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**When is a Colonia No Longer a Colonia? The Politics and Process of
Development in Informal Homestead Subdivisions in Texas**

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Development in Informal Homestead Subdivisions in Texas**

by

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Report

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Dedication

This report is dedicated to my beloved Grandmother Priscilla
y mi abuela querida Adriana.

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I want to express my deep appreciation to my parents, Pete and Nora, for their unwavering support. I also want to extend my sincere gratitude to my supervising committee, Dr. Peter Ward, C. B. Smith, Sr. Centennial Chair in United States-Mexico Relations and Dr. Robert Wilson, Associate Dean of the LBJ School, for their guidance and patience. And I want to give a special acknowledgment to LBJ Writing Adviser Talitha May, an essential member of the LBJ Faculty and Staff, whose commitment to student success is unparalleled.

Abstract

When is a Colonia No Longer a Colonia? The Politics and Process of Development in Informal Homestead Subdivisions in Texas

Maritza Isaura Kelley, M.P.Aff., M.A.

The University of Texas at Austin, 2009

Supervisor: Peter M. Ward

This report will seek to identify the various factors that both enable and impede colonias and non-border colonias from developing. What processes determine the improvement of conditions in informal homestead subdivisions? Upon completing a number of interviews and extensive research, the conclusion can be reached that the various issues in policy implementation experienced with border colonias can help to inform the development of improved policies that will benefit both border and non-border colonias.

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Preface

Prior to moving to Texas from California I had never heard of a colonia. And nothing could have prepared me for the reality that there are communities in the United States living in conditions similar to those of a developing country. I was familiar with the substandard conditions of housing in migrant farm worker communities but extent of the problem in California, while grave, was not nearly as severe as in Texas. I gradually began studying colonias and the phenomena of the developing world within a developed nation and was surprised to discover what little information exists on the subject area. The need for greater analysis was apparent and this fact prompted me to pursue the topic for my professional report.

Chapter 1. Introduction

Colonias are low-income, informal subdivisions located in the unincorporated areas of counties along the Texas-Mexico Border and are characterized by their lack of basic services such as water, sewage, electricity and paved roads, and are frequently located in a floodplain.¹ There are an estimated 500,000 people living in approximately 2,300 colonias in the state of Texas.² A particular example is the colonia of Valle Escondido in Cameron County, the area floods with even the slightest rain and due to the poor road infrastructure there is no escape for residents when it floods. An example of the flooding that occurs in a colonia can be viewed in Illustration 1. Because of the lack of sanitation infrastructure the sewage is open and the homes are flooded with black water.³



Illustration 1: Flooding in a Texas Colonia.⁴

¹Ward, Peter. *Colonias and Public Policy in Texas and Mexico: Urbanization by Stealth*. (Austin: University of Texas Press, 1999). p.3.

² State Energy Conservation Office of the Texas Secretary of State. *Colonias Projects*. Online. Available: <http://www.seco.cpa.state.tx.us/colonias.htm>. Accessed, August 1, 2009.

³ Phone Interview by Maritza Kelley with Nick Mitchell, Community Development Corporation of Brownsville, Brownsville, Texas, November 9, 2009.

For the span of 20 years, governmental entities at the local, state and federal levels have worked to prevent the further proliferation of colonias in Texas. The impetus for this effort began in 1989; the year the 71st Texas Legislature passed Senate Bill 2, which in addition to funding water and wastewater projects, passed a set of standards referred to as the Model Subdivision Rules (MSRs), designed to impede the development of colonias by requiring the developer to commit resources for infrastructure to the subdivision.⁵ The MSRs have focused on three issue areas, first, guaranteeing the provision of water and wastewater in new developments, second, prohibiting the sale of lots not platted and third, restricting certain utility connections to prevent growth in colonias.⁶

Until 1995, these restrictions were applied exclusively to counties along the Texas-Mexico border, which allowed for the growth of colonia-like settlements outside the border, referred to in the Texas Statute as non-border colonias. Ultimately, colonias and non-border colonias are part of a larger phenomenon, termed by Dr. Peter Ward, as informal homestead subdivisions.⁷

Notwithstanding tremendous government intervention, there remain many colonia and non-border colonia residents who have not benefited from governmental programs.

⁴ John Hennenberger. "Texas Colonias Problems need to be put back on the Front Burner." *Texas Housers*. (June 21, 2009) Online. Available: <http://texashousers.net/2009/06/21/texas-colonia-problems-need-to-be-put-back-on-the-front-burner/> Accessed: August 1, 2009

⁵ Attorney General of Texas. *Thumbnail Sketches of Major Colonias Prevention Laws*. Online. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#c> Accessed: October 2008

⁶ Office of the Attorney General, *Major Colonias Prevention Laws*, (Online).

⁷ Peter M. Ward and Paul Peters. "Self-help Housing and Informal Homesteading in Peri-Urban America: Settlement Identification Using Digital Imagery and GIS." *Habitat International*. vol. 3 no. 2 (June 2007) p. 205-218

In several respects public policies, from implementation to enforcement, have failed to address the issue. This professional report will seek to identify the various factors that both enable and impede colonias and non-border colonias from developing. What processes determine the improvement of conditions in informal homestead subdivisions? The various issues in policy implementation experienced with border colonias can help to inform the development of improved policies that will benefit both border and non-border colonias.

DESCRIPTION OF THE ISSUE

Prior to the passage of these bills, the problems facing colonia residents went largely overlooked. In the 1980s, rising concerns about border security and immigration put a national spotlight on the U.S.-Mexico border.⁸ The realization at the state and national levels that the developing world was not contained to south of the border was a rude awakening for policy makers. Colonias exist in other Border States but nowhere else are they more prolific than Texas. This is due in part to the limited to non-existent land use control of counties allowed developers to sell lots without water, wastewater, road infrastructure or utility connections; the only requirement was for the lot to be connected to a previously existing county road.⁹ A county could not so much as stipulate that a development not be built in a floodplain.

⁸ Wilson, Robert. *Public Policy and Community: Activism and Governance in Texas*. (Austin: University of Texas Press, 1997) p. 267

⁹ Ward, Peter. *Colonias and Public Policy in Texas and Mexico: Urbanization by Stealth*. (Austin: University of Texas Press, 1999) p. 592.

In the areas where colonias originated, primarily in the counties of Cameron, Hidalgo, Webb and El Paso, exists is a great income disparity with the rest of the nation. In the early 1990s, median household income ranged from \$14,000 to \$26,000 dollars. Whereas the median household income in the rest of the United States was double that amount.¹⁰

For many individuals, purchasing a lot in a colonia was not only a means of affordable housing but also an opportunity for homeownership. Colonia lots sold from between \$10,000-\$12,000. Down payments averaged \$100 with monthly payments of \$50-\$150. Interest rates ranged from 12%-14%.¹¹ For families making well below the poverty level, this was a viable avenue for homeownership.

