

TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

TDHCA Governing Board Approved Rule Action for

10 TAC Chapter 1, Subchapter A General Policies and Procedures, §1.9, Household Recipient Privacy Policy for Federal Funds or Assistance

**Disclaimer**

Attached is a rule action relating to §1.9, Household Recipient Privacy Policy for Federal Funds or Assistance, that was approved by the TDHCA Governing Board on September 5, 2024.

This rule will be released for public comment and returned to the Board for final adoption.

This document, including its preamble, is expected to be published in the September 20, 2024, 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 rule and action follows:

There is currently no clear policy that the information provided by households to the Department or its subrecipients, when applying for assistance, is kept private. There is no assurance that their basic household information will not be released to a third party when asked of the Department.

The Department would like to establish such a policy for its federally funded program through the development of a rule. The rule will provide that no individual shall have their name, address, race, gender, disability, or contact information (as provided in an application for assistance to the Department) released to a third-party unless a federal oversight agency has explicitly stipulated that the information must be made available or as otherwise authorized by the individual.

**Public Comment**

**Public Comment Period:** Start: 8:00 a.m. Austin local time on September 20, 2024

End: 5:00 p.m. Austin local time on October 21, 2024

Comments received after 5:00 p.m. Austin local time on October 21, 2024, will not be accepted.

Written comments may be submitted, 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

Main Number: 512-475-3800 Toll Free: 1-800-525-0657

Email: [info@tdhca.state.tx.us](mailto:info@tdhca.state.tx.us) Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

## DEPARTAMENTO DE VIVIENDA Y ASUNTOS COMUNITARIOS DE TEXAS

Acción reglamentaria aprobada por la Junta Directiva del Departamento de Vivienda y Asuntos Comunitarios de Texas (TDHCA) respecto a la sección [§] 1.9 [“Política de privacidad para beneficiarios de grupos familiares respecto a fondos o asistencia federal”] del subcapítulo A [“Políticas y procedimientos generales”] del capítulo 1 del título 10 del Código Administrativo de Texas (TAC)

**Descargo de responsabilidad**

Se adjunta una acción reglamentaria relacionada con la sección [§] 1.9 [“Política de privacidad para beneficiarios de grupos familiares respecto a fondos o asistencia federal”], que fue aprobada por la Junta Directiva de TDHCA el 5 de septiembre de 2024.

Esta regla se publicará para someterse a comentarios del público y se devolverá a la Junta para su adopción final.

Se espera que este documento, incluyendo su preámbulo, se publique en la edición del *Texas Register* del 20 de septiembre de 2024. 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 presenta a continuación un resumen de la regla y de la acción:

No existe en la actualidad una política clara que establezca la conservación de la privacidad de la información facilitada por grupos familiares o por sus beneficiarios secundarios al Departamento cuando presentan una solicitud para asistencia. No hay garantía de que la información básica de su grupo familiar no se divulgue a un tercero cuando el Departamento la pida.

El Departamento quisiera establecer una política de este tipo para su programa financiado con fondos federales mediante el desarrollo de una regla. La regla dispondrá que no se divulgará a un tercero el nombre, la dirección, la raza, el género, una condición de discapacidad o la información de contacto de ninguna persona (según se indique en una solicitud para recibir asistencia presentada al Departamento), a menos que una agencia de supervisión federal haya estipulado de manera explícita que la información deba estar disponible o según lo autorice dicha persona.

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

Inicio: 8:00 a. m., hora local de Austin, del 20 de septiembre de 2024

Finalización: 5:00 p. m., hora local de Austin, del 21 de octubre de 2024

No se aceptarán los comentarios que se reciban después de las 5:00 p. m., hora local de Austin, del 21 de octubre de 2024.

Los comentarios por escrito pueden enviarse 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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Dirección de correspondencia: P.O. Box 13941, Austin, TX 78711-3941

Número principal: 512-475-3800 Número gratuito: 1-800-525-0657

Correo electrónico: [info@tdhca.state.tx.us](mailto:info@tdhca.state.tx.us) Web: [www.tdhca.state.tx.us](http://www.tdhca.state.tx.us)

**Attachment 1: Preamble, including required analysis, for proposed new §1.9, Household Recipient Privacy Policy for Federal Funds or Assistance**

The Texas Department of Housing and Community Affairs (the Department) proposes new 10 TAC §1.9, Household Recipient Privacy Policy for Federal Funds or Assistance. The purpose of the new section is to provide a policy that protects, when permissible, the personal information provided by households to the Department or its subrecipients, when applying for assistance.

Tex. Gov't Code §2001.0045(b) does not apply to the rule 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 new section would be in effect:

1. The new section does not create or eliminate a government program but provides for the privacy of information provided by households that apply for the Department's federal funding assistance.
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 is creating a new regulation, but it is a regulation that does not place a burden on users of the Department's programs, but merely offers a privacy policy.
6. The new section will not expand, limit, or repeal an existing regulation.
7. The new section will increase the number of individuals subject to the rule's applicability; however that applicability is a household benefit (privacy).
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 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 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 effects 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 increased privacy with the information provided by households when applying to the Department for federal assistance. 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 section does not have any foreseeable implications related to costs or revenues of the state or local governments.

REQUEST FOR PUBLIC COMMENT. The public comment period will be held September 20, 2024 to October 21, 2024, 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 time, October 21, 2024.

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

### **§1.9. Household Recipient Privacy Policy for Federal Funds or Assistance**

(a) Capitalized words used herein have the meaning assigned in the specific Chapters and Rules of this Part that govern the program to which a Household or Family level recipient or beneficiary has applied, or as assigned by federal or state law.

(b) This policy applies for any federally funded Program or resource administered by the Department, either assisted directly by the Department or indirectly through a Vendor, Subrecipient or Owner, where the Department must adopt a privacy policy regarding privacy of individually identifiable information.

(c) Except as covered under an intergovernmental data-sharing agreement, or as necessary to administer the business and administrative functions of the Program, no individual shall have their name, address, race, gender, disability, or contact information (as provided in an application for assistance to the Department) released to a third-party unless a federal oversight agency has explicitly stipulated that the information must be made available or as otherwise authorized by the individual.

(c) This privacy policy is supplemented by any more restrictive privacy or protection directives required by a federal oversight agency, or other federal or state law.