

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
**TDHCA Governing Board Approved Draft of
10 TAC, Chapter 7, Subchapter B,
Homeless Housing and Services Program (“HHSP”), §7.1002**

Disclaimer

Attached is a draft of **10 TAC, Chapter 7, Subchapter B, Homeless Housing and Services Program (“HHSP”), §7.1002** that was approved by the TDHCA Governing Board on May 25, 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 June 9, 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 26, 2017 Ends: 5:00 P.M. Austin local time on June 9, 2017

Comments received after 5:00 P.M. Austin local time on June 9, 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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The Texas Department of Housing and Community Affairs (the “Department”) proposes an amendment to 10 TAC Chapter 7, Subchapter B, Homeless Housing and Services Program (“HHSP”), §7.1002, to allow for an annual allocation instead of a biannual allocation.

During the fall of 2016, in which new HHSP rules were moved from 10 TAC Chapter 5, Community Affairs Programs, to Chapter 7, Homeless Programs, the Department received a comment requesting that the HHSP formula distributing funds should focus on victims of family violence. The formula distribution for 2017 HHSP funds had already occurred by the fall of 2016, so the suggested adjustment to the formula was considered for the 2018 HHSP funds. However, it was determined that more analysis was needed to develop the methodology for making adjustments to the allocation formula. The rule is proposed to be amended to allow for an annual allocation formula instead of a biannual allocation formula.

FISCAL NOTE. Timothy K. Irvine, Executive Director, has determined that, for each year of the first five years the proposed amended section will be in effect, enforcing or administering the proposed amended 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 amended section is in effect, the public benefit anticipated as a result of the amended 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 amended 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 26, 2017, to June 15, 2017, to receive input on the proposed amended 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 15, 2017. A copy of the proposed amended chapter 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 amendment is proposed pursuant to Tex. Gov't Code, §2306.053, which authorizes the Department to adopt rules.

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

SUBCHAPTER B. HOMELESS HOUSING AND SERVICES PROGRAM

§7.1002. Distribution of Funds and Formula.

(a) Pursuant to the authority of Tex. Gov’t Code §2306.2585, HHSP is available to any municipality in Texas with a population of 285,500 or more. HHSP funds will be [biennially] awarded upon appropriation from the legislature, and will be made available to any of those municipalities subject to the requirements of this rule and be distributed in accordance with the formula set forth in subsection (b) of this section (relating to Formula). [The Department may

redistribute formula-funded allocations among the eligible municipalities if a Subrecipient is unable to expend the funds within 120 days of the close of the biennium.]

(b) Formula. Any funds made available for HHSP shall be distributed in accordance with a formula that is calculated each year [biennium] that takes into account:

(1) population of the municipality, as determined by the most recent available 1 Year American Community Survey ("ACS") data;

(2) poverty, defined as the number of persons in the municipality's population with incomes at or below the poverty threshold, as determined by the most recent available 1 Year ACS data;

(3) veteran populations, defined as that percentage of the municipality's population composed of veterans, as determined by the most recent available 1 Year ACS data;

(4) population of Persons with Disabilities, defined as that percentage of the municipality's population composed of Persons with Disabilities, as determined by the most recent available 1 Year ACS data; and

(5) population of Homeless persons, defined as that percentage of the municipality's population comprised of Homeless persons, as determined by the most recent publically available Point-In-Time Counts submitted to HUD by the CoCs in Texas.

(c) The factors enumerated shall be used to calculate distribution percentages for each municipal area based on the following formula:

(1) 20 percent weight for population;

(2) 25 percent weight for poverty populations;

(3) 25 percent weight for veteran populations;

(4) 5 percent weight for population of Persons with Disabilities; and

(5) 25 percent weight for the Homeless population.