

By: Lucio

S.B. No. 1551

A BILL TO BE ENTITLED

AN ACT

relating to the provision of affordable housing and other services
in the Lower Rio Grande Valley.

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

SECTION 1. Subtitle C, Title 12, Local Government Code, is
amended by adding Chapter 394A to read as follows:

CHAPTER 394A. LOWER RIO GRANDE VALLEY COLONIA AND REGIONAL
HOUSING DEVELOPMENT INITIATIVE

Sec. 394A.001. DEFINITIONS. In this chapter:

(1) "Development council" means the Lower Rio Grande
Valley Development Council.

(2) "Planning council" means the research and advisory
council established under Section 394A.004.

Sec. 394A.002. APPLICABILITY. This chapter applies only to
Cameron, Hidalgo, and Willacy Counties and the Lower Rio Grande
Valley Development Council.

Sec. 394A.003. POWERS AND DUTIES OF DEVELOPMENT COUNCIL.
In administering this chapter, the development council shall:

(1) employ or contract for staff to support the
planning council;

(2) maintain on its website:

(A) a list of associations representing
low-income persons and colonias; and

(B) all minutes and other records related to the

1 meetings of the planning council; and

2 (3) approve the housing and colonia improvement plan
3 adopted by the planning council under Section 394A.005.

4 Sec. 394A.004. POWERS AND DUTIES OF PLANNING COUNCIL.

5 (a) The planning council is a research and advisory council of the
6 development council.

7 (b) In carrying out its responsibilities under this
8 chapter, the planning council shall:

9 (1) provide for the maximum feasible participation of
10 persons of low, very low, and extremely low income and residents of
11 colonias in the development of the housing and colonia improvement
12 plan under Section 394A.005;

13 (2) coordinate with local, state, and federal
14 agencies, as needed;

15 (3) conduct public meetings and hold public hearings;

16 (4) develop, adopt, and submit for approval by the
17 development council a housing and colonia improvement plan as
18 required by Section 394A.005; and

19 (5) develop and review recommendations related to
20 meeting the region's affordable housing needs, providing colonia
21 residents with adequate public services, and improving living
22 conditions in colonias and low-income neighborhoods in the region
23 as provided in Section 394A.005.

24 Sec. 394A.005. HOUSING AND COLONIA IMPROVEMENT PLAN.

25 Provided sufficient resources are available, the planning council
26 shall develop and adopt a housing and colonia improvement plan to
27 address the region's affordable housing needs and the provision of

1 adequate public services in colonias. In developing and adopting
2 the plan, the planning council shall provide a recommendation for
3 or against establishing or implementing:

4 (1) a periodic regional assessment of living
5 conditions in colonias and low-income neighborhoods that includes
6 an assessment of public services and facilities and housing
7 availability, affordability, conditions, needs, and market demand;

8 (2) a coordinated regional affordable housing plan
9 that encourages the production of both owner and renter occupied
10 housing, addressing housing program allocations, housing policies,
11 and community development policies impacting housing and
12 prioritizing assistance to the worst-case housing needs of
13 homeowners and renters;

14 (3) an agreement with the secretary of state to assign
15 colonia ombudspersons currently working in the region to cooperate
16 with the development council to carry out affordable housing
17 programs;

18 (4) an agreement by which the colonia ombudspersons
19 support the development council by producing, updating, and
20 maintaining an accurate publicly available database of colonias
21 that documents the availability, conditions, and adequacy of
22 housing and public services in those colonias, including
23 streetlights, storm drainage, garbage collection, public
24 transportation, roads, sidewalks, and distance to essential
25 services, including schools, hospitals, and grocery stores;

26 (5) a process for ensuring compliance with existing
27 model subdivision rules in colonias and new subdivisions, including

1 a survey of the effectiveness of existing model subdivision rules
2 and an examination of health and safety conditions in subdivisions
3 developed under existing rules;

4 (6) a process by which the development council may
5 recommend to the counties in its jurisdiction any necessary changes
6 to model subdivision rules needed to:

7 (A) protect the health, safety, and financial
8 condition of the residents of affected subdivisions and colonias;
9 and

10 (B) ensure that colonias are provided
11 infrastructure that will facilitate their annexation into adjacent
12 incorporated municipalities;

13 (7) a process to investigate issues of noncompliance
14 with the model subdivision rules and refer noncompliance issues to
15 the appropriate county attorney or the Texas attorney general;

