

Senate Bill 99
82nd Texas Legislature
Regular Session

TRACKING THE PROGRESS OF STATE
FUNDED
PROJECTS THAT BENEFIT COLONIAS

Prepared by:

The Colonia Initiatives Program
Office of the Texas Secretary of State

Date of Submission
December 1, 2010

December 1, 2010

The Honorable David Dewhurst
Lieutenant Governor of Texas
P.O. Box 12068
Austin, Texas 78711-2068

The Honorable Joe Straus
Speak of the House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910

Dear Lt. Governor Dewhurst and Speaker Straus:

During the course of several sessions, the Texas Legislature enacted legislation to provide resources to stop the proliferation of substandard subdivisions known as colonias and to improve the health, safety, and quality of life for colonia residents in the Texas-Mexico border region.

S.B. 827, enacted in 2005, and S.B. 99, enacted in 2007, require the Secretary of State to compile information provided by a wide variety of state agencies that provide services to colonia residents and report to the Legislature in even-numbered years on the progress of state-funded colonia projects.

I am pleased to submit the enclosed report for your review.

Sincerely,

A handwritten signature in black ink, appearing to read "Hope Andrade". The signature is fluid and cursive, with the first name "Hope" being more prominent and the last name "Andrade" following in a similar style.

Hope Andrade
Secretary of State



The Legislature

State of Texas

December 1, 2010

The Honorable
David Dewhurst
Lieutenant Governor of Texas
PO Box 12068
Austin, TX 78711

The Honorable
Joe Straus
Speaker, House of Representatives
PO Box 2910
Austin, TX 78768

Dear Lt. Governor Dewhurst and Speaker Straus:

Thank you for your support of programs related to Texas colonias. It is our pleasure to continue to champion the needs of persons living in colonias, including by working with state agency representatives to implement Senate Bill (SB) 99 (2007) by Zaffirini and Lucio and sponsored by Representative Ryan Guillen. This legislation relates to systems for identifying colonias and tracking the process of state-funded projects that benefit colonias and submitting a report to the legislature.

SB 99's objective is to present a report card to the legislature, using a comprehensive classification system to demonstrate the state's progress in bringing water/wastewater, paved roads, and other assistance to colonias. By classifying colonias based on their respective level of infrastructure and access to public health services, we can prioritize funding and target the colonias that have the most critical need, especially with the looming state budget shortfall.

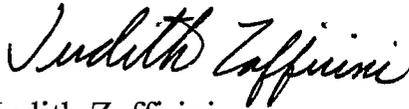
Because of the excellent work of state agency representatives who spent countless hours classifying colonias, we are confident that this report will help us make better decisions regarding programs that impact colonia residents. What's more, we hope that by improving colonia programs, we will create more opportunities for families in Texas to achieve their dreams.

This report reflects the hard work of numerous persons and the outstanding leadership of Enriqueta "Keta" Caballero, Director of the Colonias Initiative at the Office of Secretary of State. Their dedication is appreciated greatly.

Letter to Lieutenant Governor Dewhurst and Speaker Straus
December 1, 2010
Page Two

Count on our continued leadership to help ensure that all colonia residents have quality roads, reliable water and wastewater infrastructure, and excellent public health services. We look forward to working with you and our colleagues on this and other issues during the forthcoming session.

Very truly yours,



Judith Zaffirini
State Senator



Ryan Guillen
State Representative

JZ/mjd

EXECUTIVE SUMMARY

Executive Summary

Senate Bill 99, 80th Regular Session (SB 99), became law on June 15, 2007. Authored by Senator Judith Zaffirini, the legislation continued the work started under Senate Bill 827, 79th Regular Session (SB 827). SB 99, like SB 827, charged the Secretary of State (SOS) with three tasks: 1) developing and maintaining a colonia identification system; 2) creating and maintaining a statewide system for classifying colonias with the highest public health risks; and 3) developing a report to the legislature on the progress of state funded infrastructure projects. The SB 827 report was prepared by SOS and submitted on December 1, 2006.

The SB 99 report was generated from input received during a series of interagency meetings. During these meetings, raw data collected by the SOS ombudspersons was discussed and translated into recommendations that are to be included in this report. In addition, conclusions were drawn by analysis of the data and discussions among colonia serving agencies. The workgroup also provided a platform for the discussion and formulation of recommendations contained herein.

Primarily, the information showed that the number of colonias having access to potable water, paved access roads and operational wastewater disposal systems ("Green" colonias) rose from 636 in 2006 to 891 in 2010. Conversely, in 2006 there were an estimated 62,675 residents living in 442 colonias that lacked basic infrastructure such as potable water, functional wastewater disposal or platted subdivisions ("Red" colonias). In 2010, the numbers dropped to 44,526 living in 353 colonias.

Conclusion and Recommendations

Although there are still significant challenges and barriers to progress in the colonias along the Texas-Mexico Border, significant progress is evident in many of the colonias detailed in this report. The efforts of federal, bi-national, state and local agencies are apparent in many colonia communities along the border. For purposes of this report, programs funded by various state agencies will be highlighted. Should the legislature continue to appropriate funds to these state agencies, they will continue to address the remaining barriers that exist in colonia communities. The state agencies involved in this report are committed in their collective goal to make basic necessities and infrastructure available to colonia residents.

The process of compiling this report highlighted the many challenges facing colonia serving entities. There are also several unresolved issues relating to colonias. For example:

- At what point does a designated colonia cease to be considered a colonia?
- Does a colonia designation cease to exist once colonia residents access basic services such as potable water, effective and safe disposal of wastewater and access to paved roads?

- Does the Secretary of State have the authority to remove a colonia from their specific database and colonia directory once data establishes that the colonia designation is in error?
- Is there a need for an “across the board” clear-cut colonia definition used by all state agencies?

Recommendations for the 82nd Texas Legislature

1. Develop a mechanism for the removal of previously designated colonias that clearly do not meet the definition of a colonia from the SOS’s colonia directory and color classification database.
2. Secure the funding necessary to undertake a comprehensive survey of the basic services available in each colonia. The survey may include infrastructure attributes such as access to potable water, wastewater disposal and the existence of an approved subdivision plat. Demographic data can also be verified and compiled. This data set may include the colonia’s GPS location and population. By no means is this an exhaustive list of the data needed for this comprehensive statewide study.
3. Continue to require agencies to track the progress of state funded colonia projects that address basic infrastructure needs to include potable water, reliable wastewater disposal, approved subdivision plats, paved roads, and adequate drainage. In addition, housing statistics could also be included in this study.
4. Direct state agencies and other reporting entities included in the work group that address needs other than basic infrastructure to report directly to the legislature, rather than the Secretary of State, on projects under their administration that may serve colonia residents. Health and human services, education, workforce and training services made available to colonia residents are often not colonia specific.
5. Change agency reporting requirements to track progress of state funded projects that benefit colonia residents from a quarterly to an annual basis.

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Texas Water Development Board

David Luna

Texas Health & Human Services Commission

Dr. R.J. Dutton

Texas Department of State Health Services

Ginny Lewis

Texas Association of Regional Councils

Oscar J. Muñoz

Texas A&M Center for Housing and Urban Development

Suzanne Barnard

Texas Department of Rural Affairs

In addition, a special thanks to the Secretary of State's colonia ombudspersons that worked tirelessly in updating data for their respective color classification databases.

Moreover, Ms. Desiree Ledet, former TCEQ intern, who graciously volunteered to maintain our meetings notes, draft agendas and outline this report.

Finally, thanks to Judy C. Davidson for her assistance in preparing the final version of this document.

