

**SUBJECT:** Establishing state review of local disaster recovery housing plans

**COMMITTEE:** County Affairs — committee substitute recommended

**VOTE:** 7 ayes — Coleman, Bohac, Anderson, Cole, Dominguez, Huberty, Rosenthal

1 nay — Biedermann

1 absent — Stickland

**SENATE VOTE:** On final passage, April 8 — 30-0

**WITNESSES:** For — Charlie Duncan, Texas Housers; John Henneberger, Texas Low Income Housing Information Service; (*Registered, but did not testify*: Jim Allison, County Judges and Commissioners Association of Texas; Kyle Jackson, Texas Apartment Association; Ned Muñoz, Texas Association of Builders; Samantha Foss, Texas Homeless Network)

Against — None

On — Christa Walikonis, Disability Rights Texas; Ender Reed, Harris County Commissioners Court; Shannon Van Zandt; (*Registered, but did not testify*: Heather Lagrone, Texas General Land Office)

**BACKGROUND:** Some have called for the state and local governments to better coordinate their efforts to rebuild housing and infrastructure after a disaster.

**DIGEST:** CSSB 289 would allow local governments to establish disaster recovery plans and establish procedures for state review of those plans.

The bill would designate the General Land Office (GLO) as the state agency that received and administered federal and state funds appropriated for long-term disaster recovery unless the governor designated a different agency.

GLO would collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency (FEMA) and seek prior approval from FEMA and the U.S. Department of Housing and Urban Development for the immediate post-disaster implementation of its accepted local housing recovery plans.

GLO could adopt rules to implement the bill's provisions and would have to maintain a division with adequate staffing for those purposes.

**Local housing recovery plan.** A local government could develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a disaster. The local government would have to seek input from community stakeholders and neighboring local governments to develop the plan.

A local government could submit a local housing recovery plan to the Hazard Reduction and Recovery Center at Texas A&M University. The center would have to review and certify any such plans according to criteria that it would be required to develop. The center would not be allowed to certify a plan unless it:

- identified areas in the local government's boundaries that were vulnerable to disasters;
- identified sources of post-disaster housing assistance and recovery funds;
- provided procedures for rapidly responding to a disaster, including certain required procedures specified in the bill;
- allowed for the temporary, emergency waiver or modification of an existing local code, ordinance, or regulation that could apply in the event of a disaster declaration in order to expedite the process of providing temporary housing or rebuilding residential structures for persons displaced by a disaster;
- provided procedures to encourage residents to rebuild outside of the vulnerable areas identified in the plan;
- provided procedures to maximize the use of local businesses, contractors, and supplies, to the extent possible, in rebuilding;

- provided procedures to maximize cost efficiency;
- provided for the provision of temporary housing within six months and permanent replacement housing within three years;
- specified whether the local government that submitted the plan or GLO, as determined by GLO, would administer disaster rebuilding activities;
- provided a procedure through which the local government that submitted the plan would be required to, between every four to seven years, review the plan to ensure continued local support, provide the center with revisions to the plan as necessary, and provide the center with a resolution or proclamation adopted by the local government that certified continued local support; and
- complied with applicable state and federal law.

If the center determined that a plan did not meet these criteria, the center would have to identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria.

**GLO review.** The bill would require the center to submit to GLO any plan that it certified. GLO would have to review the plan and consult with the center and the local government about any potential improvements it could identify. GLO would be required to give deference to the local government regarding matters at the local government's discretion.

On completion of the review, GLO would have to accept the plan unless it determined that the plan did not satisfy the criteria for a certified plan as described above, provide for the rapid and efficient construction of permanent replacement housing, or comply with applicable state and federal laws.

If GLO rejected a plan, it could require the local government to revise and resubmit the plan. If GLO accepted the plan, it could withdraw acceptance at any time and require the plan to be revised and resubmitted for acceptance or rejection.

GLO could limit the number of plans it reviewed annually.

**Acceptance.** An accepted plan would be valid for four years and could be implemented during that period without further acceptance if a disaster occurred. On or before the plan's expiration, the plan could be reviewed by GLO and center, updated if necessary, and resubmitted to GLO for acceptance or rejection.

**Other center responsibilities.** CSSB 289 would require the center to provide training to local governments and community-based organizations on developing a plan. A local government that submitted a plan to the center for certification would be required to designate at least one representative to attend the center's training.

The center would be required to create and maintain mapping and data resources related to disaster recovery and planning, including the Texas Coastal Communities Planning Atlas. It also would have to assist local governments that requested help in identifying areas that were vulnerable to disasters.

The center would have to provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to disasters.

The center could seek and accept gifts, grants, donations, and other funds to assist it in fulfilling the duties under this bill.

**Report.** GLO and the center would be required to prepare and submit to the Legislature a written report that summarized the success of the planning process and recommended any statutory or legislative changes necessary to improve it. The report would be due January 1, 2021.

**Appropriations.** GLO or another state agency would be required to implement provisions of the bill only if the Legislature appropriated money specifically for that purpose. If the Legislature did not appropriate money to implement a particular provision of the bill, GLO would be

allowed, but not required to, implement that provision using other appropriations available for that purpose.

The bill would take effect September 1, 2019.

**NOTES:** According to the Legislative Budget Board, the bill would have a negative impact of about \$499,000 to general revenue related funds through fiscal 2020-21.