

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
**TDHCA Governing Board Approved Draft of
Definition of Service-Enriched Housing
10 Texas Administrative Code (TAC) Chapter 1, Subchapter A, §1.11**

Disclaimer

Attached is a draft of the proposed amendment to the Definition of Service-Enriched Housing at 10 TAC Chapter 1 Subchapter A that was approved by the TDHCA Governing Board on November 10, 2022. This document, including its preamble, is scheduled to be published in the December 2, 2022 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: Monday, December 5, 2022 Ends: 5:00 p.m. Austin local time on Tuesday, January 3, 2023. Comments received after 5:00 p.m. Austin local time on Tuesday, January 3, 2023 will not be accepted.

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

Texas Department of Housing and Community Affairs
Attn: Housing Resource Center
P.O. Box 13941
Austin, Texas 78711-3941
Email: info@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

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The Texas Department of Housing and Community Affairs (the Department) proposes the re adoption, with amendments, to 10 TAC, Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.11 Definition of Service-Enriched Housing. After review of this rule in compliance with Tex. Gov't Code, §2001.039, the Department has assessed this rule and determined that there is a continuing need for this rule and that the proposed amendments are warranted.

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

GOVERNMENT GROWTH IMPACT STATEMENT. Mr. Wilkinson also has determined that, for the first five years the readopted rule would be in effect:

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

PUBLIC BENEFIT/COST NOTE. Mr. Wilkinson also has determined that, for each year of the first five years the readopted rule is in effect, the public benefit anticipated as a result of the action will be the clarification of a required definition. There will not be any economic cost to any individuals required to comply with the repealed section.

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. All comments or questions in response to this notice of rule review may be submitted in writing from December 5, 2022, through January 3, 2023. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Housing Resource Center, P.O. Box 13941, Austin, Texas 78711-3941, or email info@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 pm Austin local time, January 3, 2023.

STATUTORY AUTHORITY. The proposed action is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules. Except as described herein the proposed repealed sections affect no other code, article, or statute.

<rule>

§1.11. Definition of Service-Enriched Housing.

- (a) Purpose. It is the purpose of this section to define service-enriched housing for the Housing and Health Services Coordination Council.

- (b) Definition. For the purpose of directing the work of the Housing and Health Services Coordination Council and its work products, including the biennial plan, Service-Enriched Housing is defined as [community](#) integrated, affordable, ~~[and]~~-accessible [rental](#) housing that provides residents with the opportunity to receive on-site and/or off-site health-related and other services and supports that foster independence in living and decision-making for individuals [including those](#) with disabilities, ~~[and persons]~~ [people](#) who are elderly, [persons who are experiencing or have experienced homelessness, veterans, youth exiting foster care and Violence Against Women Act covered populations](#).

- (c) [Preferences and limitations for individual properties are governed by the tenant selection criteria found in Chapters 1, 10, 11, 12, and 13 of this Title and by specific requirements found in Land Use Restriction Agreements.](#)