16 (8) a process by which colonia residents may petition
17 to initiate a legal action to enforce model subdivision rules;

18 (9) a regional hiring plan that provides for outreach
19 to workers and qualified businesses, job training activities,
20 compliance certification, and reporting requirements for hiring
21 for projects using any financial assistance provided by the
22 development council;

23 (10) a program to improve the administration of the
24 money reserved under the community development block grant colonia
25 set aside;

26 (11) a program by which the Texas Department of
27 Transportation and the Department of Public Safety of the State of

1 Texas cooperate with the development council to identify funding
2 resources, placing a priority on identifying existing regional
3 funding for colonia public safety programs;

4 (12) a regional authority to administer programs
5 implemented based on recommendations made under this section;

6 (13) a process by which residents of a colonia may
7 petition to enact a restrictive covenant in the colonia that
8 provides for:

9 (A) residential or commercial building standards
10 or codes;

11 (B) maximum impervious cover on a lot;

12 (C) permitted land uses;

13 (D) non-permitted nuisances;

14 (E) a program and fee for solid waste services to
15 be paid by residents and property owners; or

16 (F) a program and fee for street lighting to be
17 paid by residents and property owners;

18 (14) a colonia improvement district to facilitate
19 comprehensive planning for housing, community development needs,
20 public infrastructure, and public services in colonias through:

21 (A) establishment of a management district to
22 carry out functions permitted under state law;

23 (B) adoption of a binding land use plan governing
24 permitted land uses;

25 (C) establishment of minimum standards for
26 residential and nonresidential structures and a contract with a
27 municipality or county to enforce those standards; and

1 (D) establishment and administration of a tax
2 increment reinvestment zone or tax increment financing to fund
3 housing improvements and repairs or provide public services and
4 facilities;

5 (15) a comprehensive needs assessment and planning
6 study that employs community planners to work in cooperation with
7 colonia residents, county officials, and officials from adjacent
8 municipalities to assess housing, public services, and public
9 infrastructure needs, including:

- 10 (A) essential public services;
- 11 (B) transportation;
- 12 (C) solid waste disposal;
- 13 (D) drainage;
- 14 (E) land use regulation;
- 15 (F) building codes;
- 16 (G) health codes;
- 17 (H) hazardous conditions;
- 18 (I) provisions of utilities;
- 19 (J) public safety;
- 20 (K) sidewalks;
- 21 (L) elimination of blight;
- 22 (M) streetlights;
- 23 (N) energy savings and efficiencies;
- 24 (O) parks and recreational facilities; and
- 25 (P) development of underutilized or abandoned
26 property;

27 (16) a program to facilitate the cooperation of

1 colonia residents and adjacent municipalities to provide planning
2 and financial assistance to encourage the annexation of the colonia
3 by a municipality when appropriate and consistent with the
4 interests and desires of the residents;

5 (17) a program of cooperation between the development
6 council and the Texas Department of Housing and Community Affairs
7 for the direction of the activities of colonia self-help centers;

8 (18) a program to designate one or more areas within
9 the extraterritorial jurisdiction of a municipality as an enhanced
10 urban residential development district to:

11 (A) prevent the proliferation of substandard
12 colonias and suburban sprawl in unincorporated areas; and

13 (B) promote quality, affordable, and orderly
14 residential development through building standards, land use
15 planning, and financial incentives for public improvements and
16 housing assistance;

17 (19) a colonia land bank to provide affordable housing
18 in any part of the region served by the development council;

19 (20) a comprehensive regional drainage plan to:

20 (A) establish reasonable and appropriate
21 standards for storm water protection for colonias and development
22 districts;

23 (B) examine and consider low-impact and
24 alternative approaches to storm water protection to reduce costs
25 and speed the provision of protection to colonias;

26 (C) mitigate storm water flooding within
27 colonias;

1 (D) develop cost estimates for each colonia in
2 the region for the provision of storm water protection in the
3 colonia, including appropriately engineered storm water drainage
4 that connects with the regional drainage system; and

5 (E) identify, apply for, secure, and administer
6 grants and other funding to carry out any plan developed under this
7 section;

8 (21) a plan to cooperate with the Public Utility
9 Commission of Texas, local public housing authorities, affordable
10 housing providers, and homeowners to establish, evaluate, and
11 report on an energy self-sufficiency program to:

12 (A) evaluate appropriate technologies, including
13 solar, wind, geothermal, and fuel cell, for very low-income
14 households in the Lower Rio Grande Valley and create a
15 demonstration program to implement one or more of the technologies
16 in the region;

17 (B) evaluate power purchase agreements with
18 respect to public housing authorities and owner and rental housing
19 occupied by households of very low and extremely low income; and

20 (C) prioritize households of very low and
21 extremely low income for participation in the program; and

22 (22) in cooperation with the Texas Department of
23 Housing and Community Affairs, a process to provide through the
24 qualified allocation plan any regional scoring incentives
25 necessary to ensure that low-income housing tax credits are awarded
26 to developments in the Lower Rio Grande Valley region.

27 Sec. 394A.006. QUALIFICATIONS OF PLANNING COUNCIL MEMBERS.

1 (a) The development council shall appoint to the planning council
2 from each county, any part of which is located in the Lower Rio
3 Grande Valley:

4 (1) the county judge;

5 (2) the mayor of the most populous municipality;

6 (3) an elected official from a municipality not
7 described by Subdivision (2);

8 (4) a resident of a colonia;

9 (5) a representative of a nonprofit organization
10 representing colonia residents; and

11 (6) a person of extremely low or very low income living
12 in an incorporated area.

13 (b) At least one member selected under Subsection (a)(3)
14 must be from a municipality with a population of less than 5,000.

15 (c) Members selected under Subsections (a)(1), (2), and (3)
16 may designate another elected official from their jurisdiction to
17 represent them at meetings of the planning council other than for
18 purposes of voting for the adoption of the housing and colonia
19 improvement plan under Section 394A.005.

20 Sec. 394A.007. MEETINGS OF PLANNING COUNCIL. (a) Meetings
21 of the planning council are subject to the open meetings law,
22 Chapter 551, Government Code. Planning council members shall
23 receive training in the requirements of that chapter.

24 (b) The planning council:

25 (1) may hold meetings when called by the presiding
26 officer or seven of the members;

27 (2) shall keep minutes of meetings;

1 (3) shall post on the development council's website
2 not later than the third day before the date of a planning council
3 meeting all materials provided to the planning council that are
4 relevant to a matter proposed for discussion at the meeting;

5 (4) shall make available in hard copy format to the
6 members of the public in attendance at the meeting any materials
7 provided to the planning council by the development council at a
8 planning council meeting;

9 (5) shall provide for public comment for each item on
10 the planning council's agenda at the meeting; and

11 (6) shall adopt rules that give the public a
12 reasonable amount of time for testimony at meetings.

13 Sec. 394A.008. ADOPTION OF RECOMMENDATIONS AND PLAN;
14 HEARING REQUIRED. (a) Before adopting the housing and colonia
15 improvement plan developed under Section 394A.005 and in an area
16 that is convenient and proximate to large populations of colonia
17 residents, the planning council shall hold a public hearing in each
18 county any part of which is located in the Lower Rio Grande Valley.

19 (b) Hearings may not be held earlier than 5:30 p.m.

20 (c) The planning council shall mail a notice of the hearing
21 in English and Spanish to any association listed on the development
22 council website that represents low-income persons and colonias.

23 (d) Professional simultaneous translation from English to
24 Spanish and from Spanish to English shall be provided at the
25 hearing.

26 SECTION 2. (a) If sufficient funding is not available, the
27 Lower Rio Grande Valley Development Council is not required to

1 appoint an advisory council to develop and adopt the plan required
2 by Section 394A.005, Local Government Code, as added by this Act.
3 If sufficient funding to develop and adopt the plan is not
4 available, the Lower Rio Grande Valley Development Council shall
5 provide to the governor, the lieutenant governor, the speaker of
6 the house of representatives, and the committee in each house of the
7 legislature that has primary jurisdiction over housing matters a
8 statement that the council is unable to implement Chapter 394A,
9 Local Government Code, as added by this Act.

10 (b) Subject to Subsection (a) of this section, not later
11 than March 1, 2015, the Lower Rio Grande Valley Development Council
12 shall provide to the governor, the lieutenant governor, the speaker
13 of the house of representatives, and the committee in each house of
14 the legislature that has primary jurisdiction over housing matters
15 the report and recommendations developed under Chapter 394A, Local
16 Government Code, as added by this Act, and make recommendations
17 regarding additional authority needed to achieve the purposes of
18 that chapter.

19 SECTION 3. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2013.