

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which

invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Department of Housing and Community Affairs

Title 10, Part 1

The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC §2.204 Contents of a Quality Improvement Plan. The purpose of the proposed action is to conduct a rule review in accordance with Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

At this time, the Department has determined that there continues to be a need for this rule, which is to establish minimum requirements of a Quality Improvement Plan for an Eligible Entity facing termination or reduction of funding under 10 TAC §2.203. The Department has also determined that no changes to this rule as currently in effect are necessary. This rule proposed for re-adoption will be noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

REQUEST FOR PUBLIC COMMENT. All comments or questions in response to this notice of rule review may be submitted in writing from March 24, 2023, through April 24, 2023. Written comments may be submitted to Gavin Reid, Texas Department of Housing and Community Affairs, P.O. Box 13941, Austin, Texas 78711-3941, or by email to greid@tdhca.state.tx.us. ALL COMMENTS MUST BE RECEIVED BY 5:00 p.m. Austin local time, April 24, 2023.

§2.204. Contents of a Quality Improvement Plan.

TRD-202301037
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: March 10, 2023



Texas Commission on Environmental Quality

Title 30, Part 1

The Texas Commission on Environmental Quality (commission) files this Notice of Intention to Review 30 TAC Chapter 80, Contested Case Hearings.

This proposal is *limited* to the review in accordance with the requirements of Texas Government Code, §2001.039, which requires a state agency to review and consider its rules for re-adoption, re-adoption with amendments, or repeal every four years. During this review, the commission will assess whether the reasons for initially adopting the rules in Chapter 80 continue to exist.

Comments regarding suggested changes to the rules in Chapter 80 may be submitted but will not be considered for rule amendments as part of this review. Any such comments may be considered in a future rule-making action by the commission.

Submittal of Comments

The commission invites public comment on this preliminary review of the rules in Chapter 80. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to fax4808@tceq.texas.gov. Electronic comments may be submitted at: <https://tceq.commentinput.com/>. File size restrictions may apply to comments being submitted via the TCEQ Public Comment system. All comments should reference Non-Rule Project Number 2023-040-080-LS. Comments must be received by April 24, 2023. For further information, please contact Clark Reeder, Environmental Law Division, at (512) 239-5771.

TRD-202301077

Guy Henry
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Filed: March 15, 2023



Adopted Rule Reviews

Credit Union Department

Title 7, Part 6

The Credit Union Commission (Commission) has completed its review of Chapter 91, Subchapter K (relating to Credit Union Development Districts), of the Texas Administrative Code, Title 7, Part 6, consisting of §§91.2000, 91.2001, 91.2002, 91.2003, 91.2004, 91.2005, and 91.2006.

The rules were reviewed as a result of the Department's quadrennial rule review under Texas Government Code Section 2001.039.

Notice of the review of 7 TAC, Part 6, Chapter 91, Subchapter K, was published in the December 9, 2022, issue of the *Texas Register* (47 TexReg 8129). The Department received no comments on the notice of intention to review.

The Department hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to re-adopt.

TRD-202301054

Michael S. Riepen
Commissioner
Credit Union Department
Filed: March 13, 2023

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The Credit Union Commission (Commission) has completed its review of Chapter 91, Subchapter O (relating to Trust Powers), of the Texas Administrative Code, Title 7, Part 6, consisting of §§91.6001, 91.6002, 91.6003, 91.6004, 91.6005, 91.6006, 91.6007, 91.6008, 91.6009, 91.6010, 91.6011, 91.6012, 91.6013, 91.6014, and 91.6015.

The rules were reviewed as a result of the Department's quadrennial rule review under Texas Government Code Section 2001.039.

Notice of the review of 7 TAC, Part 6, Chapter 91, Subchapter O, was published in the December 9, 2022, issue of the *Texas Register* (47 TexReg 8129). The Department received no comments on the notice of intention to review.

The Department hereby certifies that the adoption has been reviewed by legal counsel and found to be within the agency's legal authority to readopt.

TRD-202301055
Michael S. Riepen
Commissioner
Credit Union Department
Filed: March 13, 2023

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Texas Department of Housing and Community Affairs

Title 10, Part 1

The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, Compliance Monitoring, §10.603, Notices to the Internal Revenue Service (HTC Developments during the Compliance Period). The purpose of the action is to adopt the rule review in accordance with Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

At this time, the Department has determined that there continues to be a need for this rule, which is to have a rule in effect that provides how and when notice to the Internal Revenue Service on IRS Form 8823 will occur. The Department has also determined that no changes to this rule as currently in effect are necessary. This rule will be noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

PUBLIC COMMENT. Public comment on this rule was accepted from January 27, 2023, through February 27, 2023, and no comment was received.

