

**84TH TEXAS LEGISLATURE
REGULAR SESSION**

**TRACKING THE PROGRESS OF STATE-FUNDED PROJECTS THAT
BENEFIT COLONIAS**

PREPARED BY:

**TEXAS OFFICE OF THE SECRETARY OF STATE
COLONIA INITIATIVES PROGRAM**

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EXECUTIVE SUMMARY

Executive Summary

The 2014 report is the third update of “Tracking the Progress of State-Funded Projects that Benefit Colonias,” as required by Senate Bill 99 (80th Regular Session) and SB 827 (79th Regular Session). These pieces of legislation 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. Previous reports were submitted December 1, 2006 and December 1, 2010.

The 2014 report is based on input received during regular meetings of agencies and entities charged with assisting the Secretary of State in the development of this report. At these meetings, raw data (collected and updated by the SOS ombudspersons) was discussed and translated into policy recommendations included in this report.

The information provided showed primarily that the number of colonia residents having access to potable water, paved roads, and operational wastewater disposal systems (“Green” colonias) increased from 194,085 in 2010 to 214,220 in 2014, with the number of “Green” colonias rising from 891 to 922 for the same time. At the same time, the number of residents living in colonias that lacked basic infrastructure such as potable water, functional wastewater disposal, or platted subdivisions (“Red” colonias) dropped from 44,526 in 353 colonias in 2010 to 37,862 in 337 colonias for 2014.

“Yellow” colonias—those with existing potable water service (via private well or public system) and an approved waste water disposal system but lacking adequate road paving, drainage, or a solid waste disposal system and that pose an intermediate health risk—increased by 36, from 519 in 2010 to 555 in 2014, although the population in these 555 Yellow colonias decreased by more than 10,354, from 126,334 in 2010 to 115,980 in 2014.

Colonias for which status as a green, yellow or red colonia could not be determined are listed as “unknown.” The number of these decreased from 62 in 2010 to 40 in 2014, with a corresponding population decrease from 4,062 to 1,420.

Population numbers were validated in several ways: by 2010 census data, by city and county figures, and (in some cases) by colonia ombudspersons conducting site visits. Between 2010 and 2014, the number of colonias increased by 29—from 1,825 to 1,854—while the number of colonia residents increased slightly, from 369,007 to 369,482. There are more colonias in 2014 because counties requested colonia identification numbers from the Secretary of State. Population figures have changed because they were validated, as discussed above.

Conclusion and Recommendations

Even though significant challenges and barriers remain, progress continues in colonias in major counties along the Texas-Mexico border. While this report focuses on programs funded by state agencies, programs administered by these agencies must continue to receive funding so they may address the remaining barriers in colonia communities.

This report highlights the challenges still facing colonia-serving entities. As previous reports stressed, several unresolved issues relating to colonias remain. The 2010 report included the following issues that still exist:

- 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 its specific database and colonia directory once data establish 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 84th Texas Legislature

1. Support a general state-wide colonia definition, which can be used by all agencies with knowledge that colonia funding programs appropriated to specific agencies have specific eligibility criteria.
2. Develop a mechanism to remove previously designated colonias that clearly do not meet the definition of a colonia from the SOS’s colonia directory and color classification database.
3. Support funding necessary to comprehensively survey 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. This is not an exhaustive list of the data needed for this comprehensive statewide study.
4. Continue to require agencies to track the progress of state-funded colonia projects that address basic infrastructure needs including potable water, reliable wastewater disposal, approved subdivision plats, paved roads, and adequate drainage. Housing statistics could also be included in this study.
5. Direct state agencies and other reporting entities in the work group that address needs other than basic infrastructure to report directly to the legislature, rather than to 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.
6. Change the frequency of agency reporting requirements to track progress of state-funded projects that benefit colonia residents from quarterly to annually.

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INTRODUCTION

Introduction

Background

Senate Bill 99 became effective June 15, 2007. 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 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; and
- 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

An interagency work group met quarterly in Austin to compile and analyze data. After reviewing the data and collection of information, the group reached consensus on the relevance of the data, the interpretation of the data, recommendations, and conclusions. The report was finalized and drafted by the Secretary of State.

This report includes information from the Texas Department of Agriculture, 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, Texas Commission on Environmental Quality, Texas Health and Human Services Commission, Texas A&M University Colonias Program and the Regional Councils of Governments.

Colonia Population figures used in this report were obtained from the 2010 U.S. Census figures for those captured by the census. In addition, some population data was abstracted from specific counties or cities with more accurate figures or when necessary, by the colonia ombudspersons.

For the 2014 report, the Office of the Attorney General (OAG) continued to participate in all meetings and agreed to continue to maintain a projects database from information provided by workgroup agencies that were asked to submit colonia project information.

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:

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

Statewide Colonia Identification System

A unique ID system to identify colonias ensured precise identification of colonias, especially across several agencies and jurisdictions.

This report continues to use one “universal” accepted identifier. The Texas Water Development Board (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 that 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 numeric order.

SOS maintains a statewide identification system. The agency works directly with TWDB to assign colonia identification numbers. The current process is:

1. A county submits a colonia identification survey with a map and supporting documentation to the TWDB.
2. TWDB staff reviews the information for geographic accuracy and thoroughness and, where appropriate, assigns a colonia identification number.
3. 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 signify 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

A three-tiered color classification scheme to identify colonias posing the greatest public health risk was developed. 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. (While Nueces County is part of the colonia initiatives program, it is not one of the six counties with the largest colonia populations. However, the data for Nueces County is included in the appendices.)

Colonias that lack platting, potable water, or adequate wastewater disposal potentially pose the greatest public health risk. Because of this, the work group assigned them “Red” status.

Colonias with existing potable water service (via private well or public system) and that use an approved waste water disposal system but without adequate road paving, drainage or a solid waste disposal system pose an intermediate health risk. These were assigned “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. As in previous reports, this report tasked the six ombudspersons to collect and verify as much data as possible in their assigned counties. The SOS ombudspersons updated and verified the data within the limits of available resources.

Results

The following tables compare data in the 2010 report with those in the 2014 report.

Table 1
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

Table 2
Number of Colonias by Color Classification
Six Selected Counties
2014

Basic Infrastructure Service	Total Number of Colonias	Estimated Population
Red	337	37,862
Yellow	555	115,980
Green	922	214,220
Unknown	40	1,420

Red:

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

Yellow:

Colonias have 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.

Color Classification by County

Table 3 2014 Color and Population Data by County			
County	Color Classification	Number of Colonias	Estimated Population
Cameron	Green	95	37,485
Cameron	Yellow	44	11,448
Cameron	Red	55	7,072
Cameron	Unknown	2	0
Total		196	56,005
El Paso	Green	202	63,097
El Paso	Yellow	71	23,651
El Paso	Red	54	3,757
El Paso	Unknown	2	77
Total		329	90,582
Hidalgo	Green	471	75,868
Hidalgo	Yellow	353	60,200
Hidalgo	Red	99	12,929
Hidalgo	Unknown	14	1,238
Total		937	150,235
Maverick	Green	27	13,066
Maverick	Yellow	42	9,707
Maverick	Red	5	522
Maverick	Unknown	0	0
Total		74	23,295
Starr	Green	111	17,656
Starr	Yellow	35	4,468
Starr	Red	88	11,914
Starr	Unknown	22	105
Total		256	34,143
Webb	Green	16	7,048
Webb	Yellow	11	6,541
Webb	Red	35	1,633
Webb	Unknown	0	0
Total		62	15,222
Grand total		1,854	369,482

Table 4			
2010 Color and Population by County			
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
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
Total		321	86,472
Hidalgo	Green	470	74,097
Hidalgo	Yellow	349	67,123
Hidalgo	Red	100	12,991
Hidalgo	Unknown	15	2,316
Total		934	156,527
Maverick	Green	27	12,487
Maverick	Yellow	29	7,451
Maverick	Red	18	2,650
Maverick	Unknown	0	0
Total		74	22,588
Starr	Green	106	17,655
Starr	Yellow	36	5,227
Starr	Red	92	11,742
Starr	Unknown	22	118
Total		256	34,742
Webb	Green	8	6,798
Webb	Yellow	14	8,906
Webb	Red	40	5,293
Webb	Unknown	0	0
Total		62	20,997
Grand Total		1825	369,007

CHALLENGES

Although conditions have improved in some colonias, challenges mentioned below are substantially the same from the 2010 report.

