

Substantial Amendment to 2013 State of Texas Consolidated Plan: One-Year Action Plan

Jurisdiction(s): State of Texas, Texas Department of Housing and Community Affairs

Jurisdiction Web Address: <http://www.tdhca.state.tx.us>

One Year Action Plan

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This document is a substantial amendment to the Plan for FFY 2013 submitted by the State of Texas. The Plan is the annual update to the Consolidated Plan for FFY 2010 through 2014. This amendment is proposed to align the Plan with revisions to 24 CFR Part 91, effective August 23, 2013. The revision allows Participating Jurisdictions (PJs) to provide preferences for certain subpopulations or limitations on assistance only if the preferences or limitations are identified in the PJ's planning document as having an unmet housing need and are needed to narrow the gap in benefits and services received by such persons. Any limitation or preference must not violate nondiscrimination requirements in 24 CFR 92.350, and the PJ may not limit or give preferences to students (FR DOC #: 2013-17348 published July 24, 2013).

A. PREFERENCES FOR SPECIAL NEEDS POPULATIONS

The Texas Department of Housing and Community Affairs ("TDHCA") may consider allowing HOME Administrators to propose to limit beneficiaries or give preferences to certain groups of the low-income population as described in this section, provided the limitations or preferences do not violate nondiscrimination requirements in 24 CFR §92.350. These preferences or limitations will be described in applications for award or Administrator program designs. Marketing materials and affirmative marketing plans must clearly describe these preferences, and the purpose of these preferences.

Programs designed to target assistance to special needs populations may include the elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS, persons with the Violence Against Women Act protections (domestic violence, dating violence, sexual assault, or stalking), colonia residents, migrant farmworkers, homeless populations, veterans, wounded warriors (as defined by the Caring for Wounded Warriors Act of 2008), and public housing residents. Preferences may also include programs designed to assist veterans, households with a member who is pregnant, households with a member entering an institution of higher learning provided the household does not consist of an individual that is not eligible to receive Section 8 assistance on the basis of their student status, disaster victims, refugees or families of refugees, persons transitioning out of incarceration, and persons transitioning out of the foster care system and nursing facilities.

TDHCA will only consider programs designed to limit assistance to households with a member who has HIV/AIDS, mental illness, alcohol or other drug addiction, or households that would qualify under the TDHCA's Project Access program as defined in 10 TAC §5.801.

TDHCA may also consider permitting rental housing owners to give a preference or limitation as indicated in this section and may allow a preference or limitation that is not described in this section provided that another federal or state funding source for the rental housing requires a limitation or preference.

B. ACTIVITIES

The eligible activities to be administered with a preference or limitation are all HOME eligible activities identified in the Plan, and Tenant-Based Rental Assistance (TBRA) and Multifamily Rental projects in particular.

C. EXPECTED IMPACT

Based on the TDHCA's current funding models, TDHCA expects an increase in the number of entities interested in administering TBRA, with a preponderance of assistance serving households at or below 60% of AMFI.

D. PUBLIC COMMENT

The draft Substantial Amendment will be presented to the TDHCA Governing Board at the October 10, 2013 Governing Board meeting, it will be published in the *Texas Register* and posted for comment on the Department's website from October 18, 2013 through November 18, 2013. The final Substantial Amendment to the 2013 Action Plan, along with public comment, will be presented to the TDHCA Governing Board at the December 12, 2013 meeting.