

1-1 By: Lucio S.B. No. 289
 1-2 (In the Senate - Filed January 3, 2019; February 7, 2019,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 1, 2019, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
 1-6 April 1, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 289 By: Schwertner

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to disaster housing recovery.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Chapter 418, Government Code, is amended by
 1-22 adding Subchapter F-1 to read as follows:
 1-23 SUBCHAPTER F-1. DISASTER HOUSING RECOVERY
 1-24 Sec. 418.131. DEFINITIONS. In this subchapter:
 1-25 (1) "Center" means the Hazard Reduction and Recovery
 1-26 Center at Texas A&M University.
 1-27 (2) "Local government" means a county, municipality,
 1-28 or council of government that has jurisdiction in a first tier
 1-29 coastal county, as defined by Section 2210.003, Insurance Code.
 1-30 (3) "Plan" means a local housing recovery plan
 1-31 developed under Section 418.133.
 1-32 Sec. 418.132. DUTIES OF GENERAL LAND OFFICE OR DESIGNATED
 1-33 STATE AGENCY. (a) Unless the governor designates a state agency
 1-34 under Subsection (d), the General Land Office shall receive and
 1-35 administer federal and state funds appropriated for long-term
 1-36 disaster recovery.
 1-37 (b) The General Land Office shall:
 1-38 (1) collaborate with the Texas Division of Emergency
 1-39 Management and the Federal Emergency Management Agency to secure
 1-40 reimbursement for housing needs in areas affected by disasters;
 1-41 (2) seek prior approval from the Federal Emergency
 1-42 Management Agency and the United States Department of Housing and
 1-43 Urban Development for the immediate post-disaster implementation
 1-44 of local housing recovery plans approved by the governor under
 1-45 Section 418.136; and
 1-46 (3) maintain a division with adequate staffing and
 1-47 other administrative support to carry out the General Land Office's
 1-48 duties relating to long-term disaster recovery.
 1-49 (c) The General Land Office may adopt rules as necessary to
 1-50 implement the General Land Office's duties under this subchapter.
 1-51 (d) The governor may designate a state agency to be
 1-52 responsible for long-term disaster recovery under this subchapter
 1-53 instead of the General Land Office. If the governor designates a
 1-54 state agency under this subsection, a reference to the General Land
 1-55 Office in this subchapter means the designated state agency.
 1-56 Sec. 418.133. LOCAL HOUSING RECOVERY PLAN. (a) A local
 1-57 government may develop and adopt a local housing recovery plan to
 1-58 provide for the rapid and efficient construction of permanent
 1-59 replacement housing following a disaster.
 1-60 (b) In developing the plan, a local government shall seek

2-1 input from:
2-2 (1) stakeholders in the community, including
2-3 residents, local businesses, and community-based organizations;
2-4 and
2-5 (2) neighboring local governments.
2-6 (c) A local government may submit a plan developed and
2-7 adopted under Subsection (a) to the center for certification.
2-8 Sec. 418.134. DUTIES OF HAZARD REDUCTION AND RECOVERY
2-9 CENTER; PLAN CRITERIA AND CERTIFICATION. (a) The center shall
2-10 review and certify plans submitted to the center by local
2-11 governments.
2-12 (b) The center shall establish criteria for certifying a
2-13 plan. The center may not certify a plan unless the plan:
2-14 (1) identifies areas in the local government's
2-15 boundaries that are vulnerable to disasters;
2-16 (2) identifies sources of post-disaster housing
2-17 assistance and recovery funds;
2-18 (3) provides procedures for rapidly responding to a
2-19 disaster, including procedures for:
2-20 (A) assessing and reporting housing damage,
2-21 disaggregated by insured and uninsured losses, to the governor;
2-22 (B) providing fair and efficient access to
2-23 disaster recovery assistance for residents;
2-24 (C) determining residents' eligibility for
2-25 disaster recovery assistance;
2-26 (D) educating residents about the rebuilding
2-27 process and providing outreach and case management services; and
2-28 (E) prequalifying and training local
2-29 professionals needed for disaster recovery;
2-30 (4) allows for the temporary waiver or modification of
2-31 an existing local code, ordinance, or regulation on an emergency
2-32 basis that may apply in the event of a disaster declaration in order
2-33 to expedite the process of providing temporary housing or
2-34 rebuilding residential structures for persons displaced by a
2-35 disaster;
2-36 (5) provides procedures to encourage residents to
2-37 rebuild outside of the vulnerable areas identified under
2-38 Subdivision (1);
2-39 (6) provides procedures to maximize the use of local
2-40 businesses, contractors, and supplies to rebuild to the extent
2-41 possible;
2-42 (7) provides procedures to maximize cost efficiency;
2-43 (8) provides for the provision of:
2-44 (A) temporary housing to displaced residents as
2-45 soon as possible after the disaster, with a goal of providing the
2-46 housing within six months following the disaster; and
2-47 (B) permanent replacement housing to displaced
2-48 residents as soon as possible after the disaster, with a goal of
2-49 providing the housing within three years following the disaster;
2-50 (9) specifies whether the local government that
2-51 submitted the plan or the General Land Office, as determined by the
2-52 General Land Office, will administer disaster rebuilding
2-53 activities under the plan;
2-54 (10) provides a procedure through which the local
2-55 government that submits the plan is required to, between every four
2-56 to seven years:
2-57 (A) review the plan to ensure continued local
2-58 community support;
2-59 (B) provide the center with, as necessary,
2-60 revisions to the plan based on the review conducted under Paragraph
2-61 (A); and
2-62 (C) provide the center with a resolution or
2-63 proclamation adopted by the local government that certifies
2-64 continued local community support for the plan; and
2-65 (11) complies with applicable state and federal law.
2-66 (c) If the center determines that a plan does not meet the
2-67 criteria prescribed by Subsection (b), the center shall identify
2-68 the plan's deficiencies and assist the local government in revising
2-69 the plan to meet the criteria.