Water and Sewer Systems

Twenty-four years of local, state, and federal investment have provided safe drinking water and wastewater facilities for hundreds of thousands of Texas colonia residents. However, some communities still lack complete access to safe drinking water and wastewater services. The continued area of concern is the direct link between adequate services and quality of life and overall health of residents.

Some colonia residents continue to depend on the bulk transport of water or the purchase of bottled water for drinking and cooking while using non-potable water for other household needs. Moreover, while a majority of private groundwater wells provide good, safe water for thousands of 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.

Continuing and persistent drought conditions throughout the state have affected the capacity and reliability of private and public wells. Cities and residents in severe drought-stricken areas have experienced a reduction in well water supply, and in some cases, wells have dried up. Public providers and low income residents in colonias often lack the resources to drill new or deeper wells, further limiting their access to water.

In more densely developed areas, private wells may become contaminated by bacteria, nitrates or other contaminants. This may be caused by surface run-off, inadequate septic systems, or improperly installed systems. These problems are intensified 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.

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 may be affected by the following factors:

- It may be difficult to get utility easements required to retrofit existing infrastructure in established communities.
- Individual houses may be unable to receive service because they do not comply with local building codes.
- Water service providers may lack the capacity or resources to develop and execute a project.

- A colonia may not be located close enough to a service area to be served at a reasonable cost.
- Costs of planning, construction, and connection to a utility combined with recurring utility bills may make connection unaffordable for residents.
- Limited availability of grant funding or low-cost loans is a disincentive for utility providers to undertake projects with high costs per connection.

Texas' colonias have benefited greatly from decades of targeted infrastructure development assistance, but much remains to be accomplished. Many communities still lack adequate water or sewer service, and drought conditions have caused some water systems to question the security of their supply. Colonia residents continue to depend on reliable, substantial, and effective construction financing to complete crucial infrastructure projects.

Drainage and Flooding

Colonias are located in rural areas, often where drainage infrastructure is inadequate or non-existent. In many counties, they are located where terrain is especially flat, making drainage even more difficult. Rains—particularly heavy ones—present major challenges. Existing irrigation and drainage ditches can be 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. Heavy rains also exacerbate existing problems with cesspools, pit privies, and poorly functioning septic tanks.

Solid Waste – Illegal Dumping

Many colonias lack adequate refuse collection services or other means to legally and effectively dispose of household solid waste, especially if the roads in a colonia are unpaved. Limited disposal options of municipal solid waste for colonia residents can result in illegal dumping and burning. Vacant lots in colonias are sometimes used for illegal dumping. Illegal dumping of solid waste can create vectors that transmit disease, such as rodents or mosquitos. Unregulated burning of garbage can worsen air quality in colonias and endanger residents.

Scrap tires are often dumped illegally in or near colonias. Illegally dumped scrap tires also contribute to vector problems. If a tire pile catches fire, it is difficult to put out and causes air pollution.

Some illegal dumping solutions include transfer stations in a colonia where residents take their garbage; though colonia residents would still have to haul their garbage to the transfer station. Recycling in colonias is, at present, minimal or nonexistent.

Housing

Colonias present one of the most critical housing needs in the state. Colonia residents often reside in substandard housing. The vast majority of colonia residents build their homes gradually as funding permits. There are no building codes or permitting requirements governing construction standards. Consequently, the construction fails to meet basic housing requirements. Residents are often unable to connect to basic services, often leading to illegal and unsafe electrical and water hookups.

Primary challenges to housing in the colonias are:

1. Noncompliance with model subdivision rules;
2. Substandard, hazardous construction;
3. Ownership and property title limitations, and the continuing practice of contracts for deed, both recorded and unrecorded, and use of exploitative legal documents in developer-financed transactions, such as deeds in lieu of foreclosure (Ward, Way, Wood, 2012)
(<http://www.lahn.utexas.org/Texas%20Colonias/TDHCA.html>);
4. Limited number of housing organizations interested in and capable of implementing housing programs;
5. The phenomenon of “new colonias”: formally constructed subdivisions that comply with the model subdivision rules (contain roads and water/wastewater infrastructure) but still have unsafe, dilapidated housing that may not be connected to existing services;
6. Overcrowding;
7. Colonias not having the required infrastructure to satisfy federal and state program requirements; and
8. Limited financing and access to financial literacy resources.

Paved Roads

While there have been great successes through the border colonia access program, some colonias still lack roads sufficient for everyday access as well as transit by school buses and emergency vehicles. Colonia residents continue to walk along unpaved and un-kept roads. 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 the process of legally subdividing land. Platting involves planning for basic infrastructure and filing legal documentation with the county. However, in some older colonias and even in some new ones, plats are incomplete or nonexistent. Unplatted new 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 a formal 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 community center;
- several recreational vehicle parks ;
- areas with multiple identification numbers; and
- colonias with I.D. numbers that cannot be located.

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 requires cities that annex a particular area to provide public services within a specific timeframe, at times cities 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

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 publish state government rules and notices. Finally, the Secretary serves as the liaison to the Governor for Texas-Mexico issues, as well as Texas' Chief International Protocol Officer. SOS 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, or 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, enabling 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. The program collaborates 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 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

Agency Mission

The Texas Water Development Board's (TWDB) mission is to provide leadership, information, education, and support for planning, financial assistance, and outreach for the conservation and responsible development of water for Texas. TWDB's mission is a vital part of Texas' overall vision, mission, and goals for maintaining the viability of the state's natural resources, health, and economic development. To accomplish its goals of planning for the state's water resources and for providing affordable water and wastewater services, the TWDB provides water planning, data collection and dissemination, financial assistance, and technical assistance services to the citizens of Texas. The tremendous population growth that the state has and will continue to experience, and the continual threat of severe drought, intensifies the need for the TWDB to accomplish its goals in an effective and efficient manner.

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

"Colonia" is defined by legislation associated with several programs administered by TWDB, including the Colonia Self Help Program definition of being an economically distressed area located in a county within 50 miles of an international border, and consisting of at least 11 dwellings that can be described as a community or neighborhood.² "Non-border Colonias" are similarly defined by the same characteristics but are located 150 miles or more from the Texas/Mexico border.³ To be eligible for financial assistance, the county where an EDAP project takes place must have adopted Model Subdivision Rules (MSR). When the project takes place in a city, both the city and the county must adopt MSR.⁴

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 in economically distressed areas, and established MSR, empowering local county and city governments to prevent additional sub-standard development. The TWDB also

¹ Texas Water Code, §17.921

² Texas Water Code, §15.951

³ Texas Water Code, §15.001

⁴ Texas Water Code, §16.343

administered the Colonia Wastewater Treatment Assistance Program (CWTAP), which complemented the EDAP program and was funded by the U.S. Environmental Protection Agency (EPA) for projects in colonias located 100 kilometers (62 miles) or less from the U.S./Mexico border.