Purchasers of lots in colonias built housing with their own sweat equity or acquired mobile or manufactured homes. The qualities of these homes are substandard in nature and would not satisfy city building codes; many are structurally unsound and built with non-durable materials.¹² The substandard housing conditions combined with the lack of services has led to a number of deplorable conditions including poor sanitation, inadequate protection against inclement weather, and a poor quality of living in these communities.

¹⁰ Jane Larson, "Informality, Illegality and Inequality," *Yale Law & Policy Review* (2002), p.6

¹¹ Ibid.

¹² Ward, *Informality*, p. 260

REPORT ORGANIZATION AND METHODOLOGY

In order to identify the various factors that facilitate or prevent development in colonias and non-border colonias, it will be important to understand their historic and socio-economic context, and the public policy responses that resulted. To this end, the content and organization of this report is as follows:

Chapter 2 will discuss the formation nature of colonias and other informal homestead subdivisions. A typology of the various derivations of informal homestead subdivisions will be provided and the controversial nature of the word colonia will be discussed. The relevancy and need for analysis will be expanded.

In the proceeding chapter, Chapter 3, the jurisdictional differences in city and county authority in Texas will be explained as a means for understanding why colonias have proliferated in Texas. Additionally, the scope of processes that allow for a colonia household to access basic services will be described. Finally, a comprehensive review of the progression of MSRs is given.

Chapter 4 highlights the principal policymaking and political differences between colonias and non-border colonias. Moreover, the various state and federal governmental programs to benefit colonias will be listed and a select number of issues that have arisen during implementation will be identified. Lastly, the importance of political mobilization and will for improving conditions in colonias will be discussed.

Chapter 5, the final chapter, concludes with the need to strengthen county authority, eliminate institutional barriers to service provision and support incremental

development and home construction. The chapter will culminate with a list of recommendations.

Content for the report was generated through both primary and secondary sources. This Chapters One and Two rely heavily on governmental reports and published books and journals. The fourth chapter is primarily produced from a series of interviews with NGO advocates.

Chapter 2. Informal Homestead Subdivisions: Formation, Nature and Purpose

“Wherever there are low-income populations wishing to embrace home ownership but whose absolute incomes are insufficient to secure mortgages and home loans through the formal private or government assisted sectors, then one is likely to observe the creation of colonia-type subdivisions.¹³”

- Dr. Peter Ward and Dr. Mona Koerner

Traditionally, colonias in Texas have been classified as unincorporated communities that lack basic infrastructure and are located along the U.S. – Mexico Border. The logic behind this premise is that colonias arose as a result of their proximity to Mexico and that similar patterns were occurring on both sides of the border.¹⁴ However, this belief fails to account for the root of the problem, a growing income disparity in the United States and the subsequent demand for affordable housing.¹⁵ In reality, the phenomena of which colonias are a part, Informal Homestead Subdivisions, are not exclusive to border states. This chapter will look at the origins of what are traditionally referred to as colonias, along with the growth of informal homestead subdivisions outside of the border. Drawing from the work of Dr. Peter Ward, a leading expert on informal housing processes in the Americas, the formation, nature and

¹³ P. Ward and M. Koerner, “Informal Housing Options for the Urban Poor in the US: Towards a Typology of Colonias and Other Homestead Subdivisions,” (draft).

¹⁴ Vinit Mukhija and Paavo Monkkonen, “What’s in a Name? A Critique of ‘Colonias’ in the United States,” *International Journal of Urban and Regional Research*, vol. 31, no. 2 (2007) pp. 475–88. Online. Available: http://www.spsr.ucla.edu/UP/webfiles/publications/ColoniasName_IJURR_.pdf Accessed: February 2008.

¹⁵ Ward, *Urban Informality*, p. 246

variations of informal homestead subdivisions will be described. Lastly, a synopsis of policy approaches to informal homestead subdivisions in Latin America will be provided.

COLONIA ORIGINS

Colonias result from supply side and demand side factors that lead to a perpetual cycle when both are combined. On the supply side, Texas contains vast amounts of unregulated land that is unproductive for other purposes such as agriculture. Additionally, under the jurisdiction of a political entity, much of this land would be considered uninhabitable for reasons, such as proximity to a flood plain that would deem the land unsuitable for human habitation. On the demand side, free-trade economic policies over the past 50 years have encouraged an influx of low-wage labor into the United States and resulted in a large population in need of affordable housing and homeownership. Developers have sought to meet the housing demands of South Texas' low-income population by selling lots outside of cities' Extra-Territorial Jurisdiction (ETJ) without access to basic public services like water, sewage and electricity.¹⁶ The limited land-use regulation of these areas also allowed colonia-lot purchasers to build their lots incrementally,¹⁷ either through their own sweat equity or the purchase of trailers, mobile homes or manufactured housing. Often non-durable materials are used and dwellings are constructed in ways that fail to meet city building codes. Illustration 2 depicts a mobile home integrated with a self-built housing structure.

¹⁶ Ward, *Urban Informality*, p. 248

¹⁷ As defined by Paavo and Mukhija "The incremental development approach starts with the occupation of land and is followed over time by the gradual construction of dwellings and the provision of infrastructure.



Illustration 2: Colonia Home.¹⁸

Developers sold colonia lots as early as the 1950s. World War II and the subsequent labor shortages that resulted mark this period. In order to address farm labor shortages, the Bracero Program was enacted by the U.S. Congress, which authorized U.S. Farmers to import Mexican laborers. The Bracero Program led to an influx of migrants in the agricultural areas of California, New Mexico and Texas.¹⁹ Developers sought to profit from this newly arrived low-income population by selling them cheap land that was unproductive for other purposes such as agriculture.²⁰

The Bracero Program was an early derivation of the free-trade economic policies that would lead to the passage of North American Free Trade Agreement (NAFTA). During the late 1970s and early 1980s, South Texas began to industrialize at a steady rate and the population boomed.²¹ Local development could not keep pace with the sudden

¹⁸ Peter M. Ward, "Poverty, the "American Dream" and the Rise of Informal Homestead Subdivisions." Online. Available: <http://www.prc.utexas.edu/WardNSF/background.htm> Accessed: February 1, 2008

¹⁹ Anna Fink, Caroline Barker and Maritza Kelley. "Immigration Fixes and Failures: A Market Failure Analysis of Immigration Reforms Proposed in the 109th Congress." *The LBJ Journal of Public Affairs*. Vol. XIX (2008)

²⁰ Donelson, Angela. "The Role of NGOs and NGO Networks in meeting the needs of US colonias." *Community Development Journal*. Vol. 39. No. 4 (September 2004) p.333

²¹ Mukhija and Monkkonen, *Too Broad Too Narrow*, p.770

shift from a sparse, rural population to an urban, dense population.²² The area grew by 40.5% from 1970-1980, and by 76.6% from 1980-1995.²³ In ten years, from 1990-2000, Hidalgo county grew 48.5%, Webb County grew 44.9%, Starr County grew 32.3%, Cameron County grew 28.9%, and El Paso county grew 14.9%.²⁴ These are all counties with the highest density of colonias.