INTRODUCTION

Introduction

Background

On June 15, 2007, Governor Rick Perry signed Senate Bill 99, 80th Legislature, Regular Session, (SB 99). The bill was authored by Senator Judith Zaffirini, co-authored by Senator Eddie Lucio, and sponsored in the House by Representative Ryan Guillen.

SB 99 also charged the Secretary of State's Office (SOS) with three main tasks:

- Develop and maintain a colonia identification system
- Create and maintain a statewide system for classifying colonias with the highest public health risks
- Report on the progress of state funded infrastructure projects in border region colonias

SB 99 specifically requires the SOS to update the legislative leadership regarding the progress of state funded colonia infrastructure progress along the border region. This report is to be submitted by December 1 of each even-numbered year. Should funds not be appropriated for that purpose, the SOS is required to provide a report on December 1st of every fourth year.

Report Goal

The report provides information on the status of state-funded infrastructure projects providing water and wastewater services, paved roads, and other assistance to colonias.

Methodology

From March to November 2010, the SB 99 work group met monthly in Austin to compile and analyze data. Once this process was complete, draft conclusions and recommendations were shared with the group at large. Once a consensus was reached regarding the relevance of the data, the interpretation of the data and conclusions, the report was prepared for distribution.

This report includes information from the Texas Department of Rural Affairs, Texas Water Development Board, Texas Department of Transportation, Texas Department of Housing and Community Affairs, Texas Department of State Health Services, and Texas A&M University. In addition to those agencies, SB 99 requires the following agencies to report regarding their colonia projects: the Texas Commission on Environmental Quality, Texas Health and Human Services Commission, Texas Cooperative Extension Service (now known as the Texas AgriLife Extension Service) and the state's Regional Councils of Governments.

Population figures used in this report reflect estimates from the 2000 Census, figures from the TWDB 2003 study and a small number of corrections made by the SOS to specific colonias.

The Office of the Attorney General (OAG) participated in all meetings and agreed to develop a projects database from information provided by the agencies detailed previously. Agencies were asked to submit colonia project specific information in one of two ways. They could access a browser based form via the internet, or they could use an Excel template provided by the OAG. Once the data was collected, the OAG produced various reports such as colonias by projects and projects by colonia. These statistical reports are available electronically as supplements to this report. Care was taken to collect project data in such a way that it could be linked to the OAG's interactive Border Colonia Geography Online at the following:

https://maps.oag.state.tx.us/colgeog/colgeog_online.html#

Statewide Colonia Identification System

The SB 99 Work Group agreed to continue using the previously-developed system of unique identification.

Use of a unique ID system to identify colonias insures precise identification of colonias especially across several agencies and jurisdictions. For example, a colonia named Los Ebanos on one agency's database might be known as Ebanos on another agency's database. Furthermore, there may be colonias with the same name in separate counties. A unique ID also facilitates joining colonia data between disparate databases.

The TWDB initially developed the process by which colonia identification numbers are assigned. A few years later, the OAG and the TWDB modified the process. By agreement, the SB 827 and SB 99 work groups adopted that modified system so all agencies could refer to a given colonia by one "universally" acceptable identifier.

Each colonia identification number begins with the letter "M" to distinguish it from previous identifiers. It is followed by a three digit county code (001 to 254). Finally, a four digit numeric string (from 0001 to 9999) identifies the specific colonia; for example, the Josefina L. Chapa colonia in Hidalgo County (county code 108) is identified by the unique ID, M1080353. Initially the four digits were assigned to known colonias in alphabetical order by county, but as additional colonias were added to the database, numbers were assigned in numerically sequential order.

To meet its statutory obligation to maintain a statewide identification system, the SOS works directly with TWDB to assign colonia identification numbers. The current process follows:

- a. A county submits a colonia identification survey with a map and supporting documentation to the TWDB.

- b. The Texas Water Development Board staff reviews the information for geographic accuracy and thoroughness and, where appropriate, assigns a colonia identification number.
- c. Once a number is assigned, the TWDB notifies the county's designated contact and the SOS Director of Colonia Initiatives for inclusion in SOS's Statewide Colonia Directory and Color Classification Database. The Office of the Attorney General is also notified for inclusion in the Border Colonia Geographic Online Database.

The colonia identification number is strictly for identification purposes and should not be construed to mean inter-agency universal colonia recognition. Assigning a colonia identification number does not automatically confer eligibility or status to the community in any given program.

Colonia Health-Risk Classification System

The SB 827 work group previously developed a three-tiered color classification scheme to identify colonias posing the greatest public health risk. The classification system is limited to the six counties with the largest colonia populations. They are Cameron, El Paso, Hidalgo, Maverick, Starr, and Webb Counties.

The SB 99 work group maintained the same classification system as the previous team. Colonias that lack platting, potable water and/or adequate wastewater disposal potentially pose the greatest public health risk. Because of this, the work group assigned them a "Red" status.

Colonias with existing potable water service (via private well or public system) and utilize an approved waste water disposal system but lack adequate road paving, drainage or a solid waste disposal system pose an intermediate health risk and were assigned a "Yellow" status.

Finally, colonias that have access to all the aforementioned services were classified as "Green". These colonias pose the lowest level of risk to human health.

Because the classification system depends on clear, concise and consistent data, the Office of the Secretary of State used the services of the colonia ombudspersons to collect data. For both the SB 827 and SB 99 work groups, the six staff members collected and verified as much data as possible in their assigned counties. The data collected for SB 827 allowed for the most accurate classification system available. For SB 99, the SOS ombudspersons updated and verified the data originally collected for SB 827 within the limits of available resources. The result was a more accurate but still incomplete profile.

Results

The following tables compare data in the 2006 report with those in the 2010 report.

Table 1
Number of Colonias by Color Classification
Six Selected Counties
2006

Basic Infrastructure Service	Total Number of Colonias	Estimated Population
Red	442	62,675
Yellow	396	104,267
Green	636	145,408
Unknown	312	47,475

Table 2
Number of Colonias by Color Classification
Six Selected Counties
2010

Basic Infrastructure Service	Total Number of Colonias	Estimated Population
Red	353	44,526
Yellow	519	126,334
Green	891	194,085
Unknown	62	4,062

Red: Colonias lack access to potable water, adequate wastewater disposal or are un-platted

Yellow: Colonias with access to potable water via functional water well or connection to a public water system, functional septic tank or connection to a public wastewater collection system but lacks adequate road paving, drainage or solid waste disposal

Green: Colonias with access to potable water, adequate wastewater disposal, adequate paved road, drainage and solid waste disposal

The tables highlight that, because of the increase in the number of colonias classified as “Green,” residents in “Green” colonias increased by 48,677 from 2006 to 2010. In 2010, 18,149 individuals no longer reside in colonias designated as “Red” because of

infrastructure improvements, including water, wastewater, and road paving projects funded by state, federal and local partners.

Color Classification by County

Table 3 is provided to show data from the SB 827 Report, which summarizes colonia color classification by county. Table 4 provides the same information for the SB 99 Report for comparison.

