



The Texas Governor's Committee on People with Disabilities
April 9, 2021

From Accessible Parking to Housing Vouchers: A Overview of Fair Housing Topics

presented by

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The Fair Housing Act provides for fair housing, within constitutional limitations, throughout the United States. The Texas Fair Housing Act supplements the federal Act by:

- Creating state procedures for investigating and settling complaints
- Providing rights and remedies substantially equivalent to federal law
- Delegating enforcement power to the Texas Workforce Commission Civil Rights Division (CRD)

Texas Fair Housing Act: Texas Property Code, Chapter 301



THE FAIR HOUSING ACT

THE TEXAS FAIR HOUSING ACT



- A Disability is:
 - A mental or physical impairment that substantially limits at least one major life activity
 - A record of an impairment
 - Being regarded as having an impairment

What are Reasonable Accommodations and Modifications?

REASONABLE ACCOMMODATIONS

- A change, exception, or adjustment to a rule, policy, practice, and/or service
 - i.e. Pet policy, trash policy/practices

REASONABLE MODIFICATIONS

- A structural change to a dwelling unit or common area
 - i.e. Accessible ramps, accessible lifts, changing parking layout to add accessible parking



Reasonable Accommodation

If a person has a disability, a landlord cannot refuse to make a reasonable accommodation in the rules, the policies, the practices, or the services if the accommodation is necessary for the person with a disability to use the housing.

Example of a FH Violation:

"You must pay all pet fees and rent, even though you have a service animal."



Reasonable Modification

If a tenant has a disability, a landlord cannot refuse to let that person make reasonable modifications to the person's dwelling or common use areas, at that person's own expense, if necessary for that person to use the housing.

Example of FH Violation:

"A wheelchair ramp can't be installed there, so you can't live in this complex."



Rules for Reasonable Accommodation Requests

- Accept verbal requests
- Immediately begin the interactive process
- Carefully draft, review, and revise the policy on a regular basis
- Ask for appropriate, reliable, disability-related information
- Provide prompt responses
- Document all actions and interactions



Asking about the Disability

When both the disability and the disability related need is apparent or already known:

You may not ask any additional questions or request further verification.

When the disability is apparent, but the disability related need is not apparent or previously known:

You may only ask for verification of the disability related need, not verification of the disability.

When the disability is not apparent or previously known and the need is not apparent or previously known:

You may ask for verification of the disability and the disability related need for the accommodation.



Questions to Determine Who Pays for Modifications

Is it a single-family or multi-family dwelling unit?

Does the property receive federal financial assistance?

When was the property built for first occupancy?

Does the property participate in the Low-Income Housing Tax Credit Program?

What type of accessibility feature is being requested?

Does an agreement exist between the parties?



Source: Fair Housing Council of Greater San Antonio

Requesting Parking Assistance

- A person does not need to have a handicap placard or plate to request accessible parking in their home.
- Those allow for parking in official spots.
- A person might have a temporary mobility disability and need accommodation short term.
- A housing provider cannot refuse a request for a parking accommodation, even if you do not have handicap placards.



Example

“A housing provider has a policy of providing unassigned parking spaces to residents. A resident with a mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation. There are available parking spaces near the entrance to her unit that are accessible, but those spaces are available to all residents on a first come, first served basis.”

What should the housing provider do?

The housing provider should make an exception to its policy of not providing assigned parking spaces to accommodate this resident.



Resources

- [The US Department of Veterans Affairs \(VA\)](#) offers the Specially Adapted Housing Grant.
- [The American Red Cross](#) provides financial assistance for eligible active military service members, veterans, and direct members of their families.
- [The Army Wounded Warrior Program \(AW2\)](#) provides financial assistance to qualified soldiers, veterans and their families for a variety of expenses.
- [The Gary Sinise Foundation's Restoring Independence Supporting Empowerment \(RISE\)](#). The program provides grants for modifying existing living spaces or constructing new Smart Homes.
- [The National Council of State Housing Agencies \(NCSHA\)](#) offers individuals and families several different types of support. Their website provides [a tool for locating available offices and organizations in your state](#) that may be able to provide you with the assistance you seek.
- [The National Resource Center on Supportive Housing and Home Modification](#) provides a state directory for finding a broad range of local resources for home modification financial aid.
- [The Assisted Living Conversion Program \(ALCP\)](#) is a program established by the U.S. Department of Housing and Urban Development (HUD). It's specifically for seniors who need home modifications to accommodate needs, including those related to a disability.



Resources

- [Rebuilding Together AmeriCorps](#) helps many groups of people build new homes or modify existing ones.
- [The Rural Housing Repair Loans and Grants program](#) is funded by the United States Department of Agriculture (USDA). Recipients must be 62 years or older and from low-income households.
- [The Self-Sufficiency Grant from ModestNeeds.Org](#) seeks to offer support to individuals and families who need help with unexpected or emergency expenses, as well as outstanding monthly bills left unpaid because of extenuating circumstances.
- [The Individual Adaptive Equipment Grant from the Travis Roy Foundation](#) is for people who are paralyzed from a spinal cord injury. It is open to all ages. Those who need home modifications, such as ramp construction or grab bar placement, are encouraged to apply.
- [Lions Clubs International](#) provides resources and financial help to those with a hearing impairment or visual disability.
- [The American Parkinson Disease Association](#) funds patients with disabilities related to degenerative disease.
- [The Rehabilitation Engineering Society of North America \(RESNA\) Catalyst Project](#) aims to provide technical assistance for home modification. Funds are granted to individuals through state-level programs.



Complaints & Conciliation

FAIR HOUSING COMPLAINTS

- If you have a complaint filed against you:
 - You will be notified of the allegations
 - You likely will be invited to mediate
 - If you decide not to mediate, you may file an answer that is,
 - In writing
 - Under penalty of perjury
 - May be amended at any time

Conciliation

- Conciliation is like mediation but used in the housing compliant process.
- Conciliation is a free service
- Both parties must agree to the conciliation
- Conciliation is confidential
- A lawyer is not needed, but can be used
- Can happen anytime during the process of the complaint
- Conciliation does not pause, or halt, the investigation until an agreement is signed



TEXAS WORKFORCE COMMISSION
Civil Rights Division
(TWCCRD)

Fair
Housing
Mediation



TDHCA Complaint Process

- There are 3 ways to file a complaint within the TDHCA complaint process:
 - 1. Submit a written complaint online on this website:
https://public.tdhca.state.tx.us/pub/t_complaint.complaint_add1
 - 2. Mail your complaint to this address: **PO Box 13941, Austin, TX 78711-3941**
 - 3. Fax your complaint to this number: **512-475-0070**
- The Complaint Submission System is to be used only for complaints dealing with TDHCA programs and funded properties
- Once a complaint is filed, you will receive a notice from TDHCA with 15 business days indicating the complaint has been resolved, or that it will be resolved by a certain date.



