

SENATE AMENDMENTS

2nd Printing

By: Eiland, Guillen

H.B. No. 2450

A BILL TO BE ENTITLED

AN ACT

relating to a determination of home ownership by the Texas Department of Housing and Community Affairs following a disaster.

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

SECTION 1. Subchapter H, Chapter 2306, Government Code, is amended by adding Section 2306.188 to read as follows:

Sec. 2306.188. ESTABLISHING HOME OWNERSHIP IN DISASTER AREA. (a) An applicant for federally provided financial assistance administered by the department to repair or rebuild a home damaged by a natural disaster may establish ownership of the home through nontraditional documentation of title. The department shall process an application for that assistance as if the applicant is the record title holder of the affected real property if the applicant provides to the department:

(1) on a form prescribed by the department, an affidavit summarizing the basis on which the applicant claims to be the holder of record title or, if applicable, a successor in interest to the holder of record title and stating that:

(A) there is no other person entitled to claim any ownership interest in the property; or

(B) each person who may be entitled to claim an ownership interest in the property has given consent to the application or cannot be located after a reasonable effort; and

(2) other documentation, including tax receipts,

1 utility bills, or evidence of insurance for the home, that
2 indicates that the applicant exercised ownership over the property
3 at the time of the natural disaster.

4 (b) This section does not establish record ownership or
5 otherwise alter legal ownership of real property.

6 (c) The department is not liable to any claimed owner of an
7 interest in real property for administering financial assistance as
8 permitted by this section.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.

ADOPTED

MAY 26 2009

Atty Gen
Secretary of the Senate

By: *Lucas*

H.B. No. 2450

Substitute the following for H.B. No. 2450:

By: *Wentworth*

C.S.H.B. No. 2450

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the administration of programs by the Texas Department
3 of Housing and Community Affairs in response to or in preparation
4 for a natural disaster.

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

6 SECTION 1. Subchapter H, Chapter 2306, Government Code, is
7 amended by adding Section 2306.188 to read as follows:

8 Sec. 2306.188. ESTABLISHING HOME OWNERSHIP IN DISASTER
9 AREA. (a) An applicant for federally provided financial
10 assistance administered by the department to repair or rebuild a
11 home damaged by a natural disaster may establish ownership of the
12 home through nontraditional documentation of title. The department
13 shall process an application for that assistance as if the
14 applicant is the record title holder of the affected real property
15 if the applicant provides to the department:

16 (1) on a form prescribed by the department, an
17 affidavit summarizing the basis on which the applicant claims to be
18 the holder of record title or, if applicable, a successor in
19 interest to the holder of record title and stating that:

20 (A) there is no other person entitled to claim
21 any ownership interest in the property; or

22 (B) each person who may be entitled to claim an
23 ownership interest in the property has given consent to the
24 application or cannot be located after a reasonable effort; and

1 (2) other documentation, including tax receipts,
2 utility bills, or evidence of insurance for the home, that
3 indicates that the applicant exercised ownership over the property
4 at the time of the natural disaster.

5 (b) This section does not establish record ownership or
6 otherwise alter legal ownership of real property.

7 (c) The department is not liable to any claimed owner of an
8 interest in real property for administering financial assistance as
9 permitted by this section.

10 SECTION 2. Chapter 2306, Government Code, is amended by
11 adding Subchapter X-2 to read as follows:

12 SUBCHAPTER X-2. NATURAL DISASTER HOUSING RECONSTRUCTION

13 INITIATIVE

14 Sec. 2306.541. NATURAL DISASTER HOUSING RECONSTRUCTION
15 ADVISORY COMMITTEE. (a) The director shall appoint a natural
16 disaster housing reconstruction advisory committee composed of
17 representatives from appropriate local, state, and federal
18 entities and organizations and nonprofit organizations.

19 (b) The advisory committee shall develop a natural disaster
20 housing reconstruction plan. In developing this plan, the advisory
21 committee shall:

22 (1) evaluate existing systems of providing temporary
23 housing to victims of natural disasters and develop alternative
24 systems to increase efficiency and cost-effectiveness;

25 (2) evaluate existing models for providing permanent
26 replacement housing to victims of natural disasters;

27 (3) design alternatives to existing models to improve

1 the sustainability, affordability, desirability, and quality of
2 housing rebuilt in the event of future natural disasters;

3 (4) evaluate economic circumstances of elderly,
4 disabled, and low-income victims of natural disasters and develop
5 models for providing affordable replacement housing;

6 (5) recommend programs for the rapid and efficient
7 large-scale production of temporary and permanent replacement
8 housing following a natural disaster; and

9 (6) encourage the participation, coordination, and
10 involvement of appropriate federal organizations.