TRD-202301040
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: March 10, 2023

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The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC Chapter 10, Uniform Multifamily Rules, Subchapter F, Compliance Monitoring, §10.620, Monitoring for Non-Profit Participation, HUB, or CHDO Participation. The purpose of the action is to adopt the rule review in accordance with

Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

At this time, the Department has determined that there continues to be a need for this rule, which is to have rules in effect that provide notice and clarity around the monitoring process used for non-profit, Historically Underutilized Businesses (HUB) and Community Housing Development Organizations (CHDOs). The Department has also determined that no changes to this rule as currently in effect are necessary. This rule will be noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

PUBLIC COMMENT. Public comment on this rule was accepted from January 27, 2023, through February 27, 2023, and no comment was received.

TRD-202301039
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: March 10, 2023

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The Texas Department of Housing and Community Affairs (the Department) files this notice of rule review for 10 TAC Chapter 29, Texas Single Family Neighborhood Stabilization Program Rule. The purpose of the action is to conduct a rule review in accordance with Tex. Gov't Code §2001.039, which requires a state agency to review its rules every four years.

At this time, the Department has determined that there continues to be a need for this rule, which is to have rules in effect that govern the activities of the Neighborhood Stabilization Program (NSP) single family activities. The Department has also determined that no changes to this rule as currently in effect are necessary. This rule for readoption will be noted in the *Texas Register's* Review of Agency Rules section without publication of the text.

PUBLIC COMMENT. Public comment on this rule was accepted from January 27, 2023, through February 27, 2023, and no comment was received.

TRD-202301038
Bobby Wilkinson
Executive Director
Texas Department of Housing and Community Affairs
Filed: March 10, 2023

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Texas Department of Licensing and Regulation

Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) filed a Notice of Intent to Review to consider for readoption, revision, or repeal the rule chapters listed below, in their entirety, under Title 16, Part 4, of the Texas Administrative Code (TAC). This review was conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

The Department reviewed the following rule chapters:

Chapter 55, Rules for Administrative Services

Chapter 61, Combative Sports

Chapter 65, Boilers

Chapter 66, Registration of Property Tax Consultants

Chapter 67, Auctioneers

Chapter 68, Elimination of Architectural Barriers

Chapter 74, Elevators, Escalators, and Related Equipment

Chapter 75, Air Conditioning and Refrigeration

Chapter 77, Service Contract Providers and Administrators

Chapter 79, Weather Modification

Chapter 87, Used Automotive Parts Recyclers

Chapter 94, Property Tax Professionals

Public Comments

A combined Notice of Intent to Review for all of the chapters listed above was published in the September 2, 2022, issue of the *Texas Register* (47 TexReg 5344). The public comment period closed on October 17, 2022. The Department received public comments from 20 interested parties in response to the Notice of Intent to Review. The public comments received for each chapter are explained below.

Chapter 55, Rules for Administrative Services

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 55, Rules for Administrative Services.

Chapter 61, Combative Sports

The Department received comments from six interested parties in response to the Notice of Intent to Review for Chapter 61, Combative Sports. Comments were submitted by the United States Fight League suggesting specific rule changes related to youth combative sports. The organization stated that the definition of "full contact" in the current rules is overbroad and should be modified to address lower-contact youth sports. The organization also requested that the agency delegate its authority to a third party in order to regulate youth combative sports. Four individuals also submitted comments supporting youth combative sports. Comments were also submitted by the Texas Muay Thai and Kickboxing Association proposing that amateur Muay Thai tournaments be allowed in Texas. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 65, Boilers

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 65, Boilers.

Chapter 66, Registration of Property Tax Consultants

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 66, Registration of Property Tax Consultants.

