual certifications
- Not required to be executed
- Not required to be kept in the file, but can be
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in tenant file an acknowledgment of receipt by the tenant

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Leasing Activities: Resident Rights & Responsibilities

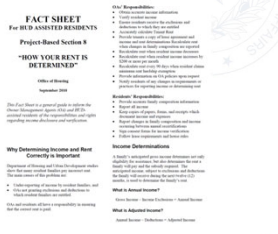
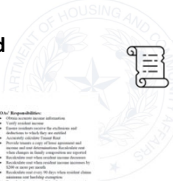
- Resident Rights & Responsibilities brochure
- Provide to the household at Move-In, Initial, and Annual certifications
- Not required to be executed
- Not required to be kept in the file, but can be
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in tenant file an acknowledgment of receipt by the tenant




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Leasing Activities: How Your Rent Is Determined



- How Your Rent Is Determined fact sheet
- Provide to the household at Move-In and Initial certifications
- Not required to be executed
- A copy is not required to be kept in the file, but can be
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in tenant file an acknowledgment of receipt by the tenant
- HOTMA may require a new version, which need to be provided

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Leasing Activities

- Be sure to contact the Compliance Monitoring section at the Department for help
- Document:
 - Required HUD model lease
 - Required lease addenda
 - Require forms
- Do not execute lease or lease addenda not permitted under the program
- If necessary, charge fees
- Do not charge fees not permitted
- For more detailed information on the on screening households for eligibility, check out these other Compliance trainings:
 - 2024 Income Determination Training here: <https://www.youtube.com/watch?v=XbB8i2Hj4IA>
- Contact Justin Merrill at justin.merrill@tdhca.texas.gov

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Ongoing

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Ongoing

- The Owner is required to:
 - Conduct Annual Recertifications
 - Conduct Interim Recertifications
 - Transfer Households
 - Gross Rent Changes
 - Process Move-outs
 - Terminate Assistance
 - Terminate Tenancy
- For more information, please refer Chapters 7 and 8 of the current HUD Handbook 4350.3
 - The following paragraphs do not apply to the 811 PRA program: 8-7 (Termination of Assistance Related to Establishing Citizenship or Eligibility Immigration Status)

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Ongoing: Recertifications

- Owners must conduct a recertification of family income and composition at least annually
- Must complete by the tenant's recertification anniversary date, which is the same month next year rounded to the first
 - In example, if a tenant moves into a unit on 8/15/2023, their anniversary date is 8/1/2024
- Does not change if a tenant transfers from one unit to another at the same property (keep the same MI date on the HUD-50059-A and HUD-50059)



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Ongoing: Recertifications

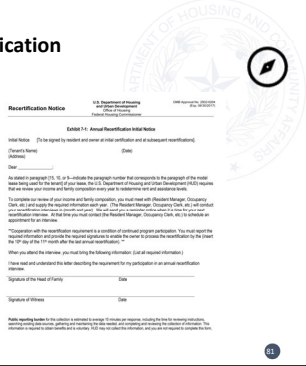
- Must process all recertifications in a timely manner
- Failure to process within 15 months of previous year's recertification anniversary date will result in termination of assistance payments by HUD
- Provide tenant notice of changes in rent, but must give at least a 30-day advance notice of any increase
- Include in the tenant file the HUD-50059 and documentation supporting that certification



80

Ongoing: Initial Notice for Recertification

- Must notify tenant of requirement to recertify
- Provide upon initial signing of the lease and at each annual recertification
- Notifying tenant of annual recertification for next year
- Include in the notice:
 - Requirement to recertify
 - Reference to Par. 9 of HUD-92236-PRA
 - Specify the cutoff date (10th day of the 11th month after the last annual recertification) by which tenant must provide necessary documents and info
 - Signatures and dates for
 - Head of Household
 - Owner's Representative as witness
- Sample found Exhibit 7-1 of HUD Handbook 4350.3
- Keep in tenant file



