



TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

www.tdhca.state.tx.us

How to Make a Reasonable Accommodation Request To Tenant Selection Criteria for Properties Participating in the Texas Section 811 PRA Program

What is a Reasonable Accommodation?

A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with disabilities to have an equal opportunity to use and enjoy a dwelling. All reasonable accommodation requests must show an identifiable relationship between the requested accommodation and the individual's disability.

Why Submit a Reasonable Accommodation Request During the Housing Application Process?

If an applicant believes that a change is needed to a property's policies because an applicant has a disability, the applicant or their disability service professional can make a request to the property management company. An accommodation may be needed during the application process to obtain an application, or to enable the applicant to meet the property's initial leasing selection criteria.

An applicant may request a reasonable accommodation to a provision of the property's tenant selection criteria that serves as a barrier to the applicant when the applicant's disability would otherwise allow them to meet the criteria.

For example, for applicants who have criminal records, poor tenancy histories and/or poor credit histories that properties might determine to be ineligible, a reasonable accommodation could be warranted if the applicant can demonstrate that: (1) their history is disability related; and (2) the situation/behavior is not likely to recur if the accommodation is made. It is important for the request to focus on the applicant's ability to comply with the terms of the lease, such as paying rent on time; not interfering with other people's quiet enjoyment; maintaining a decent, safe and sanitary unit; not engaging in criminal activity; and complying with other reasonable rules and policies is important. An applicant may want to include a reference who can verify an applicant's disability, recovery if applicable, and attest to their character.



When/How to Submit a Reasonable Accommodation

Reasonable accommodation requests related to a property’s application process, including their tenant selection criteria:

- can be requested verbally or in writing (though a written record is recommended and some properties may provide their own form),
- can be requested by the applicant themselves, the referral agent or other disability service professional, and
- can be submitted any time during property application process.

Requesting an accommodation is a process. The property and applicant should engage in what is referred to as a “meaningful dialogue.”

Requests are directed towards the property owner or property management. Find a link to sample reasonable accommodation request form under Additional Resources. More information to help decide when to submit the request(s) below:

When	How	Pros/Cons
At time of application to 811 PRA Program to TDHCA or as program application is pending	<p>Upload written request along with completed application to Serv-U</p> <p>Requests are not required to be written and can be made verbally. An agent can submit a written summary of an applicant’s verbal request.</p>	<p>Pros: service contact is able to upload all documentation at one time request is documented at time of application</p> <p>Cons: discloses matter initially, may be out of date by the time applicant comes to top of wait list, may not address specific criteria applicant is not aware could cause denial</p>
Before application to a specific 811 PRA Property (applicant has come to the top of the waitlist)	Provide verbal or written (email or letter) request to property in person or over email before submitting property level application	<p>Pro: by requesting based on specific property-level screening criteria, applicant has a better idea what criteria they do not meet and thus is able to identify whether an accommodation would be related to their disability</p> <p>Pro/Con: discloses matter initially (some believe disclosure indicates good faith to property manager, some believe it could spark bias)</p>



When	How	Pros/Cons
<p>After rejection from a 811 PRA Property</p> <p>Note: applicants also have 14 days to appeal any property level rejection. Appeals are separate from reasonable accommodation requests.</p>	<p>Provide verbal or written (email or letter) request to property after receiving property level rejection. Be sure to send ASAP to correct contact and reference grounds for denial as stated in rejection notice</p>	<p>Pros: disclosure only comes if denied (because if applicant is approved by the property, a request is not needed), request can be specific to the ground(s) for rejection</p> <p>Cons: most time-consuming route, difficult to plan move given length of process, unit may be filled while request is processed</p>

Sample Scenarios

Criminal History Criteria

An applicant obtained a criminal conviction during a time they were not engaged in services for schizophrenia. The applicant is now connected to services aimed toward recovery and managing their symptoms.

Credit History Criteria

Due to debt from medical costs related to applicant's disability, an applicant has a poor credit score. The applicant is now actively working to improve their credit through case management, payment plans, and budgeting classes.

Rental History Criteria

An applicant has poor rental history from damaging a unit during an episode manifested by their disability. The applicant is now engaged in outpatient services and a Referral Agent can attest that the applicant is willing and able to pay their rent, be a good neighbor, and care for the rental premises.

What to Expect After Making a Request

In accordance with [10 TAC §1.204](#), a property's response to a Reasonable Accommodation request must be provided within a reasonable amount of time, not to exceed 14 calendar days. The response must either be to grant the request, deny the request, offer alternatives to the request, or request additional information to clarify the request.



TDHCA Resources

1. Sample Reasonable Accommodation Request Form is an optional form that can be submitted to property management at property application, entering into a lease, or any time during tenancy. This form can be found on the TDHCA webpage at: <https://www.tdhca.state.tx.us/section-811-pra/referral-agents.htm>
2. Example Language for a Request for Reasonable Accommodation to Tenant Selection Criteria After Housing Denial for Criminal History provides additional guidance on what can be included in a request for reasonable accommodation to Tenant Selection Criteria. This form can be found on the TDHCA webpage at: <https://www.tdhca.state.tx.us/section-811-pra/referral-agents.htm>
3. TDHCA's Fair Housing 101 webpage provides a general overview of federal and state laws that govern fair housing requirements. This resource is located on the TDHCA webpage at: <https://www.tdhca.state.tx.us/fair-housing/index.htm>
4. TDHCA's Fair Housing Policy and Guidance provides a comprehensive listing and summary of federal laws, Executive Orders and program guidance that govern fair housing requirements. This resource is located on the TDHCA webpage at: <https://www.tdhca.state.tx.us/fair-housing/policy-guidance.htm>
5. TDHCA's Fair Housing for Professionals provides guidance to owners and administrators of TDHCA-assisted housing. This resource is located on the TDHCA webpage at: <https://www.tdhca.state.tx.us/fair-housing/professionals.htm>

