

By: Guillen

H.B. No. 2597

A BILL TO BE ENTITLED

AN ACT

relating to evaluation of applicants for financial assistance to colonias and other economically distressed areas.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter I, Chapter 487, Government Code, is amended by adding Section 487.354 to read as follows:

Sec. 487.354. SUPPLEMENTAL QUESTIONNAIRE FOR EVALUATION OF COLONIAS AND OTHER ECONOMICALLY DISTRESSED AREAS. (a) In this section:

(1) "Colonia" means any identifiable unincorporated community, or an identifiable community annexed by a municipality and eligible for assistance as described by Section 43.907(b), Local Government Code, that:

(A) is located within 150 miles of the international border of this state in a county that is eligible to receive financial assistance from the community development block grant colonia fund under this subchapter, as identified by office rule;

(B) is determined by the office to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

(C) was in existence and generally recognized as a colonia before November 28, 1990.

1 (2) "Economically distressed area" means an area
2 described by Section 17.921, Water Code, that is located in a county
3 that is eligible for funding under the community development block
4 grant program, as identified by office rule.

5 (b) As part of the application process for receiving
6 financial assistance under this subchapter, an applicant shall
7 submit to the office a supplemental questionnaire form. An
8 application may not be considered for an award of financial
9 assistance by the office without the completed questionnaire. The
10 office is not required to verify the accuracy of the information
11 provided by the applicant on the questionnaire. The office may, but
12 is not required to, award funds to an applicant under this
13 subchapter based on the applicant's score on a questionnaire.

14 (c) The supplemental questionnaire required under this
15 section must read as follows:

16 WATER:

17 Is potable water available in the colonia or economically
18 distressed area? YES NO

19 If YES, what percentage of homes have potable water service?

20 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

21 WASTEWATER:

22 Is wastewater disposal available in the colonia or
23 economically distressed area? YES NO

24 If YES, what percentage of homes have an adequate authorized
25 sewer disposal system?

26 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

27 TRASH:

1 Is trash collection available in the colonia or economically
2 distressed area? YES NO

3 If YES, what percentage of homes have an authorized solid
4 waste disposal service?

5 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

6 ACCESS TO HEALTHCARE:

7 A. Is there a hospital in the county? YES NO

8 If YES, the name of the hospital is _____

9 The nearest hospital is _____ miles away.

10 B. Is there an emergency clinic/rural clinic/federally
11 qualified health center in the county?

12 If YES, the nearest clinic/health center in the county is
13 _____ miles away.

14 If YES, what type of clinic/health center is available?
15 _____

16 C. Are emergency medical services available in the
17 area? YES NO

18 TRANSPORTATION:

19 A. Are the streets and roads passable in all weather
20 conditions? YES NO

21 B. Is the area accessible by emergency vehicles? YES NO

22 C. Are streets and roads paved? YES NO

23 If YES, what percentage of streets and roads are paved?

24 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

25 HOUSING:

26 What percentage of homes in the colonia or economically
27 distressed area appear to be in need of housing rehabilitation or

1 reconstruction?

2 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

3 COMMUNICATIONS:

4 Are telephone services (cellular or land based)
 5 available? YES NO

6 PLATTING:

7 Has the area been platted? YES NO

8 ENGINEERING:

9 What is the approximate cost per connection or housing unit
 10 for the project?

11 GENERAL:

12 Please explain the selection of this particular colonia or
 13 economically distressed area as a candidate for financial
 14 assistance. Include all aspects that identify the rationale for
 15 this colonia or economically distressed area being selected for an
 16 award of financial assistance.

17 (d) A score for the supplemental questionnaire required
 18 under this section shall be computed using the following point
 19 system:

					Max	
21	WATER	a) 2.5	b) 5	c) 7.5	d) 10	10
22	WASTEWATER	a) 2.5	b) 5	c) 7.5	d) 10	10
23	TRASH	a) 2.5	b) 5	c) 7.5	d) 10	10
24	<u>ACCESS TO</u>					
25	HEALTHCARE	a) Yes 3; No 0	b) Yes 3; No 0	c) Yes 4; No 0		
26						10
27	TRANSPORTATION A&B	a) Yes 2; No 0	b) Yes 2; No 0			4

1	<u>TRANSPORTATION C</u>	a) 1.5	b) 3	c) 4.5	d) 6	6
2	<u>HOUSING</u>	a) 2.5	b) 5	c) 7.5	d) 10	10
3	<u>COMMUNICATIONS</u>	Yes 10	No 0			10
4	<u>PLATTING</u>	Yes 10	No 0			10
5	<u>TOTAL POSSIBLE SCORE</u>					80

6 (e) Before the beginning of each regular session of the
7 legislature, the office shall submit to the lieutenant governor,
8 speaker of the house of representatives, and each other member of
9 the legislature a report of all financial assistance provided under
10 this chapter in the two years preceding the date of compilation of
11 the report. For each applicant receiving funds under this chapter,
12 the report shall include the applicant's score on the supplemental
13 questionnaire.

