

AN ACT

relating to disaster recovery.

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

SECTION 1. Subchapter C, Chapter 418, Government Code, is amended by adding Section 418.054 to read as follows:

Sec. 418.054. DISASTER RECOVERY TASK FORCE. (a) The division shall develop a disaster recovery task force to operate throughout the long-term recovery period following natural and man-made disasters by providing specialized assistance for communities and individuals to address financial issues, available federal assistance programs, and recovery and resiliency planning to speed recovery efforts at the local level.

(b) The disaster recovery task force may include and use the resources of:

(1) any appropriate state agencies, including institutions of higher education; and

(2) organized volunteer groups.

(c) The disaster recovery task force shall develop procedures for preparing and issuing a report listing each project related to a disaster that qualifies for federal assistance. A report must be submitted to the appropriate federal agencies as soon as practicable after any disaster.

(d) Once each quarter, the disaster recovery task force shall brief members of the legislature, legislative staff, and

1 state agency personnel on the response and recovery efforts for
2 previous disasters and any preparation or planning for potential
3 future hazards, threats, or disasters.

4 SECTION 2. Chapter 418, Government Code, is amended by
5 adding Subchapter F-1 to read as follows:

6 SUBCHAPTER F-1. DISASTER HOUSING RECOVERY

7 Sec. 418.131. DEFINITIONS. In this subchapter:

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

10 (2) "Local government" means a county, municipality,
11 or council of government that has jurisdiction in a first tier
12 coastal county, as defined by Section 2210.003, Insurance Code.

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

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

20 (b) The General Land Office shall:

21 (1) collaborate with the Texas Division of Emergency
22 Management and the Federal Emergency Management Agency, as
23 appropriate, on plans developed under Section 418.133;

24 (2) seek prior approval from the Federal Emergency
25 Management Agency and the United States Department of Housing and
26 Urban Development for the immediate post-disaster implementation
27 of local housing recovery plans accepted by the General Land Office

1 under Section 418.135; and

2 (3) maintain a division with adequate staffing and
3 other administrative support to review plans developed under
4 Section 418.133.

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

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

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 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 disasters;

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

7 (3) provides procedures for rapidly responding to a
8 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 disaster recovery assistance for residents;

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

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

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

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

4 (7) provides procedures to maximize cost efficiency;

5 (8) provides for the provision of:

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

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

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

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

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

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

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

27 (11) complies with applicable state and federal law.

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

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

11 (1) previous experiences with housing recovery from
12 disasters;

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

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

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

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

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

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

25 (g) The center shall provide recommendations to the Texas
26 Department of Insurance regarding the development of policies,
27 procedures, and education programs to enable the quick and

1 efficient reporting and settling of housing claims related to
2 disasters.

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

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

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

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

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

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

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

23 (d) If the General Land Office rejects a plan under this
24 section, the General Land Office may require the local government
25 to revise and resubmit the plan.

26 (e) At any point after the General Land Office accepts a
27 plan under this section, the General Land Office may withdraw

1 acceptance of the plan and require the plan to be revised and
2 resubmitted for acceptance or rejection under this section.

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

5 Sec. 418.136. EFFECT OF ACCEPTANCE. (a) A plan accepted
6 by the General Land Office under Section 418.135 is valid for four
7 years and may be implemented during that period without further
8 acceptance if a disaster occurs.

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

13 SECTION 3. Not later than January 1, 2021, the General Land
14 Office and the Hazard Reduction and Recovery Center at Texas A&M
15 University shall prepare and submit to the legislature a written
16 report that:

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

20 (2) recommends any statutory or legislative changes
21 necessary to improve the planning process, including whether to
22 expand the number of local governments eligible to participate in
23 the planning process.

24 SECTION 4. The General Land Office or another state agency
25 designated by the governor under Section 418.132, Government Code,
26 as added by this Act, is required to implement a provision of this
27 Act only if the legislature appropriates money specifically for

1 that purpose. If the legislature does not appropriate money
2 specifically for that purpose, the General Land Office or other
3 state agency may, but is not required to, implement the provision
4 using other appropriations available for that purpose.

5 SECTION 5. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 289 passed the Senate on April 8, 2019, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 289 passed the House, with amendments, on May 21, 2019, by the following vote: Yeas 145, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor