

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
TDHCA Governing Board Approved Draft of
10 TAC §1.2, Department Complaint System

Disclaimer

Attached is a draft of proposed new 10 TAC §1.2, Department Complaint System, that was approved by the TDHCA Governing Board on May 24, 2018. This action will entail the repeal of the current rule at this section, and a contemporaneous new rule being proposed to replace it. This document, including its preamble, is expected to be published in the June 8, 2018, edition of the Texas Register and that published version will constitute the official version for purposes of public comment and can be found at the following link: <https://www.sos.texas.gov/texreg/index.shtml>.

Public Comment

Public Comment Period: Start: 8:00 a.m. Austin local time on June 11, 2018
End: 5:00 p.m. Austin local time on July 11, 2018

Comments received after 5:00 p.m. Austin local time on July 11, 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: Brooke Boston
Rules Comments
P.O. Box 13941
Austin, Texas 78711-3941
Email: brooke.boston@tdhca.state.tx.us

Written comments may be submitted in hard copy 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
Email: info@tdhca.state.tx.us Web: www.tdhca.state.tx.us

Preamble and proposed new 10 TAC §1.2, Department Complaint System

The Texas Department of Housing and Community Affairs (the "Department") proposes new §1.2, Department Complaint System. The purpose of the proposed new section is to make changes that include: bringing the rule into greater conformity with the statute, clarifying procedural steps and adding staff roles and systems now used in the handling of complaints, providing for the provision of complaint-related documents to the person making the complaint, and providing the statutory authority and purpose of the rule.

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

GOVERNMENT GROWH IMPACT STATEMENT. Mr. Irvine also has determined that, for the first five years a rule would be in effect:

1. The proposed rule does not create or eliminate a government program;
2. The proposed rule will not require a change in the number of employees of the Department;
3. The proposed rule will not require additional future legislative appropriations;
4. The proposed rule will result in neither an increase nor a decrease in fees paid to the Department;
5. The proposed rule will not create a new regulation, except that it is replacing a rule being repealed simultaneously to provide for revisions;
6. The proposed rule will not expand an existing regulation;
7. The proposed rule will not increase the number of individuals subject to the rule's applicability; and
8. The proposed rule will neither positively nor 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 new section is in effect, the public benefit anticipated as a result of the new section will be a more accurate reflection of the process and improved clarity. There will not be any economic cost to any individuals required to comply with the new section, because the processes described by the rule have already been in place through the rule found at this section being repealed.

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 will be held June 11, 2018, to July 11, 2018, to receive input on the new section. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston, Rule Comments, P.O. Box 13941, Austin, Texas 77113-3941, by fax to (512) 475-0220, or email brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 P.M. Austin local time JULY 11, 2018.

STATUTORY AUTHORITY. The new sections are proposed pursuant to Texas Government Code, §2306.053, which authorizes the Department to adopt rules. Except as described herein the proposed new sections affect no other code, article, or statute.

§1.2, Department Complaint System to the Department

(a) Purpose. The purpose of this section is to establish the procedures by which complaints are filed with the Department and how the Department handles those complaints under Department jurisdiction in compliance with Tex.Gov't Code §2306.066, TEX. GOV'T CODE, Chapter 2105, Subchapter C, and 24 CFR §91.115(h), as applicable.

(b) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Complaint--A complaint submitted to the Department in writing (via mailed letter, fax, email, or submitted online through the Department website) from a person that believes the Department has the authority to resolve the issue. This excludes consumer complaints relating to manufactured housing.

(2) Complaint Coordinator--Department employee designated by the Executive Director or his designee to monitor the Public Complaint System and coordinate activities related to complaints.

(3) Complaint Liaison--the Department employee(s) designated by each division to handle each division's complaint-related issues.

(4) Department--The Texas Department of Housing and Community Affairs.

(5) Person--Any individual, other than an employee of the Department, and any partnership, corporation, association, governmental subdivision, or public or private organization of any character.

(6) Public Complaint System--Department-created system used to track and process complaints received by the Department.

(c) Procedures. A person who has a Complaint may submit such Complaint to the Department for submission to a Complaint Coordinator. If an accommodation because of a disability is needed in relation to a Complaint, the Person interested in filing the Complaint should refer to 10 TAC §1.1, Reasonable Accommodation Requests; if assistance is needed for non-English speaking persons, the Person interested in filing the Complaint should access the Department's Language Assistance webpage (<https://www.tdhca.state.tx.us/lap.htm>).

(1) A Complaint Coordinator shall enter the complaint in the Public Complaint System, review and process the complaint, and forward the complaint to the appropriate Complaint Liaison.

(2) A Complaint Liaison shall investigate and resolve or close the Complaint. A Complaint Liaison shall enter summaries of contact with the complainant and actions leading to complaint resolution in the Public Complaint System.

(3) The Complaint Coordinator will submit periodic summary reports or analysis to the Executive Director or designee.

(4) The Department shall provide to the Person filing the Complaint, and to each Person who is a subject of the Complaint, a copy of this rule, which serves as the Department's policy and procedures relating to complaint investigation and resolution.

(5) The Department shall either notify the complainant of the resolution of the Complaint within 15 business days after the date the Complaint was received by the Department, or notify the complainant, within such period, of the date the complainant can expect a response to the Complaint.

(6) The Department shall notify the complainant of the status of the Complaint at least quarterly and until the final disposition of the Complaint.

(7) An information file about each complaint shall be maintained. The file must include:

(A) the Complaint number;

(B) the name of the person who filed the Complaint;

(C) the date the Complaint was received by the Department;

(D) the subject matter of the Complaint;

(E) the name of each Person contacted in relation to the Complaint;

(F) a summary of the results of the review or investigation of the Complaint; and

(G) an explanation of the reason the file was closed, if the Department closed the file without taking action other than to investigate the Complaint.

(8) A Complaint may be withdrawn by the complainant at any time.

(9) A complainant may request and receive from the Department copies of any documentation or records collected by the Department with regard to the complaint subject to the Texas Public Information Act.

(10) Adherence to these procedures is not required by the Department if another procedure is required by law, or if the following a procedure above would jeopardize an undercover investigation.