

By: Lucio
(Morrison)

S.B. No. 289

Substitute the following for S.B. No. 289:

By: Cole

C.S.S.B. No. 289

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, as appropriate, on plans developed under Section 418.133;

(2) seek prior approval from the Federal Emergency

1 Management Agency and the United States Department of Housing and
2 Urban Development for the immediate post-disaster implementation
3 of local housing recovery plans accepted by the General Land Office
4 under Section 418.135; and

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

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

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

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

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

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

24 (2) neighboring local governments.

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

27 Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY

1 CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall
2 review and certify plans submitted to the center by local
3 governments.

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

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

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

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

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

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

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

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

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

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

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

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

7 (7) provides procedures to maximize cost efficiency;

8 (8) provides for the provision of:

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

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

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

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

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

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

27 (C) provide the center with a resolution or

1 proclamation adopted by the local government that certifies
2 continued local community support for the plan; and

3 (11) 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 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 disaster
19 recovery;

20 (4) methods for identifying and planning for
21 vulnerable areas and populations before a 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 disaster recovery and planning, including the
25 Texas Coastal Communities Planning Atlas.

26 (f) The center shall assist a local government on request in
27 identifying areas that are vulnerable to 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 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 GENERAL LAND OFFICE. (a) The center shall submit to the General
11 Land Office a plan certified by the center under Section 418.134.

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

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

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

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

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

26 (d) If the General Land Office rejects a plan under this
27 section, the General Land Office may require the local government

1 to revise and resubmit the plan.

2 (e) At any point after the General Land Office accepts a
3 plan under this section, the General Land Office may withdraw
4 acceptance of the plan and require the plan to be revised and
5 resubmitted for acceptance or rejection under this section.

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

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

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

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

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

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

27 SECTION 3. The General Land Office or another state agency

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

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