

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
TDHCA Governing Board Approved Draft of
10 TAC Chapter 1, Administration, §1.12 Negotiated Rulemaking.
Disclaimer

Attached is a proposed rule action for amendment to 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.12 Negotiated Rulemaking. This action was approved by the TDHCA Governing Board on July 9, 2026. This rule action, including its preamble, is expected to be published in the July 24, 2026, 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>.

In compliance with §2001.023, Texas Government Code, a summary of the proposed action follows:

10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.12 Negotiated Rulemaking currently lays out the Department's policy on negotiated rulemaking. In the Department's current effort to streamline its rules, staff has reviewed this rule and is recommending that portions of this rule are not necessary and can be condensed. It should be noted that in the last 20 years, negotiated rulemaking has not been pursued at the Department. At the same time, Tex. Gov't Code §2001.021, relating to Petition for Adoption of Rules, does require that the Department, by rule, provide the form for a petition in which an interested person may request the adoption of a rule. Currently, the Department's rule does not include this.

The rule following provides the procedure for the submission, consideration, and disposition of such a petition. The rule does require signatures for such petition as well as evidence that will enable the Department to confirm that a signatory is a resident of the state as required by the statute.

Staff is recommending the rule language relating to negotiated rulemaking be condensed, the rule relating to petitioning for adoption of rules be added, and the rule be retitled more appropriately.

Public Comment

Public Comment Period: Start: 8:00 a.m. Austin local time on July 24, 2026
End: 5:00 p.m. Austin local time on August 24, 2026

Comments received after 5:00 p.m. Austin local time on August 24, 2026, will not be accepted. Written comments may be submitted electronically within the designated public comment period to: brooke.boston@tdhca.state.tx.us.

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
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DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS

Borrador aprobado por la Junta Directiva del TDHCA de la sección [§] 1.12 [“Reglamentación negociada”] del capítulo 1 del título 10 del Código Administrativo de Texas (TAC)

Descargo de responsabilidad

Se adjunta una acción reglamentaria propuesta para una modificación a la sección [§] 1.12 [“Reglamentación negociada”] del subcapítulo A [“Políticas y procedimientos generales”] del capítulo 1 [“Administración”] del título 10 del Código Administrativo de Texas (TAC). Esta acción recibió aprobación por parte de la Junta Directiva del Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA) el 9 de julio de 2026. Se espera que esta acción reglamentaria, incluyendo su preámbulo, se publique en la edición del *Texas Register* del 24 de julio de 2026. Esa versión publicada constituirá la versión oficial para fines de comentarios del público y se puede encontrar en el siguiente enlace: <https://www.sos.texas.gov/texreg/index.shtml>.

De conformidad con la sección [§] 2001.023 del Código de Gobierno de Texas, se incluye a continuación un resumen de la acción reglamentaria propuesta:

La sección [§] 1.12 [“Reglamentación negociada”] del subcapítulo A [“Políticas y procedimientos generales”] del capítulo 1 [“Administración”] del título 10 del Código Administrativo de Texas (TAC) fija en la actualidad la política del Departamento sobre reglamentación negociada. En el marco del esfuerzo actual del Departamento por simplificar sus reglas, el personal ha revisado dicha regla en particular y recomienda que algunas de sus partes no son necesarias y pueden resumirse. Cabe señalar que, en los últimos 20 años, el Departamento no ha recurrido a la reglamentación negociada. Al mismo tiempo, la sección [§] 2001.021 del Código de Gobierno de Texas, titulada “Petición para la adopción de reglas”, exige que el Departamento, mediante reglas, facilite el formulario para una petición en la que una persona interesada pueda solicitar la adopción de una regla. Las reglas del Departamento no contemplan esta cuestión en la actualidad.

La siguiente regla establece el procedimiento para la presentación, consideración y resolución de dicha petición. La regla exige firmas para dicha petición, así como pruebas que permitan al Departamento confirmar que un firmante reside en el estado, tal como lo exige la ley.

El personal recomienda que se resuma el texto de la regla relativa a reglamentación negociada, que se añada la regla referente a la petición de adopción de reglas y que se cambie el título de la regla para que sea más adecuado.