TRAINING & TECHNICAL ASSISTANCE

Texas Civil Rights Division

CRDTraining@twx.state.tx.us

Contact the Texas Department of
Housing and Community Affairs at

(512) 475-0306

Fair.Housing@tdhca.state.tx.us

FHEOI@tdhca.state.tx.us





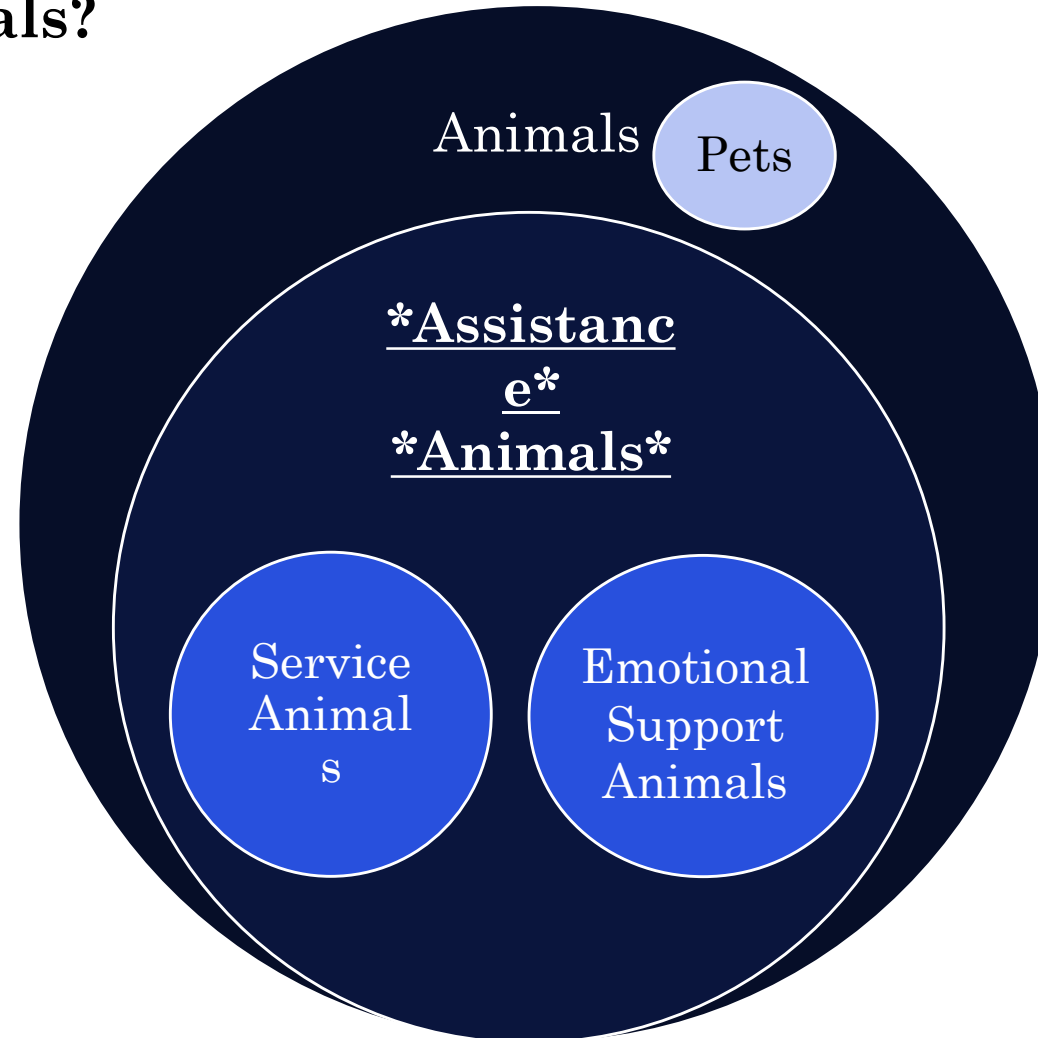
HUD Guidance on Assistance Animals

Presented by: Texas Department of
Housing and Community Affairs

What's the Difference?

