

## TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

## TDHCA Governing Board Approved Draft of

10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, Waiver Applicability in the Case of State or Federally Declared Disasters

**Disclaimer**

Attached is a proposed rule action for 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, Waiver Applicability in the Case of State or Federally Declared Disasters. This four-year review was approved by the TDHCA Governing Board on January 15, 2026. This document, including its preamble, is expected to be published in the February 6, 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 §1.5, Waiver Applicability in the Case of State or Federally Declared Disasters, as part of its four year rule review, has been identified by staff as needing revisions. This section of the rule provides for how the Department may waive, suspend or modify rules in the Texas Administrative Code if state or federal regulations have been waived in response to state or federally declared disasters. Staff identified minor revisions that make the rule more clear in when it applies. This rule will be released for public comment and returned to the Board for final adoption.

**Public Comment**

**Public Comment Period:** Start: 8:00 a.m. Austin local time on February 6, 2026  
End: 5:00 p.m. Austin local time on March 8, 2026

Comments received after 5:00 p.m. Austin local time on March 8, 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**

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**DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS**

Borrador aprobado por la Junta Directiva del TDHCA respecto a la sección [§] 1.5 [“Aplicabilidad de exenciones en caso de desastres declarados a nivel estatal o federal”] del subcapítulo A [“Políticas y procedimientos generales”] del capítulo 1 [“Administración”] del título 10 del Código Administrativo de Texas (TAC)

**Descargo de responsabilidad**

Se adjunta una propuesta de acción reglamentaria respecto a la sección [§] 1.5 [“Aplicabilidad de exenciones en caso de desastres declarados a nivel estatal o federal”] del subcapítulo A [“Políticas y procedimientos generales”] del capítulo 1 [“Administración”] del título 10 del Código Administrativo de Texas (TAC). Esta revisión cada cuatro años recibió aprobación por parte de la Junta Directiva del Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA) el 15 de enero de 2026. Se espera que este documento, incluyendo su preámbulo, se publique en la edición del *Texas Register* del 6 de febrero de 2026. Esa versión publicada constituirá la versión oficial para fines de comentarios públicos 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 propuesta:

Como parte de su revisión de reglas cada cuatro años, el personal ha identificado que la sección [§] 1.5 [“Aplicabilidad de exenciones en caso de desastres declarados a nivel estatal o federal”] del título 10 del Código Administrativo de Texas (TAC) necesita modificaciones. Esta sección de la regla dispone cómo el Departamento puede eximir, suspender o modificar las reglas del Código Administrativo de Texas si se han eximido las regulaciones estatales o federales en respuesta a desastres declarados a nivel estatal o federal. El personal identificó modificaciones menores que hacen que la regla sea más clara acerca de cuándo se aplica. Esta regla se publicará para someterse a comentarios del público y se devolverá a la Junta para su adopción definitiva.

**Comentarios del público**

**Periodo de comentarios del público:** Inicio: 8:00 a. m., hora local de Austin, del 6 de febrero de 2026  
Finalización: 5:00 p. m., hora local de Austin, del 8 de marzo de 2026

No se aceptarán los comentarios que se reciban después de las 5:00 p. m., hora local de Austin, del 8 de marzo 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](mailto: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 amendment to 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, Waiver Applicability in the Case of State or Federally Declared Disasters**

The Texas Department of Housing and Community Affairs (the Department) proposes amending 10 TAC Chapter 1, Administration, Subchapter A, General Policies and Procedures, §1.5, Waiver Applicability in the Case of State or Federally Declared Disasters. The purpose of the amended section is to make several minor changes to provide greater clarity around when the Executive Director can waive rules when there have been state or federal regulatory waivers in response to state or federal disasters.

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

The Department has analyzed this 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 amendment would be in effect:

1. The amended section does not create or eliminate a government program but relates to minor revisions to make the rule more clear.
2. The amended 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 amended section does not require additional future legislative appropriations.
4. The amended 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 amended section is not creating a new regulation.
6. The amended section will not expand, limit, or repeal an existing regulation.
7. The amended section will not increase or decrease the number of individuals subject to the rule's applicability.
8. The amended 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 amended section and determined that it 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 amended 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 amended section as to its possible effects on local economies and has determined that for the first five years the amended 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 amended section is in effect, the public benefit anticipated as a result of the new section would be a more clear rule. There will not be economic costs to individuals required to comply with the amended 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 amended section is in effect, enforcing or administering the section 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 amended section and also requests information related to the cost, benefit, or effect of the proposed amended section, including any applicable data, research, or analysis from any person required to comply with the rule or any other interested person. The public comment period will be held February 6, 2026 to March 8, 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](mailto:brooke.boston@tdhca.state.tx.us). ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m., Austin local (Central) time, March 8, 2026.

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

#### §1.5. Waiver Applicability in the Case of State or Federally Declared Disasters

(a) When the federal government has provided the Department a waiver, suspension, or contract amendment of a federal programmatic regulation, federal statute, or contract term in response to a state or federally declared disaster, and the requirement waived, suspended, or amended had been codified in this title, the Executive Director or designee may waive, suspend, or modify the rule within this title, if:

- (1) the Executive Director or designee has determined that not doing so may negatively affect the health, safety, or welfare of program recipients;
- (2) such waiver, suspension, or modification to the rule within this title is clearly related to the federally provided waiver, suspension, or modification; and
- (3) such waiver or suspension would not have negatively affected the selection of an awardee who has received a competitive award of Department resources.

(b) When the state government has provided the Department a waiver or suspension of a state statute in response to a state or federally declared disaster, and the requirement waived or suspended had been codified in this title, the Executive Director or designee may waive, suspend, or modify the rule within this title, if:

- (1) the Executive Director or designee has determined that not doing so may negatively affect the health, safety, or welfare of program recipients;
- (2) such waiver, suspension, or modification to the rule within this title must be clearly related to the state provided waiver or suspension;
- (3) such waiver or suspension would not have negatively affected the selection of an awardee who has received a competitive award of Department resources; and
- (4) the Executive Director or designee has determined that doing so is not inconsistent with any applicable federal statute, regulations or contract requirements.