81

Ongoing: First Reminder Notice for Recertification

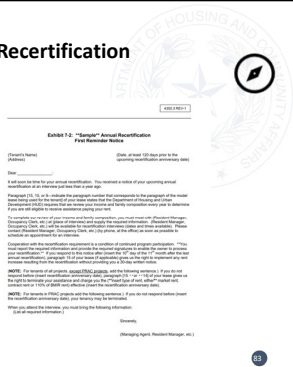
- Provide 120 days prior to the recertification anniversary date
- Include in the notice:
 - Requirement to recertify
 - Reference to Par. 9 of HUD-92236-PRA
 - Provide the who, when, and how for the process
 - Information and documents the tenant should bring
 - State the cutoff date (10th day of the 11th month after the last annual recertification)
 - Failure to recertify will result in termination of assistance



82

Ongoing: First Reminder Notice for Recertification

- Do not include in the notice:
 - Failure to recertify will result in termination of tenancy
- Sample found Exhibit 7-2 of HUD Handbook 4350.3
- Keep in tenant file



83

Ongoing: Second Reminder Notice for Recertification

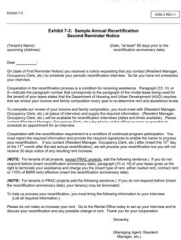
- Provide 90 days prior to the recertification anniversary date
- Do not provide if tenant responded within 30 days of the First Reminder Notice and provided all documents needed
- Must notify tenant of requirement to recertify
- Include in the notice the same information as the First Reminder Notice



84

Ongoing: Second Reminder Notice for Recertification

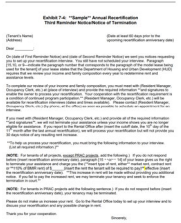
- Do not include in the notice:
 - Failure to recertify will result in termination of tenancy
- Sample found Exhibit 7-3 of HUD Handbook 4350.3
- Keep in tenant file



85

Ongoing: Third Reminder Notice for Recertification

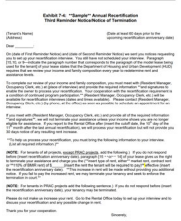
- Provide 60 days prior to the recertification anniversary date
- Do not provide if the tenant responded 60 days before the anniversary date with all documents needed
- Must notify tenant of requirement to recertify
- Include in the notice the same information as the First Reminder Notice
- Provide the amount of rent the tenant will be required to pay if the tenant fails to recertify by anniversary date with no further notice (capped by other Department program)



86

Ongoing: Third Reminder Notice for Recertification

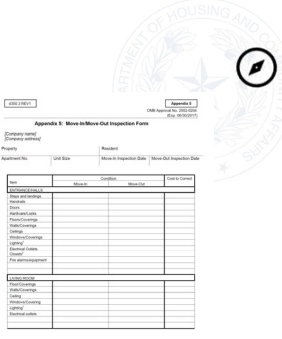
- Do not include in the notice:
 - Failure to recertify will result in termination of tenancy
- Sample found Exhibit 7-4 of HUD Handbook 4350.3
- Keep in tenant file



87

Ongoing: Annual Unit Inspections

- Perform on an annual basis unit inspections
- Review Par. 6-29 of the HUD Handbook 4305.3 for more details
- Check for:
 - Appliances/equipment
 - Damages
- Replace and repair timely any issues
- Owner generated form
- May use the Move-In/Move-Out Inspection Form, including the same information
- Found here: <https://www.tdhca.texas.gov/participating-owneragents>
- Keep in tenant file




The image shows a form titled "Appendix B: Move-In/Move-Out Inspection Form" from the Department of Housing and Community Development, State of Texas. The form includes fields for "Company name", "Apartment No.", "Unit No.", "Move-In Inspection Date", "Move-Out Inspection Date", and "Inspector". It also features a table with columns for "Item", "Status", "Complete", "Move-In", and "Move-Out". The table lists various items such as "Appliances", "Cabinets", "Countertops", "Floors", "Furniture", "Lighting", "Paint", "Plumbing", "Roof", "Structural", "Tanks", "Windows", and "Wiring".

