

By: Lucio

S.B. No. 1670

A BILL TO BE ENTITLED

AN ACT

relating to the provision of affordable housing in colonias, rural communities, and small municipalities.

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

ARTICLE 1. HOUSING IN COLONIAS, RURAL COMMUNITIES, AND SMALL MUNICIPALITIES

SECTION 1.01. Sections 775.002(a) and (b), Government Code, are amended to read as follows:

(a) Contingent on the legislature's appropriation of sufficient funds, the Department of Agriculture shall ~~[The governor may]~~ designate an office within the department to focus on matters relating to colonias. The designated office shall ~~[an agency to]~~ act as the state's colonia initiatives coordinator.

(b) The ~~[If appointed under Subsection (a), the]~~ colonia initiatives coordinator shall coordinate colonia initiatives within the Department of Agriculture ~~[agency]~~ and with the other agencies and local officials involved in colonia projects in the state.

SECTION 1.02. Section 405.021, Government Code, is transferred to Chapter 12, Agriculture Code, redesignated as Section 12.050, Agriculture Code, and amended to read as follows:

Sec. 12.050 ~~[405.021]~~. REPORT ON STATE-FUNDED PROJECTS SERVING COLONIAS. (a) In this section, "colonia" means a geographic area that:

1 (1) is an economically distressed area as defined by
2 Section 17.921, Water Code;

3 (2) is located in a county any part of which is within
4 62 miles of an international border; and

5 (3) consists of 11 or more dwellings that are located
6 in close proximity to each other in an area that may be described as
7 a community or neighborhood.

8 (b) Based on information provided under Subsections (c) and
9 (d), the department [~~secretary of state~~] shall establish and
10 maintain a classification system that allows the department
11 [~~secretary of state~~] to track the progress of state-funded projects
12 in providing water or wastewater services, paved roads, and other
13 assistance to colonias.

14 (c) The department [~~secretary of state~~] shall compile
15 information received from offices within the department, the Texas
16 Department of Rural Affairs, the Texas Water Development Board, the
17 Texas Transportation Commission, the Texas Department of Housing
18 and Community Affairs, the Department of State Health Services, the
19 Texas Commission on Environmental Quality, the Health and Human
20 Services Commission, the Texas Cooperative Extension, councils of
21 governments, an institution of higher education that receives
22 funding from the state for projects that provide assistance to
23 colonias, and any other agency considered appropriate by the
24 department [~~secretary of state~~] for purposes of the classification
25 system.

26 (d) The department [~~secretary of state~~] shall compile
27 information on colonias that is received from the colonia

ombudspersons under Section 775.004.

(e) The department [~~secretary of state~~] shall:

(1) with the assistance of the office of the attorney general, prepare a report on the progress of state-funded projects in providing water or wastewater services, paved roads, and other assistance to colonias; and

(2) submit the report to the presiding officer of each house of the legislature not later than:

(A) December 1 of each even-numbered year, if funds are appropriated specifically for the purpose of preparing and submitting the report; or

(B) if funds are not appropriated as described by Paragraph (A), December 1, 2010, and December 1 of every fourth year following that date.

(f) The report to the legislature must include a list of colonias with the highest health risk to colonia residents, based on factors identified by the department [~~secretary of state~~].

(g) In conjunction with the establishment of the classification system required by this section, the department [~~secretary of state~~] shall establish and maintain a statewide system for identifying colonias.

(g-1) A system described by Subsection (g):

(1) must include a method for a municipality or county, on a form prescribed by the department [~~secretary of state~~], to nominate an area for identification as a colonia; and

(2) may provide for the review of a nominated area by the Texas Water Development Board, the office of the attorney

1 general, or any other appropriate state agency as determined by the
2 department [~~secretary of state~~].

3 (h) The department [~~secretary of state~~] may contract with a
4 third party to develop the classification system or the
5 identification system or to compile or maintain the relevant
6 information required by this section.

7 ARTICLE 2. CONFORMING AMENDMENTS

8 SECTION 2.01. The heading to Section 51.0052, Education
9 Code, is amended to read as follows:

10 Sec. 51.0052. REPORT TO DEPARTMENT OF AGRICULTURE
11 [~~SECRETARY OF STATE~~].

12 SECTION 2.02. Sections 51.0052(b), (c), and (d), Education
13 Code, are amended to read as follows:

14 (b) To assist the Department of Agriculture [~~secretary of~~
15 ~~state~~] in preparing the report required under Section 12.050
16 [~~405.021~~], Agriculture [~~Government~~] Code, an institution of higher
17 education on a quarterly basis shall provide a report to the
18 Department of Agriculture [~~secretary of state~~] detailing any
19 projects funded by the institution of higher education that provide
20 assistance to colonias.