As of the end of Fiscal Year (FY) 2014, EDAP has committed more than \$759 million in grants and loans statewide for planning, acquisition, design, and construction of much-needed basic water and wastewater infrastructure for Texas residents.⁵

Throughout the history of the program, EDAP funds have been used in collaboration with projects funded by other sources to leverage the greatest possible public benefit from each project. EDAP activities have provided opportunities to coordinate funding with the EPA, the North American Development Bank (NADBank), the Border Environment Cooperation Commission (BECC), the United States Department of Agriculture-Rural Development (USDA-RD), the Texas Department of Agriculture (TDA), city and county governments, water and wastewater utilities, and non-profit groups such as the Rensselaerville Institute and Community Resource Group. EDAP funds are also used in conjunction with assistance from other TWDB programs to provide comprehensive financing for projects.

Beginning in 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. Updates to the initial assessment were published in 1995, 1996, and 2003. The 2003 needs assessment contracted 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 Financial Contributions

Although EDAP is the TWDB financial assistance program most often associated with colonia projects, the agency has received funds in the past to administer other programs specific to colonias. These include the Colonia Self Help Program, Colonia Plumbing Loan Program, the Colonia Assistance Management and Support Program, and the federally funded CWTAP.

TWDB also provides assistance through programs that are not limited to colonia or Economically Distressed Area projects, such as the Water Development Fund, Rural

⁵ See EDAP Quarterly Report, 8/31/14 at http://www.twdb.texas.gov/publications/reports/edap_reports/doc/Status.pdf

Water Assistance Fund, and the federally capitalized Clean and Drinking Water State Revolving Funds (CWSRF and DWSRF). From these combined sources, the TWDB has committed over \$1.72 billion to more than 290 projects serving areas defined as colonias or economically distressed areas within 150 miles of the Texas-Mexico border. In FY 2011 through 2014, the TWDB committed over \$320 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)					
	FY2011	FY2012	FY2013	FY2014	Total
EDAP	\$8.3	\$40.0	\$0.3	\$30.4	\$79.0
CWSRF	\$20.6	\$78.3	\$19.4	\$45.3	\$163.6
DWSRF	\$7.2	\$0.0	\$38.5	\$25.9	\$71.6
Other⁶	\$0.0	\$0.4	\$6.3	\$0.0	\$6.7
Total	\$36.1	\$118.7	\$64.5	\$101.6	\$320.9

⁶ Texas Water Development Fund (WDF), Rural Water Assistance Fund (RWAF), and Water Assistance Fund (WAF).

Texas Department of Transportation (TxDOT)

Agency Mission

Work with others to provide safe and reliable transportation solutions for Texas.

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 border 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 that 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 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 have 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 has monitored and documented 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 approximately 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 include the cost of construction, 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 was completed, it was submitted to the Commission for final approval.

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 commit 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. Counties also agree to comply with all applicable federal, state, and local environmental laws and regulations and permitting requirements.

Through the end of FY 2014 six-hundred thirty-two projects have been completed with nineteen additional projects in process. \$168.6 million of the fund has been reimbursed to the counties for eligible project-related costs. \$6.4 million remains available for reimbursement for the remaining projects in progress. All remaining projects are anticipated to be completed prior to the end of FY 2015.

Overview of BCAP Funding

2002 – Present

BCAP Call/Year	1 st Call 2002	2 nd Call 2004	3 rd 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 During Call*	297	178	189	664
Number of Projects Completed*	274	150	208	632
Remaining Projects In Progress*	0	1	18	19

*Notes: The number of projects awarded during the initial and subsequent calls does not exactly match the number of completed projects due to some of the projects initially approved by the commission being cancelled.

Texas Department of Housing and Community Affairs (TDHCA)

The Texas Department of Housing and Community Affairs (TDHCA) is the state agency responsible for promoting and preserving affordable home ownership, financing the development of affordable rental housing, ensuring long-term stability and habitability of housing for low-income households, supporting community and energy assistance programs, and providing housing activities in the colonias. TDHCA is also responsible for the regulation of the state's manufactured housing industry.

Agency Colonia Definition

"Colonia" means a geographic area that is located in a county some part of which is within 150 miles of the international border of this state, 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 that: (A) has a majority population composed of individuals and families of low income and very low income, based on the federal Office of Management and Budget poverty index, and meets the qualifications of an economically distressed area under Section [17.921](#), Water Code; or (B) has the physical and economic characteristics of a colonia, as determined by TDHCA.

Agency Role in Colonias

TDHCA has a division dedicated to colonia housing assistance, known as the Office of Colonia Initiatives (OCI), which works to expand housing opportunities to colonia and border residents by increasing awareness of programs and services provided by TDHCA. The OCI oversees the Texas Bootstrap Loan Program and the Colonia Self-Help Centers. TDHCA also offers a Contract for Deed Conversion Program and Contract for Deed Conversion Assistance Grants, which are reserved specifically to support colonia-serving entities.

The Texas Bootstrap Loan Program is a self-help housing construction program that provides very low-income families (Owner-Builders) an opportunity to purchase or refinance real property on which to build new housing or repair their existing homes through "sweat equity." Owner-builder's household income may not exceed 60% of Area Median Family Income and all Owner-Builders are required to provide at least 65% of the labor necessary to build or rehabilitate their housing by working with a state-certified Nonprofit Owner-Builder Housing Provider. There are various ways for how Owner-Builders may fulfill their sweat equity requirement. They may contribute the labor personally; they may build or rehabilitate housing for others; and/or they may receive noncontract labor assistance from friends, family, or volunteers. TDHCA prioritizes Texas Bootstrap Loan Program funds for Owner-builders with annual

incomes under \$17,500 and sets aside at least two-thirds of funds for Owner-Builders whose property is in a census tract that has a median household income that does not exceed 75% of the median State household income. The OCI uses a first come-first served reservation system which enables TDHCA to more promptly assist households and disseminate Bootstrap funds across a statewide network of providers.

Colonia Self-Help Centers (SHC) provide concentrated on-site technical assistance to low and very low-income individuals and families in a variety of ways including housing, community development activities, infrastructure improvements, outreach, and education. Key services include housing rehabilitation, reconstruction and new construction, surveying and platting, construction skills training, tool library access for self-help construction, housing finance, credit and debt counseling, grant writing, infrastructure construction and access, contract-for-deed conversions, and capital access for mortgages. The OCI Division manages three border field offices in El Paso, Laredo, and Pharr which act as liaisons between the state and local organizations. These border field offices administer various OCI programs and services at the local level and provide technical assistance to colonia residents, nonprofits, for-profits, units of general local government, and other community organizations along the Texas-Mexico border.

The SHC program serves 35 colonias in seven counties; five counties (El Paso, Cameron/Willacy, Starr, Hidalgo and Webb) are designated by statute and two counties (Val Verde and Maverick) are designated as economically distressed areas. These designated colonias have approximately 41,970 colonia residents who qualify to access these services. TDHCA contracts with the counties who conduct needs assessments to prioritize activities. Then, through a Request for Proposal, the counties procure qualified nonprofit organizations to carry out the activities of the SHC program. The Counties oversee their implementation of SHC contractual responsibilities and insure accountability. Each SHC is allocated funds to serve the designated colonias, as well as provide limited assistance to move residents from targeted colonias to other designated areas. A Colonia Resident Advisory Committee (C-RAC) advises TDHCA on colonia residents' needs and provides guidance on programming and activities in the selected colonias. Each county selects two representatives residing in colonias served by SHC Program as primary and secondary C-RAC members. The C-RAC is instrumental in voicing the concerns of the targeted populations and has helped both TDHCA and the SHCs develop useful tools and programs.