3-1 (d) The center shall provide training to local governments
 3-2 and community-based organizations on developing a plan. A local
 3-3 government that submits a plan to the center for certification
 3-4 under this section shall designate at least one representative to
 3-5 attend the center's training. The training must include
 3-6 information relating to:

3-7 (1) previous experiences with housing recovery from
 3-8 disasters;
 3-9 (2) best practices for achieving rapid and efficient
 3-10 construction of permanent replacement housing;
 3-11 (3) federal and state laws and regulations on disaster
 3-12 recovery;
 3-13 (4) methods for identifying and planning for
 3-14 vulnerable areas and populations before a disaster; and
 3-15 (5) cost-effective land use and building practices.

3-16 (e) The center shall create and maintain mapping and data
 3-17 resources related to disaster recovery and planning, including the
 3-18 Texas Coastal Communities Planning Atlas.

3-19 (f) The center shall assist a local government on request in
 3-20 identifying areas that are vulnerable to disasters.

3-21 (g) The center shall provide recommendations to the Texas
 3-22 Department of Insurance regarding the development of policies,
 3-23 procedures, and education programs to enable the quick and
 3-24 efficient reporting and settling of housing claims related to
 3-25 disasters.

3-26 (h) The center may seek and accept gifts, grants, donations,
 3-27 and other funds to assist the center in fulfilling its duties under
 3-28 this section.

3-29 Sec. 418.135. REVIEW OF LOCAL HOUSING RECOVERY PLAN BY
 3-30 GENERAL LAND OFFICE. (a) The center shall submit to the General
 3-31 Land Office a plan certified by the center under Section 418.134.

3-32 (b) The General Land Office shall review the plan and
 3-33 consult with the center and the local government about any
 3-34 potential improvements the General Land Office may identify. In
 3-35 reviewing the plan, the General Land Office shall give deference to
 3-36 the local government regarding matters in the local government's
 3-37 discretion.

3-38 (c) On completion of the review, the General Land Office
 3-39 shall accept the plan unless the General Land Office determines
 3-40 that the plan does not:

3-41 (1) satisfy the criteria for a certified plan under
 3-42 Section 418.134(b);

3-43 (2) provide for the rapid and efficient construction
 3-44 of permanent replacement housing; or

3-45 (3) comply with applicable state and federal law.

3-46 (d) If the General Land Office does not accept a plan under
 3-47 this section, the General Land Office may require the local
 3-48 government to revise and resubmit the plan.

3-49 (e) At any point after the General Land Office accepts a
 3-50 plan under this section, the General Land Office may withdraw
 3-51 acceptance of the plan and require the plan to be revised and
 3-52 resubmitted for acceptance under this section and approval or
 3-53 rejection by the governor under Section 418.136.

3-54 (f) The General Land Office may limit the number of plans it
 3-55 reviews annually under this section.

3-56 Sec. 418.136. APPROVAL BY GOVERNOR. (a) The General Land
 3-57 Office shall submit to the governor for approval or rejection a plan
 3-58 that the General Land Office accepts under Section 418.135.

3-59 (b) If the governor rejects a plan, the governor must
 3-60 provide to the General Land Office a written explanation of the
 3-61 reasons for the rejection.

3-62 (c) A local government, in consultation with the center and
 3-63 the General Land Office, may revise a plan rejected by the governor
 3-64 under this section and resubmit the plan to the governor for
 3-65 approval.

3-66 Sec. 418.137. EFFECT OF APPROVAL. (a) Subject to Section
 3-67 418.135(e), a plan approved by the governor under Section 418.136
 3-68 is valid for four years and may be implemented during that period
 3-69 without further approval if a disaster occurs.

4-1 (b) In accordance with rules adopted by the General Land
4-2 Office, on or before expiration, the plan may be reviewed by the
4-3 center and the General Land Office, updated if necessary, and
4-4 resubmitted to the governor for approval or rejection.

4-5 SECTION 2. Not later than January 1, 2021, the General Land
4-6 Office and the Hazard Reduction and Recovery Center at Texas A&M
4-7 University shall prepare and submit to the legislature a written
4-8 report that:

4-9 (1) summarizes the success of the planning process
4-10 under Subchapter F-1, Chapter 418, Government Code, as added by
4-11 this Act; and

4-12 (2) recommends any statutory or legislative changes
4-13 necessary to improve the planning process, including whether to
4-14 expand the number of local governments eligible to participate in
4-15 the planning process.

4-16 SECTION 3. The General Land Office or another state agency
4-17 designated by the governor under Section 418.132, Government Code,
4-18 as added by this Act, is required to implement a provision of this
4-19 Act only if the legislature appropriates money specifically for
4-20 that purpose. If the legislature does not appropriate money
4-21 specifically for that purpose, the General Land Office or other
4-22 state agency may, but is not required to, implement the provision
4-23 using other appropriations available for that purpose.

4-24 SECTION 4. This Act takes effect September 1, 2019.

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