

## Compliance FAQs: Section 811 Project Rental Assistance Program (S811 PRA)

### Q. Does a property have to post a Fair Housing Poster?

A. Yes, per Paragraph 2-5.E. of the current [HUD Handbook 4350.3](#), the property must display the Fair Housing poster required by the Fair Housing Act and HUD regulations at [24 CFR, Part 110](#). The poster shall be prominently displayed, so as to be readily apparent to all persons seeking housing accommodations; and, the poster shall be 11 inches by 14 inches and shall bear specific legend and language as found in [HUD-928.1](#). To comply Limited English Proficiency (LEP) requirements, the Fair Housing poster should be posted in other languages; for example, if an applicant requires documentation to be offered in Spanish, a Fair Housing poster in Spanish must be posted also. HUD has translated the poster into other languages [here](#).

### Q. Does a participant have to be a citizen?

A. No, the Section 811 PRA program does not have citizenship requirements per Paragraph 3-12.F of the current [HUD Handbook 4350.3](#). There is no requirement to screen or verify citizenship status for a tenant to participate in the program; and, tenants that are not citizens are not disqualified from participating.

### Q. Are application fees permissible?

A. No, per Paragraph 6-20.A of the current [HUD Handbook 4350.3](#), an Owner must not charge applicants for the cost associated with accepting and processing applications, screening applicants, or verifying income and eligibility. These costs are considered project expenses.

### Q. How much deposit can an 811-assisted tenant be charged at move-in?

A. The security deposit may be the greater of one month's Total Tenant Payment or \$50 per Paragraph 6-15.B.2 (see Figure 6-7) of the current [HUD Handbook 4350.3](#). An Owner may choose to not charge a security deposit or to charge a lesser amount for the security deposit; however, an Owner may never charge more than permitted, including higher than the deposit amount required under other Department-funded programs. The deposit may be collected in full or in installments, depending on the tenant's resources and ability to pay.

### Q. How much pet deposit can an 811-assisted tenant be charged at move-in?

A. If a Development permits pets for any tenant, they must permit 811-assisted tenants to have pets. Per Paragraph 6-24.B (see Figure 6-8) of the current [HUD Handbook 4350.3](#), pet deposits must not exceed in total \$300 (the limit does not increase with an increase in the number of pets), must not have an initial payment greater than \$50, and must have increment payments of \$10 per month or more (depending on the tenant's resources). Per Paragraph 6.b of the [HUD Notice 2013-24](#), pet deposits may only be collected for dogs and cats (no other animal commonly considered a pet). These requirements must be included in the Pet Rules attached to the HUD-92236.

### Q. Does the \$25 minimum rent policy apply to 811-assisted households?

A. No, the \$25 minimum rent policy does not apply per Paragraph 5-25 (see Figure 5-6) of the current [HUD Handbook 4350.3](#). The Total Tenant Payment is the greater of 30% of monthly adjusted income or 30% of the gross rent.

### Q. What forms are required in a tenant file for the 811 program?

A. The tenant file must include the forms listed under [§10.612\(d\)](#). Additionally, the Department looks for a method by which the tenant was screened for eligible deductions, a self-certification of disposed of assets, and any documentation necessary to identify and resolve any Enterprise Income Verification (EIV) discrepancies as required per Chapter 9 of the current [HUD Handbook 4350.3](#).

### Q. What HUD Model lease is required for the 811 program?

A. Tenants participating in the 811 program must execute the [HUD-92236-PRA Model Lease](#). The HUD-92236-PRA may not be modified, unless in attachment form with prior approval by the Department.

### Q. What addenda are required to be attached to the HUD-92236-PRA?

A. Per Paragraph 6-5.A.3 of the current [HUD Handbook 4350.3](#), the following attachments must be included (all pages) with the [HUD-92236-PRA: HUD-50059, HUD-50059-A](#), House Rules, Lease-Based Paint Disclosure (if applicable), Pet Rules (if pets are permitted at the Development), Live-in Aide Addendum (if applicable), and Move-In Inspection Report (and, if applicable, the TDHCA Waiver of Move-In Inspection Report, which is found on the Department website under the Participating Owners/Agents section here: <https://www.tdhca.state.tx.us/section-811-pra/participating-agents.htm>). In addition, as the Contract Administrator, the Department also permits the No Lien or Lockout 811 Lease Addendum to comply with [§10.613\(e\)](#). A sample can be found on the Department website under Property Management Forms and Materials, Required Forms that Must Be Provided to Tenants Before Move-in located here: <https://www.tdhca.state.tx.us/section-811-pra/participating-agents.htm>.