TDHCA's Contract for Deed (CFD) Conversion Program uses federal HOME Investment Partnership Program funds to help colonia residents become property owners and gain legal title to and equity in their property. Colonia residents receive assistance in title clearing and lot payoff in order to convert their CFDs into warranty deeds. Participants

also gain housing assistance through rehabilitation or reconstruction of their existing housing, or a new Manufactured Housing Unit to replace an existing one. Eligible households may earn up to 60 percent of the Area Median Family Income and the colonia property must be their primary residence. The colonia must meet TDHCA's definition of a colonia. According to a 2012 report by the University of Texas LBJ School of Public Affairs and School of Law, there are nearly 5,500 recorded CFDs in Texas and another estimated 6,500 unrecorded CFDs in colonias in 6 border counties.

Lastly, to further encourage the formalization of land ownership in the colonias, TDHCA's Contract for Deed Conversion Assistance Grants, funded by the Texas Housing Trust Fund, provide additional support to nonprofits and local government working with colonia residents to clear title and improve housing conditions. These entities can receive additional administrative funding to offset costs associated with legal and closing costs or with preparing to participate in TDHCA's CFD Conversion Program (see above). Additional grant funds are available to eligible households seeking assistance in paying off CFD lot balances of up to \$20,000, as long as other non-TDHCA funds are being leveraged to bring the property up to Texas Minimum Construction Standards. All eligible households must reside in a colonia within 150 miles of the Texas-Mexico border and earn 60% or less of the applicable Area Median Family Income.

Agency Colonia Financial Contributions

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

TDHCA currently administers approximately \$718,884,000 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 TDHCA 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 programs that are not specific to a particular colonia except for the Colonia Self-Help Centers and Contract for Deed Conversion Programs. As of the date of this

report, the active contracts in TDHCA's Colonia Self-Help Center Program total \$6.8 million, or less than 1% of TDHCA's total funding.

Texas Department of Agriculture (TDA)

Agency Mission

TDA's mission is to partner with all Texans to make Texas the nation's leader in agriculture, fortify our economy, empower rural communities, promote healthy lifestyles, and cultivate winning strategies for rural, suburban and urban Texas through exceptional service and the common threads of agriculture in our daily lives.

Office of Rural Affairs:

The Office of Rural Affairs is dedicated to enhancing the economic vitality and quality of life in rural Texas. Taking advantage of available federal funds and a statewide outreach network, this office provides rural communities the tools needed to attract and retain businesses, expand and improve public infrastructure, and secure quality health care. The office also provides financial assistance to agricultural producers, especially young farmers and ranchers, to expand their production capabilities.

Agency Colonia Definition

Under the Texas Community Development Block Grant (TxCDBG) 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).”

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.

“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.”

Agency Role in Colonias

TDA administers four programs that help colonia residents: Community Development Fund (CD); Colonia Construction Fund (CFC); Colonia Planning Fund (CFP); and Colonia Economically Distressed Areas (CEDAP). Each of these programs is funded through the Texas Community Development Block Grant program (TxCDBG).

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

The **CFP** provides assistance for the completion of planning activities that prepare colonia areas for needed water, sewer and housing improvements.

The **CFC** provides grants to colonias to fund primarily water and wastewater improvements, as well as housing rehabilitation for low- to moderate-income households.

The **CEDAP** provides assistance to colonia area households to connect to a water and sewer system improvement project funded by the Texas Water Development Board Economically Distressed Areas Program (TWDB EDAP).

The agency also funds the **Self-Help Centers Funds** which provide grants for counties to assist colonias. This program is administered by the Texas Department of Housing and Community Affairs.

Agency Colonia Financial Contributions

The table below reflects all contracts funded by TxCDBG during Fiscal Years 2011 to 2014 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.”

TDA Funding Benefiting Colonias Within 150 miles of the Texas-Mexico Border (in millions)					
	FY 11	FY 12	FY 13	FY 14	Total
Community Development Fund	2.5 m	198	00.431	00.943	04.072
Colonia Fund Construction	37.500	00.000	14.000	04.000	55.500
Colonia Fund Planning	00.495	00.000	00.000	00.024	00.519
Colonia EDAP	04.500	00.209	03.600	00.000	08.309
Disaster Relief/ Urgent Need	00.000	00.350	00.350	00.000	00.700
Small Towns Environment Program	00.000	00.000	00.000	00.350	00.350
Colonia Self-Help Centers	11.000	11.000	05.000	01.600	28.600
Rural Sustainability Fund	00.350	00.000	00.000	00.000	00.350
Total	56.345	11.757	23.381	06.917	98.400

Texas A&M University Colonias Program

Agency Mission

The mission of the Colonias Program, housed at the Texas A&M University College of Architecture, is to enhance the quality of life for residents of colonias, rural, and surrounding urban communities by: addressing needs specific to each economically distressed area (EDA) and forging partnerships with municipal, county, state, national government and private foundations and other community partners. Facilitating effective outreach through a networked social infrastructure helps connect service providers to very remote areas making family strengthening, health, education, youth development and a wide array of social services and resources accessible to the residents of the colonias and other EDAs served.

Agency Colonia Definition

Texas A&M University Colonias Program defines a colonia as an economically distressed unincorporated community that lacks one or more of the major infrastructures such as potable water, sewer systems, electricity, paved roads, or safe and sanitary housing.

Agency Role in Colonias

With more than 20 years of community building, the TAMU Colonias Program has proven to be extremely effective in bridging the gap between the delivery of programs and services and colonias residents. Formerly operated under the Center for Housing and Urban Development (CHUD), the Texas A&M University Colonias Program is a stand-alone program within the College of Architecture. The Colonias Program is designed to catalyze "community-self-development," with an asset-based approach, investing in human capital and strengthening the colonias' social, physical and economic infrastructure. Because of its continued presence and established trust, the Colonias Program also serves as a cultural mediator between the residents and health and human services systems. Additionally, municipal, state, federal, and private partners entrust the Colonias Program with conducting outreach and bringing education, health and human services, job training, youth development and elderly programs, along with a wide array of family strengthening and civic engagement resources.

The Colonias Program has co-established 42 Community Resource Centers along the Texas/Mexico border from Brownsville to El Paso. With three TAMU Colonias Regional Offices to cover the border region and a state office in San Antonio, the CRCs serve as a hub for forging partnerships with local counties to bring programs and services to the colonias residents. Crucial to strengthening the social infrastructure and creating access between the colonias community and programs and services is the Promotora/Outreach Worker. The TAMU Colonias Training Academy provides Texas Department of State

Health Services certified training primarily to colonias residents. From the pool of graduates, the Colonias Program hires, trains, and supervises residents from who serve as paid Outreach Workers (Promotoras), building their capacity and helping their neighbors learn of and better access the programs and services available at the CRCs and in nearby towns.

