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# *A Tenant Rights and Resources Guide*

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*Information Related to Living in a TDHCA Monitored Rental Property*



*TDHCA is an equal opportunity provider and employer.*

## What Does Fair Housing Choice Mean?

The Texas Department of Housing and Community Affairs (“TDHCA”) is committed to expanding fair housing choice and opportunities for Texans. Under the Fair Housing Act, you have the right to rent an apartment, buy a home, obtain a mortgage, or purchase homeowner’s insurance free from discrimination based on race, color, national origin, religion, sex, familial status, and disability.

This means that you have the right to make choices about where you will live and must receive equal treatment and access to housing and related programs under the law. TDHCA offers a number of affordable rental housing units throughout the state that are supported by low income housing tax credits and loans or grants from federal housing programs. Some of the eligibility requirements under each type of program that TDHCA funds may be different and not all of the types of housing it offers may be available in areas in which you would like to live; however, TDHCA encourages you to ask questions about whether the area in which the rental property is located provides access to one or more of the following items that may help meet your rental needs:

- High quality schools (Find school ratings on the Texas Education Association’s website: [www.tea.state.tx.us](http://www.tea.state.tx.us))
- Low crime (Call the local police precinct and ask for crime statistics or visit [www.neighborhoodscout.com](http://www.neighborhoodscout.com))
- Access to reliable methods of public transportation (Ask about local bus routes, commuter rails, or other methods of transportation and check metro schedules for the area or visit [www.walkscore.com](http://www.walkscore.com))
- Access to quality healthcare (Map distances to your local health clinics, urgent care, and hospital facilities)
- Access to grocery stores that offer healthy food choices (Map distances to full service grocery stores)
- Proximity to family, friends, job sites, and organizations to which you might belong (You’re the expert here)

There may be additional things that are important to you in making your decision. To identify other TDHCA affordable rental properties in your community, access TDHCA’s apartment search tool:

<http://hrc-ic.tdhca.state.tx.us/hrc/VacancyClearinghouseSearch.m>

Additional information about landlord and tenant responsibilities and your fair housing rights in TDHCA monitored properties can also be found in this booklet or from the TDHCA website at:

<http://www.tdhca.state.tx.us/fair-housing/index.htm>

## What Additional Rights Do I Have as a Renter in TDHCA Properties?\*

Texas State Landlord-Tenant Law can be found in the Texas Property Code. Texas Property Code outlines the responsibilities of landlords and tenants in residential rental agreements. In addition, landlords of rental properties monitored by TDHCA must:

- Keep properties suitable for occupancy and in good repair consistent with Uniform Physical Condition Standards (“UPCS”) published by the U.S. Department of Housing and Urban Development (“HUD”).
- Estimate utility costs at the property, annually review the utility allowance they calculate, and make utility allowances available for inspection. Utility allowances are used to help determine the amount a property owner will charge for rent.
- Provide residents with a certain number and type of property amenities and/or services. This property is required to provide the following amenities and/or services for its residents:

The Development will offer a limited access security fence, designated playground and equipment, furnished community room, recreational facilities, public telephones , R-11 wall insulation, R-30 ceiling insulation, metal insulated doors, furr-down heating and air conditioning ducts into the living space, air filtration reduction, high grade thermal pane windows, additional open cavity insulation, specific air conditioning unit placement, and attic ridge and soffit vents (to reduce attic temperature).

- Operate the property in accordance with its Land Use Restriction Agreement (“LURA”) as affordable housing, whether or not ownership or management agents change. You can request a copy of the LURA from property management staff.
- Offer written leases.
- Provide tenants with written notice in the event of lease termination or non-renewal.
- Provide reasonable accommodations or modifications for the tenant’s disability at the owner’s expense unless the request presents an undue financial or administrative burden on the owner or the property was awarded tax credits before 2001.