The passage of the NAFTA in 1996 amplified this trend. NAFTA led to a rapid industrialization of Texas' Border communities; manufacturing facilities, also known as maquiladoras, grew by 90% from 1990-1998 and which caused a greater demand for cheap labor.²⁵

The growth of the economy in the U.S. and Texas has not improved the standard of living for border residents. In 2004, 35% of residents in border counties lived below the poverty line. By comparison, in 1980, only 28% of people in these counties were below the poverty level.²⁶ In 2003, the median household income for the counties along the Texas-Mexico border was 74% that of the state median household income, \$29,606 versus \$39,967.²⁷

²² U.S. Department of Housing and Urban Development, U.S. Department of the Interior., U.S. Geological Survey. CHIPS: A New Way to Monitor Colonias Along the United States-Mexico Border. By Humberson DG., Parcher JW. Open-File Report 2007-1230. p.3.

²³ Nicole Carter and Leonardo Ortolano. "Working Toward Sustainable Water and Wastewater Infrastructure in the U.S. Mexico Border Region: A Perspective on BECC and NADBANK." *Water Resources Development*, Vol. 16, No. 4 (2000) p. 691.

²⁴ Larson, *Informality*, p. 2

²⁵ Donelson. *The Role of NGOs*, p.333

²⁶ Texas Health and Human Services Commission. *Colonias Initiative Evaluation*. August 2003. Online. Available: http://hhsc_projects/colonias/082003_hhsc_eval.html

²⁷ Texas Health and Human Services Commission. *Colonias Initiative Evaluation*. August 2003. Online. Available: http://hhsc_projects/colonias/082003_hhsc_eval.html

While Latinos comprise 32% of the Texas population, they account for 82% of the residents in colonias. And contrary to popular belief, the majority, 85% are either U.S. Citizens or residents. The prevalent belief that most are not citizens stands in the way of the political capital of colonias.²⁸ It is both the characteristics and the characterization of colonias that has led to a controversial debate of what to name similar phenomena. And the intersection of policy and perception in this case is curious.

“What’s in a name?²⁹”

The term colonia originates from the word for “neighborhood” in Spanish. In Mexico, a colonia does not have the same connotation as it does in the United States. However, when incremental housing patterns similar to what was occurring in Mexico started to arise in Texas, the name came across the border as well. The assumption was that the existence of colonias was exclusive to the U.S. – Mexico border, but as income disparities have grown across the United States, so has the demand for affordable housing and homeownership.³⁰ Since federal and state legislation has been formulated on the premise that colonias were contained to the border region, the limited land use regulation across the remainder of Texas has persisted, and colonia-like settlements have spread beyond the border.³¹

The realization amongst policymakers and academicians that conditions of the developing world are not contained within the border has led to a deep controversy on

²⁸ Larson, *Informality*, p. 7

²⁹ Paavo and Mukhija, *Naming Colonias*, p.475

³¹ Marta Arosemena and Eric Hartzell. “Spread of the Colonias: Non-border Colonias are Finally Getting Attention.” *American Planning Association*, Vol. 72, No. 2 (February 2006) p. 1

both the adequacy of the use of the word *colonia* for describing other types of informal homestead subdivisions as well as the utility of *colonia*-like settlements in U.S. Society. With respect to using the word *colonia* in describing similar housing patterns across the United States, academicians have discussed a few major concerns, one, that the name is in essence pejorative, two, that the negative association of the term leads to resistance amongst communities to classify their informal homestead subdivisions as *colonias*, and three, the term homogenizes a very nuanced pattern of informal homestead subdivision formation in the United States.³²

With respect to the first, the term is misleading because not all informal subdivisions are predominantly Mexican American or Latino. By assigning these settlements a Spanish name, Latinos become associated with a standard of living that is not exclusive to that demographic group. The term singles-out Latinos for causing the blighted conditions in *colonias*, as opposed to describing the root of the problem, families priced out of the traditional housing market.³³

In dealing with the second, there are communities who are averse to labeling informal subdivisions as *colonias* due to the negative affiliated stereotypes. This was the case in Kerr County. In 2002, residents opposed the move by county officials to designate an underdeveloped community as a *colonia*. A Kerr County resident was quoted as saying “We need money for sewers, water and roads, but not under the auspices of the designation of a *colonia* . . . They need to reserve the word “*colonia*” to fit

³² Paavo and Mukhija, *Naming Colonias*, p.476

³³ *Ibid.*, p. 485

our international border area. Kerr County has no colonias.³⁴ County officials were also concerned with the negative impact designating a community as a colonia would have on property values and tax revenue.³⁵

In regards to the third, differences in characteristics vary greatly between colonias. The demographics of residents, the location, level of development and funding eligibility of a colonia, all differ. The commonality between them though, as defined by one author is “the ways in which these settlements depart from the norms established by regulation in the United States for land and housing development, and by formal markets for housing finance and production.”³⁶

THE PHENOMENA OF INFORMAL HOMESTEAD SUBDIVISIONS

The existence of colonias is solely the result of vast supply of unregulated land in Texas and the demand for affordable homeownership; despite the widespread belief that this pattern of housing settlement is unique to the Mexican-American population along the border, colonias are a means for survival in an increasingly economically disparate society. Since public policy approaches have focused almost exclusively on border areas, extra-territorial jurisdictions in the remainder of Texas have remained largely unregulated. As housing prices have put the possibility of homeownership beyond the reach of even middle-class families, individuals are choosing to buy land and build housing incrementally in informal subdivisions across the state.³⁷ Urban centers lend the

³⁴ Ibid.

³⁵ Ibid., p.484

³⁶ Larson, *Informality*, p. 4

³⁷ Ward, *Urban Informality*, p. 258

attraction of job opportunity and are not as economically depressed as the border region, but are significantly less affordable.³⁸ However, this trend has received very little scholarly attention, to extent that there is no official mechanism for identifying informal subdivisions.³⁹

The paucity of research on informal housing in the United States can primarily be explained by two factors, for one, the tendency for academia to study “the other” as opposed to looking internally or in this case domestically, to see what is transpiring.⁴⁰ And secondly, colonia-type settlements outside the border do not benefit from geopolitics in the way that border colonias do. The first tendency perpetuates the second; with little information on an issue there is no impetus for elected officials to galvanize behind an issue politically.