14 SECTION 2. Subchapter F, Government Code, is amended by
15 adding Section 2306.1115 to read as follows:

16 Sec. 2306.1115. SUPPLEMENTAL QUESTIONNAIRE FOR EVALUATION
17 OF COLONIAS AND OTHER ECONOMICALLY DISTRESSED AREAS. (a) In this
18 section:

19 (1) "Colonia" has the meaning assigned by Section
20 2306.581, Government Code.

21 (2) "Economically distressed area" has the meaning
22 assigned by Section 17.921, Water Code.

23 (b) As part of the application process for receiving funds
24 under this chapter, an applicant applying for financial assistance
25 for an economically distressed area or a colonia shall submit to the
26 department a supplemental questionnaire form. An application for
27 financial assistance for an economically distressed area or colonia

1 may not be considered for funding by the department without the
2 completed questionnaire. The department is not required to verify
3 the accuracy of the information provided by the applicant on the
4 questionnaire. The department may, but is not required to, award
5 funds to an applicant under this chapter based on the applicant's
6 score on a questionnaire.

7 (c) The supplemental questionnaire required by Subsection
8 (b) must read as follows:

9 WATER:

10 Is potable water available in the colonia or economically
11 distressed area? YES NO

12 If YES, what percentage of homes have potable water service?

13 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

14 WASTEWATER:

15 Is wastewater disposal available in the colonia or
16 economically distressed area? YES NO

17 If YES, what percentage of homes have an adequate authorized
18 sewer disposal system?

19 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

20 TRASH:

21 Is trash collection available in the colonia or economically
22 distressed area? YES NO

23 If YES, what percentage of homes have an authorized solid
24 waste disposal service?

25 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

26 ACCESS TO HEALTHCARE:

27 A. Is there a hospital in the county? YES NO

1 If YES, the name of the hospital is _____

2 The nearest hospital is _____ miles away.

3 B. Is there an emergency clinic/rural clinic/federally
4 qualified health center in the county?

5 If YES, the nearest clinic/health center in the county is
6 _____ miles away.

7 If YES, what type of clinic/health center is available?
8 _____

9 C. Are emergency medical services available in the
10 area? YES NO

11 TRANSPORTATION:

12 A. Are the streets and roads passable in all weather
13 conditions? YES NO

14 B. Is the area accessible by emergency vehicles? YES NO

15 C. Are streets and roads paved? YES NO

16 If YES, what percentage of streets and roads are paved?

17 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

18 HOUSING:

19 What percentage of homes in the colonia or economically
20 distressed area appear to be in need of housing rehabilitation or
21 reconstruction?

22 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

23 COMMUNICATIONS:

24 Are telephone services (cellular or land based)
25 available? YES NO

26 PLATTING:

27 Has the area been platted? YES NO

1 ENGINEERING:

2 What is the approximate cost per connection or housing unit
 3 for the project?

4 GENERAL:

5 Please explain the selection of this particular colonia or
 6 economically distressed area as a candidate for financial
 7 assistance. Include all aspects that identify the rationale for
 8 this colonia or economically distressed area being selected for an
 9 award of financial assistance.

10 (d) A score for the supplemental questionnaire required
 11 under this section shall be computed using the following point
 12 system:

					Max	
13						
14	WATER	a) 2.5	b) 5	c) 7.5	d) 10	10
15	WASTEWATER	a) 2.5	b) 5	c) 7.5	d) 10	10
16	TRASH	a) 2.5	b) 5	c) 7.5	d) 10	10
17	<u>ACCESS TO</u>					
18	HEALTHCARE	a) Yes 3; No 0	b) Yes 3; No 0	c) Yes 4; No 0		10
19						
20	TRANSPORTATION A&B		a) Yes 2; No 0	b) Yes 2; No 0		4
21						
22	TRANSPORTATION C		a) 1.5	b) 3	c) 4.5	d) 6
23						6
24	HOUSING	a) 2.5	b) 5	c) 7.5	d) 10	10
25	COMMUNICATIONS	Yes 10	No 0			10
26	PLATTING	Yes 10	No 0			10
27	TOTAL POSSIBLE SCORE					80

1 (e) Before the beginning of each regular session of the
2 legislature, the department shall submit to the lieutenant
3 governor, speaker of the house of representatives, and each other
4 member of the legislature a report of all financial assistance
5 provided under this chapter in the two years preceding the date of
6 compilation of the report. For each applicant receiving funds
7 under this chapter, the report shall include the applicant's score
8 on the supplemental questionnaire.

