

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
**TDHCA Governing Board Approved Draft of
10 TAC, Chapter 5, Subchapter C, Emergency Solutions Grants (“ESG”), §5.2014**

Disclaimer

Attached is a draft of **10 TAC, Chapter 5, Subchapter C, Emergency Solutions Grants (“ESG”), §5.2014** that was approved by the TDHCA Governing Board on April 27, 2017. This draft incorporates changes made by the Board as a result of public comment at the meeting. This document, including its preamble, is scheduled to be published in the May 12, 2017 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: 8:00 A.M. Austin local time on May 12, 2017 Ends: 5:00 P.M. Austin local time on June 12, 2017

Comments received after 5:00 P.M. Austin local time on June 12, 2017 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: Jennifer Molinari
P.O. Box 13941
Austin, Texas 78711-3941
Fax: (512) 475-1671
Email: jennifer.molinari@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
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10 TAC, Chapter 5, Subchapter C, Emergency Solutions Grants (“ESG”) §5.2014

The Texas Department of Housing and Community Affairs (the "Department") proposes a new section to 10 TAC, Chapter 5, Subchapter K, Emergency Solutions Grants ("ESG"), to include a new rule 10 TAC §5.2014, VAWA Requirements.

The ESG rules for 2016 ESG Subrecipients were adopted to be effective September 30, 2012. On December 16, 2016, HUD made effective through a Final Rule requirements related to the Violence Against Women Reauthorization Act ("VAWA") of 2013. The purpose of the proposed new section in Chapter 5 is to effectuate compliance with the requirements under 24 Code of Federal Regulations ("CFR") §576.409, "Protection for victims of domestic violence, dating violence, sexual assault, or stalking" for current ESG Subrecipients. The immediate applicability of these federal regulations relating to public health and safety requires adoption of this rule on fewer than 30 days notice.

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

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 to provide clear guidance to Subrecipients through more organized and direct rules. There will be nominal cost to any individuals required to comply with the new section and such compliance is a requirement of the federal funds.

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

REQUEST FOR PUBLIC COMMENT. The public comment period will be held May 12, 2017, to June 12, 2017, to receive input on the proposed new section. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Attention: Jennifer Molinari, Homelessness Programs, Rule Comments, P.O. Box 13941, Austin, Texas 78711-3941, or by email to the following address: jennifer.molinari@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m. Austin local time on June 12, 2017. A copy of the proposed new section will be available on the Department's website at <http://www.tdhca.state.tx.us/public-comment.htm> under Items Open for Public Comment during the public comment period.

STATUTORY AUTHORITY. The new section is proposed pursuant to Texas Gov't Code, §2306.053, which authorizes the Department to adopt rules.

The proposed new section affects no other code, article, or statute.

§5.2014.VAWA Requirements.

(a) Subrecipients will comply with the requirements under 24 CFR §576.409, "Protection for victims of domestic violence, dating violence, sexual assault, or stalking."

(b) Compliance with 24 CFR §576.409 includes, but is not limited to, providing two Departmental forms called "Notice of Occupancy Rights under the Violence Against Women Act" based on HUD form 5380 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking." HUD form 5382, to each of the following:

(1) All applicants for short- and medium-term rental assistance at the time of admittance or denial;

(2) Program Participants of short- and medium-term rental assistance prior to execution of a Rental Assistance Agreement;

(3) Program Participants of short- and medium-term rental assistance with any notification of eviction or notification of termination of assistance; and

(4) Program Participants of short- and medium-term rental assistance either during an annual recertification or lease renewal process, whichever is applicable.

(c) Subrecipients will adopt and follow an Emergency Transfer Plan based on HUD's model Emergency Transfer Plan by no later than June 14, 2017, pursuant to 24 CFR §5.2005(e). Within three calendar days after Program Participants request transfers, Subrecipients will inform Program Participants of their eligibility under their Emergency Transfer Plan and keep records of all outcomes.