

By: Lucio

S.B. No. 289

A BILL TO BE ENTITLED

AN ACT

relating to natural 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. NATURAL 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.

(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 natural 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 natural disasters;

(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 approved by the governor under
4 Section 418.136; and

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

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 natural disaster recovery under this
12 subchapter instead of the General Land Office. If the governor
13 designates a state agency under this subsection, a reference to the
14 General Land Office in this subchapter means the designated state
15 agency.

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

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

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

25 (2) neighboring local governments.

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

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

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

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

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

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

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

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

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

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

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

23 (4) provides procedures to encourage residents to
24 rebuild outside of the vulnerable areas identified under
25 Subdivision (1);

26 (5) provides procedures to maximize the use of local
27 businesses, contractors, and supplies to rebuild to the extent

1 possible;

2 (6) provides procedures to maximize cost efficiency;

3 (7) provides for the construction of permanent
4 replacement housing for displaced residents as soon as possible
5 after the natural disaster, with a goal of completion in not later
6 than six months; and

7 (8) complies with applicable state and federal law.

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

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

18 (1) previous experiences with housing recovery from
19 natural disasters;

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

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

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

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

27 (e) The center shall create and maintain mapping and data

1 resources related to natural disaster recovery and planning,
2 including the Texas Coastal Communities Planning Atlas.

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

5 (g) The center shall provide recommendations to the Texas
6 Department of Insurance regarding the development of policies,
7 procedures, and education programs to enable the quick and
8 efficient reporting and settling of housing claims related to
9 natural disasters.

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

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

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

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

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

27 (2) provide for the rapid and efficient construction

1 of permanent replacement housing; or

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

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

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

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

13 Sec. 418.137. EFFECT OF APPROVAL. (a) A plan approved by
14 the governor under Section 418.136 is valid for four years and may
15 be implemented during that period without further approval if a
16 natural disaster occurs.

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

21 SECTION 2. This Act takes effect September 1, 2019.