



GOVERNOR GREG ABBOTT

November 14, 2017

Dear Emergency Management Director:

As you are well aware, Hurricane Harvey was the worst natural disaster ever to impact the state of Texas. I write first to thank and congratulate you for your tireless and successful efforts in preparing for and responding to this disaster. All Texans should be proud of the way that you, our local governmental officials, worked together with local, state and federal officials to protect lives and provide relief resources to affected citizens. Your collective response has been praised at every level, including by the people of Texas whom we all have the privilege and duty to serve in public office. I trust that through your efforts, we will continue to work together to rebuild our communities.

As part of the state disaster response, my office issued and renewed an official disaster declaration for 60 counties. Under that declaration, I authorized the use of all available resources of state government and of political subdivisions that are reasonably necessary to help respond in the aftermath of Harvey. I also took action to approve the suspension of regulatory statutes and orders and rules of state agencies that would in any way prevent, hinder or delay necessary action in coping with this disaster. To date, my office has suspended at least 247 statutes, orders and rules to help speed up disaster response efforts.

I write now to recommend that you use the authority granted to you, the emergency management director, by Section 418.1015 of the Texas Government Code, to suspend codes and rules on a local scale as appropriate and necessary to hasten recovery efforts. While regulations for many state-licensed trades have already been streamlined statewide, there are many trades and practices that are regulated only at the local level. As your communities continue the rebuilding process with the help of workers from across Texas and neighboring states, I recommend you explore the extent to which regulations that are unnecessary to protect public safety could be suspended, and other ways in which administrative burdens on recovery workers could be eased.

Many of your jurisdictions have already taken such actions. Humble, Victoria, Galveston, Pearland and Harris County, among others, have waived permitting fees for repairs related to Hurricane Harvey. In Houston, business hours have been extended for its permitting center. These are good steps, and I commend these communities and others that have taken similar actions. But there is more that can be done.

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For example, some jurisdictions require contractors to have a local phone number and physical office in order to do business in that area. Such an outdated requirement only serves to exacerbate the existing labor shortage by preventing legitimate workers from other areas of the state from contributing to the recovery workforce in that jurisdiction, while providing no public safety benefit. These shortages delay the recovery and increase its costs. Many local insurance and/or bonding requirements are duplicative and require separate filings in each jurisdiction. In some cases, localities impose insurance requirements beyond those adopted by the state for the same trade. These requirements prevent qualified workers who comply with state regulations from working in your communities. As an emergency management director, you have been vested with the authority to suspend regulations like these that will impede recovery efforts during the period of this disaster.

I encourage you to begin your inquiry to determine whether any local provisions may conflict with Section 418.171 of the Government Code, which provides that “A person who holds a license, certificate, or other permit issued by a state or political subdivision of any state evidencing the meeting of qualifications for professional, mechanical, or other skills may render aid involving the skill in this state to meet an emergency or disaster.” However, I also recommend that you take action to identify additional local rules and regulations that could be suspended to help our citizens recover more quickly from this disaster. My office and the Governor’s Commission to Rebuild Texas stand ready to help you in this endeavor and will be happy to review any requests to suspend additional state laws or rules that impede your local recovery efforts. Please do not hesitate to contact my office if we can be of any assistance.

Thank you for your continued dedication and commitment to rebuilding your communities. Together we will build a better Texas for future generations.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott", written in a cursive style.

Greg Abbott
Governor

GA:jhk