9 SECTION 3. Section 17.927, Water Code, is amended by adding
10 Subsections (e), (f), (g), and (h) to read as follows:

11 (e) As part of the application process for receiving
12 financial assistance under this subchapter, the applicant shall
13 submit to the board a supplemental questionnaire form. An
14 application for financial assistance may not be considered for an
15 award of financial assistance by the board without the completed
16 questionnaire. The board is not required to verify the accuracy of
17 the information provided by the applicant on the questionnaire.
18 The board may, but is not required to, award funds to an applicant
19 under this chapter based on the applicant's score on a
20 questionnaire.

21 (f) The supplemental questionnaire required by Subsection
22 (e) must read as follows:

23 WATER:
24 Is potable water available in the economically distressed
25 area? YES NO

26 If YES, what percentage of homes have potable water service?

27 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

WASTEWATER:

Is wastewater disposal available in the economically distressed area? YES NO

If YES, what percentage of homes have an adequate authorized sewer disposal system?

a) 0-25% b) 26-50% c) 51-75% d) 76-100%

TRASH:

Is trash collection available in the economically distressed area? YES NO

If YES, what percentage of homes have an authorized solid waste disposal service?

a) 0-25% b) 26-50% c) 51-75% d) 76-100%

ACCESS TO HEALTHCARE:

A. Is there a hospital in the county? YES NO

If YES, the name of the hospital is _____

The nearest hospital is ____ miles away.

B. Is there an emergency clinic/rural clinic/federally qualified health center in the county?

If YES, the nearest clinic/health center in the county is _____ miles away.

If YES, what type of clinic/health center is available?

C. Are emergency medical services available in the area? YES NO

TRANSPORTATION:

A. Are the streets and roads passable in all weather conditions? YES NO

1 B. Is the area accessible by emergency vehicles? YES NO

2 C. Are streets and roads paved? YES NO

3 If YES, what percentage of streets and roads are paved?

4 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

5 HOUSING:

6 What percentage of homes in the economically distressed area
7 appear to be in need of housing rehabilitation or reconstruction?

8 a) 0-25% b) 26-50% c) 51-75% d) 76-100%

9 COMMUNICATIONS:

10 Are telephone services (cellular or land based)
11 available? YES NO

12 PLATTING:

13 Has the area been platted? YES NO

14 ENGINEERING:

15 What is the approximate cost per connection or housing unit
16 for the project?

17 GENERAL:

18 Please explain the selection of this particular economically
19 distressed area as a candidate for financial assistance. Include
20 all aspects that identify the rationale for this economically
21 distressed area being selected for an award of financial
22 assistance.

23 (g) A score for the supplemental questionnaire required
24 under this section shall be computed using the following point
25 system:

					Max	
26						
27	<u>WATER</u>	<u>a) 2.5</u>	<u>b) 5</u>	<u>c) 7.5</u>	<u>d) 10</u>	<u>10</u>

1	<u>WASTEWATER</u>	a) 2.5	b) 5	c) 7.5	d) 10	10
2	<u>TRASH</u>	a) 2.5	b) 5	c) 7.5	d) 10	10
3	<u>ACCESS TO</u>					
4	<u>HEALTHCARE</u>	a) Yes 3; No 0	b) Yes 3; No 0	c) Yes 4; No 0		10
5						
6	<u>TRANSPORTATION A&B</u>		a) Yes 2; No 0	b) Yes 2; No 0		4
7						
8	<u>TRANSPORTATION C</u>		a) 1.5	b) 3	c) 4.5	d) 6
9						6
10	<u>HOUSING</u>	a) 2.5	b) 5	c) 7.5	d) 10	10
11	<u>COMMUNICATIONS</u>	Yes 10	No 0			10
12	<u>PLATTING</u>	Yes 10	No 0			10
13	<u>TOTAL POSSIBLE SCORE</u>					80

14 (h) Before the beginning of each regular session of the
 15 legislature, the board shall submit to the lieutenant governor,
 16 speaker of the house of representatives, and each other member of
 17 the legislature a report of all financial assistance provided under
 18 this chapter in the two years preceding the date of compilation of
 19 the report. For each applicant receiving funds under this chapter,
 20 the report shall include the applicant's score on the supplemental
 21 questionnaire.

22 SECTION 4. This Act applies only to an application for
 23 financial assistance from the Office of Rural Community Affairs,
 24 the Texas Department of Housing and Community Affairs, or the Texas
 25 Water Development Board that is received on or after the effective
 26 date of this Act. An application for financial assistance that is
 27 received before the effective date of this Act is governed by the

1 law in effect at the time the application was made, and the former
2 law is continued in effect for that purpose.

3 SECTION 5. This Act takes effect September 1, 2005.