

1-1 By: Lucio S.B. No. 1551  
1-2 (In the Senate - Filed March 8, 2013; March 19, 2013, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 30, 2013, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 April 30, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Hinojosa</u>	X		
1-10	<u>Nichols</u>	X		
1-11	<u>Garcia</u>	X		
1-12	<u>Paxton</u>		X	
1-13	<u>Taylor</u>	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1551 By: Nichols

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the provision of affordable housing and other services  
1-18 in the Lower Rio Grande Valley.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subtitle C, Title 12, Local Government Code, is  
1-21 amended by adding Chapter 394A to read as follows:

1-22 CHAPTER 394A. LOWER RIO GRANDE VALLEY COLONIA AND REGIONAL  
1-23 HOUSING DEVELOPMENT INITIATIVE

1-24 Sec. 394A.001. DEFINITIONS. In this chapter:

1-25 (1) "Development council" means the Lower Rio Grande  
1-26 Valley Development Council.

1-27 (2) "Planning council" means the research and advisory  
1-28 council established under Section 394A.004.

1-29 Sec. 394A.002. APPLICABILITY. This chapter applies only to  
1-30 Cameron, Hidalgo, and Willacy Counties and the Lower Rio Grande  
1-31 Valley Development Council.

1-32 Sec. 394A.003. POWERS AND DUTIES OF DEVELOPMENT COUNCIL.  
1-33 In administering this chapter, the development council shall:

1-34 (1) employ or contract for staff to support the  
1-35 planning council;

1-36 (2) maintain on its website:

1-37 (A) a list of associations representing  
1-38 low-income persons and colonias; and

1-39 (B) all minutes and other records related to the  
1-40 meetings of the planning council; and

1-41 (3) approve the housing and colonia improvement plan  
1-42 adopted by the planning council under Section 394A.005.

1-43 Sec. 394A.004. POWERS AND DUTIES OF PLANNING COUNCIL.  
1-44 (a) The planning council is a research and advisory council of the  
1-45 development council.

1-46 (b) In carrying out its responsibilities under this  
1-47 chapter, the planning council shall:

1-48 (1) provide for the maximum feasible participation of  
1-49 persons of low, very low, and extremely low income and residents of  
1-50 colonias in the development of the housing and colonia improvement  
1-51 plan under Section 394A.005;

1-52 (2) coordinate with local, state, and federal  
1-53 agencies, as needed;

1-54 (3) conduct public meetings and hold public hearings;

1-55 (4) develop, adopt, and submit for approval by the  
1-56 development council a housing and colonia improvement plan as  
1-57 required by Section 394A.005; and

1-58 (5) develop and review recommendations related to  
1-59 meeting the region's affordable housing needs, providing colonia  
1-60 residents with adequate public services, and improving living