Table 3

SB 827 2006 Report			
County	Color Classification	Number of Colonias	Estimated Population
Cameron	Green	88	23,361
Cameron	Yellow	40	16,231
Cameron	Red	48	8,014
Cameron	Unknown	2	0
Cameron	Total	178	47,606
El Paso	Green	166	52,649
El Paso	Yellow	34	15,838
El Paso	Red	60	4,480
El Paso	Unknown	42	4,897
El Paso	Total	302	77,864
Hidalgo	Green	270	42,748
Hidalgo	Yellow	263	53,129
Hidalgo	Red	138	18,027
Hidalgo	Unknown	263	42,228
Hidalgo	Total	934	156,132
Maverick	Green	15	6,001
Maverick	Yellow	21	6,528
Maverick	Red	37	9,893
Maverick	Unknown	1	37
Maverick	Total	74	22,459
Starr	Green	94	14,631
Starr	Yellow	37	7,204
Starr	Red	102	12,679
Starr	Unknown	3	228
Starr	Total	236	34,742
Webb	Green	3	6,018
Webb	Yellow	1	5,337
Webb	Red	57	9,582
Webb	Unknown	1	85
Webb	Total	62	21,022
		1786	359,825

Table 4			
SB 99 2010 Report			
County	Color Classification	Number of Colonias	Estimated Population
Cameron	Green	87	23,364
Cameron	Yellow	42	17,996
Cameron	Red	47	6,321
Cameron	Unknown	2	0
Cameron	Total	178	47,681
El Paso	Green	193	59,684
El Paso	Yellow	49	19,631
El Paso	Red	56	5,529
El Paso	Unknown	23	1,628
El Paso	Total	321	86,472
Hidalgo	Green	470	74,097
Hidalgo	Yellow	349	67,123
Hidalgo	Red	100	12,991
Hidalgo	Unknown	15	2,316
Hidalgo	Total	934	156,527
Maverick	Green	27	12,487
Maverick	Yellow	29	7,451
Maverick	Red	18	2,650
Maverick	Unknown	0	0
Maverick	Total	74	22,588
Starr	Green	106	17,655
Starr	Yellow	36	5,227
Starr	Red	92	11,742
Starr	Unknown	22	118
Starr	Total	256	34,742
Webb	Green	8	6,798
Webb	Yellow	14	8,906
Webb	Red	40	5,293
Webb	Unknown	0	0
Webb	Total	62	20,997
		1825	369,007

CHALLENGES

CHALLENGES FACING COLONIAS

Water and Sewer Systems

Two decades of local, state and federal investment now provide safe drinking water and wastewater facilities for thousands of Texas colonia residents; however, some communities still lack complete access to safe drinking water and wastewater management. This continues to be an issue of great concern because of the direct link to quality of life and overall health of residents.

Some colonia residents continue to depend on the bulk transport of water or the purchase of smaller quantities of bottled water for drinking and cooking while using non-potable water for other household needs. Moreover, while private groundwater wells provide good, safe water for thousands of rural Texans, some private wells are unsafe. In many parts of the state, naturally occurring geological contaminants such as arsenic or radionuclides make local groundwater unsafe for long-term consumption without expensive treatment and filtration.

In more densely developed areas, private wells may become contaminated by bacteria, nitrates and other contaminants. This may be caused by surface run-off that contaminates shallow, unprotected wells. In other cases inadequate septic systems that are improperly installed or located on inadequately-sized lots are the culprits. These problems are exacerbated in areas with poor storm water drainage. Even if a public water system is in place, sewage surfacing from failing wastewater systems is a significant public health danger, especially for children.

Solutions to colonia water and wastewater needs vary greatly depending on the proximity of existing water distribution and wastewater collection systems. Community size, density and location also factor into the equation. A colonia's ability to connect to a public water distribution or wastewater collection system can be affected by the following factors:

- A colonia may not be located sufficiently close to a service area.
- Individual houses may be unable to receive service because they do not comply with the local jurisdiction's basic building codes.
- Some water service providers may lack the institutional capacity or resources to develop and execute a project.
- For some colonias, existing structures may prevent or inhibit the dedication of utility easements necessary for project completion.

- Costs associated with the planning, construction and ultimate connection to a utility coupled with recurring utility bills may make connection unaffordable for colonia residents.
- Limited availability of grant and/or loan funding is a disincentive for utility providers to undertake projects with high costs per connection.

Housing

The colonias present one of the most serious housing needs in the state. Colonia residents often reside in transitional housing. Families typically elect to build their own homes, transitioning from makeshift structures to sturdier housing as personal income permits. Because low-income residents are unable to contract a private builder, they undertake the project on their own or hire untrained friends or neighbors. These individuals are often unaware of building codes and basic housing standards. Consequently, the construction fails to meet basic housing requirements and residents are unable to connect legally to basic services, often leading to illegal and unsafe electrical and water hookups.

Three primary challenges to housing in the colonias are the following:

1. Multiple dwellings illegally on one lot
2. Substandard construction
3. Lack of housing organizations

Drainage and Flooding

Because many colonias are situated in land that was formerly used primarily for agricultural purposes or unsuitable for residential purposes, drainage infrastructure is often inadequate or non-existent. Therefore, rainstorms present major challenges once population density overwhelms the natural drainage capacity of the land. Existing irrigation and drainage ditches are insufficient to divert water from residential areas. Compounding the problem, some residents use ditches to dispose of solid waste, blocking the water's natural flow. Floodwaters from major storms such as Hurricane Dolly destroyed homes and roads. The deluge also made existing problems with cesspools, privies and non-functioning septic tanks even worse.

Solid Waste – Illegal Dumping

Colonias often lack garbage collection services or other means to legally and effectively dispose of household solid waste. This problem can result in illegal dumping and burning of refuse. Accumulation of garbage often leads to large populations of vermin that transmit disease. Unregulated burning of garbage leads to poor air quality in colonias and endangers residents.

Paved Roads

Colonias often lack roads sufficient for everyday access as well as transit by school buses and emergency vehicles. Colonia residents frequently walk along muddy roads, even in good weather. In some cases, students and their parents wait for school buses outside the colonia on busy roadways because school officials are unwilling to allow buses to enter the colonia.

Unplatted Subdivisions

Platting is part of the process of legally subdividing land, although not all land subdivisions require platting. Platting includes planning for basic infrastructure and filing legal documentation with the county and/or municipality. However, in some older colonias and even in some new ones, plats are incomplete or nonexistent. In some situations, unplatted new residential subdivisions are illegal and subject to enforcement by the Office of the Attorney General. Older, unplatted colonias present unique challenges for project sponsors and colonia residents. Often, road and utility easements were never dedicated or even considered when land was sold. Frequently, residents are reluctant to provide land for easements, delaying work on road and utility projects or stopping them altogether.

State Wide Colonia Identification Process

While an informal process has provided a tracking method to identify and maintain a list of colonias, several challenges remain.

Cities and counties can request colonia designation for communities within their jurisdiction. In some instances, residential areas may be improperly designated as a colonia. State agencies do not always have the resources to assure that a residential neighborhood reported as a colonia meets the appropriate criteria.

In addition, colonia ombudspersons conducted site visits to verify information in the SOS's color colonia classification database, which identified various discrepancies. These improperly designated colonias included:

- areas with a minimum number of dwellings or no dwellings
- expensive homes in gated communities
- a working caliche pit, a vacant lot and a cemetery
- several recreational vehicle parks
- areas with multiple identification numbers
- areas without geographic data to locate them

These specific but limited examples reflect errors made in the original colonia designation process. Given that the SOS lacks specific authority to delete or modify these listings, the problem remains unresolved.

Annexation Problems

Some cities have annexed areas which include colonias. Although current law mandates cities that annex a particular area to provide public services within a specific timeframe, at times they fail to deliver services. In other situations, cities are unwilling or financially unable to annex colonias that are adjacent to or near city limits.

In both cases, colonia residents continue to lack the services and infrastructure that the cities could provide.

Health and Human Services

Access to services continues to be a challenge for colonia residents along the Texas-Mexico border. Barriers include the lack of transportation, health insurance, and public awareness regarding available social service programs. Immigration status and language are additional barriers. Although the HHS agencies have improved in developing outreach services to colonia residents, resources and travel constraints to rural and isolated areas limit support.