Chapter 67, Auctioneers

The Department received comments from two interested parties in response to the Notice of Intent to Review for Chapter 67, Auctioneers. Both comments were submitted by individuals. One comment expressed support for re-adoption of the rules. The Department has taken this comment into consideration as part of this review. Both comments requested amendments to the rules and focused on changes to the law and rules to include online auctions and auctioneers. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 68, Elimination of Architectural Barriers

The Department received comments from one interested party in response to the Notice of Intent to Review for Chapter 68, Elimination of Architectural Barriers. The comments were submitted by an individual and suggested that the Department should work with county governments to address construction projects outside of city limits to facilitate an exchange of permitting information to ensure that projects are in compliance with the Texas Accessibility Standards. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 74, Elevators, Escalators, and Related Equipment

The Department received comments from one interested party in response to the Notice of Intent to Review for Chapter 74, Elevators, Escalators, and Related Equipment. The comments were submitted by an individual and requested amendments to the rules related to the responsibilities of the owner and the contractor regarding documents; the standards of conduct; and the technical requirements in the ASME and ASCE codes. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 75, Air Conditioning and Refrigeration

The Department received comments from six interested parties in response to the Notice of Intent to Review for Chapter 75, Air Conditioning and Refrigeration. The Department received one comment against re-adoption of the rules. The comment was submitted by the Associated Air Balance Council (AABC), asking TDLR not to readopt the rules related to system balancing and testing, or in the alternative, to amend these rules. AABC stated that these rules do not reflect current legal and policy considerations, are vague and ambiguous, and are likely to cause confusion regarding their scope and the licensing requirements. The Department also received separate comments from two individuals. One individual stated that the current rules are not obsolete and they are in alignment with the current procedures of the Department, but that they do not reflect current legal and policy considerations. Another individual objected to the amount of work experience required prior to examination. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process. Three individuals submitted comments that were unrelated to the rules under review. The Department will not take any further rulemaking action as a result of these unrelated comments.

Chapter 77, Service Contract Providers and Administrators

The Department received comments from one interested party in response to the Notice of Intent to Review for Chapter 77, Service Contract Providers and Administrators. The comments were submitted by the Service Contract Industry Council (SCIC) and opined that the funded reserve formula used in a Department form does not match that in the statute and rules. The comments also requested a rule change to clarify that providers who also act as administrators are not required to additionally register as administrators. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 79, Weather Modification

The Department received comments from two interested parties in response to the Notice of Intent to Review for Chapter 79, Weather Modification. Both comments were submitted by individuals and were unrelated to the rules under review. The Department will not take any further rulemaking action as a result of these unrelated comments.

Chapter 87, Used Automotive Parts Recyclers

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 87, Used Automotive Parts Recyclers.

Chapter 94, Property Tax Professionals

The Department received two comments from one interested party in response to the Notice of Intent to Review for Chapter 94, Property Tax Professionals. The comments were submitted by an individual regarding specific sections of the program statute and were unrelated to the rules under review. The Department will not take any further rulemaking action as a result of these unrelated comments.

Department Review and Recommendation

The Department reviewed each of the rule chapters listed above and determined that the reasons for adopting or readopting the rules in these chapters continue to exist. The rules are still essential in implementing the enabling statute of the Commission and the Department, other statutes applicable to state agencies, and the statutes for each of the affected programs. The rules provide details that are not found in these statutes but are necessary for the operations and functions of the Commission and the Department and for implementation and operation of the programs. The Department recommended that the Commission readopt all of the rule chapters listed above, in their entirety and in their current form.

The Department may propose amendments in the future to update, clarify, or supplement the existing rules. Any proposed changes to the rules will be published in the Proposed Rules section of the *Texas Register*

and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, and in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

Commission Action

At its meeting on March 6, 2023, the Texas Commission of Licensing and Regulation, the Department's governing body, readopted the following rule chapters, in their entirety and in their current form: 16 TAC, Chapter 55, Rules for Administrative Services; Chapter 61, Combative Sports; Chapter 65, Boilers; Chapter 66, Registration of Property Tax Consultants; Chapter 67, Auctioneers; Chapter 68, Elimination of Architectural Barriers; Chapter 74, Elevators, Escalators, and Related Equipment; Chapter 75, Air Conditioning and Refrigeration; Chapter 77, Service Contract Providers and Administrators; Chapter 79, Weather Modification; Chapter 87, Used Automotive Parts Recyclers; and Chapter 94, Property Tax Professionals. This concludes the review of these rule chapters in accordance with Texas Government Code §2001.039.

TRD-202301068

Della Lindquist

Interim General Counsel

Texas Department of Licensing and Regulation

Filed: March 15, 2023

