MEMORANDUM

Texas General Land Office  •  George P. Bush  •  Commissioner

Date: June 17, 2019

To: George P. Bush | Texas Land Commissioner
Mark Havens | Chief Clerk
Hector Valle | Senior Deputy Director of Special Operations

From: Colin Nickells | CDR, Research Specialist

Subject: “Hurricane Harvey: Texas at Risk” Legislative Outcomes

Successful 86th Session for the Hurricane Harvey After-Action Report

Following the release of the GLO’s after-action report on Hurricane Harvey, many state lawmakers filed bills based on its 11 state-level policy recommendations to reform disaster response and recovery. Overall, GLO’s efforts have been successful this session as bills related to all but one of the state-level policy recommendations, as well as other disaster recovery bills, have been signed by Governor Abbott.

The list below includes a list of bills related to the report’s state-level recommendations and their status in the legislative process as of June 17, the day after the governor’s deadline to sign or veto legislation.

Business Advisory Council
- SB 799 – Alvarado: Relating to the creation of a business advisory council to provide advice on economic recovery following a disaster. Status: Signed into Law.

Flood Coordination and Planning
- SB 7 – Creighton: Status: Signed into Law

Disaster Recovery Institute for Training
- SB 6 – Kolkhorst: Relating to emergency and disaster management, response, and recovery. Status: Signed into Law

Stronger Building Codes
- HB 3810 – Paul: Relating to the residential building codes of municipalities. Status: Failed in Chamber

Capacity Strengthening Program for City and County Recovery Managers
- HB 2305 – Morrison: Relating to a work group on enhancing the training and credentialing of emergency management personnel. Status: Signed into Law

Flood Disclosures
- SB 339 – Huffman: Relating to a seller's disclosure notice for residential property regarding floodplains, flood pools, or reservoirs. Status: Signed into Law
- HB 970 – Walle: Relating to notice requirements for leased residential property, manufactured home lots, or commercial property located in a flood zone. Status: Failed in Committee
- HB 993 – Coleman: Relating to notice to a prospective residential tenant regarding a dwelling that is located in a floodplain or that has been damaged by flooding. Status: Failed in Committee
Integration and Support of Public and Private Sector Philanthropic Programs
- HB 3616 – Hunter: Relating to the establishment of a task force on faith-based programs that provide assistance during a disaster. Status: Signed into Law

Disaster Programs Public Information Campaign
- SB 285 – Miles: Relating to information and outreach regarding hurricane preparedness and mitigation. Status: Signed into Law

Indefinite Quantity Contracts
- SB 300 – Miles: Relating to indefinite quantity contracts for the provision of certain services to declared disaster areas following a natural disaster. Status: Signed into Law

Suspension of regulatory statutes after a disaster
- HB 7 – Morrison: Relating to disaster preparation for state agencies and political subdivisions. Status: Signed into Law

Data Sharing/Disaster Case Management
- SB 6 – Kolkhorst: Relating to emergency and disaster management, response, and recovery. Status: Signed into Law
- HB 2330 – Walle: Relating to a study of an intake system and state case management system for state and federal disaster assistance. Status: Signed into Law
- HB 2340 – Dominguez: Relating to emergency and disaster management, response, and recovery. Status: Signed into Law
- HB 1307 – Hinojosa: Relating to the creation of a disaster case management system by the Texas Division of Emergency Management. Status: Signed into Law

Non-Harvey Report GLO DR Bills:
- SB 812 (CDBG-DR Property Tax Relief) – Lucio | Bettencourt: Relating to the application of the limit on appraised value of a residence homestead for ad valorem tax purposes to an improvement that is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. Status: Signed into Law
- HB 3175 (Applicant Privacy) – Deshotel: Relating to the confidentiality of certain personal information of an applicant for disaster recovery funds. Status: Signed into Law

Priorities for the 87th Legislative Session

Despite the report’s numerous successes, some bills based on its recommendations failed at some point in the legislative process, specifically:
- HB 3810 – Building codes for municipalities
- HB 970 – Flood disclosures for rental/lease properties
- HB 993 – Flood disclosures for rental/lease properties

Building codes are a notoriously contentious topic in the Texas Legislature, but were considered a cornerstone of the GLO’s disaster legislative agenda this Session for reasons thoroughly explained in the report. In short, statewide building code standards in Texas lag over a decade behind those of other hurricane-prone states, and the damage caused by disasters will continue to increase if steps are not taken to improve building code standards. It is important to note that, while HB 3810 failed to reach a second reading in the Senate, it passed the House (Y: 122/N: 7) and was voted favorably out of the Senate Committee on Business and Commerce. Moreover, the Texas Association of Builders testified in favor of the bill during the Committee’s hearing. HB 3810 was bipartisan and non-controversial and improving building code standards should be
a priority during the 87th Legislative Session, especially if Texas is struck by another major storm.

While HB 970 and HB 993 may have failed in the committee process, the passage of SB 339 signifies that the GLO’s push for more comprehensive flood disclosure was still somewhat successful. In addition to whether a property is in a 100-year flood plain and if it had flooded in a previous flood event, SB 339 would expand current disclosure requirements for sellers of property to cover whether a property is:

- In a 500-year floodplain;
- In a flood pool;
- In a reservoir;
- Located 5 miles downstream of a reservoir; and
- At risk of flooding in catastrophic circumstances.

SB 339 would codify a core principle of the report’s sixth recommendation by increasing disclosure requirements in property transactions to reduce information asymmetry between buyers and sellers associated with flood-prone properties. However, the fact remains that renters could still unknowingly be in harm’s way without similar disclosure requirements for landlords of rental properties. Expanding flood-related disclosure requirements to include landlords should be a priority during the 87th Legislative Session.