21 (c) The report must include:

- 22 (1) a description of any relevant projects;
23 (2) the location of each project;
24 (3) the number of colonia residents served by each
25 project;
26 (4) the exact amount spent or the anticipated amount
27 to be spent on each colonia served by each project;

(5) a statement of whether each project is completed and, if not, the expected completion date of the project; and

(6) any other information, as determined appropriate by the Department of Agriculture ~~[secretary of state]~~.

(d) The institution of higher education shall require an applicant for funds administered by the institution to submit to the institution a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the institution of higher education may contact the Department of Agriculture ~~[secretary of state or the secretary of state's representative]~~ to obtain the classification number. On request of the institution, the Department of Agriculture ~~[secretary of state or the secretary of state's representative]~~ shall assign a classification number to the colonia.

SECTION 2.03. The heading to Section [531.0141](#), Government Code, is amended to read as follows:

Sec. 531.0141. REPORT TO DEPARTMENT OF AGRICULTURE ~~[SECRETARY OF STATE]~~.

SECTION 2.04. Sections [531.0141](#)(b), (c), and (d), Government Code, are amended to read as follows:

(b) To assist the Department of Agriculture ~~[secretary of state]~~ in preparing the report required under Section [12.050](#), Agriculture Code ~~[405.021]~~, the commission, on an annual basis, shall provide a report to the Department of Agriculture ~~[secretary of state]~~ detailing any projects funded by the commission that provide assistance to colonias. The Department of Agriculture

1 ~~[secretary of state]~~ may prescribe the date on which the report
2 required under this section is due.

3 (c) The report must include:

4 (1) a description of any relevant projects;
5 (2) the location of each project;
6 (3) the number of colonia residents served by each
7 project;

8 (4) the exact amount spent or the anticipated amount
9 to be spent on each colonia served by each project;

10 (5) a statement of whether each project is completed
11 and, if not, the expected completion date of the project; and

12 (6) any other information, as determined appropriate
13 by the Department of Agriculture ~~[secretary of state]~~.

14 (d) The commission shall require an applicant for funds
15 administered by the commission to submit to the commission a
16 colonia classification number, if one exists, for each colonia that
17 may be served by the project proposed in the application. If a
18 colonia does not have a classification number, the commission may
19 contact the Department of Agriculture ~~[secretary of state or the~~
20 ~~secretary of state's representative]~~ to obtain the classification
21 number. On request of the commission, the Department of
22 Agriculture ~~[secretary of state or the secretary of state's~~
23 ~~representative]~~ shall assign a classification number to the
24 colonia.

25 SECTION 2.05. Sections 775.004(a), (b), and (c), Government
26 Code, are amended to read as follows:

27 (a) The colonia ombudspersons shall gather information

1 about the colonias in the counties for which the ombudspersons were
2 appointed and provide the information to the Department of
3 Agriculture [~~secretary of state~~], to assist the Department of
4 Agriculture [~~secretary of state~~] in preparing the report required
5 under Section 12.050, Agriculture Code [~~405.021~~].

6 (b) To the extent possible, the ombudspersons shall gather
7 information regarding:

- 8 (1) the platting of each colonia;
 - 9 (2) the infrastructure of each colonia;
 - 10 (3) the availability of health care services;
 - 11 (4) the availability of financial assistance; and
 - 12 (5) any other appropriate topic as requested by the
- 13 Department of Agriculture [~~secretary of state~~].

14 (c) The ombudspersons shall provide the information to the
15 Department of Agriculture [~~secretary of state~~] not later than
16 September 1 of each even-numbered year.

17 SECTION 2.06. The heading to Section 2306.083, Government
18 Code, is amended to read as follows:

19 Sec. 2306.083. REPORT TO DEPARTMENT OF AGRICULTURE
20 [~~SECRETARY OF STATE~~].

21 SECTION 2.07. Sections 2306.083(b), (c), and (d),
22 Government Code, are amended to read as follows:

23 (b) To assist the Department of Agriculture [~~secretary of~~
24 ~~state~~] in preparing the report required under Section 12.050,
25 Agriculture Code [~~405.021~~], the board on a quarterly basis shall
26 provide a report to the Department of Agriculture [~~secretary of~~
27 ~~state~~] detailing any projects funded by the department that provide

1 assistance to colonias.

2 (c) The report must include:

3 (1) a description of any relevant projects;

4 (2) the location of each project;

5 (3) the number of colonia residents served by each
6 project;

7 (4) the exact amount spent or the anticipated amount
8 to be spent on each colonia served by each project;

9 (5) a statement of whether each project is completed
10 and, if not, the expected completion date of the project; and

11 (6) any other information, as determined appropriate
12 by the Department of Agriculture [~~secretary of state~~].