One of the major challenges to bringing attention to the policy needs of informal homestead subdivisions outside of the border is that they are largely invisible to the public eye. Border colonias have received a considerable amount of attention because of the politics of the U.S-Mexico Border. However, there is a deficiency of information on non-border colonias. A comprehensive survey has never been executed that details the quantity and needs of informal subdivisions.

Nevertheless, a number of independent and commissioned studies have been executed which indicate that informal homestead subdivisions are developing outside the

³⁸ Peter M. Ward and Paul Peters. “Self-help Housing and Informal Homesteading in Peri-Urban America: Settlement Identification Using Digital Imagery and GIS.” *Habitat International*. vol. 3 no. 2 (June 2007) pp. 205-218

³⁹ Larson, *Informality*, p.3

⁴⁰ *Ibid.*

border not only in Texas but across the United States. Dr. Peter Ward has executed the most complete studies on the subject area to this date. By building upon his existing theoretical framework of incremental housing, Ward uses census data and GIS to build compelling evidence of non-border colonia growth. The invaluable contribution of his work to body of knowledge will be elaborated upon in the proceeding section. Ward refers to the most prevailing type of non-border informal homestead subdivision as “peri-urban.”⁴¹ This is an appropriate descriptor because they are literally located on the periphery of urban centers, such as Austin and Lubbock.

A different study completed by Arosemena and Hartzell points to the extent and nature of the problem in Aransas County. The study has identified 15 colonia-like settlements containing approximately 4,000 homes. The housing units in the neighborhoods were described as “densely packed, lower quality housing lacking public water and sewer service...most of them substandard mobile homes or recreational vehicles being used for permanent housing.”⁴² The study also concluded that frequent flooding occurred in 12 of the 15 colonias.

Typology

Now that the origins and formation of colonias and informal homestead subdivisions have been reviewed, the variations between them will be examined in more detail. Dr. Peter Ward, has developed a typology of informal homestead subdivisions in the United States. The informal housing patterns he classifies are the following:

⁴¹ Ward and Peters, *Informal Homesteading in Peri-Urban America*, p. 205

⁴² Arosemena and Hartzell, *Spread of the Colonias*, p.3

Classic border colonias⁴³

Classic border colonias refers to colonias as has been thoroughly discussed in this document. As is exemplified by their name they are located along the U.S. Mexico border. They are the most impoverished of the informal subdivisions and are exclusively located in a cities extra-territorial jurisdiction and are primarily occupied by Mexican or Mexican American Populations.

Non-border peri-urban informal subdivisions⁴⁴

Non-border peri-urban informal subdivisions are the second most common form of informal subdivision in Texas. The primary factor that distinguishes these from colonias is that they are not as poor. Additionally, the demographic composition of the residents who occupy can vary from racially mixed to predominantly white or African American. Furthermore, since these settlements are located outside of the border they do not have to comply by the same stringent rules as dictated in the MSRs, their service provisions may not be entirely absent as is the case in colonias that must abide by stringent regulations. These MSRs will be reviewed in the proceeding chapter.

Semi-urban or rural housing subdivisions⁴⁵

The characteristic that distinguishes these subdivisions is their period of development; they are typically decades older than Non-border peri-urban informal subdivisions. Additionally, their density tends to be lower and the age of the residents older.

⁴³ Ward and Peters, *Informal Homesteading in Peri-Urban America*, p. 207

⁴⁴ Ibid.

Recreational colonias and subdivisions⁴⁶

Whereas the preceding types of informal homestead subdivisions are occupied as primary residences and as opportunities for affordable homeownership, recreational colonias and subdivisions serve as secondary residences for recreation or sport. Although servicing levels maybe no or less improved the other types reviewed, because these are seasonal households, the implications of low-servicing levels are minimal. Additionally, trailers are the principal form of dwellings. Lastly, children are less known to frequent these subdivisions.

Retirement Colonias⁴⁷

Retirement colonias share similarities to recreational colonias in terms of infraestructure and type of dwelling but serve a different purpose, which is to provide affordable housing to retired individuals living on a limited budgets. Household sizes are smaller in these colonias and since it is a retired community, the age of residents is older.

Identifying Informal Subdivisions

In addition to creating a typology of Informal Homestead Subdivisions in the United States, Dr. Ward has created a methodology for identifying non-border informal homestead subdivisions using census data, Geographical Information Systems and Google Earth.⁴⁸ Utilizing these technologies will be critical for developing an inventory of informal subdivisions, which will not only lend as evidence to support their existence

⁴⁵ Ibid.

⁴⁶Ibid., p. 209

⁴⁷ Ibid.

but is critical for informing and formulating policy.

INFORMAL HOMESTEAD SUBDIVISIONS: PROMISING OR PROBLEMATIC?

Lessons from Mexico and Latin America

As previously iterated, border colonias do follow similar incremental development patterns that occur in Mexico and Latin America. Incremental housing in Latin America has been embraced by policy-makers as an equalizer and opportunity for upward mobility. The approach by U.S. Policymakers has been to eradicate the practice while simultaneously not providing alternative affordable homeownership.⁴⁹

In most of Latin American informal subdivisions, most families cannot afford to purchase a home through formal financing mechanisms. A majority of the population chooses to use their own sweat equity to build their homes. Consequentially, the conditions of the homes tend to be substandard in condition and lack basic public services.⁵⁰ The process of building a home incrementally may take from 20-25 years but for more than 50% of residents near Latin America cities, this is the only means of participating in the housing market.⁵¹

Dr. Peter Ward has argued that U.S. policy makers could learn from policymakers in Mexico. For example, Mexico has invested public funds in supporting community

⁴⁸ See Appendix A.

⁴⁹ Ward, *Colonias and Public Policy*, p.87

⁵⁰ Margarita Greene and Edward Rojas. "Incremental construction: a strategy to facilitate access to housing." *Environment and Urbanization*, Vol. 20, No. 1, 89-108 (2008) p.90

⁵¹ Peter M. Ward. "Self-help and self-managed housing al la Americana." *Lincoln institute of land policy conference paper*. (2001)

development projects. Incremental development has been supported as a means for alleviating the lack of affordable housing in urban areas of Mexico.⁵²

Conversely, in the United States, subdivisions are perceived more in the context of legality and illegality as opposed to formal and informal. And indeed, they are a major departure from accepted norms of housing production in the United States for several reasons; first, they tend to be constructed on land that is not suitable for residential use, secondly, they are located on unauthorized land, thirdly, these developments lack the proper permits for construction and lastly, these subdivisions do not meet construction standards and codes.⁵³

Low Housing Costs, High Social Costs

“Colonia land sales have been at once exploitative and accessible.⁵⁴”

– Jane E. Larson

Generally, the process by which informal homestead subdivisions are acquired and housing is incrementally built is unlike formal and orthodox building and financing mechanisms. In the formal market, the paperwork is completed on the front end and public service infrastructure and the building structure is completed upon purchasing a home. These processes are what in part make formal methods so costly. For low-income households with little financial solvency, making a down payment and building the credit-worthiness to qualify for a loan prove to be major barriers.⁵⁵ In the informal

⁵² Ward, *Colonias and Public Policy*, p. 65

⁵³ Greene and Rojas, *Incremental Construction*, p. 91

⁵⁴ Larson, *Informality*, p. 7

⁵⁵ Greene and Rojas, *Incremental Construction*, p. 91

housing market, the process is reverse. The buyer begins with nothing and upgrades the residence based on their present finances until the finality of housing construction and ownership process are complete.⁵⁶ Outside of the informal housing market, the only option for low-income families is to rent.