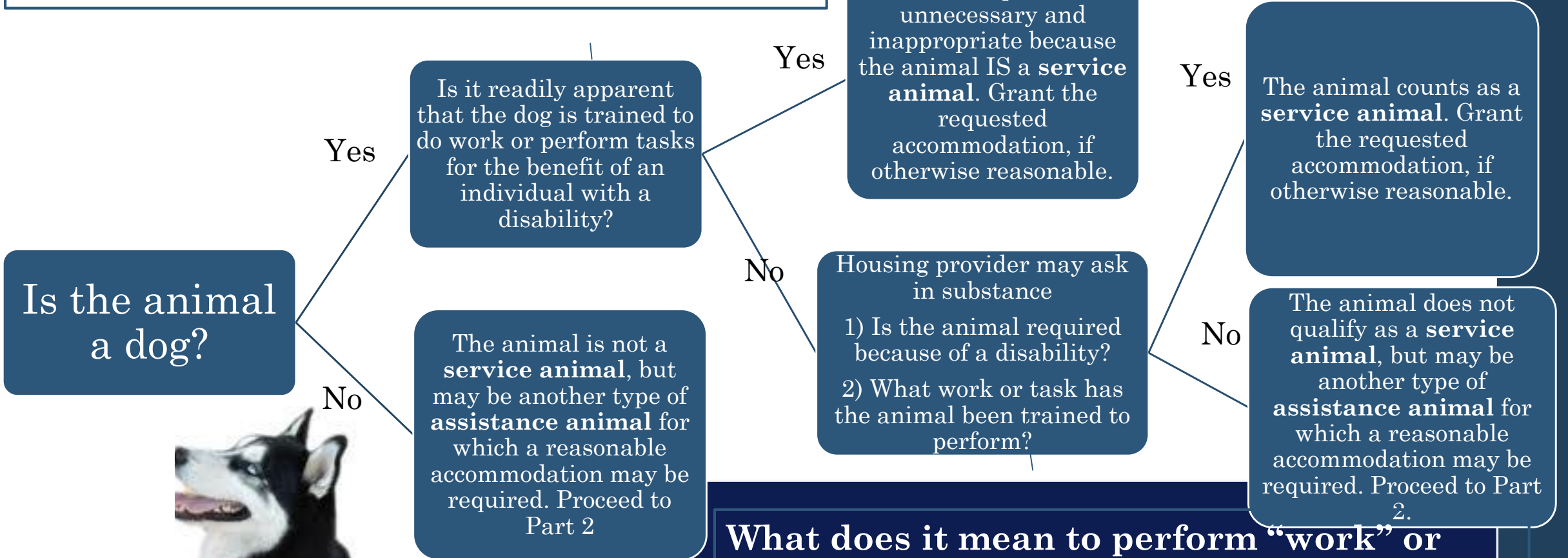
What is the difference between service animals, emotional support animals and assistance animals?

For the purposes of the Fair Housing Act, **assistance animals** refers to both **service animals** and **emotional support animals**. It also includes other animals that do work, perform tasks, or assist an individual with a disability.



What is “Readily Apparent?”

- Guiding an individual who is blind or has low vision
- Pulling a wheelchair
- Providing assistance with stability or balance to an individual with an observable mobility disability



What does it mean to perform “work” or “tasks?”

- If the individual identifies at least one action the dog is trained to take which is helpful to the disability other than emotional support.



Does the person have an observable disability or does the housing provider (or agent making the determination for the provider) already have information giving them reason to believe that the person has a disability?

No

Yes

Has the person requesting the accommodation provided information that reasonably supports that the person seeking the accommodation has a disability?

Yes

Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual's disability?

Yes

No

Proceed to Part 4

The housing provider is not required to grant the accommodation unless this information is provided, but may NOT deny the accommodation UNLESS the requester has been provided a reasonable opportunity to provide the information. The provider is encouraged to direct the requester to the Guidance on Documenting an Individual's Need for Assistance Animals in Housing

Information about the Disability

Information about Disability May Include:

- A determination of disability from a federal, state, or local government agency.
- Receipt of disability benefits or services (Social Security Disability Income (SSDI), Medicare, or Supplemental Security Income (SSI) for a person under age 65, veterans' disability benefits, services from a vocational rehabilitation agency, or disability benefits or services from another federal, state, or local agency.
- Eligibility for housing assistance or a housing voucher received because of disability.
- Information confirming disability from a health care professional, - *e.g.* physician, optometrist, psychiatrist, psychologist, physician's assistant, nurse practitioner, or nurse.

Determination that an individual does not qualify as having a disability for purposes of a benefit or other program does not necessarily mean the individual does not have a disability for the purposes of the Fair Housing Act, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act.

Disability Determination

DOJ Regulations and ADA Amendments Act of 2008

Under the Department of Justice's regulations implementing the ADA Amendments Act of 2008, which HUD considers instructive when determining whether a person has a disability under the Fair Housing Act, some types of impairments will, in virtually all cases, be found to impose a substantial limitation on a major life activity resulting in a determination of a disability. Examples:

- Deafness
- Blindness
- Intellectual Disabilities
- Partially or completely missing limbs or mobility impairments requiring the use of a wheelchair
- Autism
- Cancer
- Cerebral Palsy
- Diabetes
- Epilepsy
- Muscular Dystrophy
- Multiple Sclerosis
- Human Immunodeficiency Virus (HIV) infection
- Major Depressive Disorder
- Bipolar Disorder
- Schizophrenia

Part 4 – Type of Animal

Cats and Dogs and Peacocks and Turtles, oh my.

Is the animal commonly kept in households?

Yes

Animals commonly kept in households: Dogs, cats, small birds, rabbits, hamsters, gerbils, other rodents, fish, turtles, or other small, domesticated animals that are traditionally kept in the home for pleasure rather than commercial purposes

The accommodation should be provided under the FHA...

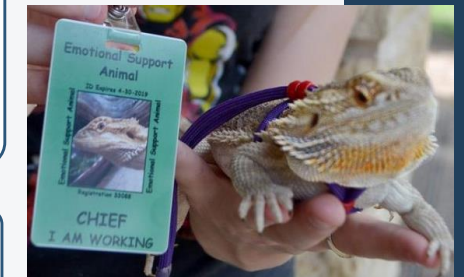
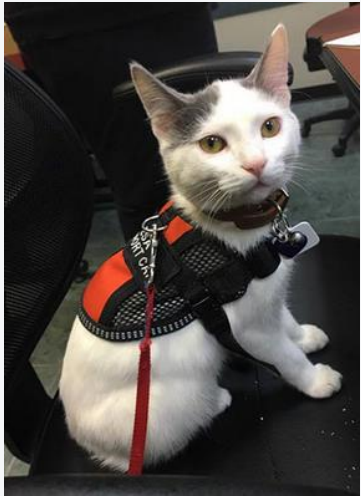
...Except reptiles (other than turtles), barnyard animals, monkeys, kangaroos, and other non-domesticated animals are not considered common household animals.

No

A reasonable accommodation may not need to be provided except in very rare circumstances...

If the individual is requesting to keep a unique animal, then the requestor has the substantial burden of demonstrating the disability-related need for the specific animal

If the requestor submits documentation from a health care professional confirming the need for this specific type of animal



What Do I Need to Do to Request a Reasonable Accommodation?

Basic guidelines for what you might need

- There are three criteria you need to satisfy:
 - Establish that you have a disability;
 - Identify the accommodation that you need; and
 - Establish the disability-related need for the accommodation

- Some disabilities are readily apparent.
 - Individuals using wheelchairs or walkers likely mobility disability
 - Individuals with a white/red/yellow cane likely visual impairment/disability
 - Readily apparent disabilities already satisfy the first criterion



Presentation for the Governor's
Committee on People with
Disabilities:

An Overview of Fair Housing Topics

April 9, 2021

Agenda



- Overview of TDHCA Programs and Activities
- How to Find Help

Texas Department of Housing and Community Affairs

Mission

Administer assigned programs efficiently, transparently, and lawfully and to invest its resources strategically and develop high quality affordable housing which allows Texas communities to thrive.

What We Do

Administer state and federal programs through partners to those in need.

Who We Serve

Households earning extremely low, very low, low and moderate incomes

How We Do What We Do

We serve Texans through a network of local partners, e.g., Units of local government, nonprofits, community-based organizations, etc.



Types of Programs Administered by TDHCA

- Rental Assistance (short and long term)
- Energy Related Assistance
- Homelessness Services
- Supportive Services for low income individuals
- Multifamily New and Rehab Construction
- Single Family Development
- Owner Financing and Down Payment Assistance
- Owner Rehabilitation Assistance



Housing Choice Vouchers (Section 8)

- TDHCA's Housing Choice Voucher Program directly administers approximately 900 Housing Choice Vouchers.
- The 2021 renewal funding from HUD is approximately \$7.2 million.
- TDHCA administers vouchers in 34 counties.
- Additionally, the program is able to serve clients anywhere in the state through the Project Access Program.
 - The Project Access program utilizes Section 8 Housing Choice Vouchers administered by TDHCA to assist low-income persons with disabilities in transitioning from nursing facilities or other institutions into the community by providing access to affordable housing.



