By:  Lucio S.B. No. 289

(In the Senate - Filed January 3, 2019; February 7, 2019, read first time and referred to Committee on Intergovernmental Relations; April 1, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; April 1, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

COMMITTEE SUBSTITUTE FOR S.B. No. 289 By:  Schwertner

A BILL TO BE ENTITLED

AN ACT

relating to 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. 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)  "Local government" means a county, municipality, or council of government that has jurisdiction in a first tier coastal county, as defined by Section 2210.003, Insurance Code.

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

Sec. 418.132.  DUTIES OF GENERAL LAND OFFICE OR DESIGNATED STATE AGENCY. (a)  Unless the governor designates a state agency under Subsection (d), the General Land Office shall receive and administer federal and state funds appropriated for long-term disaster recovery.

(b)  The General Land Office 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 disasters;

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

(3)  maintain a division with adequate staffing and other administrative support to carry out the General Land Office's duties relating to long-term disaster recovery.

(c)  The General Land Office may adopt rules as necessary to implement the General Land Office's duties under this subchapter.

(d)  The governor may designate a state agency to be responsible for long-term disaster recovery under this subchapter instead of the General Land Office. If the governor designates a state agency under this subsection, a reference to the General Land Office in this subchapter means the designated state agency.

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

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

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

(2)  neighboring local governments.

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

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

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

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

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

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

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

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

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

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

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

(4)  allows for the temporary waiver or modification of an existing local code, ordinance, or regulation on an emergency basis that may apply in the event of a disaster declaration in order to expedite the process of providing temporary housing or rebuilding residential structures for persons displaced by a disaster;

(5)  provides procedures to encourage residents to rebuild outside of the vulnerable areas identified under Subdivision (1);

(6)  provides procedures to maximize the use of local businesses, contractors, and supplies to rebuild to the extent possible;

(7)  provides procedures to maximize cost efficiency;

(8)  provides for the provision of:

(A)  temporary housing to displaced residents as soon as possible after the disaster, with a goal of providing the housing within six months following the disaster; and

(B)  permanent replacement housing to displaced residents as soon as possible after the disaster, with a goal of providing the housing within three years following the disaster;

(9)  specifies whether the local government that submitted the plan or the General Land Office, as determined by the General Land Office, will administer disaster rebuilding activities under the plan;

(10)  provides a procedure through which the local government that submits the plan is required to, between every four to seven years:

(A)  review the plan to ensure continued local community support;

(B)  provide the center with, as necessary, revisions to the plan based on the review conducted under Paragraph (A); and

(C)  provide the center with a resolution or proclamation adopted by the local government that certifies continued local community support for the plan; and

(11)  complies with applicable state and federal law.

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

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

(1)  previous experiences with housing recovery from disasters;

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

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

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

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

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

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

(g)  The center shall 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.

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

Sec. 418.135.  REVIEW OF LOCAL HOUSING RECOVERY PLAN BY GENERAL LAND OFFICE. (a)  The center shall submit to the General Land Office a plan certified by the center under Section 418.134.

(b)  The General Land Office shall review the plan and consult with the center and the local government about any potential improvements the General Land Office may identify. In reviewing the plan, the General Land Office shall give deference to the local government regarding matters in the local government's discretion.

(c)  On completion of the review, the General Land Office shall accept the plan unless the General Land Office determines that the plan does not:

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

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

(3)  comply with applicable state and federal law.

(d)  If the General Land Office does not accept a plan under this section, the General Land Office may require the local government to revise and resubmit the plan.

(e)  At any point after the General Land Office accepts a plan under this section, the General Land Office may withdraw acceptance of the plan and require the plan to be revised and resubmitted for acceptance under this section and approval or rejection by the governor under Section 418.136.

(f)  The General Land Office may limit the number of plans it reviews annually under this section.

Sec. 418.136.  APPROVAL BY GOVERNOR. (a)  The General Land Office shall submit to the governor for approval or rejection a plan that the General Land Office accepts under Section 418.135.

(b)  If the governor rejects a plan, the governor must provide to the General Land Office a written explanation of the reasons for the rejection.

(c)  A local government, in consultation with the center and the General Land Office, may revise a plan rejected by the governor under this section and resubmit the plan to the governor for approval.

Sec. 418.137.  EFFECT OF APPROVAL. (a)  Subject to Section 418.135(e), a plan approved by the governor under Section 418.136 is valid for four years and may be implemented during that period without further approval if a disaster occurs.

(b)  In accordance with rules adopted by the General Land Office, on or before expiration, the plan may be reviewed by the center and the General Land Office, updated if necessary, and resubmitted to the governor for approval or rejection.

SECTION 2.  Not later than January 1, 2021, the General Land Office and the Hazard Reduction and Recovery Center at Texas A&M University shall prepare and submit to the legislature a written report that:

(1)  summarizes the success of the planning process under Subchapter F-1, Chapter 418, Government Code, as added by this Act; and

(2)  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.

SECTION 3.  The General Land Office or another state agency designated by the governor under Section 418.132, Government Code, as added by this Act, is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the General Land Office or other state agency may, but is not required to, implement the provision using other appropriations available for that purpose.

SECTION 4.  This Act takes effect September 1, 2019.

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