

2015 AOCR- Tenant Selection Criteria (“TSC”) Rule Cheat Sheet

#	Question	Yes	No	N/A
1	Is there an effective date for the TSC?	The TSC has a written effective date	The TSC does not have a written effective date	
2	Does the TSC list requirements for applicant eligibility (including any preferences and restrictions)?	The requirements related to income, student status, credit history, criminal history and renters history are clearly defined so that someone applying would be aware of the expectation	<ul style="list-style-type: none"> • Credit, criminal and rental history standards for occupancy are not listed; AND, • The TSC is silent on income and/or student status provisions 	
3	Does the applicant screening criteria include what is screened and what scores or findings would result in ineligibility?	If you screen for credit, criminal and/or rental history, etc... the criteria clearly states what circumstances would result in denying the application (e.g. credit scores, types of criminal offenses, etc...)	<ul style="list-style-type: none"> • Credit, criminal and rental history is not reviewed for occupancy; OR, • These items are reviewed, but the criteria does not make clear what scores or findings would result in ineligibility 	
4	Does the TSC use vague terms such as "elderly," "bad credit," "negative rental history," "poor housekeeping," or "criminal history" without defining clearly what such terms mean?	<ul style="list-style-type: none"> • TSC uses vague terms; AND, • The terms are not defined either directly or through the use of examples 	These types of terms are not used	
5	Is the criterion reasonably related to program eligibility and the applicant's ability to perform obligations under the lease?	The criteria is limited to: 1) credit, criminal rental history; and/or 2) specific criteria related to the program (e.g. income restrictions)	The TSC lists criteria outside the normal scope of consideration (e.g. outside the scope of income, credit, rental, etc...)	
6	Does the TSC include Occupancy Standards?	There are occupancy standards (e.g. 2 persons per bedroom)	No occupancy standards	
7	Are the occupancy standards reasonable? (note, if fewer than 2 persons (over the age of 6) per bedroom for each rental unit are required for reasons other than those directed by local building code or safety regulations, a written justification must be provided)	<ul style="list-style-type: none"> • The number of people that can live in a unit is 2; or • Fewer than 2 persons per bedroom is used as directed by local building code or safety regulations • Fewer than 2 person per bedroom is used and a written justification that does not violate the Fair Housing Act is available (see HUD’s Keating Memo for reasonable justification) 	An occupancy standard of fewer than 2 persons per bedroom is used and 1) is not a requirement of local building code or safety regulations; or, 2) no written justification available; or 3) the justification conflicts with HUD’s Keating Memo	

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8	Were any individuals or families that receive federal, state, or local governmental rental assistance (e.g. section 8 voucher program) denied solely on the basis that they receive such assistance?	Households were not allowed to apply for occupancy because they had a section 8 voucher from the local housing authority (note, this does not mean a section 8 household was denied occupancy because they failed to meet the screening criteria)	Every applicant was allowed to apply for occupancy, regardless if they had a section 8 voucher from the local housing authority (note, this does not mean the household with the voucher does not have to meet the screening criteria for occupancy)	
9	Does the TSC include a financial or minimum income standard?	An income standard is considered as a criteria for occupancy (e.g. the household must make a minimum of 2 times the monthly rent)	An income standard is not considered as a criteria for occupancy	
10	For households participating in federal, state, or local government rental assistance programs (e.g. section 8 voucher program), is that financial standard limited to 2.5 times the household's portion of the monthly rent and not the total monthly rent (or if a family's share of the rent is \$50 or less, is the standard limited to \$2500 annually)?	Specific to households with a section 8 voucher from the local housing authority: 1) the financial standard used is limited to 2.5 times the household's share of rent; or, 2) if the household's part of rent is ≤ \$50, the minimum is limited to \$2500 annually	Specific to households with a section 8 voucher from the local housing authority, a different financial or minimum income standard is used	
11	If the development receives Federal assistance, are there any geographic preferences for which written approval from HUD or USDA for such preference has not been obtained?	There is a Federal program (not administered by TDHCA) and you have written approval allowing occupancy preferences based on geography	There is a Federal program (not administered by TDHCA) and you are not giving preferences for occupancy based on geography	No federal assistance
12	If not receiving Federal assistance, are there any geographic preferences not approved by TDHCA?	Preferences are given to applicants based on geography that have not been approved by TDHCA	No preferences	Receiving Federal assistance
13	Has the development excluded any households with persons with disabilities from admission because an accessible unit was not available?	A disabled household, that otherwise qualified under the TSC for occupancy, was not allowed to move in because an accessible unit was not available.	Occupancy has not been denied to persons with disabilities based on whether an accessible unit is available	
14	Has the development required any households with persons with disabilities to rent only a unit that has already been made accessible?	A disabled household, that otherwise qualified under the TSC for occupancy, when both an accessible and non accessible unit is vacant, was not allowed to move into the non accessible unit because of their disability	Occupancy for persons with disabilities has not been restricted to accessible units.	

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15	Does the TSC specify that specific animal, breed, number, weight restrictions, pet rules, and pet deposits will not apply to households having a qualified service/assistance animal(s)?	Pets are allowed and the pet rules and TSC state that pet rules do not apply to service animals (service/assistance animals are not considered pets)	Pet rules are applied to service/assistance animals	
16	Does the TSC provide that screening criteria will be applied uniformly and in a manner consistent with all applicable law, including the Texas and Federal Fair Housing Acts, the Federal Fair Credit Reporting Act, program guidelines, and the Department's rules?	All applicants are screened under the same criteria and in the same manner	Screening criteria is not applied in manner consistent with all applicable law	
17	Does the TSC provide that the Development will comply with state and federal fair housing and antidiscrimination laws, including but not limited to consideration of reasonable accommodations requested to complete the application process as identified in 10TAC1, Subchapter B?	The criterion includes the required statement(s)	The required statements are not included	
18	Is this an Elderly development?	The property is a Qualified Elderly Development under the TDHCA LURA	Any person of legal age can apply for occupancy	
19	If Elderly, are specific age requirement(s) listed?	An age requirement is clearly stated	The TSC does not list what age a person must be to live at the property	If NO to #18
20	Does the TSC address how rejected applications will be handled?	If an application is rejected, the criteria lists how the denial will be handled (e.g. mailed, hand delivered, etc...)	The criteria is silent on how the property will handle the denial of an application	
21	Are rejected/ineligible applicants given a written notification of the grounds for that rejection that includes the specific reason for the denial and that references the specific leasing criteria upon which the denial is based?	Applicants that are rejected/ineligible are provided a written notification that includes: 1) specific reason for denial; and 2) references the criteria in the TSC on which the denial was based	Rejected/ineligible applicants are: 1) not notified in writing; or 2) the notice does not include the reason for denial; or 3) the notice did not reference the criteria in the TSC	
22	If third parties provided the information that led to the rejection, do the rejection letters include contact information for the third party?	Rejection letters include contact information for the third party used	Third party contact information was not included in the rejection letters	Third party not used in screening process
23	Are rejection letters provided within 7 days of a rejection determination?	Once determined that an application is rejected/ineligible, the letters notifying the applicant have been issued within 7 days	Rejection letters have been (or are) issued whenever; there is no policy	

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24	If the development has an appeals process, do the rejection letters provided include information on how the appeals process can be accessed?	There is an appeals process by which a denied applicant could have their application reconsidered after rejection and that process is detailed in the letter	There is an appeal process, but that process is not described in the letter	No appeals process
25	Does the development maintain a log of all denied applicants that completed the application process?	A log, written or electronic, of denied applicants is maintained	A log is not maintained	
26	Does the development retain all rejected applications?	Rejected applications are maintained	Reject applications are discarded	
27	Does the Development have a Unit transfer policy?	<ul style="list-style-type: none"> If transfers are allowed, a policy must be developed to detail how the transfers will be handled 	<ul style="list-style-type: none"> Transfers are not allowed; or Transfers are allowed but there is no policy 	
28	Is the development providing notice to applicants about Violence Against Women Act (“VAWA”) protections?	Notice is provided to all applicants about VAWA	Applicants are not notified of VAWA protections	
29	Has the development denied any applicants for admission solely on the basis that the applicant has been a victim of domestic violence, dating violence, sexual assault, or stalking?	An applicant that otherwise qualifies was denied occupancy because of having been a victim of domestic violence, dating violence, sexual assault, and/or stalking		
30	Does the development have a reasonable accommodation policy?	There is a policy addressing how reasonable accommodation requests can be made and will be handled	There is not a reasonable accommodation policy	
31	Does the development's reasonable accommodation policy include the timeframe in which management will respond to requests?	The policy outlines how long it will take the property to respond to a person requesting a reasonable accommodation	<ul style="list-style-type: none"> No reasonable accommodation policy; or, Policy does not define the time frame 	
32	Does the development require households to provide specific medical or disability information to verify eligibility for reasonable accommodations or special needs set aside programs?	<ul style="list-style-type: none"> No reasonable accommodation policy; or, The specific medical nature of the disability for a person requesting a reasonable accommodation is required The specific medical nature of the disability for a person whose unit will count toward a special needs set aside is required 	Only documentation needed to verify the existence of a disability is requested for purposes of verifying a need for reasonable accommodations or eligibility to meet a special needs set aside	
33	Does the development have a written waitlist policy?	The development has a written waitlist policy	There is no written waitlist policy	

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34	Does the development have a written procedure that governs processes for taking applications and opening, closing, and selecting applicants from the waitlist (including how preferences are applied and applicants are prioritized for accessible units)	A waitlist policy is available and it identifies: 1) the process for taking application when a applicant is interested in being placed on your waitlist; 2) how you will select applicants from the waitlist when unit(s) become available; and 3) how and when you will open and close the waitlist	<ul style="list-style-type: none"> • No waitlist policy; or • There is a waitlist policy, but it does not include these factors 	
35	Do the development's waitlist procedures include how preferences are applied?	If you have any occupancy preferences, the policy addresses how you will choose applicants from the waitlist that qualify for the preference	<ul style="list-style-type: none"> • No waitlist policy; or • There is a waitlist policy, but it does not include how preferences will be treated 	No occupancy preferences
36	Do the waitlist procedures include how the development will prioritize applicants needing accessible units in accordance with 24 CFR 8.27 ?	The policy addresses how a household that expresses a need for an accessible unit, where none are available, will be treated on the waitlist (see 24 CFR 8.27 for guidance)	<ul style="list-style-type: none"> • No waitlist policy; or • There is a waitlist policy, but it does not address how applicants needing an accessible unit will be treated 	
37	Do the development's procedures include specific considerations addressing applicants protected by VAWA?	The policy addresses how an applicant that is covered under VAWA will be treated	<ul style="list-style-type: none"> • No waitlist policy; or • There is a waitlist policy, but it does not address applicants protected by VAWA 	
38	Does the development prioritize external applicants over current tenants when filling vacancies in lower rent and income restricted units?	The policy prioritizes external applicants over current tenants (note, the rule does not prohibit prioritizing current tenants over external applicants)	Priority is not given to external applicants	There is only one designation available
39	Do the development's termination notices list specific reasons for termination?	Termination notices list specific reasons occupancy is terminated. An example of this type of notice would be a one where if the household takes, or fails to take, an action it would result in the termination of their tenancy (e.g. a demand for rent)	The notice does not list the specific reason(s) for termination	
40	Do the development's non-renewal notices list the specific reasons for non-renewal?	Non-renewal notices list specific reasons for non-renewal.	The notice does not list the specific reason(s) for non-renewal.	

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41	Do the development's non-renewal or termination notice(s) include information on rights under VAWA?	The notices include information to make any affected party aware of their rights under VAWA	Information about rights under VAWA are not included in the notice(s)	
42	Do the development's non-renewal or termination notice(s) address how a person with a disability may request a reasonable accommodation in relation to the notice?	The notices include how a person with a disability, in response to the notice, can make a reasonable accommodation request	Reasonable accommodation policies are not included in the notice(s)	