Incremental development makes homeownership accessible through providing families the flexibility to choose the rate and pace of which to finance and construct their home. However, doing so comes at an enormous social cost. In addition to the lack of basic services, the remote locations of informal homestead subdivisions makes accessing public goods and services in nearby cities challenging.⁵⁷

But in the counties where colonias are concentrated, there is a notable difference in housing affordability for poor families. Across the state, households earning less than \$10,000 annually, 65% are reported as paying excessive housing costs. Whereas in the border counties, only 50% of households making less than \$10,000 annually claim to have excessive housing costs. This point becomes exemplified when considering that the majority of households earning less than \$10,000 are along the border. In all of Texas, 16% of families make less than \$10,000 compared 35% of families along the border.⁵⁸

Nevertheless, the purchase of a colonia lot was not an asset-building endeavor as is the case in a traditional mortgage. The purchase of a lot was conveyed through a contract for deed. In a contract for deed arrangement, the purchaser was not given

⁵⁶ Greene, *Incremental Construction*, p.92

⁵⁷ Ward, *Urban Informality*, p. 160

⁵⁸ Senator Eliot Shapleigh. "State of the Border 2007: Housing Challenges Along the Border." Online. Available: http://shapleigh.org/system/reporting_document/file/181/11_BHousing07.pdf Accessed: Aug. 1, 2008.

ownership of the lot until it was paid in full. There was no financial protections for the buyer which led to a high rate of forfeitures.⁵⁹ Legislative fixes have greatly remedied this issue as will be touched upon in Chapter 4.

Despite the accessibility that incremental development and informal housing provide low-income families, it is important to underscore the fact that such a choice comes at a high social cost. Ultimately, choosing to live in a remote area, that may otherwise be deemed inhabitable, in ramshackle housing, without basic utility access and with limited to access to public goods and services, is a choice made as a strategy for economic survival.⁶⁰

In the United States, a purported “developed” nation, this is not a choice that any family should have to make. Ultimately, the informal housing market exists because the public and private sectors have failed to adequately provide affordable housing for low-income communities.⁶¹

⁵⁹ Larson, *Informality*, p. 6

⁶⁰ Ward and Peters, *Informal Homesteading in Peri-Urban America*, p.21

⁶¹ Ward, *Colonias and Public Policy*, p.66

Chapter 3. County Authority and the Model Subdivision Rules

The process of building infrastructure in colonias and connecting households to services is a long and complicated one. Colonias are predominantly located in political jurisdictions with very little authority, counties. This chapter will review the abilities and limits of counties in regulating colonias and the progression of the MSRs that have granted counties various sets of authority throughout the years. Additionally, the chapter will initiate the discussion about the intituional barriers that have be created as a result.

CITY VS. COUNTY AUTHORITY IN TEXAS

The border states of New Mexico, Arizona and California share a similar economic and historic context with Texas. However, nowhere are colonias more numerous than in Texas. Texas has exponentially more colonias, 1,800, versus 32 in California, 77 in Arizona and 138 in New Mexico.⁶² The distinguishing factor is that of counties in the four border states, Texas counties have almost no planning or zoning authority. The following subsection will outline the jurisdictional authority of cities and counties in Texas.

Legal History

The difference of authority given to cities versus counties is rooted in the Texas Constitution. In the constitution, counties are considered legal subdivisions of the state, whose powers are limited by the state legislature. In contrast, cities of a certain size have

⁶² Paavo and Mukhija, *Naming*, p. 476

the option of adopting a Home Rule amendment. The Home Rule amendment establishes that cities look to the legislature for limitations, rather than grants of power.⁶³

Cities in Texas fall under two classifications, "general law" or "home rule." Only cities exceeding a population of 5,000 may elect to become Home Rule. General law cities have limited powers compared to Home Rule cities. For instance, General law cities may not annex unincorporated areas without permission from the property owner. However, Home Rule cities have full authority to annex unincorporated areas under the condition that essential services are provided within three years.⁶⁴

Cities with populations over 225,000 have the option of limited annexation. The purpose of limited annexation is to enforce safety and building codes in adjoining areas. However, the city may not levy taxes from the newly annexed area nor is the city obliged to install utilities. The option of limited annexation permits larger cities to transition and begin to control development until the city chooses to fully annex that area. Cities are allowed three years of limited annexation to decide whether to fully annex new territory.⁶⁵

Most cities in Texas use ordinance-making authority, such as zoning, in order to control development within the city limits. Zoning includes a range of standards from land use to building structure and materials to lot size. Ordinance-making authority

⁶³ Policy Analysis Group. *The Structure of County Government*. Online. Available: <http://www.county.org/resources/legis/documents/PAGPaper3.pdf>. Accessed: August 2008.

⁶⁴ Texas Municipal League. *Handbook for Mayors and Councilmembers in Home Rule Cities*. Online. Available: https://www.tml.org/pub_handbooks.htm. Accessed: October 2008.

⁶⁵ Ibid.

allows a city to control growth and to build infrastructure including, roads, lights, drainage, water and wastewater.

Feasibility of Service Provision to Colonias

Legal differences in jurisdiction and authority are not the only factor preventing cities and counties from providing services to colonias. There are a number of barriers in terms of feasibility and political will that deter service provision, including disagreement about which entity should undertake jurisdictional and financial responsibility to regulate and provide services.⁶⁶

The various facilities that colonias lack differ greatly in installment cost. Extending water and sewage lines to colonias is capital intensive and requires considerable public investment. Due to their remote locations, colonias are not easily connected to existing water and sewage lines.⁶⁷ However, electricity service, which taps into existing infrastructure, is more readily available.⁶⁸ Nevertheless, in order to be eligible for state and federal loans and grants, a colonia lot must be connected to water and wastewater infrastructure. Therefore, the more costly services must be developed first.