2-1 conditions in colonias and low-income neighborhoods in the region  
2-2 as provided in Section 394A.005.  
2-3 Sec. 394A.005. HOUSING AND COLONIA IMPROVEMENT PLAN.  
2-4 Provided sufficient resources are available, the planning council  
2-5 shall develop and adopt a housing and colonia improvement plan to  
2-6 address the region's affordable housing needs and the provision of  
2-7 adequate public services in colonias. In developing and adopting  
2-8 the plan, the planning council shall provide a recommendation for  
2-9 or against establishing or implementing:  
2-10 (1) a periodic regional assessment of living  
2-11 conditions in colonias and low-income neighborhoods that includes  
2-12 an assessment of public services and facilities and housing  
2-13 availability, affordability, conditions, needs, and market demand;  
2-14 (2) a coordinated regional affordable housing plan  
2-15 that encourages the production of both owner and renter occupied  
2-16 housing, addressing housing program allocations, housing policies,  
2-17 and community development policies impacting housing and  
2-18 prioritizing assistance to the worst-case housing needs of  
2-19 homeowners and renters;  
2-20 (3) an agreement with the secretary of state to assign  
2-21 colonia ombudspersons currently working in the region to cooperate  
2-22 with the development council to carry out affordable housing  
2-23 programs;  
2-24 (4) an agreement by which the colonia ombudspersons  
2-25 support the development council by producing, updating, and  
2-26 maintaining an accurate publicly available database of colonias  
2-27 that documents the availability, conditions, and adequacy of  
2-28 housing and public services in those colonias, including  
2-29 streetlights, storm drainage, garbage collection, public  
2-30 transportation, roads, sidewalks, and distance to essential  
2-31 services, including schools, hospitals, and grocery stores;  
2-32 (5) a process for ensuring compliance with existing  
2-33 model subdivision rules in colonias and new subdivisions, including  
2-34 a survey of the effectiveness of existing model subdivision rules  
2-35 and an examination of health and safety conditions in subdivisions  
2-36 developed under existing rules;  
2-37 (6) a process by which the development council may  
2-38 recommend to the counties in its jurisdiction any necessary changes  
2-39 to model subdivision rules needed to:  
2-40 (A) protect the health, safety, and financial  
2-41 condition of the residents of affected subdivisions and colonias;  
2-42 and  
2-43 (B) ensure that colonias are provided  
2-44 infrastructure that will facilitate their annexation into adjacent  
2-45 incorporated municipalities;  
2-46 (7) a process to investigate issues of noncompliance  
2-47 with the model subdivision rules and refer noncompliance issues to  
2-48 the appropriate county attorney or the Texas attorney general;  
2-49 (8) a process by which colonia residents may petition  
2-50 to initiate a legal action to enforce model subdivision rules;  
2-51 (9) a regional hiring plan that provides for outreach  
2-52 to workers and qualified businesses, job training activities,  
2-53 compliance certification, and reporting requirements for hiring  
2-54 for projects using any financial assistance provided by the  
2-55 development council;  
2-56 (10) a program to improve the administration of the  
2-57 money reserved under the community development block grant colonia  
2-58 set aside;  
2-59 (11) a program by which the Texas Department of  
2-60 Transportation and the Department of Public Safety of the State of  
2-61 Texas cooperate with the development council to identify funding  
2-62 resources, placing a priority on identifying existing regional  
2-63 funding for colonia public safety programs;  
2-64 (12) a regional authority to administer programs  
2-65 implemented based on recommendations made under this section;  
2-66 (13) a process by which residents of a colonia may  
2-67 petition to enact a restrictive covenant in the colonia that  
2-68 provides for:  
2-69 (A) residential or commercial building standards

