

## **BILL ANALYSIS**

C.S.S.B. 289  
By: Lucio  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that recent disasters have illustrated the need to improve the coordination of efforts to rebuild housing and infrastructure following a natural disaster and the need for a framework that assists in reducing the period of time disaster survivors are out of their homes, maximizes local control over disaster reconstruction, and reduces the cost of recovery to homeowners and taxpayers. C.S.S.B. 289 seeks to address these issues by setting out provisions relating to disaster housing recovery.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the General Land Office in SECTION 1 of this bill.

### **ANALYSIS**

C.S.S.B. 289 amends the Government Code to require the General Land Office (GLO) to receive and administer federal and state funds appropriated for long-term disaster recovery. The bill requires the GLO to do the following:

- collaborate with the Texas Division of Emergency Management and FEMA, as appropriate, on local housing recovery plans;
- seek prior approval from FEMA and the U.S. Department of Housing and Urban Development for the immediate post-disaster implementation of local housing recovery plans accepted by the GLO; and
- maintain a division with adequate staffing and other administrative support to review local housing recovery plans.

The bill authorizes the GLO to adopt rules as necessary to implement its duties under the bill's provisions. The bill authorizes the governor to designate a state agency to be responsible for long-term disaster recovery under the bill's provisions instead of the GLO. If the governor does so, a reference to the GLO under those provisions means the designated state agency.

C.S.S.B. 289 authorizes a local government, defined by the bill as a county, municipality, or council of government that has jurisdiction in a first tier coastal county, to develop and adopt a local housing recovery plan to provide for the rapid and efficient construction of permanent replacement housing following a disaster. The bill requires a local government to seek input from stakeholders in the community and from neighboring local governments in developing the plan and authorizes a local government to submit a developed and adopted plan to the Hazard Reduction and Recovery Center at Texas A&M University for certification. The bill requires

the center to review and certify plans submitted to the center by local governments. The bill requires the center to establish criteria for certifying a plan and prohibits the center from certifying a plan unless the plan meets certain criteria prescribed by the bill. The bill requires the center, if the center determines that a plan does not meet applicable criteria, to identify the plan's deficiencies and assist the local government in revising the plan to meet the criteria.

C.S.S.B. 289 requires the center to provide training to local governments and community-based organizations on developing a local housing recovery plan. The bill requires a local government that submits a plan to the center for certification to designate at least one representative to attend the center's training and sets out content requirements for the training. The bill requires the center to create and maintain mapping and data resources related to disaster recovery and planning and to assist a local government on request in identifying areas that are vulnerable to disasters. The bill requires the center to provide recommendations to the Texas Department of Insurance regarding the development of policies, procedures, and education programs to enable the quick and efficient reporting and settling of housing claims related to disasters. The bill authorizes the center to seek and accept gifts, grants, donations, and other funds to assist the center in fulfilling its duties under applicable bill provisions.

C.S.S.B. 289 requires the center to submit to the GLO a local housing recovery plan certified by the center. The bill requires the GLO to review the plan and consult with the center and the local government about any potential improvements the GLO may identify. The bill requires the GLO, in reviewing the plan, to give deference to the local government regarding matters in the local government's discretion. The bill requires the GLO, on completion of the review, to accept the plan unless the GLO determines that the plan does not satisfy the criteria for a certified plan, does not provide for the rapid and efficient construction of permanent replacement housing, or does not comply with applicable state and federal law. The bill authorizes the GLO, if it rejects a plan, to require the local government to revise and resubmit the plan. The bill authorizes the GLO, at any point after it accepts a plan, to withdraw acceptance of the plan and require the plan to be revised and resubmitted for acceptance or rejection by the GLO. The bill authorizes the GLO to limit the number of plans it reviews annually.

C.S.S.B. 289 makes a plan accepted by the GLO valid for four years and authorizes the plan to be implemented during that period without further approval if a disaster occurs. The bill authorizes the plan, on or before expiration and in accordance with rules adopted by the GLO, to be reviewed by the center and the GLO, updated if necessary, and resubmitted to the GLO for acceptance or rejection.

C.S.S.B. 289 requires the GLO and the center, not later than January 1, 2021, to prepare and submit to the legislature a written report that summarizes the success of the planning process under the bill's provisions and that recommends any statutory or legislative changes necessary to improve the planning process, including whether to expand the number of local governments eligible to participate in the planning process. The GLO, or another designated state agency if applicable, is required to implement a provision of the bill only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate such money, the GLO or other state agency may, but is not required to, implement the provision using other appropriations available for that purpose.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 289 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute does not include provisions requiring the GLO to submit local housing recovery plans that the GLO accepts to the governor for approval or rejection and replaces references to that approval or rejection in the bill's provisions with references to acceptance or rejection by the GLO.