



TEXAS GENERAL LAND OFFICE
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PRESS RELEASE

Comr. George P. Bush statement on HUD issuance of federal rules for mitigation funds

The rules can be reviewed at <https://files.hudexchange.info/resources/documents/FR-6109-N-02-CDBG-Mitigation-Notice.pdf>

FOR IMMEDIATE RELEASE
August 23, 2019

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AUSTIN — Today Texas Land Commissioner George P. announced the U.S. Department of Housing and Urban Development (HUD) released mandatory rules for the use of more than \$4.3 billion in Community Development Block Grant Disaster Recovery (CDBG-DR) funds for mitigation projects. These funds were appropriated by Congress on February 9, 2018, for mitigation projects in the areas affected by Hurricane Harvey as well as 2015 and 2016 Floods. Publication of rules in the Federal Register will now enable the Texas General Land Office (GLO) to move forward in drafting and getting approval for a state action plan, a process expected to take approximately nine months or more to complete.

"Hurricane Harvey was a storm of historic proportions with more than \$100 billion in property damage and immeasurable disruption to the lives of Texans," Commissioner Bush said. "Many communities in Texas have faced repeated flooding including the 2015 and 2016 floods. While the GLO continues to rebuild homes and affordable rental properties lost to these disasters, our communities are no more protected today than when the storm made landfall two years ago. Now we must develop a state action plan in accordance with HUD's requirements set forth in 126 pages of rules to get projects moving that will fortify Texas homes, businesses and infrastructure."

Since the funding was appropriated by Congress more than a year and a half ago, the GLO has been diligently working with local and federal partners to define the type of mitigation projects would best serve those impacted by Hurricane Harvey. Now begins the long process of turning these rules into a federally mandated state action plan. This process includes drafting the action plan, translating it in to multiple languages as required, before posting it for "no less than 45 calendar days to solicit public comment" as well as convening "the required amount of public hearings on the proposed plan." After all these steps, the state action plan is then sent to HUD for approval. This process is expected to take at least nine months given the number of rules required in HUD's Federal Register notice.

Timeline of \$5.676 billion CDBG-DR allocation

The second most destructive hurricane in American history, Hurricane Harvey impacted nearly 30 percent of Texans. Here is a brief timeline of \$5.676 billion in previously appropriated CDBG-DR funds for unmet recovery needs:

- Aug. 25, 2017 - September 8, 2017 - Hurricane Harvey makes landfall on the Texas Coast and continues to drop 20 to 50 inches of rain along the affected area.
- Aug. 29, 2017 - Commissioner George P. Bush submits a letter to President Donald J. Trump and key members of his Cabinet and the Texas Congressional Delegation describing \$180 billion in overall damage to the state of Texas, estimating at least \$40 billion in unmet need for the recovery, and requesting the release of \$57.8 million in held back HUD CDBG-DR funds.
- Sept. 8, 2017 - President Trump signs Continuing Appropriations Act, 2018, and Supplemental Appropriations for Disaster Relief Requirements Act of 2017, which included \$5.024 billion for the State of Texas for Hurricane Harvey recovery.
- Sept. 14, 2017 - Governor Greg Abbott tapped the Texas General Land Office (GLO) with the historic new mission of short-term housing in partnership with FEMA - the first time a state agency has ever held this role. In order to partner with FEMA on this mission, we would need to draft a lengthy Inter-Governmental Service Agreement (IGSA) specifying FEMA's and the GLO's respective roles and the rules of all processes and procedures. In addition to the IGSA, getting programs running also included a very complex and process-heavy Federal Acquisition Regulation (FAR) to be followed to bid out contracts.
- Feb. 9, 2018 - HUD published Federal Register outlining requirements for how the funding can be used (rules change with each allocation). The GLO begins drafting the State Action Plan, which then had to be amended following a decision in April by HUD to apportion direct allocations to the City of Houston and Harris County to be overseen by the GLO. Drafting the State Action Plan is a time-consuming, painstaking process that must be done well, or else HUD will not approve the plan.
- April 1, 2018 - GLO releases State Action Plan for a federally mandated public comment period. All comments must receive a response from the GLO before submitting to HUD for approval.
- May 8, 2018 - State Action Plan with public comments submitted to HUD for approval.
- June 25, 2018 - HUD approval of State Action Plan.
- August 14, 2018 - HUD publishes a second Federal Register notice allocating an additional \$652 million to the State of Texas for Hurricane Harvey recovery. The notice had additional rules and additional most impacted and distressed counties and zip codes.
- August 17, 2018 - HUD signs grant agreement authorizing the GLO the authority to begin implementing agency-led programs (not City of Houston or Harris County, which requested and received direct allocations)
- December 21, 2018 - [Commissioner Bush calls on HUD Secretary Ben Carson](#) to ensure uninterrupted process of ongoing Hurricane Harvey rebuilding funds due to federal government shutdown.
- January 2, 2019 - Commissioner Bush sends [letter to Director Mick Mulvaney calling for Office of Management & Budget \(OMB\) approval of rules](#) for \$4.383 billion in mitigation funding appropriated to Texas by Congress in February of 2018.

- January 29, 2019 - Commissioner Bush sends a [letter to President Donald J. Trump](#) requesting help getting rules for Texas' Community Development Block Grants for Disaster Recovery (CDBG-DR) mitigation funding approved by HUD and the Office of Management and Budget (OMB).
- February 4, 2019 - Governor Greg Abbott, Senators John Cornyn and Ted Cruz, and members of the Houston Congressional Delegation, joint [author a letter urging OMB to approve rules from HUD](#).
- Feb. 9, 2019 - One-year anniversary of the Congressional Appropriation of mitigation funding. The required Federal Register outlining rules governing the use of Congress appropriated recovery dollars has yet to be published.
- May 10, 2019 - Cmr. Bush applauded the filing of the [Bipartisan Disaster Recovery Funding Act](#) requiring OMB to release \$16 billion in disaster relief funding to include the \$4.383 billion in mitigation funds for major declared disaster events in Texas during 2015, 2016, and 2017.
- May 16, 2019 - Several members of the U.S. House of Representatives introduce the companion version of the [Bipartisan Disaster Recovery Funding Act](#), to include the \$4.383 billion in mitigation funds for major declared disaster events in Texas during 2015, 2016, and 2017.