How to find the TDHCA assistance provider in your area:

Visit www.tdhca.state.tx.us and click on the big grey “Help for Texans” tab.



- STEP 1** Select the type of help you need.

- STEP 2** Enter your city or county:
City: OR County:
- STEP 3**



How to find reduced rent apartments in the TDHCA portfolio

Use the [Vacancy Clearinghouse](#) database on the Help for Texans page



Select the type of help you need.

Reduced Rent Apartments

Use these databases to find reduced rent apartments:

- TDHCA [Vacancy Clearinghouse](#) (opens in a new window)

How to find reduced rent apartments in the TDHCA portfolio

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

Vacancy Clearinghouse - City, County or ZIP Code Search

Please enter a Texas city, county or ZIP code to search for affordable apartments in your area. Important: Enter only one field to search.

Information regarding rents, amenities and units for persons with disabilities is included if available. Please note the properties listed are only properties funded by TDHCA. For other affordable housing rental options, contact your local Public Housing Authority or Housing Department. For information about your rights under fair housing laws and other fair housing resources, visit TDHCA's [Fair Housing 101 page](#).

Vacancy Clearinghouse Search Criteria

City	<input type="text"/>
County	<input type="text"/>
Zip	<input type="text"/>
Check one or more of the following to narrow your search of apartments. If you don't want to narrow your search, then leave all unchecked.	<input type="checkbox"/> Elderly Preference <input type="checkbox"/> Transitional Only <input type="checkbox"/> Individual/Family <input type="checkbox"/> Section 811 Project Rental Assistance <input type="checkbox"/> Disaster Housing

Search



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Need help finding assistance in your area?

- Email us at info@tdhca.state.tx.us
- Call us at 512-475-3800 or 1-800-525-0657
- Auxiliary aids and services are available upon request to individuals with disabilities. Relay Texas: 800-735-2989 (TTY) and 711 (Voice).



TDHCA Rules on Accessibility and Reasonable Accommodations

- 10 TAC Chapter 1, Subchapter B: Accessibility and Reasonable Accommodations
 - These rules set forth requirements that all TDHCA programs and assisted properties comply with Americans with Disabilities Act, Section 504 of the 1973 Rehabilitation Act and the Fair Housing Act.



Accessibility in Multifamily Developments

- Audio/Visual Units

All Multifamily Housing Developments that submit full applications after January 1, 2014, must have:

- a minimum of **5 percent** of Units that are accessible to persons with mobility impairments,
and
- a minimum of **2 percent** of the Units must be accessible to persons with visual and hearing impairments.
- TDHCA requires fire alarms that both emit sound and bright lights for persons with auditory or visual impairments.



Disability Advisory Workgroup (DAW)

- TDHCA maintains the DAW to provide ongoing guidance to the Department on how TDHCA's programs can most effectively serve persons with disabilities.
- This informal workgroup augments TDHCA's formal public comment process, affording staff the opportunity to interact with and receive input more informally and in greater detail from various stakeholders and to get feedback on designing and planning more successful programs for persons with disabilities.



What is the Texas Rent Relief Program?

- The first COVID-19 statewide rental assistance program
- For low income households behind on rent/utilities
- Support for households financially impacted by COVID-19
- \$1.17 billion available for assistance
- Projected an additional billion with the American Rescue Plan Act



Texas Eviction Diversion Set-Aside

- 10% allocated for those already sued for eviction
- Justice of Peace will refer the tenant/landlord to the program
- To apply:
 - Both parties must agree
 - Use eviction docket number through the same process at [TexasRentRelief.com](https://www.texasrentrelief.com)
 - For diverted cases, eviction record will be sealed

Who Can Apply?

- Tenant
- Landlord (inviting tenant)
- Landlord on behalf of Tenant
- Utilities are requested by tenant

For Information or To Apply

Go Online 24/7: [TexasRentRelief.com](https://www.texasrentrelief.com)

Call Toll Free: 833-9TX-RENT

833-989-7368

Monday-Saturday 8 a.m. to 6 p.m.

Assistance available in multiple languages



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THANK
YOU!