Owners of TDHCA monitored rental properties are prohibited from:

- Locking out or seizing property of tenants who have not paid rent except by judicial process or as expressly allowed under Texas Government Code Section 2306.6738 (cases of necessary repair, construction work, emergencies, or in the event of tenant abandonment of a unit).
- Charging rents in excess of program-specific rent limits that are published each year.
- Using certain lease provisions that restrict tenant rights to court and appeals processes or decisions, excuse owners from responsibility, or require tenants to pay court fees if they win a case against the owner.
- Denying households for rental housing solely because of participation in the Housing Choice Voucher/Section 8, HOME, or other federal, state, or local rental assistance program.
- Requiring households participating in federal rental assistance programs to demonstrate a monthly income of more than 2.5 times the household’s share of the monthly rent (households

with less than \$50 of monthly income are not required to demonstrate more than an annual income of \$2,500).

*Example: A voucher holder's tenant portion of the rent will be \$216.30 per month.*

*\$216.30 x 2.5 = \$540.75 per month.*

*The household cannot be asked to demonstrate more than \$540.75 per month to be eligible for housing.*

- Evicting tenants without good cause under the lease. Landlords are also prohibited from retaliating against renters who have made a discrimination complaint or who have assisted others in exercising their fair housing rights, including rights to request a reasonable accommodation or modification.

TDHCA is responsible for monitoring this Development for compliance with any LURA setting forth required common amenities, unit amenities, or services in connection with programs administered by the Department. To register a complaint with TDHCA, please contact us at:

TDHCA	(800) 525-0657 or (512) 475-3800
PO Box 13941	TTY: 800-735-2989 or 7-1-1
Austin, TX 78711	Fax: 800-733-5120
<a href="http://www.tdhca.state.tx.us">www.tdhca.state.tx.us</a>	

Additional information on Texas State Landlord-Tenant Law, including the Property Code itself, can be accessed by viewing the Texas State Law Library's Landlord/Tenant Research Guide and eviction resources page at <http://guides.sll.texas.gov/landlord-tenant-law>. Texas A&M Real Estate Center has also published a Landlord Tenants Guide which is available at: <http://recenter.tamu.edu/pdf/866.pdf>.

*\*Disclaimer: The above is not an exclusive list and does not grant or limit any right a tenant may have under local, state, or federal law.*

## Need Legal Help?

TDHCA does not provide legal advice or assistance. If you need rental housing counseling or help with a landlord-tenant issue, see HUD's fair housing counseling page:

<http://hud.gov/offices/hsg/sfh/hcc/hcs.cfm?weblistaction=summary>

If you have received a property violation or eviction notice and need legal assistance, see:

Legal Aid of Northwest Texas (1-888-529-5277, Serving North and West Texas, [www.lanwt.org](http://www.lanwt.org))

Volunteer Legal Services of Central Texas (512-476-5550, Serving Central Texas, [www.vlsoct.org](http://www.vlsoct.org))

Texas RioGrande Legal Aid (1-888-988-9996, Serving South, West, and Central Texas, [www.trla.org](http://www.trla.org))

LoneStar Legal Aid (1-800-733-8394, Serving East, West, and Southwest Texas, [www.lonestarlegal.org](http://www.lonestarlegal.org))

## What Are My Fair Housing Rights?

Owners and property managers are required to follow federal, state, and local fair housing laws (which

may include other groups in addition to those listed below) and are prohibited from discriminating on the basis of: **Race, Color, National Origin, Religion, Sex, Familial Status** (your household includes children under the age of 18), and **Disability**.

Examples of discrimination in rental housing could include but are not limited to:

- Lying about or misrepresenting the availability of housing when housing is available.
- Requiring different terms or conditions based solely on a household member's race, color, national origin, religion, sex, familial status, or disability.
- Advertising that indicates a limitation or preference based on race, color, national origin, religion, sex, familial status, or disability.
- Harassment or intimidation such as verbal threats, vandalism, or unwanted sexual advances.
- A refusal to make reasonable accommodations for a person with disabilities.
- Being steered to properties, buildings, or units on one side of a complex based solely on factors related to race, color, national origin, religion, sex, familial status, or disability, regardless of other available options.

## How Do I Make a Reasonable Accommodation Request?

Reasonable accommodations are changes in rules, policies, practices, or services that may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling, including areas provided for public or common use. You can make a reasonable accommodation in writing or orally.

Remember that an owner *can* request verification of disability if the disability or need for accommodation is not obvious or known but *cannot* request information about the nature, extent, or severity of a disability.

Examples of reasonable accommodations requests may include but are not limited to:

- Requesting to keep a service or assistance animal despite a "no pets" policy
- Requesting grab bars in your bathroom near the toilet and shower
- Requesting a unit transfer from an upper floor to a ground floor unit
- Requesting interpreters or auxiliary aids to effectively communicate with management

## Does An Owner Have to Provide an Accommodation or Modification Once I Make a Request?

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

What results in an undue administrative and financial burden should be determined on a case-by-case basis and will include consideration of the owner's financial resources, the cost of the proposed change, and the availability of alternative accommodations that would meet the requestor's needs.

If an owner decides to deny an accommodation request, they should discuss with the resident whether there is an alternative that will meet their disability-related needs.

Disability discrimination provisions of the Fair Housing Act do not extend to persons who claim to be disabled solely on the basis of having been adjudicated as a juvenile delinquent, having a criminal record, or being a sex offender. Furthermore, the Fair Housing Act does not protect persons who currently use illegal drugs or persons with or without disabilities who present a direct threat to the persons or property of others.

## How Do I File a Fair Housing Complaint?

### Filing Complaints in the State of Texas

If you believe you have been discriminated against based on race, color, national origin, religion, sex, familial status, or disability, you can file a complaint with the Texas Workforce Commission (“TWC”).

TWC is the entity responsible for receiving and resolving housing discrimination complaints in the State of Texas and works with TDHCA to enforce the Fair Housing Act and investigate violations. You have one year after an alleged violation to file a complaint. Complaints can be filed by email, fax, phone call, hand delivery, or mail:

Texas Workforce Commission	(888) 452-4778 or (512) 463-2642
Civil Rights Division	TTY: 512-371-7473
1117 Trinity Street, Room 144-T	Fax: 512-463-2643
Austin, TX 78701	<a href="mailto:HousingComplaints@twc.state.tx.us">HousingComplaints@twc.state.tx.us</a>

A copy of the TWC complaint form is available from the TWC website at:  
<http://www.twc.state.tx.us/crd/how-submit-housing-discrimination-complaint.html>

When you enter a complaint to TWC, TWC will also file your complaint with HUD. However, you can also file a complaint directly with HUD.

### Filing Complaints with HUD

HUD accepts online complaints through its website and also makes complaint forms available in multiple languages such as Spanish, Arabic, Cambodian, Chinese, Korean, Russian, and Vietnamese. See HUD’s complaint page under the Fair Housing and Equal Opportunity Office at [www.hud.gov](http://www.hud.gov). You can also contact the local HUD Fair Housing office at:

Fort Worth Regional Office of FHEO	(817) 978-5900
U.S. Department of Housing and Urban Development	(800) 669-9777
801 Cherry Street, Unit # 45, Suite 2500	TTY (817) 978-5595
Fort Worth, TX 76102	

Other local fair housing enforcement agencies may be available depending on where you live. For a list, visit TDHCA’s Fair Housing page: <http://www.tdhca.state.tx.us/fair-housing/complaint-how-to.htm>.

# Acknowledgment

Property Name: \_\_\_\_\_ TDHCA File#: \_\_\_\_\_

Household Name: \_\_\_\_\_ Unit#: \_\_\_\_\_

**“I/we acknowledge that I/we have received *A Tenant Rights and Resources Guide: Information Related to Living in a TDHCA Monitored Rental Property* as of the date this document is signed.”**

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

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Signature Date

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Signature Date



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