Comentarios del público**Periodo de comentarios del público:**

Inicio: 8:00 a. m., hora local de Austin, del 24 de julio de 2026

Finalización: 5:00 p. m., hora local de Austin, del 24 de agosto de 2026

No se aceptarán los comentarios que se reciban después de las 5:00 p. m., hora local de Austin, del 24 de agosto de 2026. Los comentarios por escrito pueden enviarse de manera electrónica dentro del período designado de comentarios del público a brooke.boston@tdhca.state.tx.us.

Se anima a quienes formulen comentarios públicos a que hagan referencia al borrador de la regla, política o plan específico relacionado con su comentario, así como una referencia o cita específica asociada a cada comentario. Tenga en cuenta que todos los comentarios enviados al TDHCA se considerarán información pública.

DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS

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Attachment 1: Preamble, including required analysis, for proposed repeal of 10 TAC §1.12 Negotiated Rulemaking

The Texas Department of Housing and Community Affairs (the Department) proposes the repeal of 10 TAC §1.12 Negotiated Rulemaking. The purpose of the proposed repeal is to eliminate the current rule while replacing it with a more current version of the rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson, Executive Director, has determined that, for the first five years the repeal would be in effect:

1. The repeal does not create or eliminate a government program but relates to means by which the public may seek rulemaking from the Department.
2. The repeal does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.
3. The repeal does not require additional future legislative appropriations.
4. The repeal will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The repeal is not creating a new regulation, except that it is being replaced by a new rule simultaneously to provide for revisions.
6. The repeal will not expand or contract the applicability of an existing regulation.
7. The repeal will not increase or decrease the number of individuals subject to the rule's applicability.
8. The repeal will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the repeal and determined that the repeal will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The repeal does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the repeal as to its possible effects on local economies and has determined that for the first five years the repeal would be in effect there would be no economic effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson 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 and new sections would be an updated and more germane rule. There will not be economic costs to individuals required to comply with the repealed section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the repeal is in effect, enforcing or administering the repeal does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT. The Department requests comments on the proposed repeal. The public comment period will be held July 24, 2026, through August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

§1.12 Negotiated Rulemaking

Attachment 2: Preamble, including required analysis, for proposed new 10 TAC §1.12 Negotiated Rulemaking and Petitions for Rulemaking

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC §1.12 Negotiated Rulemaking. The purpose of the proposed rule is to remove unnecessary rule language, add language to ensure compliance with Tex. Gov't Code 2001.021, and retitle the rule.

Tex. Gov't Code §2001.0045(b) does not apply to the rule proposed for action because it was determined that no costs are associated with this action, and therefore no costs warrant being offset.

The Department has analyzed this proposed rulemaking and the analysis is described below for each category of analysis performed.

a. GOVERNMENT GROWTH IMPACT STATEMENT REQUIRED BY TEX. GOV'T CODE §2001.0221.

Mr. Bobby Wilkinson has determined that, for the first five years the new section would be in effect:

1. The new section does not create or eliminate a government program but relates to means by which the public may seek rulemaking from the Department.
2. The new section does not require a change in work that would require the creation of new employee positions, nor are the rule changes significant enough to reduce work load to a degree that eliminates any existing employee positions.
3. The new section does not require additional future legislative appropriations.
4. The new section will not result in an increase in fees paid to the Department, nor in a decrease in fees paid to the Department.
5. The new section does not create a new regulation, except that it is replacing a section being repealed simultaneously to provide for revisions.
6. The new section will not expand or contract an existing regulation.
7. The new section will not increase or decrease the number of individuals subject to the rule's applicability.
8. The new section will not negatively or positively affect the state's economy.

b. ADVERSE ECONOMIC IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES AND REGULATORY FLEXIBILITY REQUIRED BY TEX. GOV'T CODE §2006.002.

The Department has evaluated the new section and determined that the action will not create an economic effect on small or micro-businesses or rural communities.

c. TAKINGS IMPACT ASSESSMENT REQUIRED BY TEX. GOV'T CODE §2007.043. The new section does not contemplate or authorize a taking by the Department; therefore, no Takings Impact Assessment is required.

d. LOCAL EMPLOYMENT IMPACT STATEMENTS REQUIRED BY TEX. GOV'T CODE §2001.024(a)(6).

The Department has evaluated the new section as to its possible effect on local economies and has determined that for the first five years the new section would be in effect there would be no economic

effect on local employment; therefore, no local employment impact statement is required to be prepared for the rule.

e. PUBLIC BENEFIT/COST NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(5). Mr. Wilkinson 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 would be a more streamlined rule that is compliant with Tex. Gov't Code 2001.021. There will not be economic costs to individuals required to comply with the new section.

f. FISCAL NOTE REQUIRED BY TEX. GOV'T CODE §2001.024(a)(4). Mr. Wilkinson also has determined that for each year of the first five years the new section 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.