Double Reporting

State and federal agencies fund various entities such as universities, councils of governments and other state agencies. For example, regional councils of government often serve as “pass through” entities using state funds for their specific state programs. Therefore, there will be entities providing data that have been or will be counted in another agency’s report.

AGENCY NARRATIVES

(As provided by each agency)

AGENCY NARRATIVES

Texas Secretary of State (SOS) Colonia Initiatives Program

Agency Mission

The mission of the Office of the Secretary of State (SOS) is to provide a secure and accessible repository for public, business, and commercial records and to receive, compile, and provide information. In addition, its mission is to ensure the proper conduct of elections, authorize the creation and registration of business entities, and to publish state government rules and notices. Finally, the SOS serves as the liaison to the Governor for Texas - Mexico issues, as well as Texas' Chief International Protocol Officer. It assists its staff with personal and professional development, as well as promotes and develops a diverse workforce and effective use of resources.

Agency Colonia Definition

The term "colonia," is a Spanish word meaning "a community or neighborhood." The SOS defines a colonia as a residential area along the Texas-Mexico border that may lack some of the most basic living necessities, such as potable water, septic or sewer systems, electricity, paved roads, and safe and sanitary housing.

Agency Role in Colonias

In 1999, the Legislature enacted Senate Bill 1421 (76th Legislature, Regular Session). This legislation sought to improve living conditions in border-region colonias, which include some of the most-disadvantaged communities in the state.

Following passage of the bill, then-Governor Bush designated the SOS as the state's colonia initiatives coordinator. In keeping with that responsibility, the SOS hired a director of colonia initiatives along with six colonia ombudspersons and assigned them to border counties with the highest colonia populations, which initially included Hidalgo, Cameron, Starr, Webb, Maverick, and El Paso Counties and later included Nueces County.

The Colonia Initiatives Program is now a major part of the SOS's efforts to address quality of life issues for colonia residents. It concentrates on specific objectives, which enables the agency to help expedite the delivery of basic services to colonia residents.

The SOS's colonia program currently addresses basic services such as water, wastewater, drainage, road paving, solid waste, and housing and development concerns. It works closely with local governments and state and federal agencies to

ensure that colonia residents have access to basic infrastructure and government services and works to improve their quality of life.

The SOS is also responsible for maintaining the Statewide Colonia Identification System and ranking colonias according to the risk they pose to the public. In 2006, the SOS submitted a report to the Legislature that tracked the progress of state-funded programs for colonia residents.

Agency Colonia Financial Contributions

The Secretary of State has a dedicated staff of seven Colonia Ombudspersons located in El Paso, Maverick, Webb, Starr, Hidalgo, Nueces and Cameron Counties. In addition, the Colonia Initiatives Program Director's office is located in Hidalgo County.

Texas Water Development Board (TWDB)

Agency Mission

To provide leadership, planning, financial assistance, information, and education for the conservation and responsible development of water for Texas. The TWDB is the state's water planning and water project finance agency. The TWDB's main responsibilities are collecting and disseminating water-related data, assisting with regional water planning, and preparing the State Water Plan to develop the state's water resources, and administering cost effective financial assistance programs for the construction of water supply, wastewater treatment, flood control and agricultural water conservation projects.

Agency Colonia Definition

TWDB's Economically Distressed Areas Program (EDAP) defines "economically distressed area" as an area in which water supply or sewer services are inadequate to meet minimal needs of residential users, financial resources are inadequate to provide services to satisfy those needs, and the area was an established residential subdivision prior to June 2005.¹

Agency Role in Colonias

In 1989, the 71st Legislature created EDAP to finance construction of basic water and wastewater services to correct immediate public health and safety concerns, and established Model Subdivision Rules (MSR) empowering city and county governments to prevent development of additional sub-standard subdivisions.

As of FY 2010, including its affiliated state and federal programs², EDAP has committed more than \$650 million in grants and loans statewide for planning, acquisition, design, and construction of much needed basic water and wastewater infrastructure for Texas residents.³

Throughout its history, EDAP has frequently collaborated and jointly-funded projects with federal agencies such as the Environmental Protection Agency; the North American Development Bank; the Border Environment Cooperation Commission; the United States Department of Agriculture-Rural Development; state agencies such as the Texas Department of Rural Affairs; local governments, including cities, counties,

¹ Texas Water Code, 17.921.

² EDAP affiliated programs include EDAP, EDAP Research & Planning Funds, Colonia Wastewater Treatment Assistance Program, Colonia Self Help Program, Colonia Plumbing Loan Program, and Colonia Assistance Management and Support Program.

³ See EDAP Status Report, 8/31/10.

and water and wastewater utilities; and other groups like the Rensselaerville Institute and Community Resource Group. Since 1992, the TWDB has periodically surveyed the water and wastewater infrastructure needs of communities that may be eligible for EDAP. The 1992 needs assessment used site visits and local interviews to assess colonia water and wastewater infrastructure needs for the 37 counties that were then EDAP eligible. TWDB published updates to the initial assessment in 1995, 1996, and 2003. The 2003 needs assessment contracted with a consultant for a reassessment of economically distressed communities needs incorporating additional local official interviews, review of TWDB and Texas Department of Rural Affairs funded Planning Studies, and integration with the Office of the Attorney General's Border Colonia Geographic Database.

Agency Colonia Financial Contributions

EDAP, Colonia Self Help Program, federally funded Colonia Wastewater Treatment Assistance Program, Colonia Plumbing Loan Program, and Colonia Assistance Management and Support Program have historically provided TWDB's primary funding assistance targeted to serve colonias.

Combined with other TWDB programs such as the Development Fund, Rural Water Assistance Fund, Water Assistance Fund, federally capitalized Clean Water and Drinking Water State Revolving Funds and others, over the past 20 years the TWDB has committed over \$1.45 billion to more than 240 projects serving areas defined as colonias or economically distressed areas within 150 miles of the Texas-Mexico border.

In FY07-FY10, the TWDB committed over \$531 million to finance water and wastewater infrastructure improvements benefitting areas defined as colonias or economically distressed areas within 150 miles of the Texas-Mexico border.

TWDB Funding Benefitting Colonias or Economically Distressed Areas Within 150 miles of the Texas-Mexico Border (millions)					
	FY 07	FY 08	FY 09	FY 10	Total
EDAP⁴	\$16.0	\$30.7	\$25.8	\$45.1	\$117.6
CWSRF⁵	\$57.8	\$51.6	\$17.8	\$127.9	\$255.1
DWSRF⁵	\$39.3	\$5.6	\$22.4	\$73.6	\$140.9
Other⁶	\$1.0	\$8.9	\$5.8	\$2.0	\$17.7
Total	\$114.1	\$96.8	\$71.8	\$248.6	\$531.3

⁴ EDAP affiliated funding during FY 07-10 includes EDAP, Colonia Wastewater Treatment Assistance Program, and Colonia Self Help Program.

⁵ FY 10 Clean Water State Revolving Fund and Drinking Water State Revolving Fund include American Recovery & Reinvestment Act (ARRA) funding.

⁶ Other TWDB Funding includes Development Fund, Rural Water Assistance Fund, and Water Assistance Fund.

Texas Department of Transportation (TxDOT)

Agency Mission

TxDOT's mission is to provide for the safe and efficient movement of people and goods, enhance economic viability and improve the quality of life for the people that travel in the state of Texas by maintaining existing roadways and collaborating with private and local entities to plan, design, build and maintain expanded transportation infrastructure.

Agency Colonia Definition

The Texas Transportation Commission established requirements for TxDOT's Border Colonia Access Program (BCAP) in Texas Administrative Code, Title 43, Part 1, Chapter 15, Subchapter I. A colonia is defined in Sec. 15.101 as "A geographic area that consists of 11 or more dwellings that are located in close proximity to each other in an area that may be described as a community or neighborhood and located in an eligible county, which is identified as a colonia in the Texas Water Development Board's colonia database."