## Compliance FAQs: Section 811 Project Rental Assistance Program (S811 PRA)

### **Q. Which Violence Against Women Act form do I attach to the HUD-92236-PRA?**

**A.** The current HUD-91067 VAWA Lease Addendum has expired and a replacement has not yet been made available. Therefore, no VAWA addendum must be attached to the HUD-92236-PRA at this time. Once HUD issues the updated HUD-91067, the Department will notify Owners of the availability through the Department's LISTSERV (to register please visit <http://maillist.tdhca.state.tx.us/list/subscribe.html?lui=f9mu0g2g&mContainer=2&mOwner=G382s2w2r2p>).

### **Q. Are late fees permissible for 811-assisted households?**

**A.** No, late fees are prohibited for 811-assisted households per Paragraph 6-23.B of the current [HUD Handbook 4350.3](#).

### **Q. Can fees for insufficient funds be charged on returned checks for 811-assisted tenants?**

**A.** Yes, Owners may impose a fee (not to exceed the amount the bank charges) on the second time, and each additional time, a check is not honored for payment per Paragraph 6-25.B of the current [HUD Handbook 4350.3](#). A fee may not be charged for the first time a check is returned for insufficient funds.

### **Q. Are EIV Reports required for 811-assisted households?**

**A.** Yes, per Paragraph 9-8 of the current [HUD Handbook 4350.3](#), Owners must use the EIV system in its entirety, including running and examining EIV reports; however, Owners may not suspend, terminate, reduce, make a final denial of rental assistance, or take any other adverse action against an individual based solely on the data in EIV. Discrepancies noted in EIV reports must be addressed as required under Paragraph 8-18.

### **Q. Who in the tenant household is allowed to review EIV data and EIV documentation in the tenant file?**

**A.** The EIV data of an adult household member may not be shared with another adult household member or to a person assisting the tenant with the recertification process, unless the individual has provided written consent to disclose such information, as outlined under Paragraph 9-17.A and 9-17.B of the current [HUD Handbook 4350.3](#).

### **Q. What staff for the property is allowed to review data in the EIV system?**

**A.** Per the current [HUD Handbook 4350.3](#), EIV Coordinators and EIV Users are permitted to view data in the EIV system, provided they have a valid WASS User ID and password (Paragraph 9-21), agree to adhere to the EIV Rules of Behavior (Paragraph 9-18), and complete security training (Paragraph 9-20). EIV Coordinators must have, executed on an annual basis, a Coordinator Authorization Access Form (CAAF), and a Certification of Completion for Cyber-Awareness Challenge (or subsequent security training HUD replacement). EIV Users must have, executed on an annual basis Certification of Completion for Cyber-Awareness Challenge; and, on a bi-annual basis, an executed User Authorization Access Form (UAAF).

### **Q. What staff for the property is allowed to review the EIV documentation in the EIV report binder or a tenant file?**

**A.** Per Paragraph 9-17.C of the current [HUD Handbook 4350.3](#), staff with access to report binders or tenant files must have an official purpose, necessary to determine eligibility of a tenant to participate in the program; an example of staff without an official purpose includes maintenance staff. Staff, with official purpose, must agree to adhere to the EIV Rules of Behavior (Paragraph 9-18) and complete security training (Paragraph 9-20). Staff must have, executed on an annual basis, Certification of Completion for Cyber-Awareness Challenge (or subsequent security training HUD replacement).

### **Q. What safeguards must be taken to secure EIV data and files?**

**A.** The Owner must take technical, administrative, and physical safeguards to protect EIV data and files per Paragraph 9-21 of the current [HUD Handbook 4350.3](#). These safeguards must be reflected in the Development's EIV Policy.