

## Cross Reference Table: TDLR and DSHS Code Enforcement Officer Program Rules

**TDLR Rules are specified in Title 16, Texas Administrative Code (TAC), Ch. 62**  
**DSHS Rules are specified in Title 25, Texas Administrative Code (TAC), Ch. 140**

TDLR Rule	DSHS Rule	Statutory Authority and Implementation	Substantive Changes and Additional Notes
16 TAC §62.1. Authority.	No DSHS rule.	Occ. Code Chapters 51 and 1952.	New rule.
16 TAC §62.10. Definitions.	Replaces 25 TAC §140.151 (Definitions).	Occ. Code §§1952.051 (general rulemaking authority), 1952.001 (Definitions).	<p><u>Changed:</u> Definitions of “Department” and “Code enforcement.”</p> <p><u>Added:</u> Definitions of “Advisory committee,” “Code enforcement officer in training,” “Commission,” “Executive director,” and “Supervisor.”</p> <p><u>Removed:</u> Definitions of “Executive Commissioner” and “Registration.”</p>
16 TAC §62.20. Registration Requirements—Applicant and Experience Requirements.	Replaces 25 TAC §§140.154 (Application Procedures) and 140.155 (Registration Qualification Requirements).	Occ. Code §§1952.051, 1952.102 (Eligibility to Register as Code Enforcement Officer), 1952.103 (Eligibility to Register as Code Enforcement Officer in Training), and 1952.104 (Reciprocal Registration).	DSHS Rules 140.154 and 140.155 have been rewritten and consolidated into new TDLR Rule 62.20. Many subsections have been deleted as unnecessary in light of Chapter 60 of TDLR’s rules.

<b>TDLR Rule</b>	<b>DSHS Rule</b>	<b>Statutory Authority and Implementation</b>	<b>Substantive Changes and Additional Notes</b>
16 TAC §62.21. Registration Requirements—Examinations.	Replaces 25 TAC §140.157 (Examinations).	Occ. Code §§1952.051, 1952.102 (Eligibility to Register as Code Enforcement Officer), and 1952.103 (Eligibility to Register as Code Enforcement Officer in Training).	DSHS Rule 140.157 has been rewritten, restructured, and moved to new TDLR Rule 62.21. Many subsections have been deleted as unnecessary in light of Chapter 60 of TDLR’s rules.  Notably, penalties for repeated failure of an examination have been removed.
16 TAC §62.22. Registration Requirements—General.	Includes concepts from 25 TAC §140.160 (Code Enforcement Officer Registration) and §140.161 (Code Enforcement Registration Renewal).	Occ. Code §§ 1952.051, 1952.105 (Term of Certificate; Renewal), and 1952.106 (Statewide Validity of Certificate; Nontransferability).	New TDLR Rule 62.22 includes concepts from DSHS Rules 140.160 and 140.161. Most subsections of those rules have been deleted as unnecessary in light of Chapter 60 of TDLR’s rules.
16 TAC §62.23. Registration Requirements—Education.	Replaces 25 TAC §140.156 (Educational Requirements).	Occ. Code § 1952.051.	New TDLR Rule 62.23 represents a slight rewording and restructuring of DSHS Rule 140.156.
16 TAC §62.24. Continuing Education.	Replaces 25 TAC §140.168 (Continuing Education).	Occ. Code §§ 1952.051, 1952.105 (Term of Certificate; Renewal), and 1952.1051 (Continuing Education).	New TDLR Rule 62.24 represents a slight rewording and restructuring of DSHS Rule 140.168.

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16 TAC §62.25. Registration Requirements—Renewals.	Replaces 25 TAC §140.161 (Code Enforcement Registration Renewal).	Occ. Code §§ 1952.051, 1952.105 (Term of Certificate; Renewal), and 1952.1051 (Continuing Education).	DSHS Rule 140.161 has been rewritten, restructured, and moved to new TDLR Rule 62.25. Many subsections have been deleted as unnecessary in light of Chapter 60 of TDLR’s rules.
16 TAC §62.30. Exemptions.	Replaces 25 TAC §140.166 (Exemptions).	Occ. Code §§ 1952.051, 1952.002 (Exemption from Registration), and 1952.003 (Employment of Registered Person Not Required).	DSHS Rule 140.166 was moved to new TDLR Rule 62.30 with minor changes in wording.
16 TAC §62.65. Advisory Committee.	No DSHS rule.	Occ. Code §§ 1952.051, 1952.055 (Advisory Committee).	New TDLR Rule 62.25 is not based upon any existing DSHS rule.  This rule creates a nine-member advisory board composed of five registered code enforcement officers, one structural engineer or licensed architect, two consumers (one of whom must be a certified building official), and one person involved in the education and training of code enforcement officers.
16 TAC §62.70. Standards of Conduct for Engaging in Code Enforcement.	Replaces 25 TAC §140.162 (Grounds for Suspension or Revocation).	Occ. Code §§ 1952.051, 1952.151 (Denial of Certificate; Disciplinary Action).	DSHS Rule 140.162 has been rewritten and moved to new TDLR Rule 62.70. Some subsections have been deleted as unnecessary

