



## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

### **Texas Section 811 Project Rental Assistance Program Barrier Busting Fund Policy and Procedure**

#### **Purpose**

The Texas Section 811 Barrier Busting Fund supports the program goal to expand the affordable, accessible and integrated housing stock targeted for individuals with disabilities. Payments from the fund may be made to participating Eligible Multifamily Properties (Property) that have denied an Applicant, and agree to granting an appeal to its criteria for an Eligible Applicant (Applicant) when the property's denial would otherwise prevent the Applicant from being housed. Payments may be made up to the amount of Contract Rent for the eligible Assisted Unit (Unit) an Applicant is applying for. Unless otherwise defined, capitalized terms found in this Policy are defined in Title 10 of the Texas Administrative Code Chapters 8 and 10, the Section 811 Owner Participation Agreement (Participation Agreement), or in other Program Requirements.

#### **Qualifying Applicants**

An Applicant must have been referred to fill a Unit at a Property that is participating in the Section 811 Project Rental Assistance program (Program) by the Texas Department of Housing and Community Affairs (the Department). Only a Referral Agent assisting a rejected Applicant or the rejected Applicant can submit a request to the Department for Barrier Busting Fund payment. A request may not come from a Property. For a request to be considered by the Department, it must comply with all requirements of this Barrier Busting Fund Policy and Procedure.

Barrier Busting Fund payments are made only for Applicants who are rejected based on the Property's written Tenant Selection Criteria, and do not include those rejected due to program-level screening criteria or due to failure to respond to a property or provide documentation in a timely manner. Please reference chart below:

<b>Barrier Busting Fund Payments</b>	
<b>Qualifying Rejection Reason Examples</b>	<b>Non-Qualifying Rejection Reason Examples</b>
<ul style="list-style-type: none"><li>• Property-level screening criteria, including but not limited to:<ul style="list-style-type: none"><li>○ Credit score or credit history</li><li>○ Rental history, rental debt</li><li>○ Eviction record</li><li>○ Criminal record</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Program-level eligibility criteria, including but not limited to:<ul style="list-style-type: none"><li>○ Age</li><li>○ Income</li><li>○ Registered Sex offender status</li><li>○ Student Status</li><li>○ Target Population</li></ul></li><li>• Failure to respond or provide required property application materials to property within the response deadline</li></ul>



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### **Procedure for Overcoming Property-Level Rejection through Barrier Busting Fund Payment**

Requests for Barrier Busting Fund payments must be submitted to the Department within 10 days of Property rejection, though it is strongly encouraged that requests should be submitted immediately upon notice of rejection as Properties are under no obligation to hold a Unit vacant after an Applicant's rejection. The Barrier Busting Fund Payment request process may occur alongside an appeal and/or reasonable accommodation request to the Property regarding the rejection.

The following steps describe how to submit a request for a Barrier Busting Fund payment:

1. As a Referral Agent:
  - a. Upload the following to Serve-U:
    - i. Request for Barrier Busting Fund Payment Form
    - ii. The rejection notice
  - b. Email Point of Contact Kaitlin Devlin ([kaitlin.devlin@tdhca.state.tx.us](mailto:kaitlin.devlin@tdhca.state.tx.us)) once all items are uploaded notifying that a request for Barrier Busting Fund Payment has been submitted
2. As an Applicant without the assistance of a Referral Agent:
  - a. Email Point of Contact Kaitlin Devlin ([kaitlin.devlin@tdhca.state.tx.us](mailto:kaitlin.devlin@tdhca.state.tx.us)) the following:
    - i. Request for Barrier Busting Fund Payment Form
    - ii. The rejection notice

The Department may request more information from the Referral Agent or Applicant. The Department will send the Form back to the Referral Agent or Applicant as approved or denied.

Funds are available on a first-come, first-served basis. Approval is subject to funding availability. Requests for payment will continue to be accepted through the earlier of the depletion of funds, or December 1, 2022.

If the request is approved, it is the responsibility of either the Referral Agent or Applicant to present the approved request to the Property. Approved requests must be submitted to the Property no later than 14 days after receipt. Approval is evidenced by a Request for Barrier Busting Fund Payment that has been signed by Department Staff.

A Property is not obligated to negotiate with a Referral Agent or Applicant. A Property may review the approved offer and make a decision. The Department will not advocate on behalf of an Applicant to a Property, although if requested the Department will confirm the approved availability of a payment to a Property.

If a Property accepts the Barrier Busting Fund payment offer, the Property must complete the following steps to obtain payment:

1. Sign the offer;
2. Notify the Applicant and Referral Agent (if applicable) that the Applicant has been accepted;
3. Sign the Lease with the Tenant at move-in; and



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4. Upload the Lease and signed Request for Barrier Busting Fund Payment Form to the secure Serv-U server.

Program Staff will ensure that the Lease and signed Barrier Busting Fund Payment Form have been submitted, and acknowledge that the Property's request has been received. If additional information or documentation is needed, staff will contact the Property.

The Barrier Busting Fund payment to a Property will only be paid one time per Applicant per rejection. Payment will only be made after move-in.

Payments will be made to the Property as quickly as possible. If Properties have questions about when they will receive a payment, they should contact Kaitlin Devlin ([kaitlin.devlin@tdhca.state.tx.us](mailto:kaitlin.devlin@tdhca.state.tx.us)).