- 3-1 or codes;
- 3-2 (B) maximum impervious cover on a lot;
- 3-3 (C) permitted land uses;
- 3-4 (D) non-permitted nuisances;
- 3-5 (E) a program and fee for solid waste services to
- 3-6 be paid by residents and property owners; or
- 3-7 (F) a program and fee for street lighting to be
- 3-8 paid by residents and property owners;
- 3-9 (14) a colonia improvement district to facilitate
- 3-10 comprehensive planning for housing, community development needs,
- 3-11 public infrastructure, and public services in colonias through:
- 3-12 (A) establishment of a management district to
- 3-13 carry out functions permitted under state law;
- 3-14 (B) adoption of a binding land use plan governing
- 3-15 permitted land uses;
- 3-16 (C) establishment of minimum standards for
- 3-17 residential and nonresidential structures and a contract with a
- 3-18 municipality or county to enforce those standards; and
- 3-19 (D) establishment and administration of a tax
- 3-20 increment reinvestment zone or tax increment financing to fund
- 3-21 housing improvements and repairs or provide public services and
- 3-22 facilities;
- 3-23 (15) a comprehensive needs assessment and planning
- 3-24 study that employs community planners to work in cooperation with
- 3-25 colonia residents, county officials, and officials from adjacent
- 3-26 municipalities to assess housing, public services, and public
- 3-27 infrastructure needs, including:
- 3-28 (A) essential public services;
- 3-29 (B) transportation;
- 3-30 (C) solid waste disposal;
- 3-31 (D) drainage;
- 3-32 (E) land use regulation;
- 3-33 (F) building codes;
- 3-34 (G) health codes;
- 3-35 (H) hazardous conditions;
- 3-36 (I) provisions of utilities;
- 3-37 (J) public safety;
- 3-38 (K) sidewalks;
- 3-39 (L) elimination of blight;
- 3-40 (M) streetlights;
- 3-41 (N) energy savings and efficiencies;
- 3-42 (O) parks and recreational facilities; and
- 3-43 (P) development of underutilized or abandoned
- 3-44 property;
- 3-45 (16) a program to facilitate the cooperation of
- 3-46 colonia residents and adjacent municipalities to provide planning
- 3-47 and financial assistance to encourage the annexation of the colonia
- 3-48 by a municipality when appropriate and consistent with the
- 3-49 interests and desires of the residents;
- 3-50 (17) a program of cooperation between the development
- 3-51 council and the Texas Department of Housing and Community Affairs
- 3-52 for the direction of the activities of colonia self-help centers;
- 3-53 (18) a program to designate one or more areas within
- 3-54 the extraterritorial jurisdiction of a municipality as an enhanced
- 3-55 urban residential development district to:
- 3-56 (A) prevent the proliferation of substandard
- 3-57 colonias and suburban sprawl in unincorporated areas; and
- 3-58 (B) promote quality, affordable, and orderly
- 3-59 residential development through building standards, land use
- 3-60 planning, and financial incentives for public improvements and
- 3-61 housing assistance;
- 3-62 (19) a colonia land bank to provide affordable housing
- 3-63 in any part of the region served by the development council;
- 3-64 (20) a comprehensive regional drainage plan to:
- 3-65 (A) establish reasonable and appropriate
- 3-66 standards for storm water protection for colonias and development
- 3-67 districts;
- 3-68 (B) examine and consider low-impact and
- 3-69 alternative approaches to storm water protection to reduce costs

4-1 and speed the provision of protection to colonias;  
4-2 (C) mitigate storm water flooding within  
4-3 colonias;  
4-4 (D) develop cost estimates for each colonia in  
4-5 the region for the provision of storm water protection in the  
4-6 colonia, including appropriately engineered storm water drainage  
4-7 that connects with the regional drainage system; and  
4-8 (E) identify, apply for, secure, and administer  
4-9 grants and other funding to carry out any plan developed under this  
4-10 section;  
4-11 (21) a plan to cooperate with the Public Utility  
4-12 Commission of Texas, local public housing authorities, affordable  
4-13 housing providers, and homeowners to establish, evaluate, and  
4-14 report on an energy self-sufficiency program to:  
4-15 (A) evaluate appropriate technologies, including  
4-16 solar, wind, geothermal, and fuel cell, for very low-income  
4-17 households in the Lower Rio Grande Valley and create a  
4-18 demonstration program to implement one or more of the technologies  
4-19 in the region;  
4-20 (B) evaluate power purchase agreements with  
4-21 respect to public housing authorities and owner and rental housing  
4-22 occupied by households of very low and extremely low income; and  
4-23 (C) prioritize households of very low and  
4-24 extremely low income for participation in the program; and  
4-25 (22) in cooperation with the Texas Department of  
4-26 Housing and Community Affairs, a process to provide through the  
4-27 qualified allocation plan any regional scoring incentives  
4-28 necessary to ensure that low-income housing tax credits are awarded  
4-29 to developments in the Lower Rio Grande Valley region.  
4-30 Sec. 394A.006. QUALIFICATIONS OF PLANNING COUNCIL MEMBERS.  
4-31 (a) The development council shall appoint to the planning council  
4-32 from each county, any part of which is located in the Lower Rio  
4-33 Grande Valley:  
4-34 (1) the county judge;  
4-35 (2) the mayor of the most populous municipality;  
4-36 (3) an elected official from a municipality not  
4-37 described by Subdivision (2);  
4-38 (4) a resident of a colonia;  
4-39 (5) a representative of a nonprofit organization  
4-40 representing colonia residents; and  
4-41 (6) a person of extremely low or very low income living  
4-42 in an incorporated area.  
4-43 (b) At least one member selected under Subsection (a)(3)  
4-44 must be from a municipality with a population of less than 5,000.  
4-45 (c) Members selected under Subsections (a)(1), (2), and (3)  
4-46 may designate another elected official from their jurisdiction to  
4-47 represent them at meetings of the planning council other than for  
4-48 purposes of voting for the adoption of the housing and colonia  
4-49 improvement plan under Section 394A.005.  
4-50 Sec. 394A.007. MEETINGS OF PLANNING COUNCIL. (a) Meetings  
4-51 of the planning council are subject to the open meetings law,  
4-52 Chapter 551, Government Code. Planning council members shall  
4-53 receive training in the requirements of that chapter.  
4-54 (b) The planning council:  
4-55 (1) may hold meetings when called by the presiding  
4-56 officer or seven of the members;  
4-57 (2) shall keep minutes of meetings;  
4-58 (3) shall post on the development council's website  
4-59 not later than the third day before the date of a planning council  
4-60 meeting all materials provided to the planning council that are  
4-61 relevant to a matter proposed for discussion at the meeting;  
4-62 (4) shall make available in hard copy format to the  
4-63 members of the public in attendance at the meeting any materials  
4-64 provided to the planning council by the development council at a  
4-65 planning council meeting;  
4-66 (5) shall provide for public comment for each item on  
4-67 the planning council's agenda at the meeting; and  
4-68 (6) shall adopt rules that give the public a  
4-69 reasonable amount of time for testimony at meetings.

