

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
**TDHCA Governing Board Approved Draft of the
Community Affairs Proposed Rule Repeal for Public Comment**

Disclaimer

Attached is a draft of the Community Affairs Proposed Rule Repeal for Public Comment that was approved by the TDHCA Governing Board on February 22, 2018. The preamble is scheduled to be published in the March 9, 2018 edition of the *Texas Register* and that published version will constitute the official version for purposes of public comment. The version herein is informational only and should not be relied upon as the basis for public comment.

Public Comment

Public Comment Period: Starts: 8AM Austin local time on March 9, 2018 Ends: 5PM Austin local time on April 9, 2018

Comments received after 5PM Austin local time on April 9, 2018 will not be accepted.

Written comments may be submitted, in hard copy/fax or electronic formats to:

Texas Department of Housing and Community Affairs
Attn: Gavin Reid
P.O. Box 13941
Austin, Texas 78711-3941
Fax: 512-475-3935
Email: gavin.reid@tdhca.state.tx.us

Written comments may be submitted in hard copy, fax, or email formats within the designated public comment period. Those making public comment are encouraged to reference the specific draft rule, policy, or plan related to their comment as well as a specific reference or cite associated with each comment.

Please be aware that all comments submitted to the TDHCA will be considered public information.

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

Street Address: 221 East 11th Street, Austin, TX 78701
Mailing Address: PO Box 13941, Austin, TX 78711-3941
Main Number: 512-475-3800 Toll Free: 1-800-525-0657
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The Texas Department of Housing and Community Affairs (the “Department”) proposes the repeal of 10 TAC Chapter 5 Community Affairs Programs: Subchapter A, General Provisions; Subchapter B, Community Services Block Grant (CSBG); Subchapter D, Comprehensive Energy Assistance Program; Subchapter E, Weatherization Assistance Program General; Subchapter F, Weatherization Assistance Program Department of Energy; Subchapter G, Weatherization Assistance Program Low-Income Home Energy Assistance Program; Subchapter J, Homeless Housing and Services Program (HHSP); Subchapter K, Emergency Solutions Grants (ESG); Subchapter L Compliance Monitoring and directing that they be published for public comment in the *Texas Register* while renaming Chapter 5 Community Affairs Programs to Chapter 5 Section 8 Housing Choice Voucher Program. The purpose of the proposed repeal is to eliminate outdated sections of rules that are no longer used to govern the applicable programs. As part of a broad reorganization of, and revision to, the rules that govern the programs administered by the Community Affairs Division, two new Chapters were created and adopted into the TAC in December 2016 to address any and all such rules that are proposed for repeal. The newly adopted Chapters, Chapter 6, Community Affairs Programs and Chapter 7, Homelessness Programs along with the revised sections of Chapters 1 and 2, take the place of all subchapters within Chapter 5 with the exception of Subchapter H, regarding the Section 8 Program. Any and all programs and/or contracts regulated by the Subchapters within Chapter 5 listed above are no longer in effect thereby making the rules obsolete and necessitating their removal from the TAC.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that for each year of the first five years the repealed Subchapters will be in effect, enforcing or administering the repealed Subchapters does not have any foreseeable implications related to costs or revenues of the state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT. Mr. Irvine also has determined that, for the first five years the repealed Subchapters would be in effect:

1. The proposed repeal does not create or eliminate a government program;
2. The proposed repeal will not require a change in the number of employees of the Department;
3. The proposed repeal will not require additional future legislative appropriations;
4. The proposed repeal will result in neither an increase nor a decrease in fees paid to the Department;
5. The proposed repeal will not create a new regulation;
6. The proposed repeal will not expand, will not limit, or will not repeal an existing regulation;
7. The proposed repeal will not increase or will not decrease the number of individuals subject to the rule’s applicability; and
8. Will neither positively or negatively affect this state’s economy.

PUBLIC BENEFIT/COST NOTE. Mr. Irvine also has determined that, for each year of the first five years the repeal is in effect, the public benefit anticipated as a result of the repealed Subchapters will be to eliminate rules that are no longer in effect lessening the amount of rules in the TAC thereby reducing redundancy within the Department. There will be no economic cost to any individuals as a result of the repeal.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES. The Department has determined that there will be no economic effect on small or micro-businesses or rural communities.

REQUEST FOR PUBLIC COMMENT. The public comment period for the proposed repeal will be from March 9, 2018, to April 9, 2018. Written comments may be mailed to the Texas Department of Housing

and Community Affairs, Gavin Reid, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, by fax to (512) 475-3935; or email to gavin.reid@tdhca.state.tx.us.

ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M Austin local time, April 9, 2018.

STATUTORY AUTHORITY. The repealed Subchapters are proposed pursuant to Texas Government Code §2306.053, which authorizes the Department to adopt rules. Additionally, the repealed Subchapters are proposed pursuant to Texas Government Code Chapter 2306, which specifically authorizes the Department to administer community affairs programs.

The proposed repeal affects no other code, article, or statute.

REPEAL: 10 TAC Chapter 5, Community Affairs Programs

Subchapter A. General Provisions.

Subchapter B. Community Services Block Grant (CSBG).

Subchapter D. Comprehensive Energy Assistance Program.

Subchapter E. Weatherization Assistance Program General.

Subchapter F. Weatherization Assistance Program Department of Energy.

Subchapter G. Weatherization Assistance Program Low-Income Home Energy Assistance Program.

Subchapter J. Homeless housing and Services Program (HHSP).

Subchapter K. Emergency Solutions Grants (ESG).

Subchapter L. Compliance Monitoring.