13 (d) The department shall require an applicant for funds
14 administered by the department to submit to the department a
15 colonia classification number, if one exists, for each colonia that
16 may be served by the project proposed in the application. If a
17 colonia does not have a classification number, the department may
18 contact the Department of Agriculture [~~secretary of state or the~~
19 ~~secretary of state's representative~~] to obtain the classification
20 number. On request of the department, the Department of
21 Agriculture [~~secretary of state or the secretary of state's~~
22 ~~representative~~] shall assign a classification number to the
23 colonia.

24 SECTION 2.08. The heading to Section 1001.033, Health and
25 Safety Code, is amended to read as follows:

26 Sec. 1001.033. REPORT TO DEPARTMENT OF AGRICULTURE
27 [~~SECRETARY OF STATE~~].

SECTION 2.09. Sections 1001.033(b), (c), and (d), Health and Safety Code, are amended to read as follows:

(b) To assist the Department of Agriculture [~~secretary of state~~] in preparing the report required under Section 12.050 [405.021], Agriculture [~~Government~~] Code, the commissioner on a quarterly basis shall provide a report to the Department of Agriculture [~~secretary of state~~] detailing any projects funded by the department that provide assistance to colonias.

(c) The report must include:

- (1) a description of any relevant projects;
- (2) the location of each project;
- (3) the number of colonia residents served by each project;
- (4) the exact amount spent or the anticipated amount to be spent on each colonia served by each project;
- (5) a statement of whether each project is completed and, if not, the expected completion date of the project; and
- (6) any other information, as determined appropriate by the Department of Agriculture [~~secretary of state~~].

(d) The commission shall require an applicant for funds administered by the commission to submit to the commission a colonia classification number, if one exists, for each colonia that may be served by the project proposed in the application. If a colonia does not have a classification number, the commission may contact the Department of Agriculture [~~secretary of state or the secretary of state's representative~~] to obtain the classification number. On request of the commission, the Department of

1 Agriculture [~~secretary of state or the secretary of state's~~
2 ~~representative~~] shall assign a classification number to the
3 colonia.

4 SECTION 2.10. The heading to Section 391.00951, Local
5 Government Code, is amended to read as follows:

6 Sec. 391.00951. REPORT TO DEPARTMENT OF AGRICULTURE
7 [~~SECRETARY OF STATE~~].

8 SECTION 2.11. Sections 391.00951(b), (c), and (d), Local
9 Government Code, are amended to read as follows:

10 (b) To assist the Department of Agriculture [~~secretary of~~
11 ~~state~~] in preparing the report required under Section 12.050
12 [~~405.021~~], Agriculture [~~Government~~] Code, the commission on a
13 quarterly basis shall provide a report to the Department of
14 Agriculture [~~secretary of state~~] detailing any projects funded by
15 the commission that provide assistance to colonias.

16 (c) The report must include:

17 (1) a description of any relevant projects;

18 (2) the location of each project;

19 (3) the number of colonia residents served by each
20 project;

21 (4) the exact amount spent or the anticipated amount
22 to be spent on each colonia served by each project;

23 (5) a statement of whether each project is completed
24 and, if not, the expected completion date of the project; and

25 (6) any other information, as determined appropriate
26 by the Department of Agriculture [~~secretary of state~~].

27 (d) The commission shall require an applicant for funds

1 administered by the commission to submit to the commission a
 2 colonia classification number, if one exists, for each colonia that
 3 may be served by the project proposed in the application. If a
 4 colonia does not have a classification number, the commission may
 5 contact the Department of Agriculture [~~secretary of state or the~~
 6 ~~secretary of state's representative~~] to obtain the classification
 7 number. On request of the commission, the Department of
 8 Agriculture [~~secretary of state or the secretary of state's~~
 9 ~~representative~~] shall assign a classification number to the
 10 colonia.

11 SECTION 2.12. The heading to Section 201.116,
 12 Transportation Code, is amended to read as follows:

13 Sec. 201.116. REPORT TO DEPARTMENT OF AGRICULTURE
 14 [~~SECRETARY OF STATE~~].

15 SECTION 2.13. Sections 201.116(b), (c), and (d),
 16 Transportation Code, are amended to read as follows:

17 (b) To assist the Department of Agriculture [~~secretary of~~
 18 ~~state~~] in preparing the report required under Section 12.050
 19 [405.021], Agriculture [~~Government~~] Code, the commission on a
 20 quarterly basis shall provide a report to the Department of
 21 Agriculture [~~secretary of state~~] detailing any projects funded by
 22 the department that serve colonias by providing paved roads or
 23 other assistance.

24 (c) The report must include:

- 25 (1) a description of any relevant projects;
- 26 (2) the location of each project;
- 27 (3) the number of colonia residents served by each

1 project;

2 (4) the exact amount spent or the anticipated amount
3 to be spent on each colonia served by each project;

4 (5) a statement of whether each project is completed
5 and, if not, the expected completion date of the project; and

6 (6) any other information, as determined appropriate
7 by the Department of Agriculture [~~secretary of state~~].