The challenge presented to cities and counties is how to retroactively improve infrastructure. On the part of local governments, there exist several prohibitive factors. On a technical end, many colonia boundaries were laid out inaccurately by developers,

⁶⁶ Ward, *Colonias and Public Policy in Texas and Mexico*, p.149

⁶⁷ *Ibid.*,133

⁶⁸ *Ibid.*, 132

situating the plots in such a way that adds an additional expense to building infrastructure.⁶⁹

One option for managing the colonias' problem is to encourage cities to annex those areas. However, cities are aware of the financial burden this would place on their budgets. For cities, it is not cost effective to either extend services to or to annex colonias. The remote location of colonias makes extending existing lines extremely costly, and the additional tax revenue garnered from the newly incorporated areas would not be sufficient to pay for installing and maintaining utilities. Moreover, housing conditions would not generally comply with local building codes. Lastly, many city residents harbor prejudice against annexing a poor community.⁷⁰ These factors make it improbable that that cities would annex colonias.⁷¹

County Authority in other states

As stated previously, other border states have largely thwarted the development of informal settlements. When comparing Texas to New Mexico, Arizona and California, the most outstanding difference in circumstance are county powers. In comparison to Texas where counties have no authority to enact zoning or land use regulations, the counties in Arizona, California, New Mexico, all have broad authority.⁷²

⁶⁹ Borderlines, *Colonias: Problems and Promise*, p. 3.

⁷⁰ Wilson, *Public Policy and Community*, p. 247

⁷¹ Ward, Peter. Et Al. *Dysfunctional Land Markets in Colonias and Quasi Formal Homestead Subdivisions in Texas (Working Paper)*. Online. Available: <http://66.223.94.76/pubs/PubDetail.aspx?pubid=592>. Accessed: April 2008.

⁷² Huntoon, L. and Becker, B. "Colonias in Arizona: A Changing Definition with Changing Location." *Lincoln Institute of Land Policy Conference Paper*. (2001) pp.3 Online. Available: <http://www.lincolnst.edu/pubs/pub-detail.asp?id=584>. Accessed: April 2008.

In Arizona, the county board of supervisors makes all decisions regarding the development of the county jurisdictional area. A planning commission advises the county board of supervisors. The two entities develop a comprehensive plan regarding zoning, regulations, ordinances and rule enforcement. As a result, Arizona counties have wide-ranging authority. However, counties do not have the authority to assess impact fees.⁷³

In California, counties do have the ordinance-making authority to enact and enforce zoning laws and land use regulations. Additionally, counties can assess impact fees for new development. California counties have the largest discretion of any of the comparison states.⁷⁴

New Mexico law grants its counties the power to adopt and administer zoning authority. However, their ability to assess impact fees is restricted by the authorization of the Development Fees Act (DFA). The DFA only allows impact fees to be raised for capital improvements.⁷⁵

Despite the socio-economic similarities that California, Arizona and New Mexico share with Texas, it is the peculiar nature of Texas law that has allowed for colonias to grow prolifically. Since 1989, various groups of counties have been legislated differing authorities in order to control the development of colonias in their jurisdictions.⁷⁶

⁷³ Melissa Taylor. "County Authority in Texas as Compared to Other States." *UT Environmental Law Clinic*. Personal Correspondence. July 2008.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ House Research Organization of the Texas House of Representatives. "Do Counties Need New Powers to Cope with Urban Sprawl?" *Focus Report*. Number 77-26 (November 6, 2002). p. 5.

Colonias Prevention Laws

In 1989, during the 71st Texas legislative session, Senate Bill 2 was passed which was the first sweeping reform of colonias in Texas history. SB 2 created the Economically Distressed Areas Program (EDAP) under the Texas Water Development Board. EDAP sought to provide local governments with funding for building water and wastewater projects. In order to receive funding, EDAP counties were required to adopt a set of “model rules” that enabled them to enforce the provision of water and wastewater in a subdivision. While the rules were initially drafted in 1990, they were not officially adopted until 2000.⁷⁷ The rules, more precisely referred to as the Model Subdivision Rules (MSRs), have focused in three issue areas. First, they guarantee the provision of water and wastewater in new developments; second, the rules prohibit the sale of lots not platted; and third, they restrict certain utility connections in order to prevent further growth in colonias. The underlying premise for the regulations was that the counties, which chose to adopt the MSRs, would have sufficient authority to keep other subdivisions without water or wastewater from being developed.

A colonia could not receive EDAP assistance from a county until it came into compliance with the MSRs. Until 2009, platting requirements under the MSRs were a major component of coming into compliance with the law. However, the MSR platting requirement was in addition to the platting requirement of a given county. Platting refers

⁷⁷ Attorney General of Texas. Attorney General of Texas. Thumbnail Sketches of Major Colonias Laws: Economically Distressed Areas Program. Online. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#distressed>.

to the process that legally establishes the boundaries of a property.⁷⁸ This additional step interfered with the provision of services to an estimated 442 colonias for nearly two decades.⁷⁹

During the 81st Texas Legislative Session, SB 2253 was passed, removing the MSR platting requirement.⁸⁰ Understanding the progression of the MSRs over the past twenty years as they apply to different sets of counties is elemental for understanding the major reform that was recently put into place. Additionally, the various sets of requirements that will be outlined here will explain the impetus of HB 2275, which created a task force to create standardized Model Subdivision Rules. Presented below are the major subchapters of the law that inform the powers of counties:

Economically Distressed Areas Program (EDAP) - Subchapter J of Chapter 16, and Subchapter K of Chapter 17, Water Code⁸¹

The purpose of EDAP is to give financial assistance to counties to improve inadequate water and waste water systems. A county qualifies for EDAP if it meets the following attributes:

- Is located within 50 miles of the Texas-Mexico Border or
- Has an unemployment rate 25% above the statewide average and
- A per-capita income 25% below the statewide average

⁷⁸ Forrest Wilder. "Seeing the Light: Colonias Finally Get Electricity and Water Service." *Texas Observer*. (Sept. 2009) Online. Available: <http://www.texasobserver.org/pi/seeing-the-light>. Accessed: October 1, 2009.

⁷⁹ Attorney General of Texas. Major Colonias Laws (Online).

⁸⁰ Wilder, Seeing the Light (Online).

Model Subdivision Rules of the Texas Water Development Board - Chapter 364 of Part 10 of Title 31 of the Texas Administrative Code⁸²

The Model Subdivision Rules (MSRs) were created under EDAP. EDAP eligible counties may only apply for funding under the condition that they adopt the MSRs. The passage of the MSRs was heralded as a major step forward in colonias prevention. The objective was to inhibit the development of new colonias by requiring developers to provide water and wastewater. The MSRs mandated that developers forming new residential subdivisions smaller than 5 acres:

- Plat the subdivision.
- Provide an engineer's report detailing how water and sewer lines will be constructed, the cost of construction and the date of completion.
- Guarantee to cover all costs of service connection and provision for 30 years.
- Analyze the quantity and quality of the groundwater if there are water wells.
- Ensure the suitability of septic systems if they are to be used.

