



## Guidance on Emergency Maintenance and Tenant Screening

The Texas Department of Housing and Community Affairs (TDHCA) is aware that there are questions in regards to changed operating procedures related to the COVID-19 pandemic. Generally, unless a specific item has been waived or suspended by a federal, state, or local entity, Subrecipients, Owners, and Administrators should continue to operate their programs in accordance with all applicable rules and regulations.

For example, a development owner is responsible for maintaining their property in accordance with the requirements of the Texas Property Code, which requires that owners repair any conditions that materially affect the physical health or safety of tenants, or the availability of hot water in the unit. Habitability standards also include health and safety standards that may be imposed by a local municipality or county. Subrecipients, Owners, and Administrators should also follow the information security and privacy requirements in 10 TAC Section 1.24.

As the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Health and Human Services (HHS) have not made any waivers or suspensions of the Fair Housing Act or Section 504, Subrecipients, Owners, and Administrators should continue to make their programs available regardless of a person's race, color, national origin, religion, sex, familial status, or disability. If a program has adopted a policy of only accepting online applications, it must take steps to make applications available to persons with visual impairments and persons who have limited English proficiency. Furthermore, all programs must still respond to reasonable accommodation or modification requests (reasonable accommodations). The process described in 10 TAC Section 1.204 is what TDHCA will use to monitor or respond to a complaint concerning reasonable accommodations.

Previous guidance included an example of a management company asking tenants a series of questions about their health, travel, and work prior to entering the unit for maintenance. Remember that tenants are not required to provide personal health information to landlords or to answer health screening questions, and landlords or their agents asking such screening questions should advise tenants that answering is optional; however, owners may choose to take additional safety measures based on tenant responses. Such safety measures should not impede necessary repairs and may include outsourcing work to a company well-equipped to protect workers or other means, and should not otherwise have harmful effects on the tenant.

Likewise, some Texans may be experiencing domestic or other forms of partner or family violence. Subrecipients, Owners, and Administrators should treat all matters in accordance with the Texas Property Code, and 10 TAC Sections 7.10, 8.7, 10.5, 10.613, and 23.61, as applicable.

If you have questions about the Fair Housing Act, Section 504, Violence Against Women Act, or any other federal or state requirements, please contact your legal counsel.