The six primary areas of focus within the TAMU Colonia's Program are:

- **Outreach/Promotoras/Community Health Workers (CHWs)**—The Outreach Workers/Promotoras/CHWs are the program's greatest asset. Recruited from within the colonias themselves, these individuals are essential to understanding real needs and building the social infrastructure for strong, networked, and effective delivery of a wide array of resources.
- **Health**—The Colonias Program brings a wealth of health resources including educational tools to prevent or manage chronic disease, promote mental health awareness, and other health and well-being topics. Additionally, CHWs significantly contribute to expanding the knowledge base of healthy living with cooking and fitness classes as well as information on how to navigate necessary resources.
- **Education**—Educational opportunities offered include the TDSHS-certified CHW Training Academy, certified and non-certified continuing education workshops, community leadership development, professional development workshops, and workforce development training. The Colonias Program also links various colleges within the university system and other institutions of higher learning to facilitate service learning and research opportunities with the ultimate goal of sustainable impact in colonias, as part of the mission of Texas A&M as a land grant institution.
- **Water Filtration Training Academy**—a multidisciplinary collaboration originally conceived in an effort to link visual art with public good and community service resulted in the creation of ceramic water filters that can filter non-potable water into clean potable water. The Academy is designed for the production, distribution, and research of affordable, appropriate and easily accessible technology to create water filters for residents in colonias and other rural communities. Construction of this facility in Laredo is currently underway.
- **Partnerships and Strategic Relationships Development**—The program continues to strengthen and build working partnerships with local, regional, and national stakeholders. There is continued commitment to foster a collaborative approach with more state agencies, universities, the community itself, and other partners to extend the growing network and weave the social fabric to best serve the economically depressed areas (EDAs).

- **Research**—Crucial to the Colonias Program is creating the nexus between community-based participatory research (CBPR) and praxis. The Promotoras are actively engaged in conducting community assessments to indicate what resources each regional colonias community needs. Continuing the participatory approach helps ensure the program is addressing appropriate community needs to maximize impact.

Program Expansion

There are currently five definitions of “border” and seven definitions of “colonias.” With varying definitions of both border and colonias, our coverage area extends beyond the counties touching the Texas/Mexico border. A comprehensive plan for strategic expansion of the Colonias Program is in development, preserving the integrity of the core program to extend to emerging rural and urban regions beyond the current geographical service area. However, the Colonias Program legislative appropriation has remained the same for 23 years (since 1991). Although the Colonias Program is able to leverage additional funding through grants and partnerships with municipal, state, federal agencies, and private foundations averaging 200% to 300% above the annual legislative funding, it is increasingly challenging to meet the demand for services. Further strengthening the organizational capacity to expand is crucial to leverage funding.

Agency Financial Contributions

Source	2011	2012	2013	2014
Legislative Appropriations	821,903	806,120	801,964	822,125
Project-related Funding	1,833,046	1,326,124	989,853	848,926

(Through September 2014)

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, electricity, or paved streets.

Agency Role in Colonias

For the past fourteen years, the HHSC Office of Border Affairs (OBA) has facilitated the planning, coordination, and evaluation of service delivery in colonias along the Texas/Mexico border. Its goal is to improve access to services for colonia residents and border communities.

The OBA has five Border Specialists in El Paso, Eagle Pass/Del Rio, Laredo, and the Upper and Lower Rio Grande Valley. These coordinators oversee and lead the local HHS 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, OBA Border Specialists 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. HHS has also collaborated with the Texas Workforce Commission and the Texas Education Agency 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 HHS and partner agencies' services.

Many of the Colonia Initiative services are presently provided at community resource centers 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 2011	FY 2012	FY 2013	FY 2014
\$1,139,015	\$1,047,118	\$1,086,694	\$1,125,585

The budget covers program costs including contracts with community health workers/promotoras, and the salaries and administrative expenses that support five Border Specialists, a Special Projects Coordinator, and an Administrative Assistant, all based along the Texas-Mexico border. The budget also covers the costs for the Program Director headquartered in Austin. OBA is part of the HHSC Center for the Elimination of Disproportionality and Disparities.

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 and community 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. DSHS also regulates health care facilities and many health care professions.

The DSHS Office of Border Health (OBH) enhances agency efforts to coordinate border and binational public health activities with Mexico, collects and maintains border-specific public health data and information, and develops community-based initiatives along the Texas-Mexico border by introducing targeted, culturally competent, outcome-based outreach, educational, and training opportunities.

In addition, DSHS administers Rural Border Intervention (RBI) programs that targets members of communities in health service regions (HSRs) within 62 miles north of the Texas-Mexico border. Services focus on high-risk youth and adults and their families and significant others. In fiscal year 2012, the program served 1,176 individuals (60 percent female and 40 percent male; 73 percent children and 27 percent adults; 94 percent Hispanic and 6 percent other). Community volunteers and Promotoras/Community Health Workers are trained as mentors and peer educators to enhance community involvement in addressing substance abuse issues and resource needs. DSHS collects self-reported information on services provided by contractors to colonias residents.

In FY14 and in FY 15, through its RBI programs in Health Services (HSR) Region 11 and in Region 10, DSHS is planning to provide additional (one-time) funding to create two collaborative, “Border Prevention Conferences.” The conference will focus on bringing families from colonias together with service providers to learn more about the services available and how to prevent some of the most common behavioral health and chronic health diseases in these areas.

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 every summer for several weeks in collaboration local public health partners and with Texas military personnel) typically delivers over 10,000 direct medical and dental services to children and adults in several border counties without distinguishing between colonia and non-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.

Texas Commission on Environmental Quality (TCEQ)

Agency Mission

The TCEQ's mission strives to protect our state's public health 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 primary colonia roles of the Texas Commission on Environmental Quality (TCEQ) relate to the regulation of water and wastewater providers that also service colonias.
- It should be noted that the TCEQ regulates water/wastewater systems and utilities and has no authority over "colonias" or colonias developers.
- The TCEQ assists, along with the Office of Attorney General, in the development of the Model Subdivision Rules of the Texas Water Development Board (TWDB).
- The most recent (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.⁷
- 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 are:

- Enforcement Some of our enforcement actions affect cities or other political subdivisions and water supply corporations (WSCs) that provide water/wastewater services to colonias.
- Supplemental Environmental Projects (SEPs) 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 in to existing water or sewer systems.

⁷ The requirements are: the residential users in the economically distressed area have a household income that is not greater than 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.

- Certificates of Convenience and Necessity A Certificate of Convenience and Necessity (CCN) gives the holder the legal right to provide water 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 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.
 - Effective September 1, 2014, the CCN program of the TCEQ is transferred to the Public Utility Commission of Texas, under changes made in the 83rd Regular Legislative Session.
- On-Site Sewerage Facilities On-site sewerage facilities (OSSFs) are regulated by the TCEQ. Political subdivisions can receive authorization from the TCEQ to regulate the program in their locality.
- Military Assistance Through an agreement with the Department of Defense, National Guard units have helped dig trenches and dig wells for water for in the U.S.-Mexico border region, including in 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 colonias issues collectively, as required by SB 1421, 76th Legislative Session.
 - In addition, TCEQ participates in implementation of colonias legislation, such as SB 99, 80th Regular Session.
- Model Subdivision Rules As mentioned previously, 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 the TWDB. While the MSRs have not been revised since 1999, a Task Force created under HB 2275 (81st Legislature, Regular Session, 2009) reviewed 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 as well as for communities seeking to form or join public water systems, through the FMT contract. The Texas Rural Water Association currently serves as the contractor.
- Texas Water Infrastructure Coordination Committee (TWICC) The TCEQ is a member of this three-year-old consortium of funding, regulatory, and technical assistance entities. This group provides "one-stop shopping" for water and wastewater systems seeking funding and other assistance. TWICC has held workshops along the border for drought funding. For more information, see www.twicc.org.

Agency Colonia Financial Contributions

TCEQ does not have any funding programs specific to colonias.

Texas Office of Attorney General (OAG)

Agency Mission

To defend the laws and the Constitution of the State of Texas, represent the state in litigation, and approve public bond issues.

Agency Colonia Definition

Colonias are substandard housing developments, often found along the Texas-Mexico border, where residents lack basic services such as drinking water, sewage treatment, and paved roads.