Subchapter B of Charter 232, Local Government Code⁸³

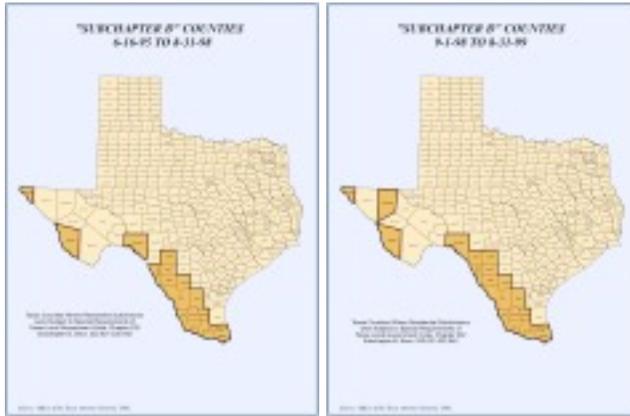
Subchapter B applies to counties within 50-miles of the Texas-Mexico border. In new residential subdivisions, the subdivider is required to install utilities, construct roads and put in drainage. Subdividers have two options for developing this infrastructure.

⁸¹ Attorney General of Texas. Thumbnail Sketches of Major Colonias Laws: Economically Distressed Areas Program Online. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#distressed>. Accessed: August 2008.

⁸² Attorney General of Texas. Thumbnail Sketches of Major Colonias Laws: Model Subdivision Rules. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#rules>. Accessed: August 2008.

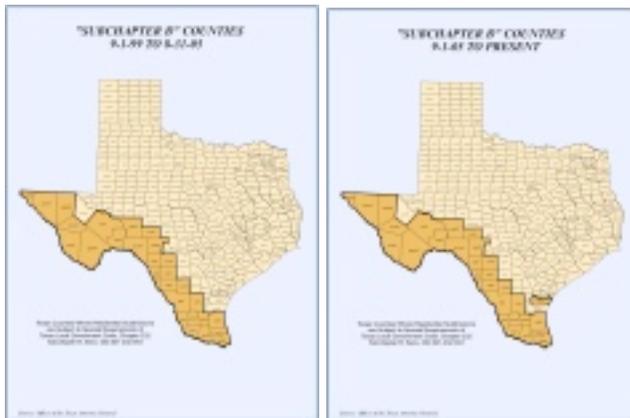
⁸³ Attorney General of Texas. Thumbnail Sketches of Major Colonias Laws: Subchapter B of Chapter 232, Local Govt. Code. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#b>. Accessed: August 2008.

One, the sub-divider may build it prior to plat approval, or two, enter into a financial agreement to guarantee the future installment of said facilities. This is commonly referred to as "Build it or bond it."



6-16-95 to 8-31-98

9-1-98 to 8-31-99



9-1-99 to 8-31-05

9-1-05 to Present

Illustration 3: Subchapter B Counties⁸⁴

Subchapter B, created during the 74th Legislative Session under HB 1001, was the first subchapter formed under the MSRs.⁸⁵ Prior to 1995, EDAP eligible border counties

⁸⁴ Office of the Attorney General. "Border Maps." Online. Available: <http://www.oag.state.tx.us/consumer/border/maps/>. Accessed: May 1, 200b

were only required to adopt the MSRs based on whether they wished to receive funding. In 1995, Subchapter B EDAP counties were required to adopt and enforce the MSRs, in spite of application for funding. The subchapter was revised again in 1999, which required MSR adoption regardless of EDAP eligibility.⁸⁶ Illustration 3 demonstrates the increase in Subchapter B counties; in 1995 MSR adoption was voluntary versus when it became mandatory in 1999.

Subchapter C of Charter 232, Local Government Code⁸⁷

Created in 1997 under SB 570 (session), counties are classified as Subchapter C if they are located outside of the 50-mile border region and meet the unemployment and low-income threshold for EDAP funding.⁸⁸ Eligibility is calculated by averaging the respective eligibility statistics across three years. Therefore, county eligibility varies from year to year.⁸⁹ The challenge here is that since the counties designated as Subchapter C are recalculated annually, a county may not have the opportunity to come into compliance with the MSRs before it loses its EDAP eligible status and the county will not be able to access EDAP funds. Illustration 4 points to the vast variation in Subchapter C status from year to year.

Attorney General of Texas. Historical Sketch of Texas Laws Related to Colonias Remediation and Prevention. Online. Available: <http://www.oag.state.tx.us/consumer/border/history.shtml> Accessed: January 2008.

⁸⁶Attorney General of Texas. Colonias Remediation and Prevention (Online).

⁸⁷ Attorney General of Texas. Thumbnail Sketches of Major Colonias Laws: Subchapter C of Chapter 232, Local Govt. Code. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#c>. Accessed: August 2008.

⁸⁸ Attorney General of Texas. Colonias Remediation and Prevention (Online).

⁸⁹ Ibid.