88

Ongoing: Lease and Lease Addenda


- Do not forget that if you sign a new 12-month lease contract, a copy needs to be in the tenant file
- If there has been an update to the addenda, the updated copy needs to be in the tenant file
 - Keep in mind that you must provide 30-day advance notices for changes in house rules and pet policies



89

Ongoing: Lease and Lease Addenda


- Do not forget that if you sign a new 12-month lease contract, a copy needs to be in the tenant file
- If there has been an update to the addenda, the updated copy needs to be in the tenant file
 - Keep in mind that you must provide 30-day advance notices for changes in house rules and pet policies



90

Ongoing: Interim Recertifications


- Conduct when a tenant reports:
 - A family member has moved out
 - A family member would like to be added
 - A family member with unemployment on the most recent certification obtains employment
 - The family's income increases by \$200 or more per month
 - The family's income decreases by \$200 or more per month
 - Increases in expenses related to eligible deductions, such as increased medical expenses or higher child care costs
 - Changes in student status
- Do use EIV reports for family members that turned 18 between annual recertifications, unless you have obtained an executed HUD-9887/9887-A



91

Ongoing: Interim Recertifications

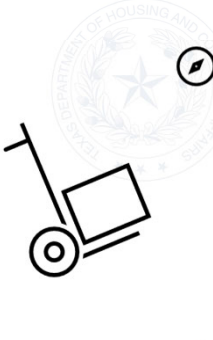
- Do not conduct when:
 - The increase/decrease is less than \$200 a month
 - The increase/decrease will not last more than a month
 - The decrease was caused by a deliberate action of the tenant to avoid paying rent (hard to prove)
 - The loss of a job will be restored within 2 months
- Provide tenant notice of changes in rent, but must give at least a 30-day advance notice of any increase
- Include in the tenant file the HUD-50059 and documentation supporting that certification



92

Ongoing: Transfers

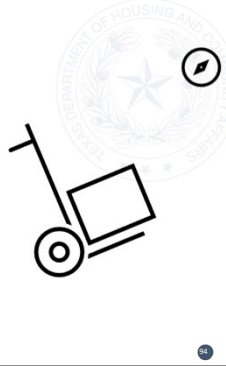
- Transfer when the current apartment size is smaller or larger than appropriate as a result of a change in family size or composition
- Do not terminate assistance for the original unit until the family has been offered a transfer to a unit of the appropriate size and has been given sufficient time (no less than 30 days) to move to the new unit
- Implement changes in rent and assistance payments on the day the tenant actually occupies the new unit



93

Ongoing: Transfers

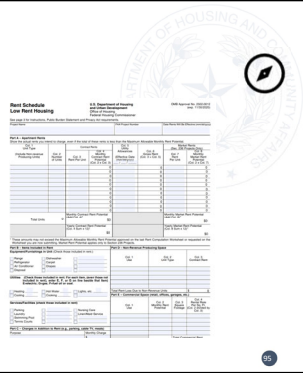
- Follow the unit transfer process outlined under your property's written policies and procedures
- Transfer due to a reasonable accommodation
 - Respond to the request within 14 days
 - Provide info on how that accommodation request will happen, including explaining delays due to availability
- Include in the tenant file the HUD-50059-A and documentation supporting that certification



94

Ongoing: Gross Rent Changes

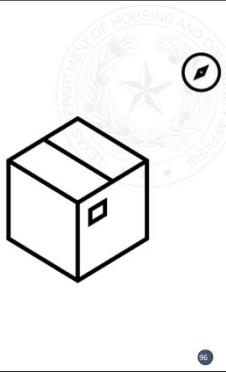
- Report annually to the 811 Administration Division any changes in utility allowances
 - Changes in method, amounts, etc.
 - Submitting to the Compliance Division is not the same process
 - Compliance will use previously approved utility allowances and gross rents if you fail to go through the process
- Implement the changes in utilities and gross rents by the effective date of the approved rent schedule
- Notify the family of any changes in tenant rent or utility reimbursement, providing 30-day advance notice for increases in tenant rent
- Keep in tenant file a copy of the HUD-50059-A



95

Ongoing: Move-Outs





- Process move-outs of families
- If the qualifying family member for the 811 PRA program moves out and no other family members qualifies the household, the household must move out (coordinate with 811 Administration Division)
- Live-in aides are not entitled to remain in the unit
- Refund security deposits and accrued interest within 30 days or provide itemized list of costs if keeping all or a portion of the deposit
- Refund pet deposit unless itemize and specify specific damage caused by the pet