Agency Role in Colonias

The Office of the Attorney General has consulted to the Secretary of State and the reporting agencies. The OAG developed and currently maintains a Colonias Geographic Database that contains detailed maps and demographic and socioeconomic data of approximately 2,000 colonias identified by the TWDB and other partnering agencies. Lastly, the OAG has developed a Colonias Progress Tracker application, which collects data on infrastructure projects benefiting colonias.

The OAG's Colonias Prevention Investigators receive inquiries and complaints and investigate alleged violations of the colonias prevention laws. When violators are confirmed, investigators work with attorneys in the OAG's Environmental Protection Division to take appropriate action to address the violation, including litigation.

Agency Colonia Financial Contributions

The Office of the Attorney General does not administer any funding programs.

Texas Association of Regional Councils (TARC)

Agency Mission

To assist the regional councils in strengthening their capabilities to serve their local government members; provide 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; and represent the councils before both state and federal agencies and legislative bodies.

In addition to the mission statement by TARC, each council of government (COG) has individual mission statements that can be accessed via their respective web pages.

Rio Grande Council of Governments: 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 Governments: Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, McMullen 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

Neither the councils of governments nor the TARC maintains a colonia definition.

Agency Role in Colonias

Regional councils, regional planning commissions, or councils of governments (COGs) are voluntary associations of local governments formed under Texas law. COGs deal with the problems and planning needs that cross the boundaries of individual local governments or that require regional attention.

COGs offer a variety of regional services. Services are undertaken in cooperation with member governments, the private sector, and state and federal partners. COG 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;
- weatherization programs;
- HIV services;
- workforce programs; and
- operating specialized transit systems.

It is important to clarify that each COG oversees different programs based on the needs of their regional area. Moreover, the programs administered may not be set aside for colonia residents but some may be accessed and used by colonia residents.

Agency Colonia Financial Contributions

COGs administer programs for the citizens within their designated area. These programs are not colonia-specific.

RECOMMENDATIONS

Recommendations:

1. Support a general state-wide colonia definition, which can be used by all agencies with knowledge that colonia funding programs appropriated to specific agencies have specific eligibility criteria.
2. Develop a mechanism to remove previously designated colonias that clearly do not meet the definition of a colonia from the SOS's colonia directory and color classification database.
3. Support funding necessary to comprehensively survey 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. This is not an exhaustive list of the data needed for this comprehensive statewide study.
4. Continue to require agencies to track the progress of state-funded colonia projects that address basic infrastructure needs including potable water, reliable wastewater disposal, approved subdivision plats, paved roads, and adequate drainage. Housing statistics could also be included in this study.
5. 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 to the Secretary of State, on projects that may serve colonia residents. Health and human services, education, workforce, and training services made available to colonia residents are often not colonia-specific.
6. Change the frequency of reporting requirements to track progress of state-funded projects that benefit colonia residents from quarterly to annually.

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 can be viewed via Texas Secretary of State's web link at:

<http://www.sos.state.tx.us/border/reports/index.shtml>

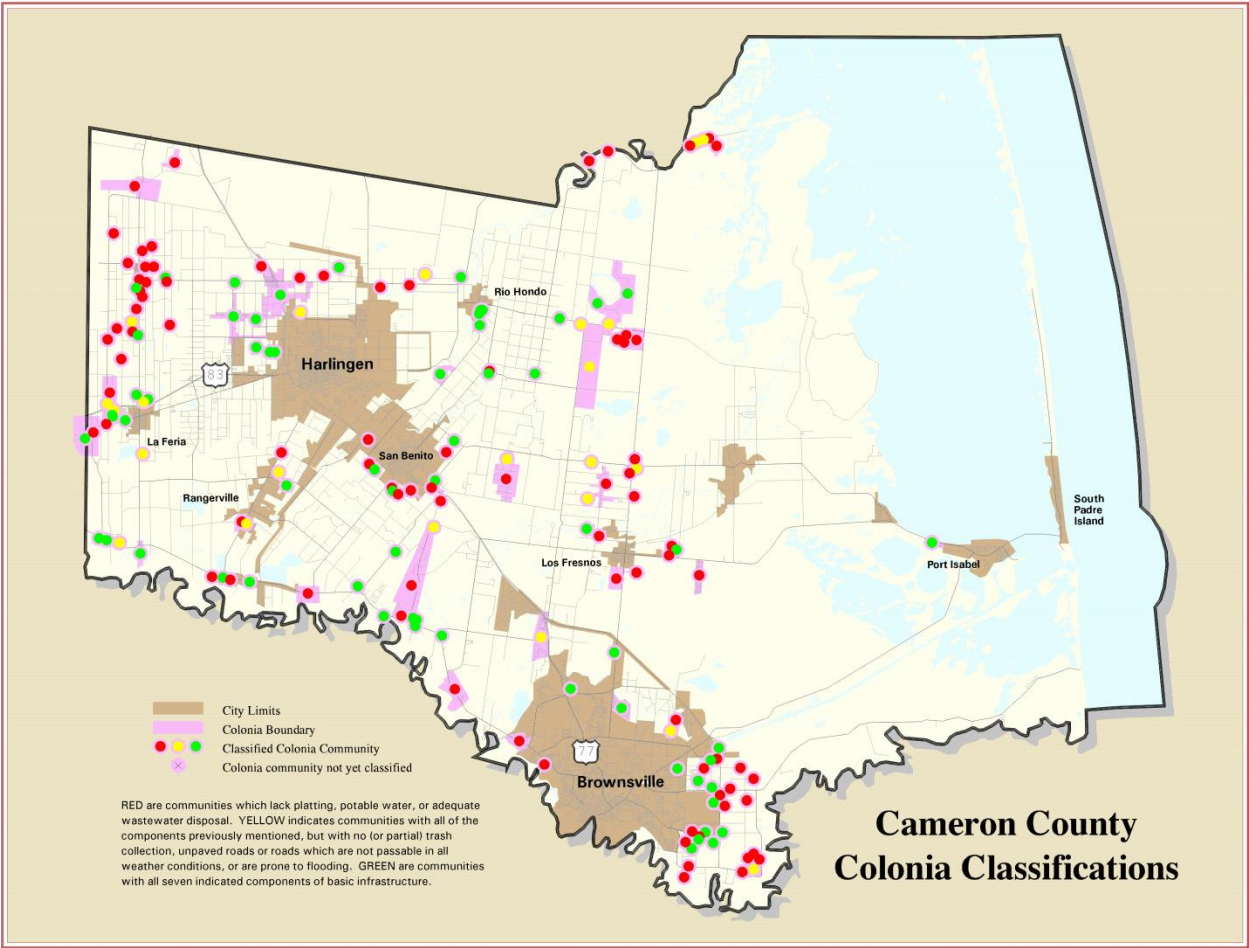
In addition, you may also view the Texas Office of the Attorney General's Border Colonia Geography Online via their web link:

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

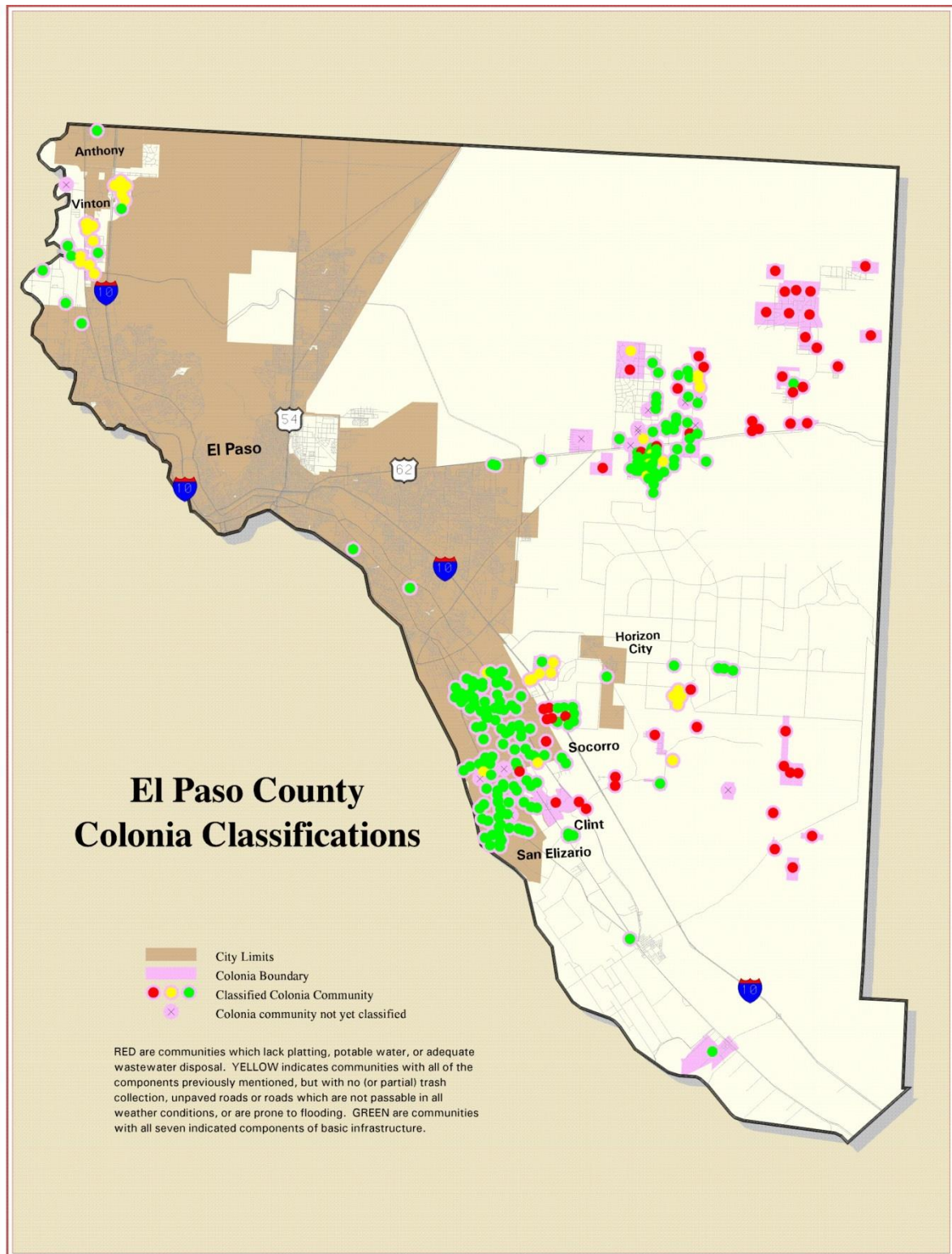
**Nueces County
Color Classification**

Red	18	1,967
Yellow	16	4,638
Green	4	185
Unknown	0	0
TOTAL	38	6,790

Cameron County

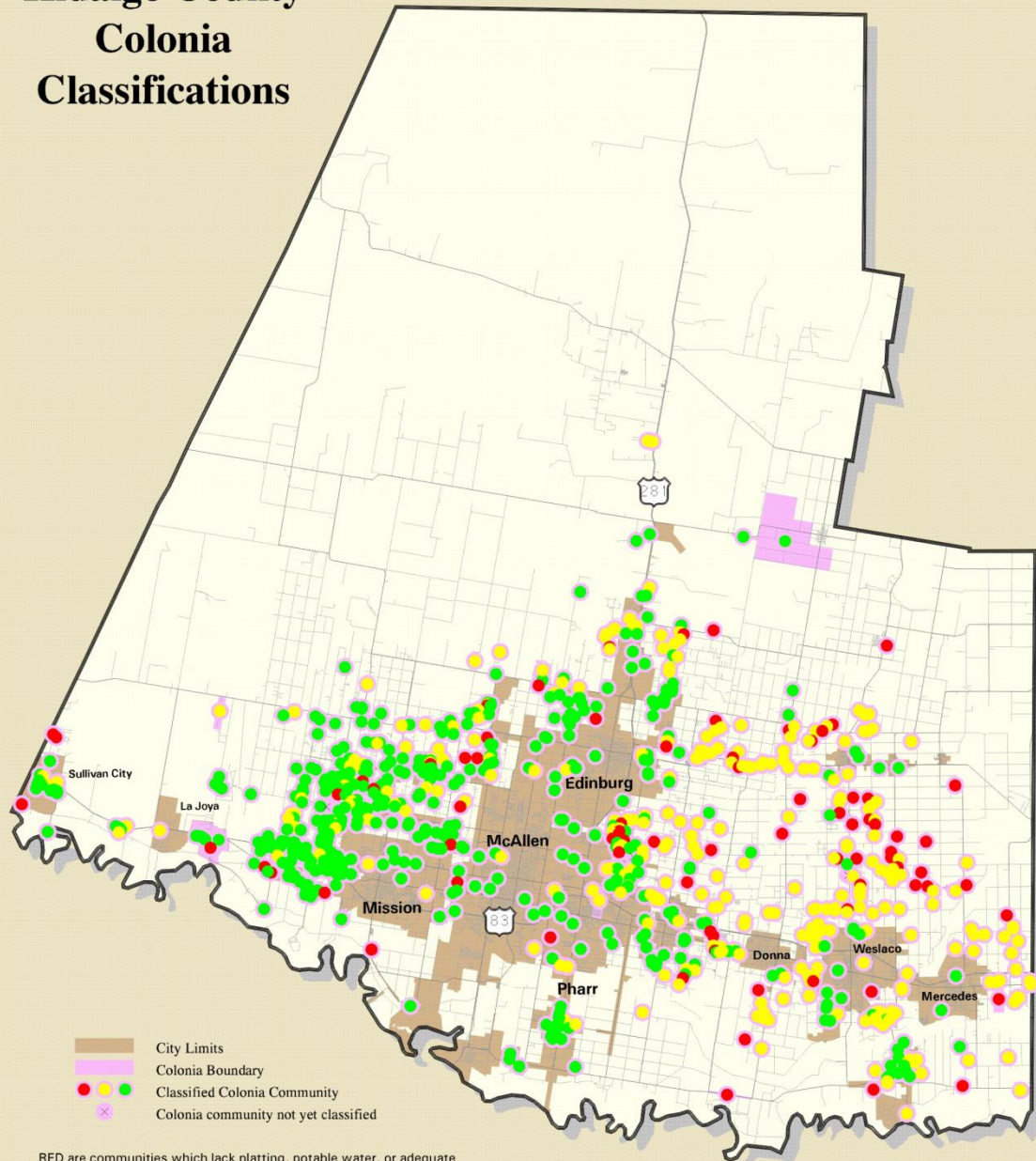


El Paso County









Hidalgo County

Hidalgo County Colonia Classifications

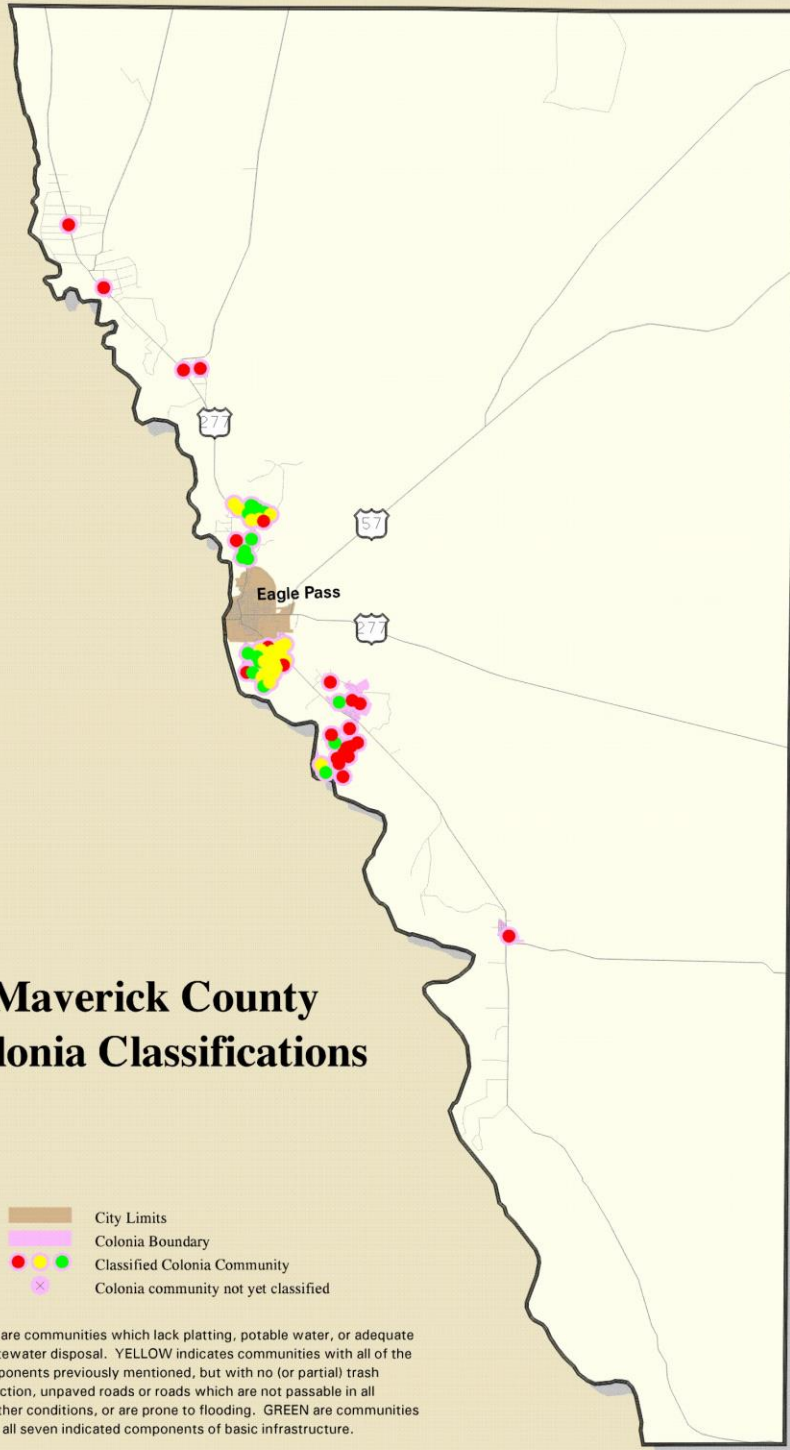


Maverick County

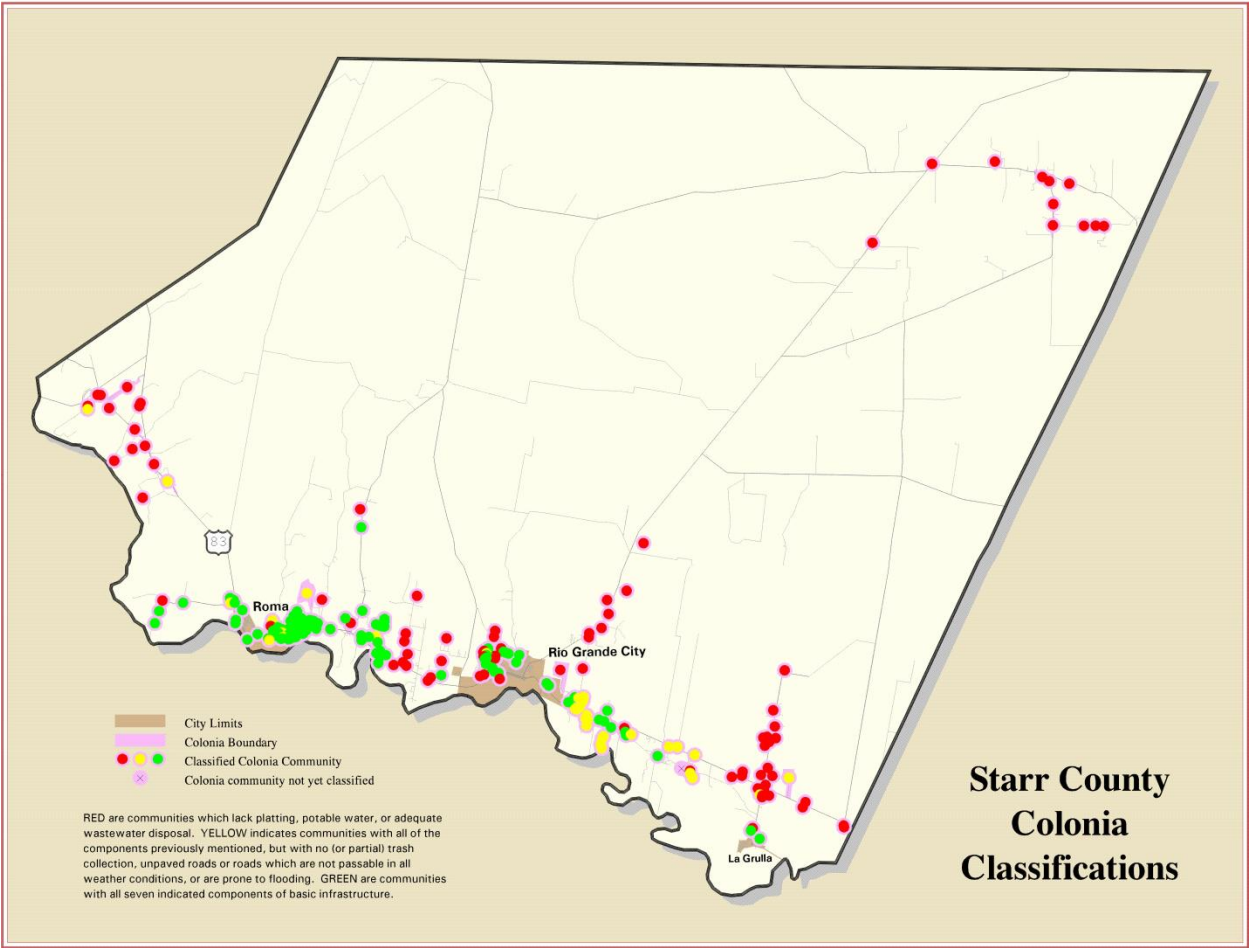
Maverick County Colonia Classifications

-  City Limits
-  Colonia Boundary
-    Classified Colonia Community
-  Colonia community not yet classified

RED are communities which lack platting, potable water, or adequate wastewater disposal. YELLOW indicates communities with all of the components previously mentioned, but with no (or partial) trash collection, unpaved roads or roads which are not passable in all weather conditions, or are prone to flooding. GREEN are communities with all seven indicated components of basic infrastructure.



Starr County



Webb County