8 (d) The commission shall require an applicant for funds
9 administered by the commission to submit to the commission a
10 colonia classification number, if one exists, for each colonia that
11 may be served by the project proposed in the application. If a
12 colonia does not have a classification number, the commission may
13 contact the Department of Agriculture [~~secretary of state or the~~
14 ~~secretary of state's representative~~] to obtain the classification
15 number. On request of the commission, the Department of
16 Agriculture [~~secretary of state or the secretary of state's~~
17 ~~representative~~] shall assign a classification number to the
18 colonia.

19 SECTION 2.14. The heading to Section 5.1781, Water Code, is
20 amended to read as follows:

21 Sec. 5.1781. REPORT TO DEPARTMENT OF AGRICULTURE [~~SECRETARY~~
22 ~~OF STATE~~].

23 SECTION 2.15. Sections 5.1781(b), (c), and (d), Water Code,
24 are amended to read as follows:

25 (b) To assist the Department of Agriculture [~~secretary of~~
26 ~~state~~] in preparing the report required under Section 12.050
27 [~~405.021~~], Agriculture [~~Government~~] Code, the commission on a

1 quarterly basis shall provide a report to the Department of
2 Agriculture [~~secretary of state~~] detailing any projects funded by
3 the commission that provide assistance to colonias.

4 (c) The report must include:

5 (1) a description of any relevant projects;
6 (2) the location of each project;
7 (3) the number of colonia residents served by each
8 project;

9 (4) the exact amount spent or the anticipated amount
10 to be spent on each colonia served by each project;

11 (5) a statement of whether each project is completed
12 and, if not, the expected completion date of the project; and

13 (6) any other information, as determined appropriate
14 by the Department of Agriculture [~~secretary of state~~].

15 (d) The commission shall require an applicant for funds
16 administered by the commission to submit to the commission a
17 colonia classification number, if one exists, for each colonia that
18 may be served by the project proposed in the application. If a
19 colonia does not have a classification number, the commission may
20 contact the Department of Agriculture [~~secretary of state or the~~
21 ~~secretary of state's representative~~] to obtain the classification
22 number. On request of the commission, the Department of
23 Agriculture [~~secretary of state or the secretary of state's~~
24 ~~representative~~] shall assign a classification number to the
25 colonia.

26 SECTION 2.16. The heading to Section 6.1565, Water Code, is
27 amended to read as follows:

1 Sec. 6.1565. REPORT TO DEPARTMENT OF AGRICULTURE [~~SECRETARY~~
2 ~~OF STATE~~].

3 SECTION 2.17. Sections 6.1565(b), (c), and (d), Water Code,
4 are amended to read as follows:

5 (b) To assist the Department of Agriculture [~~secretary of~~
6 ~~state~~] in preparing the report required under Section 12.050
7 [~~405.021~~], Agriculture [~~Government~~] Code, the board on a quarterly
8 basis shall provide a report to the Department of Agriculture
9 [~~secretary of state~~] detailing any projects funded by the board
10 that serve colonias by providing water or wastewater services or
11 other assistance.

12 (c) The report must include:

- 13 (1) a description of any relevant projects;
14 (2) the location of each project;
15 (3) the number of colonia residents served by each
16 project;
17 (4) the exact amount spent or the anticipated amount
18 to be spent on each colonia served by each project;
19 (5) a statement of whether each project is completed
20 and, if not, the expected completion date of the project; and
21 (6) any other information, as determined appropriate
22 by the Department of Agriculture [~~secretary of state~~].

23 (d) The board shall require an applicant for funds
24 administered by the board to submit to the board a colonia
25 classification number, if one exists, for each colonia that may be
26 served by the project proposed in the application. If a colonia
27 does not have a classification number, the board may contact the

1 Department of Agriculture [~~secretary of state or the secretary of~~
2 ~~state's representative~~] to obtain the classification number. On
3 request of the board, the Department of Agriculture [~~secretary of~~
4 ~~state or the secretary of state's representative~~] shall assign a
5 classification number to the colonia.

6 ARTICLE 3. REPEALER, TRANSITION, AND EFFECTIVE DATE

7 SECTION 3.01. Section [487.060](#), Government Code, is
8 repealed.

9 SECTION 3.02. As soon as practicable after the effective
10 date of this Act, the Department of Agriculture shall establish the
11 classification system required by Section 12.050(b), Agriculture
12 Code, as designated and amended by this Act. For purposes of this
13 section, the department may use an applicable classification system
14 already in effect.

15 SECTION 3.03. This Act takes effect September 1, 2015.