11 (c) Chapter 2110 does not apply to the advisory committee.

12 Sec. 2306.542. HOUSING RECONSTRUCTION DEMONSTRATION PILOT
13 PROGRAM. (a) Using the natural disaster housing reconstruction
14 plan developed under this subchapter, the director and advisory
15 committee shall develop, for implementation under Subsections (b)
16 and (c), housing reconstruction demonstration pilot programs for
17 three areas, each of which was affected by one of the three most
18 recent federally declared natural disasters. The pilot programs
19 must provide for the replacement of at least 20 houses in each area
20 to test the feasibility of implementing the plan in the large-scale
21 production of replacement housing for victims of federally declared
22 natural disasters.

23 (b) The department shall provide to an interested council of
24 government, county, or local government eligible for funding for
25 disaster recovery under the community development block grant
26 program:

27 (1) information regarding a pilot program developed

1 under Subsection (a); and

2 (2) assistance in implementing a pilot program
3 developed under Subsection (a).

4 (c) At the discretion of the board, the department may
5 implement a pilot program in any of the three most recently
6 federally declared disaster areas in which a pilot program has not
7 been implemented by a council of government, county, or local
8 government. The department may use any available funds to
9 implement the pilot program.

10 SECTION 3. The purpose of this Act in adding Subchapter X-2,
11 Chapter 2306, Government Code, is to encourage the development of a
12 model plan for future reconstruction efforts to increase the
13 effective and efficient delivery of natural disaster housing
14 recovery services by state agencies. This Act is not meant to delay
15 or otherwise interfere with ongoing reconstruction efforts.

16 SECTION 4. (a) Not later than January 1, 2010, the
17 executive director of the Texas Department of Housing and Community
18 Affairs shall submit the natural disaster housing reconstruction
19 plan developed under Subsection (b), Section 2306.541, Government
20 Code, as added by this Act, to the governing board of the Texas
21 Department of Housing and Community Affairs.

22 (b) Not later than March 1, 2010, the executive director of
23 the Texas Department of Housing and Community Affairs shall provide
24 housing reconstruction demonstration pilot program information to
25 an interested council of government, county, or local government
26 eligible for funding for disaster recovery under the community
27 development block grant program.

1 SECTION 5. This Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2450 by Eiland (relating to the administration of programs by the Texas Department of Housing and Community Affairs in response to or in preparation for a natural disaster.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to the administration of programs by the Texas Department of Housing and Community Affairs (TDHCA). The agency could incur costs to the extent it would choose to fund a portion of the initiative if local entities do not do so. Based on the analysis of TDHCA, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, MN, DB, NV, CL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 13, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2450 by Eiland (Relating to the administration of programs by the Texas Department of Housing and Community Affairs in response to or in preparation for a natural disaster.),
Committee Report 2nd House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code relating to the administration of programs by the Texas Department of Housing and Community Affairs (TDHCA). The agency could incur costs to the extent it would choose to fund a portion of the initiative if local entities do not do so. Based on the analysis of TDHCA, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: JOB, DB, NV, CL

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2450 by Eiland (Relating to a determination of home ownership by the Texas Department of Housing and Community Affairs following a disaster.), As Engrossed

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 332 Department of Housing and Community Affairs

LBB Staff: JOB, DB, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 16, 2009

TO: Honorable Yvonne Davis, Chair, House Committee on Urban Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2450 by Eiland (Relating to a determination of home ownership by the Texas Department of Housing and Community Affairs following a disaster.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 332 Department of Housing and Community Affairs

LBB Staff: JOB, DB, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

March 31, 2009

TO: Honorable Yvonne Davis, Chair, House Committee on Urban Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2450 by Eiland (Relating to a determination of home ownership by the Texas Department of Housing and Community Affairs following a disaster.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 332 Department of Housing and Community Affairs

LBB Staff: JOB, DB, NV