REQUEST FOR PUBLIC COMMENT AND INFORMATION RELATED TO COST, BENEFIT OR EFFECT. The Department requests comments on the proposed section and also requests information related to the cost, benefit, or effect of the proposed section, including any applicable data, research, or analysis from any person required to comply with the repeal or any other interested person. The public comment period will be held July 24, 2026, through August 24, 2026, to receive input on the proposed action. Comments may be submitted to the Texas Department of Housing and Community Affairs, Attn: Brooke Boston at brooke.boston@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, August 24, 2026.

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

10 TAC §1.12 Negotiated Rulemaking and Petitions for Rulemaking

(a) Purpose. In accordance with Tex. Gov't Code §2306.082, the Department encourages the use of negotiated rulemaking procedures for the adoption of Department rules. In accordance with Tex. Gov't Code §2001.021, an interested person(s) may request the adoption of a rule by petition to a state agency.

(b) Negotiated Rulemaking.

(1) Tex. Gov't Code Chapter 2008 describes the procedures for negotiated rulemaking including appointment of a convener; publishing notice of proposed negotiated rulemaking and requesting comments on the proposal; appointing a negotiated rulemaking committee; appointing an impartial third party facilitator; and proposing the resulting draft rule for public comment.

~~(b) Request for Negotiated Rulemaking Process.~~

~~(12)~~ Any person or organization that would like for the Department to use negotiated rulemaking for the adoption of a Department rule may submit such a request to the Department's Board Secretary. The proposal must identify: the rule proposed for negotiated rulemaking, potential participants for the negotiated rulemaking committee, possible third party facilitators, and a suggested timeline for the process. The Department may also on its own propose to use negotiated rulemaking.

~~(2) In determining whether a proposed negotiated rulemaking is appropriate in a particular situation, the Department and interested parties may consider any relevant factors, including:~~

~~(A) The number of identifiable interests that would be significantly affected by the proposed rule;~~

~~(B) The probability that those interests would be adequately represented in a negotiated rulemaking;~~

~~(C) The probable willingness and authority of the representatives of affected interests to negotiate in good faith;~~

~~(D) The probability that a negotiated rulemaking committee would reach a unanimous or a suitable general consensus on the proposed rule;~~

~~(E) The probability that negotiated rulemaking will not unreasonably delay notice and eventual adoption of the proposed rule;~~

~~(F) The adequacy of agency and public resources to participate in negotiated rulemaking; and~~

~~(G) The probability that the negotiated rulemaking committee will provide a balanced representation among all interested and affected parties. (Tex. Gov't Code §2008.052(d)).~~

(3) The Department generally will respond to the request within seven calendar days. If the negotiated rulemaking is not pursued, the Department will provide the party making the request with an explanation for the basis of the decision.

~~(4e)~~ If the Department decides to proceed with a negotiated rulemaking, it shall follow the process outlined in Tex. Gov't Code Chapter 2008 and costs associated with the negotiated rulemaking process will be handled as specified in Tex. Gov't Code §2008.003.

(c) Petitions for Rulemaking.

(1) Submission.

(A) An interested person(s) may petition the Department to request the adoption of a new rule, the repeal of a rule, or an amendment of an existing rule. For the purposes of this section, an interested person must be:

(i) a resident of this state;

(ii) a business entity located in this state;

(iii) a governmental subdivision located in this state; or

(iv) a public or private organization located in this state that is not a state agency.

(B) Such submission must be made in writing to the Executive Director and must include at a minimum the rule citation for which the petition is being submitted, the nature of the requested policy change prompting the submission, specific proposed rule language changes, sufficient contact information for at least one of the petitioners, and an attestation that the petitioner is a Texas resident.

(2) Consideration. The Department will consider the nature of the petition, whether the rule that is the subject of the petition has been recently made available for public comment during a rulemaking, and whether the interested person(s) participated in the public comment process.

(3) Disposition. Not later than the 60th day after the date of submission of a petition under this section, the Department will: deny the petition in writing, stating its reasons for the denial; or initiate a rulemaking proceeding under this subchapter.