Sec. 15.101 defines an eligible county as "A county located in the El Paso, Laredo, or Pharr department districts, and Terrell County, that has adopted the model rules promulgated by the Texas Water Development Board under Water Code, §16.343."

Agency Role in Colonias

Given their high poverty rates and limited access to government services, colonias typically lack resources to improve roads and drainage. They are frequently located in flood-prone areas along caliche or poorly paved roads that are not part of the state highway system and become unserviceable during inclement weather. Inadequate roads pose a threat to human health, safety, and well-being by limiting residents' access to emergency services, by restricting children's access to school buses, and by increasing personal transportation costs for already impoverished citizens in rural areas.

Because of legislation enacted in 2001 and amended in 2003, TxDOT administers the "Border Colonia Access Program" (BCAP), which is funded by \$175 million in general obligation bonds authorized by a Constitutional amendment approved by the voters in 2001 and issued by the Texas Public Finance Authority. Since then, TxDOT has made all of those funds available to border counties to improve colonia roads through paving and drainage projects.

TxDOT's district offices in El Paso, Laredo, Odessa, and Pharr provided eligible counties with information about funding availability and program requirements and

solicited applications for the BCAP. After the Texas Transportation Commission approved funding for each project, the district offices supervised county awards of design and construction contracts, monitored and supported project design and construction, reviewed construction plans, mediated resolution of any issues, and inspected project construction. TxDOT also monitors and documents disbursement of funds and counties' compliance with BCAP requirements for each stage of approved projects.

Using BCAP funds, TxDOT has worked with participating counties to pave and/or improve drainage (e.g., by installing curbs and gutters or building retention ponds) for an estimated 600 miles of colonia roads. As a result, the BCAP has significantly improved the lives of colonia residents on several levels:

- **Health and Safety:** The BCAP has improved access to emergency services for colonia residents, especially in rainy weather that makes inadequate roads impassable. It also helps improve access to school buses for children who have traditionally had to walk long distances, often in unsafe conditions, to bus gathering points, especially in rainy weather.
- **Economic:** By improving access to and within rural colonias, the BCAP has increased property values and reduced transportation costs for colonia residents while increasing their access to government services, educational opportunities, and jobs.
- **Well-being:** The BCAP has enhanced the quality of life for colonia residents by increasing the attractiveness of their communities and facilitating mobility.

Agency Colonia Financial Contributions

TxDOT issued program calls in 2002, 2004, and 2008 for eligible counties to submit applications for projects in colonias identified in the Texas Water Development Board's colonia database. A separate application was required for each project. To be eligible for consideration, projects were required to do the following: (1) be located within an eligible county; (2) have one terminus at or within a border-area colonia and one terminus at a public road; and (3) be designed and constructed by the county or its contractor to minimum colonia access road standards.

Eligible costs included the cost of constructing, administering, or providing drainage for a project, including the cost of leasing equipment used substantially in connection with a project, or acquiring materials used solely in connection with a project. Applications were required to provide a clear and concise description of the work

proposed, an implementation plan (including a schedule of proposed activities), a detailed estimate of project costs, and a map delineating project location and termini. Upon receipt of each application, the department evaluated it to ascertain compliance with program rules. Once this review process is complete, it is submitted to the Commission for final approval.

Overview of BCAP Funding

2002 - Present

BCAP Call/Year	1st Call 2002	2nd Call 2004	3rd Call 2008	TOTAL
Funding Amount	\$50,000,000	\$50,000,000	\$75,000,000	\$175,000,000
Number of Eligible Counties	21	22	22	22
Number of Applications Submitted	553*	310	440	1303
Number of Projects Approved	297	178	189	664

*NOTE: TxDOT required counties to apply for 1st Call projects on a road-by-road basis; for subsequent calls, the department allowed them to use a single application for one or more roads in one colonia. TxDOT/JB/LTP/11-01-10

Prior to receiving funds under the program, participating counties were also required to execute an agreement with the department at the district level, which is required under 43 TAC §15.106. Under these agreements, counties committed to place the affected roadways on the county road system and maintain them, incorporate water and wastewater services into the right of way (if applicable) *prior* to construction, and to expend program funds only for eligible costs. Finally, counties also agreed to comply with all applicable federal, state, and local environmental laws and regulations and permitting requirements.

Texas Department of Housing and Community Affairs (TDHCA)

Agency Mission

To help Texans achieve an improved quality of life through the development of better communities.

The Texas Department of Housing and Community Affairs (TDHCA) accomplishes this mission by administering a variety of housing and community affairs programs for households whose incomes are low to moderate as determined by the Area Family Median Income (AMFI) or the poverty level. A primary function of TDHCA is to act as a conduit for federal grant funds for housing and community services. Additionally, because several major housing programs require participation by private investors and private lenders, TDHCA also functions as a housing finance agency.

TDHCA's enabling legislation provides more specific guidelines, including Section 2306.002, Government Code:

- (a) The legislature finds that:
 - (1) every resident of this state should have a decent, safe and affordable living environment;
 - (2) government at all levels should be involved in assisting individuals and families of low income in obtaining a decent, safe and affordable living environment; and
 - (3) the development and diversification of the economy, the elimination of unemployment and the development or expansion of commerce in this state should be encouraged
- (b) The highest priority of TDHCA is to provide assistance to individuals and families of low and very low income who are not assisted by private enterprise or other governmental programs so that they may obtain affordable housing or other services and programs offered by TDHCA.

TDHCA strives to promote sound housing policies; leverage state and local resources; prevent discrimination; and ensure the stability and continuity of services through a fair, nondiscriminatory, and open process.

Agency Colonia Definition

"Colonia," a Spanish word for "neighborhood" or "community," is a geographic area located within 150 miles of the Texas-Mexico border that has a majority population composed of low-income individuals and families.

Agency Role in Colonias

TDHCA's Office of Colonia Initiatives (OCI) works to expand housing opportunities to colonia and border residents by increasing knowledge and awareness of programs and services provided by the department.

The department's Texas Bootstrap Loan Program promotes and enhances homeownership for low-income Texans by providing funds to purchase or refinance real property on which to construct residential housing or improve existing residential housing throughout the state. Participating owner-builders must provide a minimum of 65 percent of the labor necessary to build or rehabilitate the home. Section 2306.753(a), Government Code, directs TDHCA to prioritize funding for owner-builders with an annual income of less than \$17,500. Loans using TDHCA funds may not exceed \$45,000 per household. The total amount of loans made with TDHCA and any other funding sources may not exceed a combined \$90,000 per household. OCI uses a reservation system to increase the agency's ability to more promptly assist households, expend funds, and disseminate Bootstrap funds across a broad network of providers.

Colonia Self-Help Centers (CSHC) provide concentrated on-site technical assistance to low income individuals and families in a variety of ways including housing, community development activities, infrastructure improvements, outreach and education. In addition, they provide on-site technical assistance to colonia residents. Key services to designated colonias in each county include concentrated technical assistance in the areas of housing rehabilitation; new construction; surveying and platting; construction skills training; tool library access for self-help construction; housing finance; credit and debt counseling; grant writing; infrastructure constructions and access; contract-for-deed conversions; and capital access for mortgages to improve the quality of life for colonia residents in ways that go beyond provision of basic infrastructure.