96

Ongoing: Terminating Assistance





- Termination of assistance is where the family no longer has rental assistance payments from HUD
- This is different than termination of tenancy, which is where they must move-out of the unit
- Most of the time, assistance is terminated prior to tenancy

97

Ongoing: Terminating Assistance





- Terminate when:
 - The tenant fails to provide required information or documentation at the time of recertification
 - The tenant fails to sign/submit a HUD-9887/9887-A (for the first time or after rescinding permissions)
 - The annual income and adjusted income removes the need for rental assistance at recertification
 - The tenant fails to move to a different-sized unit within 30 days after notifying them the appropriate bedroom size is available to move-in (occupancy requirement)
 - A family member is a part- or full-time student and does not meet eligibility requirements

98

Ongoing: Terminating Assistance


- Encouraged to reinstate assistance when possible
 - Conduct a retro-active recertification (within 3 months of anniversary date) or initial certification (more than 3 months of the anniversary date)
 - Check with the 811 Administration Division to ensure able to re-enter the program
- Par. 8-6 of the HUD Handbook 4350.3 provides guidance on the procedures for terminating and reinstating assistance
- Must notify the 811 Administration Division 3 days in advance prior to giving notice to the tenant
- Keep in tenant file copies of HUD-50059-A and supporting documents

99

Ongoing: Terminating Tenancy


- Termination by Lessees
 - Tenant is required to give 30-day notice to vacate the unit
- Termination by Owner
 - Mechanism by with owners ensure that a tenant is fulfilling obligations under the lease
 - Include lease requirements, addenda requirements (such as house and pet rules)
 - Ensure payment of rent, maintaining the unit, and allowing other tenants peaceful enjoyment of their units and commons areas



100

Ongoing: Terminating Tenancy


- Termination by Owner
 - Required to provide a 3-day advance notice to the 811 Administration Division to review
 - Must provide an opportunity for tenants to respond and appeal
 - Must comply with all federal, state, and local laws
 - Must be applied in a fair and consistent manner
 - Must be related to fulfillment of the lease, addenda, and program requirements
 - Must renew tenant lease term (12-months or month-to-month), unless material noncompliance



101

Ongoing: Terminating Tenancy


- Termination by Owner
 - Must be a material noncompliance
 - Failure to submit SSNs
 - Extended absence or abandonment of the unit as defined under house rules
 - Fraud, when a tenant knowingly provides inaccurate or incomplete information (be careful here)
 - Repeated minor violations that have been documented
 - Nonpayment of tenant rent (may not charge for rental assistance)
 - Drug abuse and other criminal activity not permitted under the program
 - Other good cause, reasonable required under federal, state, or local law



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Ongoing: Terminating Tenancy

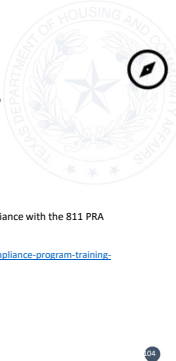
- Keep in mind reasonable accommodations regarding disability and potential violations of the lease
- Refer to Para. 8-11 through 8-16 of the HUD Handbook 4350.3
- Keep in tenant file HUD-50059-A and documentation supporting certification



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Ongoing

- Be sure to contact the Compliance and 811 Administration Divisions at the Department for help
- Document:
 - Annual recertifications
 - Interim recertifications
 - Transfers
 - Gross rent changes
 - Move-outs
 - Terminations of assistance
 - Terminations of tenancy
- Follow the required processes outlined under §8.6 and HUD Handbook 4350.3 to ensure compliance with the 811 PRA program
- For more detailed information on these processes, check out these other Compliance trainings:
 - 2022 Section 811 Project Rental Assistance Program Training: <https://www.tdhca.texas.gov/compliance-program-training/2022-08-11>
- Contact Justin Merrill at justin.merrill@tdhca.texas.gov
- Contact 811 Administration at 811info@tdhca.texas.gov



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The 811 Team and Compliance appreciate you all.

RESOURCES:

[HTTPS://WWW.TDHCA.STATE.TX.US/SECTION-811-PRA/INDEX.HTM](https://www.tdhca.state.tx.us/section-811-pra/index.htm)

[HTTPS://WWW.TDHCA.TEXAS.GOV/COMPLIANCE](https://www.tdhca.texas.gov/compliance)



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