5-1 Sec. 394A.008. ADOPTION OF RECOMMENDATIONS AND PLAN;  
5-2 HEARING REQUIRED. (a) Before adopting the housing and colonia  
5-3 improvement plan developed under Section 394A.005 and in an area  
5-4 that is convenient and proximate to large populations of colonia  
5-5 residents, the planning council shall hold a public hearing in each  
5-6 county any part of which is located in the Lower Rio Grande Valley.

5-7 (b) Hearings may not be held earlier than 5:30 p.m.

5-8 (c) The planning council shall mail a notice of the hearing  
5-9 in English and Spanish to any association listed on the development  
5-10 council website that represents low-income persons and colonias.

5-11 (d) Professional simultaneous translation from English to  
5-12 Spanish and from Spanish to English shall be provided at the  
5-13 hearing.

5-14 SECTION 2. (a) If sufficient funding is not available, the  
5-15 Lower Rio Grande Valley Development Council is not required to  
5-16 appoint an advisory council to develop and adopt the plan required  
5-17 by Section 394A.005, Local Government Code, as added by this Act.  
5-18 If sufficient funding to develop and adopt the plan is not  
5-19 available, the Lower Rio Grande Valley Development Council shall  
5-20 provide to the governor, the lieutenant governor, the speaker of  
5-21 the house of representatives, and the committee in each house of the  
5-22 legislature that has primary jurisdiction over housing matters a  
5-23 statement that the council is unable to implement Chapter 394A,  
5-24 Local Government Code, as added by this Act.

5-25 (b) Subject to Subsection (a) of this section, not later  
5-26 than March 1, 2015, the Lower Rio Grande Valley Development Council  
5-27 shall provide to the governor, the lieutenant governor, the speaker  
5-28 of the house of representatives, and the committee in each house of  
5-29 the legislature that has primary jurisdiction over housing matters  
5-30 the report and recommendations developed under Chapter 394A, Local  
5-31 Government Code, as added by this Act, and make recommendations  
5-32 regarding additional authority needed to achieve the purposes of  
5-33 that chapter.

5-34 SECTION 3. This Act takes effect immediately if it receives  
5-35 a vote of two-thirds of all the members elected to each house, as  
5-36 provided by Section 39, Article III, Texas Constitution. If this  
5-37 Act does not receive the vote necessary for immediate effect, this  
5-38 Act takes effect September 1, 2013.

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