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			in light of Chapter 60 of TDLR's rules.
16 TAC §62.71. Supervision— Responsibilities of Code Enforcement Officers.	Replaces parts of 25 TAC §140.159.	Occ. Code §§ 1952.051, 1952.103 (Eligibility to Register as Code Enforcement Officer in Training).	Parts of DSHS Rule 140.159 have been rewritten and moved to new TDLR Rule 62.71. Many subsections have been deleted as unnecessary in light of Chapter 60 of TDLR's rules.
16 TAC §62.72. Supervision— Responsibilities of Code Enforcement Officers in Training.	Replaces parts of 25 TAC §140.159.	Occ. Code §§ 1952.051, 1952.103 (Eligibility to Register as Code Enforcement Officer in Training).	Parts of DSHS Rule 140.159 have been rewritten and moved to new TDLR Rule 62.72. Many subsections have been deleted as unnecessary in light of Chapter 60 of TDLR's rules.
16 TAC §62.80. Fees.	Replaces 25 TAC §140.153 (Fees).	Occ. Code § 1952.051.	Many subsections and fee types have been deleted as unnecessary in light of Chapter 60 of TDLR's rules.
16 TAC §62.90. Sanctions— Administrative Penalties/Sanctions.	Replaces parts of 25 TAC §140.164 (Violations, Complaints, Investigations and Disciplinary Actions).	Occ. Code §§ 1952.051, 1952.252 (Amount of Administrative Penalty).	DSHS Rule 140.164 has been deleted nearly in its entirety as unnecessary in light of Chapter 60 of TDLR's rules. Rule 140.164(g) has been reworded and moved to new TDLR Rule 62.90.
16 TAC §62.91. Enforcement Authority.	No DSHS rule.	Occ. Code Chapters 51 and 1952.	This is a new section of a type commonly found in TDLR program rules.

**NOTE 1:**

- 1) TDLR eliminated rules that were already addressed in the Commission's and Department's enabling statute, Occupations Code Chapter 51, and in the procedural rules at 16 TAC Chapter 60, both of which apply to all TDLR programs. Examples include:
  - Late Renewal Timeframes
  - Petitions for Rulemaking
  - Complaints and Alleged Violations
  - Administrative Hearings
  - Enforcement and Disciplinary Actions
  - Provisions Regarding Applicants with Criminal Histories
  - Military Licensing Provisions
- 2) TDLR eliminated rules that are no longer relevant based on differences between the DSHS and the TDLR structures, processes, or procedures;
- 3) TDLR eliminated rules on issues that are addressed by other methods such as the Criminal Conviction Guidelines and the Enforcement Penalty Matrix.
- 4) TDLR eliminated rules that are not supported or authorized by the current statute (with the exception of standard of care and scope of practice rules).

**NOTE 2:** The fees section of the TDLR rules has been reformatted using the fee structure and amounts for programs regulated by TDLR.

TDLR removed program-specific rules and adopted the TDLR standard fees for:

- Dishonored Payment Device (16 TAC §60.82) = \$50.
- Criminal History Determination Letter (16 TAC §60.42) = \$25.
- Late Renewal Fee Schedule (Occ. Code §51.401 and 16 TAC §60.83):
  - Expired 90 days or less = One and one half times the regular renewal fee;
  - Expired 91 days to less than 18 months = Two times the regular renewal fee;
  - Expired 18 months to less than 3 years (with Executive Director's approval) = Two times the regular renewal fee.
- Standardized fee changes for the items above resulted in some TDLR fees being higher and some being lower than the DSHS fees.

TDLR rules also eliminated the following DSHS fees that are not charged by TDLR:

- Subscription and convenience fees for initial and renewal applications processed through Texas Online.
- Fees charged for initial and renewal applications to fund the Office of Patient Protection, Health Professions Council.