The CSHC program serves five counties designated by statute, Cameron/Willacy, Hidalgo, Starr and Webb Counties as well as Maverick and Val Verde Counties, which were added to the program at the department's discretion. TDHCA contracts with those counties, which in turn subcontract with nonprofit organizations to administer the CSHC program or other specific activities. Before selecting subcontractor organizations, county officials conduct a needs assessment to prioritize needed services within the colonias and publish a Request for Proposal (RFP) to provide these services. TDHCA designates a geographic area to receive services provided by CSHCs based upon funding proposals submitted by the counties. In consultation with the Colonia Residents Advisory Committee (C-RAC) and the appropriate unit of local government, TDHCA designates up to five colonias in each

service area to receive concentrated attention from the colonia SHCs. C-RACs consist of colonia residents appointed by TDHCA's Governing Board and advise the Board regarding the needs of colonia residents and the types of programs or activities the CSHCs should undertake.

The Owner Occupied Program (OOC) provides funds from the HOME Investment Partnership Program (HOME) to rehabilitate single-family homes. The program covers roof repair and replacement, electrical system repairs, and plumbing repairs. To qualify, program participants must own and reside in their homes.

The Contract for Deed Conversion (CFDC) Program is designed to help colonia residents become property owners by converting their contracts for deeds into warranty deeds, which enables them to build equity in their homes and provides them with due process in the event they miss payments or default on their loan. CFDC participants may not earn more than 60 percent of the Area Median Family Income (AMFI) and the property must be their primary residence and be located in a colonia identified by the Texas Water Development Board colonia list or meet TDHCA's definition of a colonia.

Agency Colonia Financial Contributions

TDHCA is the state agency responsible for affordable housing, community services, energy assistance, colonia programs and disaster recovery housing programs.

TDHCA currently administers over \$1 billion in programs and services through a network of nonprofit organizations, for-profit entities and local government partnerships to deliver local housing and community-based opportunities and assistance to Texans in need.

Colonia residents are eligible to receive assistance from many of TDHCA's programs and services. For the purposes of this report, however, it is difficult to determine what proportion of the funding for those programs went to colonia residents. For example, many programs are open to anyone residing within the service area of the participating organizations. Often, individuals who receive assistance from the department are not specifically asked whether they live in a colonia or which colonia they live in. TDHCA contracts with various organizations within 150 miles of the Texas/Mexico border to administer various programs and activities that are not specific to a particular colonia except for the Colonia Self-Help Centers and Contract for Deed Conversion Programs.

Texas Department of Rural Affairs (TDRA)

Agency Mission

To enhance the quality of life for rural Texans.

Agency Colonia Definition

Under the Texas Community Development Block Grant program, a "colonia" is defined as:

“An identifiable unincorporated area determined to be a colonia on the basis of objective criteria, including lack of potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and was in existence as a colonia prior to the date of enactment of the Cranston-Gonzalez National Affordable Housing Act (November 28, 1990).”

“A colonia annexed on or after September 1, 1999, remains eligible for five years after the effective date of the annexation to receive any form of assistance for which the colonia would be eligible had the annexation not occurred.”

Access to the Colonia Fund is restricted to those colonias within 150 miles of the Texas-Mexico border in existence prior to November 28, 1990.

Agency Role in Colonias

TDRA administers three programs that help colonia residents: the Community Development Block Grant Program (TXCDBG), the Community Development Fund (CDF), and the Colonia Fund.

The TxCDBG addresses infrastructure and community development needs for colonia and border communities as well as other rural communities across the state.

The CDF may be used to address water and wastewater needs, street improvements, drainage projects, community centers, and a variety of other community development needs. Each Regional Review Committee, made up of local elected officials from the region, establishes funding priorities and certain scoring criteria for the region.

The Colonia Fund is used primarily to fund water and wastewater improvements as well as planning studies in colonia areas. TDRA coordinates with other agencies to help fund larger projects, most commonly using CEDAP funds to provide the water and wastewater service connections for projects funded under the TWDB's Economically Distressed Areas Program.

Agency Colonia Financial Contributions

The table below reflects all contracts funded by TxCDBG during Fiscal Years 2007 to 2010 in which the applicant indicated that the project would benefit one or more colonias. In some cases, the colonias identified do not have an “M” number assigned by TWDB and therefore may not be reflected in various colonia databases; this is especially true for colonias in counties within 150 miles of the Texas-Mexico border but outside the traditional “border counties.”

TDRA Funding Benefiting Colonias Within 150 miles of the Texas-Mexico Border (millions)					
	FY 07	FY 08	FY 09	FY 10	Total
Community Development Fund	\$ 1,085,244	\$ 1,674,391	\$ 1,400,516	\$ 641,625	\$ 4,801,776
Colonia Fund Construction	\$ 5,129,037	\$ 5,270,000	\$ 489,082	\$ 4,733,480	\$ 15,621,599
Colonia Fund Planning	\$ 65,068	\$ 177,750	\$ 155,000	\$ 350,000	\$ 747,818
Colonia EDAP	\$ 1,439,614	\$ 1,905,000	\$ 1,473,600		\$ 4,818,214
Disaster Relief/ Urgent Need		\$ 789,285			\$ 789,285
Total	\$ 7,718,963	\$ 9,816,426	\$ 3,518,198	\$ 5,725,105	\$ 26,778,692

Colonias Program - Center for Housing and Urban Development (CHUD)

College of Architecture at Texas A&M University

Agency Mission

The primary mission of the Texas A&M University, College of Architecture, Center for Housing and Urban Development, Colonias Program (CHUD) is to enhance the quality of life for residents of colonias, rural and urban communities by addressing needs specific to each economically distressed area and assisting each community obtain help from county, city, state and national service providers. Its secondary mission is to assist those service providers in extending outreach, communication and connectivity, through partnerships, to the communities that it serves.

Agency Colonia Definition

Texas A&M University's CHUD defines a colonia as an unincorporated community that lacks water infrastructures and one or more other infrastructures.

Agency Role in Colonias

The Colonias Program administered through the Texas A&M University School of Architecture's Center for Housing and Urban Development has proven to be extremely effective in combating isolation of colonia residents. The Texas A&M program is designed to assist residents of colonias to improve the quality of their lives and their communities. It seeks to catalyze "community-self-development," a process whereby residents become involved in activities to strengthen the social infrastructure of the community, which in turn supports appropriate development of the community's physical and economic infrastructure. The program achieves this by helping colonia residents access education, health, human services, job training, youth and elderly programs, among others.

The Colonias Program has established 41 community resource centers along the Texas/Mexico border from Brownsville to El Paso and is currently in the process of establishing four more. The Colonias Program also has hired, trained and supervises 80 colonia residents who serve as paid outreach workers (promotoras), helping their neighbors learn of the programs available at the centers and in nearby towns. Further, the Colonias Program, with help from the State Energy Conservation Office through the Texas Transportation Institute, has provided 15-passenger vans to support the centers and their surrounding colonias.

The five primary areas of focus within the Colonia Program are:

Outreach—CHUD combines academic resources leveraging expertise and resources to mobilize and connect community stakeholders to transportation, health, education, social services, and training in order to create conduits of change yielding health, productive and sustainable communities.

Education—Educational opportunities offered include certified institutional trainings, leadership and professional development workshops, workforce development training and link the university to assist in providing service learning and research opportunities to students in higher education.

Research—CHUD will reinforce the credibility of CHUD and its 20 year history in developing usable publications, reports and to develop future research projects that support the mission of the program.

Partnership development and maintenance—The program continues to expand as more state agencies join the growing network developed by the organization to serve the economically depressed areas.

Expansion—We have developed a comprehensive plan for strategic expansion of program and services which respect the integrity of the core program.

