

By: Lucio

S.B. No. 1376

A BILL TO BE ENTITLED

AN ACT

relating to natural disaster housing recovery.

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

SECTION 1. Chapter 418, Government Code, is amended by adding Subchapter F-1 to read as follows:

SUBCHAPTER F-1. NATURAL DISASTER HOUSING RECOVERY

Sec. 418.131. DEFINITIONS. In this subchapter:

(1) "Center" means the Hazard Reduction and Recovery Center at Texas A&M University.

(2) "Designated state agency" means a state agency designated by the governor as responsible for long-term natural disaster recovery under Section 418.132.

(3) "Local government" means a county, municipality, or council of government.

(4) "Plan" means a local housing recovery plan developed under Section 418.133.

Sec. 418.132. DESIGNATED STATE AGENCY. (a) The governor shall designate a state agency to receive and administer federal and state funds appropriated for long-term natural disaster recovery.

(b) The designated state agency shall:

(1) collaborate with the Texas Division of Emergency Management and the Federal Emergency Management Agency to secure reimbursement for housing needs in areas affected by natural

1 disasters;

2 (2) seek prior approval from the Federal Emergency  
3 Management Agency and the United States Department of Housing and  
4 Urban Development for the immediate post-disaster implementation  
5 of local housing recovery plans approved by the governor under  
6 Section 418.136; and

7 (3) maintain a division with adequate staffing and  
8 other administrative support to carry out the agency's duties  
9 relating to long-term natural disaster recovery.

10 (c) The designated state agency may adopt rules as necessary  
11 to implement the agency's duties under this subchapter.

12 Sec. 418.133. LOCAL HOUSING RECOVERY PLAN. (a) A local  
13 government may develop and adopt a local housing recovery plan to  
14 provide for the rapid and efficient construction of permanent  
15 replacement housing following a natural disaster.

16 (b) In developing the plan, a local government shall seek  
17 input from:

18 (1) stakeholders in the community, including  
19 residents, local businesses, and community-based organizations;  
20 and

21 (2) neighboring local governments.

22 (c) A local government may submit a plan developed and  
23 adopted under Subsection (a) to the center for certification.

24 Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY  
25 CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall  
26 review and certify plans submitted to the center by local  
27 governments.

1       (b) The center shall establish criteria for certifying a  
2 plan. The center may not certify a plan unless the plan:

3           (1) identifies areas in the local government's  
4 boundaries that are vulnerable to natural disasters;

5           (2) identifies sources of post-disaster housing  
6 assistance and recovery funds;

7           (3) provides procedures for rapidly responding to a  
8 natural disaster, including procedures for:

9                   (A) assessing and reporting housing damage,  
10 disaggregated by insured and uninsured losses, to the governor;

11                   (B) providing fair and efficient access to  
12 natural disaster recovery assistance for residents;

13                   (C) determining residents' eligibility for  
14 natural disaster recovery assistance;

15                   (D) educating residents about the rebuilding  
16 process and providing outreach and case management services; and

17                   (E) prequalifying and training local  
18 professionals needed for natural disaster recovery;

19           (4) provides procedures to encourage residents to  
20 rebuild outside of the vulnerable areas identified under  
21 Subdivision (1);

22           (5) provides procedures to maximize the use of local  
23 businesses, contractors, and supplies to rebuild to the extent  
24 possible;

25           (6) provides procedures to maximize cost efficiency;

26           (7) provides for the construction of permanent  
27 replacement housing for displaced residents as soon as possible

1 after the natural disaster, with a goal of completion in not later  
2 than six months; and

3 (8) complies with applicable state and federal law.

4 (c) If the center determines that a plan does not meet the  
5 criteria prescribed by Subsection (b), the center shall identify  
6 the plan's deficiencies and assist the local government in revising  
7 the plan to meet the criteria.

8 (d) The center shall provide training to local governments  
9 and community-based organizations on developing a plan. A local  
10 government that submits a plan to the center for certification  
11 under this section shall designate at least one representative to  
12 attend the center's training. The training must include  
13 information relating to:

14 (1) previous experiences with housing recovery from  
15 natural disasters;

16 (2) best practices for achieving rapid and efficient  
17 construction of permanent replacement housing;

18 (3) federal and state laws and regulations on natural  
19 disaster recovery;

20 (4) methods for identifying and planning for  
21 vulnerable areas and populations before a natural disaster; and

22 (5) cost-effective land use and building practices.

23 (e) The center shall create and maintain mapping and data  
24 resources related to natural disaster recovery and planning,  
25 including the Texas Coastal Communities Planning Atlas.

26 (f) The center shall assist a local government on request in  
27 identifying areas that are vulnerable to natural disasters.

1       (g) The center shall provide recommendations to the Texas  
2 Department of Insurance regarding the development of policies,  
3 procedures, and education programs to enable the quick and  
4 efficient reporting and settling of housing claims related to  
5 natural disasters.

6       (h) The center may seek and accept gifts, grants, donations,  
7 and other funds to assist the center in fulfilling its duties under  
8 this section.

9       Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY  
10 AGENCY. (a) The center shall submit to the designated state agency  
11 a plan certified by the center under Section 418.134.

12       (b) The designated state agency shall review the plan and  
13 consult with the center and the local government about any  
14 potential improvements the agency may identify. In reviewing the  
15 plan, the agency shall give deference to the local government  
16 regarding matters in the local government's discretion.

17       (c) On completion of the review, the designated state agency  
18 shall accept the plan unless the agency determines that the plan  
19 does not:

20               (1) satisfy the criteria for a certified plan under  
21 Section 418.134(b);

22               (2) provide for the rapid and efficient construction  
23 of permanent replacement housing; or

24               (3) comply with applicable state and federal law.

25       Sec. 418.136. APPROVAL BY GOVERNOR. (a) The designated  
26 state agency shall submit to the governor for approval or rejection  
27 a plan that the agency accepts under Section 418.135.

1        (b) If the governor rejects a plan, the governor must  
2 provide a written explanation of the reasons for the rejection.

3        (c) A local government, in consultation with the center and  
4 the designated state agency, may revise a plan rejected by the  
5 governor under this section and resubmit the plan to the governor  
6 for approval.

7        Sec. 418.137. EFFECT OF APPROVAL. (a) A plan approved by  
8 the governor under Section 418.136 is valid for four years and may  
9 be implemented during that period without further approval if a  
10 natural disaster occurs.

11        (b) In accordance with rules adopted by the designated state  
12 agency, on or before expiration, the plan may be reviewed by the  
13 center and the agency, updated if necessary, and resubmitted to the  
14 governor for approval or rejection.

15        SECTION 2. Not later than January 1, 2016, the governor  
16 shall designate a state agency as the agency responsible for  
17 long-term natural disaster recovery as required by Section 418.132,  
18 Government Code, as added by this Act, and shall file that  
19 designation with the secretary of state for publication in the  
20 Texas Register.

21        SECTION 3. This Act takes effect September 1, 2015.