Agency Financial Contributions

Source	2007	2008	2009	2010
Legislative Appropriations	\$834,295	\$834,295	\$834,295	\$834,295
Project-related Funding	\$1,002,551	\$1,299,568	\$1,759,210	\$2,585,513

(Through September 2010)

The colonia program's legislative appropriation has not increased since its inception in 1991; it has obtained additional funding for local needs through grants from city, county, state, and national agencies averaging 200% to 300% above the legislative funding annually.

Texas Health and Human Services Commission (HHSC)

Agency Mission

To provide leadership and direction and foster the spirit of innovation needed to achieve an efficient and effective health and human service system in Texas.

Agency Colonia Definition

Colonias are unincorporated communities that lack physical infrastructures such as running water, storm drainage, sewers and paved streets.

Agency Role in Colonias

For the past ten years, the HHSC Office of Border Affairs (OBA) has facilitated the Colonias Initiative, an interagency project that involves all of the HHS agencies. It includes the planning and coordination of service delivery in colonias along the Texas/Mexico border. Its goal is to improve access to services for colonia residents.

The OBA has five regional coordinators in El Paso, Eagle Pass/Del Rio, Laredo, and the Upper and Lower Rio Grande Valley. These coordinators provide oversight and leadership to the local HHSC agencies as they provide outreach and program services in local colonias. Services provided include but are not limited to client intake; agency program applications; dental and physical health services; mental health and substance abuse evaluations; health screenings; information and referral to local resources; skills training, and ESL/GED classes.

Additionally, HHSC Regional Coordinators facilitate coordination with a variety of federal, state, county, local community and faith-based organizations. Their efforts have led to improved communication, coordination, and maximization of resources throughout the border area. HHSC has also collaborated with Texas Workforce Commission, the Texas Education Agency, and the Texas A&M Colonias Program to improve access to employment and educational opportunities among colonia residents. Furthermore, the agency contracts with community health workers to provide colonia residents with information and referrals to all of HHSC and partner agencies' services.

Many of the Colonia Initiative services are presently provided at the Texas A&M Colonias Program Community Resource Centers, which are located in colonias along the border. Residents can also access these services at schools, churches, health clinics, and in some instances, in their homes.

Agency Colonia Financial Contributions

FY 2007	FY 2008	FY 2009	FY 2010
\$355,831	\$535,734	\$533,117	\$1,139,022

The budget covers program costs, including contracts with community health workers, and the salaries and administrative expenses that support five regional coordinators based along the Texas-Mexico border. The budget also covers the costs for an administrative assistant and program director headquartered in Harlingen.

Texas Department of State Health Services (DSHS)

Agency Mission

The mission of DSHS is to improve health and well-being in Texas.

Agency Colonia Definition

DSHS does not maintain an agency definition.

Agency Role in Colonias

DSHS accomplishes its mission in partnership with numerous academic, research, and health and human services stakeholders. Service system partners include DSHS regional offices, DSHS hospitals, Local Mental Health Authorities, state funded substance abuse treatment programs, school based substance abuse prevention programs, Federally Qualified Health Centers, local health departments, and contracted community service providers.

DSHS provides a wide array of essential public health and behavioral health services to all Texans, such as immunizations, tuberculosis prevention and treatment, family and community services, food safety regulation, mental health and substance abuse prevention, intervention and treatment services, emergency preparedness, disease surveillance, and disease outbreak control. The DSHS also regulates health care facilities and many health care professions.

As one of five agencies in the Texas Health and Human Services (HHS) system, DSHS participates in the Health and Human Services Commission (HHSC), Office of Border Affairs, Colonias Initiative, which includes planning and coordination of service delivery in colonias along the Texas-Mexico border.

DSHS administers Rural Border Intervention programs, which provide prevention and intervention services in high-need underserved border areas (including colonias) in 24 of the 32 Border counties. Community volunteers and Promotoras/Community Health Workers are trained as mentors to enhance community involvement in addressing substance abuse issues. The DSHS collects self-reported information on services provided by contractors to colonia residents and estimates that residents from 178 border colonias were served in FY10.

DSHS Office of Border Health (OBH) enhances agency efforts to coordinate public health activities with Mexico and to promote and protect the health of border residents by improving interagency coordination along the Texas-Mexico border. The OBH also provides health promotion and disease prevention education in border colonias through participation in health fairs and other events covering healthy

choices, underage drinking prevention, sanitation, drug abuse awareness and influenza prevention outreach.

Due to the scope of certain public health and behavioral health activities provided on the Texas-Mexico Border, DSHS does not track the cost of state health services provided to colonia residents separately from non-colonia residents. For example, Operation Lone Star, a multi-site health fair, held annually in collaboration local public health partners and with Texas military personnel, delivers direct medical and dental services to children and adults in 6 border counties (i.e., Cameron, Hidalgo, Willacy, Starr, Zapata, and Webb). This year the operation was held July 26-August 6, 2010, and 12,064 services were provided to border residents (without distinguishing between non-colonia and colonia residents).

Agency Colonia Financial Contributions

DSHS does not track the cost of state health services provided to colonia residents separately from non-colonia residents. The DSHS Rural Border Intervention programs provide about \$700,000 annually to border providers who provide substance abuse prevention and intervention services to colonia and non-colonia clients. Based on the border colonias population, the DSHS Office of Border Health (OBH) estimates that annually about 20% of its allocated state funds directly benefit colonias (\$127,000 - \$137,000 annually from FY07-FY10).

Estimated DSHS Funding Benefitting Colonias Within 150 miles of the Texas-Mexico border					
	FY 07	FY 08	FY 09	FY 10	Total
Border Health	\$126,692	\$132,311	\$136,968	\$127,109	\$523,080

Texas Commission on Environmental Quality (TCEQ)

Agency Mission

The TCEQ's mission is to protect our state's human and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.

Agency Colonia Definition

TCEQ does not maintain an agency definition.

Agency Role in Colonias

The Texas Commission on Environmental Quality is the environmental agency for the State of Texas. The TCEQ strives to protect our state's human and natural resources consistent with sustainable economic development. Our goal is clean air, clean water, and the safe management of waste.

- The primary colonia roles of the Texas Commission on Environmental Quality (TCEQ) are related to the provision of water and wastewater.
- It should be noted that the TCEQ regulates water/wastewater systems and utilities and has no authority over colonias/colonia developers.
- The TCEQ does assist, along with the Office of Attorney General, in the development of the Model Subdivision Rules of the Texas Water Development Board (TWDB).
- The last (2003) Economically Distressed Areas Program (EDAP) Survey conducted by TWDB put the number of colonias in counties within 150 miles of the border at more than 1,400, with a population of more than 400,000.
- However, under HB 467 (79th Legislature, Regular Session, 2005) an economically distressed area can now be found in any county of the state, as long as certain requirements are met.⁴
- A constitutional amendment approved by the voters of the State in 2005 has provided an additional \$250 million to TWDB for statewide economically distressed areas.

The TCEQ's primary colonias roles:

- Enforcement - Some of our enforcement actions affect cities or other political subdivisions and water supply corporations (WSCs) that provide water/wastewater services to colonias.

⁴ An economically distressed area must be in a county where the average income is 75% of the state's average income. The area must be one where water supply or sewer services are inadequate to meet minimal needs of residential users as defined by TWDB rules; financial resources are inadequate to provide water supply or sewer services that will satisfy those needs; and an established residential subdivision was located on June 1, 2005, as determined by TWDB (although the term "economically distressed area" is not defined)

- Supplemental Environmental Projects (SEP) - In lieu of administrative penalties, a respondent in an enforcement matter can choose to invest penalty dollars in improving the environment. Some SEP funds have been used in the border to connect colonias to existing water and/or sewer systems.
- Certificates of Convenience and Necessity - A Certificate of Convenience and Necessity (CCN) gives the holder the legal right to provide water and/or sewer utility service, delineates the service area, and also obligates the certificate holder to provide service to every customer and qualified applicant who requests service within that area.
 - Sometimes CCN issues can delay provision of water and/or wastewater service, especially when competing jurisdictions seek to provide service to the same area or the applicant cannot prove they have the financial, managerial, or technical capabilities to serve.
- On-Site Sewage Facilities - On-site sewerage facilities (OSSFs) are regulated by the TCEQ and political subdivisions can receive authorization from the TCEQ to regulate the program in their locality.
- Military Assistance - Through an agreement with the Department Defense, National Guard units have helped dig trenches and dig wells for water for residents living within the U.S.-Mexico border region, including Dimmit, Webb, and Hidalgo counties. This program is currently dormant.
- Colonias Coordination - The TCEQ also works through the Office of the Secretary of State and various state and federal agencies to address colonia issues collectively, as required by SB 1421, 76th Legislative Session.
 - In addition, TCEQ participates in implementation of colonia legislation, such as SB 99, 80th Regular Session.
- Model Subdivision Rules - The TCEQ helps develop the Model Subdivision Rules (MSRs) of the TWDB, along with the Office of the Attorney General. Political subdivisions are required to adopt MSRs if they wish to obtain Economically Distressed Areas funding through TWDB. While the MSRs have not been revised since 1999, a Task Force created under HB 2275 (81st Legislature, Regular Session, 2009) is reviewing MSRs and other colonia rules and regulations.
- Financial, Managerial and Technical (FMT) Assistance – TCEQ’s Water Supply Division provides free on-site assistance for public water systems and communities seeking to form or join public water systems, through the FMT contract. The Texas Rural Water Association currently serves as the contractor.

Agency Colonia Financial Contributions

Agency does not have any funding programs specific to colonias.

Texas Association of Regional Councils (TARC)

Agency Mission

TARC assists the regional councils in strengthening their capabilities to serve their local government members. TARC provides a forum for the regular exchange of information and ideas, educates other government entities, public and private organizations, and the general public about the services and functions of regional councils.

SB99 requires regional councils with a county within sixty-two miles of an international border to assist in preparing this report. Six of the twenty-four regional councils submit quarterly reports of any projects providing assistance to colonias.

The six regional councils required to report, along with the counties they serve are listed below.

Rio Grande Council of Government: Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Presidio
<http://www.riocog.org/>

Permian Basin Regional Planning Commission: Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, Winkler
<http://www.pbrpc.org/>

Middle Rio Grande Valley Development Council: Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, Val Verde, Zavala
<http://www.mrgdc.org/>

Alamo Area Council of Government: Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, Medina, Wilson
<http://www.aacog.com/>

South Texas Development Council: Jim Hogg, Starr, Webb, Zapata
<http://www.stdc.cog.tx.us/>

Lower Rio Grande Valley Development Council: Cameron, Hidalgo, Willacy
<http://www.lrgvdc.org/>

Agency Colonia Definition

A colonia definition is not maintained by the councils of governments or the TARC.

Agency Role in Colonias

Regional councils, regional planning commissions, or Councils of Governments (COGs) are voluntary associations of local governments formed under Texas law.

These associations deal with the problems and planning needs that cross the boundaries of individual local governments or that require regional attention.

Regional councils offer a variety of regional services. Services are undertaken in cooperation with member governments, the private sector, and state and federal partners. Regional council services that benefit colonia residents may include but are not limited to the following:

- planning and implementing regional homeland security strategies;
- operating law enforcement training academies;
- promoting regional municipal solid waste and environmental quality planning;
- providing cooperative purchasing options for governments;
- managing region-wide services to the elderly;
- maintaining and improving regional 9-1-1 systems;
- promoting regional economic development;
- operating specialized transit systems; and
- weatherization programs .

Regional Council Colonia Financial Contributions

It is important to clarify that each regional council oversees different programs to meet the specific needs of their region. Programs are not mandated to serve colonia residents specifically but these programs may be accessed by colonia residents as well as others who qualify.

Council of Governments FY 2007 - 2010

COG Name	FY 2007	FY 2008	FY 2009	FY 2010
Rio Grande COG	\$2,977,721.00	\$2,871,452.00	\$3,025,579.00	\$3,631,634.00
Permian Basin RPC	\$102,526.83	\$66,561.43	\$128,884.35	\$435,890.52
Middle Rio Grande	\$1,276,165.00	\$1,254,383.00	\$1,369,939.00	\$1,359,847.00
Alamo Area COG	\$862,324.00	\$972,603.00	\$1,449,750.00	\$1,992,366.00
South Texas DC	\$4,325,957.00	\$5,286,894.00	\$6,510,061.00	\$6,481,530.00
Lower Rio Grande DC	\$81,571.00	\$82,000.00	\$82,000.00	\$82,000.00

RECOMMENDATIONS

Recommendations:

1. Develop a mechanism for the removal of previously designated colonias that clearly do not meet the definition of a colonia from the SOS's colonia directory and color classification database.
2. Secure the funding necessary to undertake a comprehensive survey of the basic services available in each colonia. The survey may include infrastructure attributes such as access to potable water, wastewater disposal and the existence of an approved subdivision plat. Demographic data can also be verified and compiled. This data set may include the colonias GPS location and population. By no means is this an exhaustive list of the data needed for this comprehensive statewide study.
3. Continue to require agencies to track the progress of state funded colonia projects that address basic infrastructure needs to include potable water, reliable wastewater disposal, approved subdivision plats, paved roads, and adequate drainage. In addition, housing statistics could also be included in this study.
4. Direct state agencies and other reporting entities included in the work group that address needs *other* than basic infrastructure to report directly to the legislature, rather than the Secretary of State, on projects under their administration that may serve colonia residents. Health and human services, education, workforce and training services made available to colonia residents are often not colonia specific.
5. Change agency reporting requirements to track progress of state-funded projects that benefit colonia residents from a quarterly to an annual basis.

APPENDICES

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List of Acronyms

AFMI – Area Family Median Income

BCAP - Border Colonia Access Program

CEDAP - Commercial Equipment Direct Assistance Program

CCN - Certificate of Convenience and Necessity

CDF - Community Development Fund

CFDC - Contract for Deed Conversion Program

CSHC - Colonia Self Help Center

DSHS - Texas Department of State Health Services

EDAP - Economically Disadvantaged Areas Program

ESL/GED - English as a Second Language/General Equivalency Diploma

FMT - Financial, Managerial, and Technical (Assistance)

HOME - HOME Investment Partnership Program

HSSC - Texas Health & Human Services Commission

MSR - Model Subdivision Rules

OAG - Texas Office of the Attorney General

OBA - Office of Border Affairs

OBH - Office of Border Health

OCI - Office of Colonia Initiatives

OOC - Owner Occupied Program

OSSF - On-Site Sewerage Facilities

RFP - Request for Proposal

SB - Senate Bill

SEP - Supplemental Environmental Project

SOS - Texas Office of the Secretary of State

TAC - Texas Administrative Code

TAMU CHUD - Texas A & M University College of Architecture Center for Housing & Urban Development

TARC - Texas Association of Regional Councils

TCEQ - Texas Commission on Environmental Quality

TDHCA - Texas Department of Housing and Community Affairs

TDRA – Texas Department of Rural Affairs

TWDB - Texas Water Development Board

TxCDBG - Community Development Block Grant

TXDOT - Texas Department of Transportation

WSC - Water Supply Corporation

Report & Data Internet Access

The report and data will be accessible via the Texas Secretary of State's web site.

www.sos.state.tx.us

In addition, you may also view the Texas Office of the Attorney General's

Border Colonia Geography Online Database via their web site:

www.oag.state.tx.us