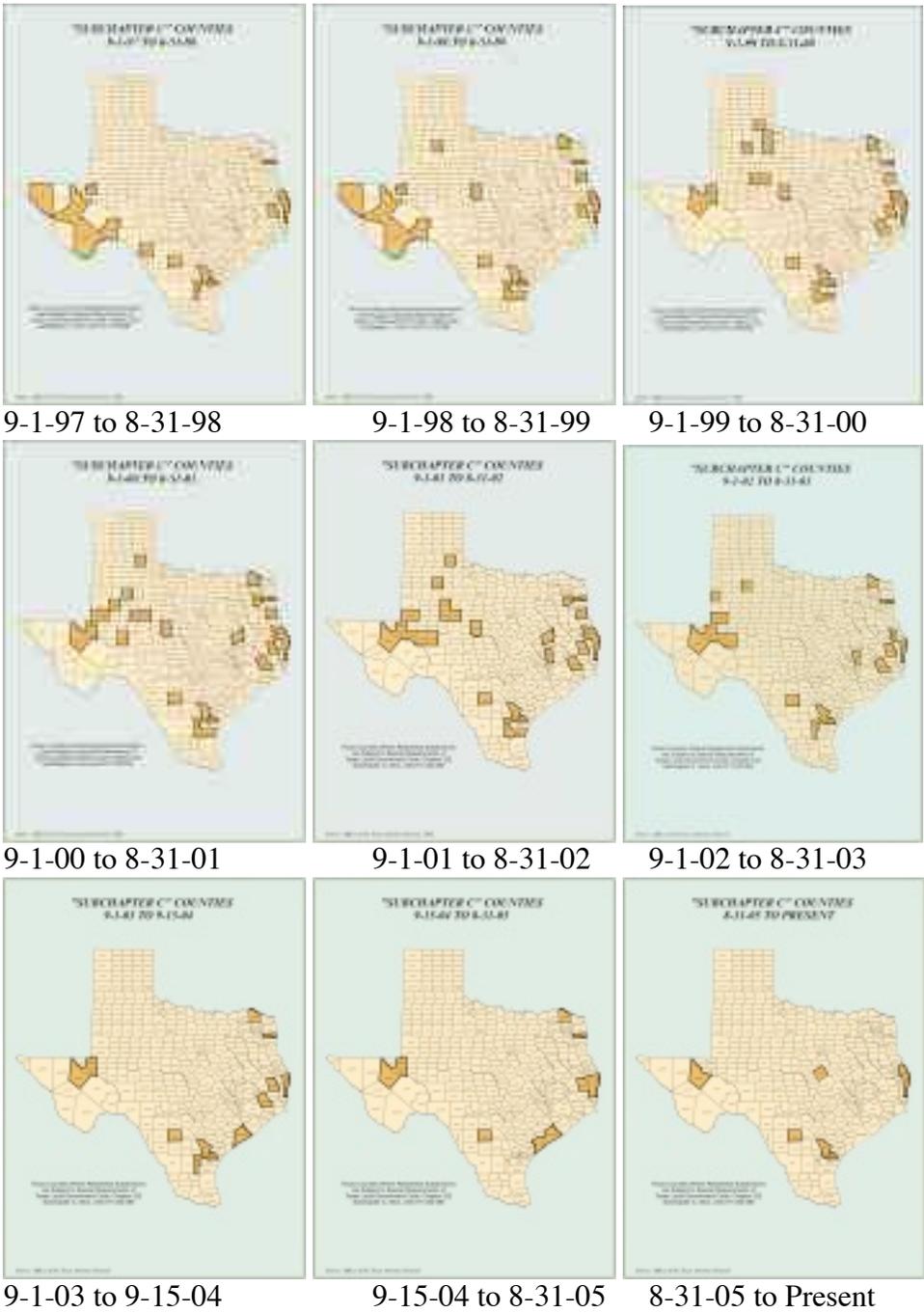


Illustration 3: Subchapter B Counties⁹⁰

⁹⁰ Office of the Attorney General. "Border Maps." Online. Available: <http://www.oag.state.tx.us/consumer/border/maps/>. Accessed: May 1, 200b

Subchapter E of Charter 232, Local Government Code⁹¹

In 2001, SB 873 was passed by the 77th Texas Legislature, which created Subchapter E of the Local Government Code.⁹² Subchapter E applies to the more populous counties. A border county is classified as Subchapter E if the population is greater than 150,000. A non-border county is considered Subchapter E if the population is greater than 700,000. Also, counties in the same metropolitan statistical area as the non-border counties over 700,00 are also classified as Subchapter E. Powers granted to these counties are similar but not equivalent to the authority cities have of their ETJs.⁹³ Subchapter E counties can require minimum standards for lots and roads, however, they cannot regulate land use nor establish building codes as a city would.⁹⁴ Illustration 5, below, demonstrates the tremendous growth that the Metropolitan Statistical Areas of Dallas, Austin, San Antonio and Houston are experiencing. In three years, the number of Subchapter E counties grew from 30 to 39.

⁹¹ Attorney General of Texas. Highlights of Major Platting Laws Applicability, Exceptions and Substantive Requirements. Online. Available: <http://www.oag.state.tx.us/consumer/border/highlights.shtml>. Accessed: August 2008.

⁹² Attorney General of Texas. Colonias Remediation and Prevention (Online).

⁹³ Attorney General of Texas. Thumbnail Sketches of Major Colonias Laws: Subchapter E of Chapter 232, Local Govt. Code. Available: <http://www.oag.state.tx.us/consumer/border/thumbnail.shtml#e>. Accessed: August 2008.

⁹⁴ Attorney General of Texas. Major Platting Laws (Online).

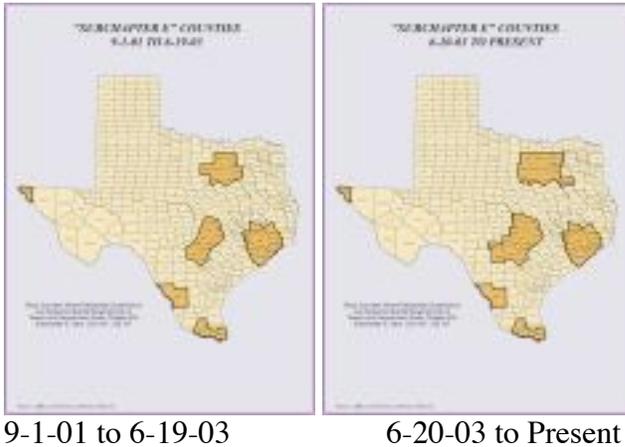


Illustration 5: Subchapter E⁹⁵

Throughout the Texas statutes related to colonia development, the intent is to require developers to provide water and wastewater connections and to prevent the sale of lots without those connections. However, there are two major exceptions that create a huge loophole in the colonias prevention laws. First, lots sold prior to 1989 were grandfathered; they did not have to come into compliance with the MSR. Developers took advantage of the grandfather provision and subdivided huge pieces of land before the law went into effect. It is estimated that in El Paso County, half a million new lots were subdivided between the passage of the law and the effective date. New purchasers that buy the grandfathered lots subsequently do have to come into compliance, which leaves the burden of getting the lot platted and water and wastewater installed in their hands.⁹⁶ Second, a lot may be sold without water and wastewater connections, if the resident of the lot is the seller. It is uncertain how many residents have sold lots.

⁹⁵ Ibid.

⁹⁶ Borderlines. "Colonias: Problems and Promise." vol. 6, no.1 (February 1998) p.3.

Purchasers buying these lots cannot connect to other utility services until the lot complies with the MSRs, leaving the purchaser with the expense of coming into compliance.⁹⁷

EDAP eligible counties may only apply for funding under the condition that they adopt the MSRs. Until SB 2253 during the 81st Texas Legislative Session was passed, Texas law prohibited a lot from receiving water and wastewater services until it had been platted in accordance with the guidelines established by the MSRs, in addition to being platted under the guidelines established by a given county. The platting requirement proved to be problematic because developers' methods for laying metes and bounds were frequently ad hoc and inconsistent.⁹⁸

Platting the lot was the first step in a long process to access other basic services. A colonia could not hook-up to water or wastewater services until it was platted. Furthermore, water and wastewater connections qualify a lot to connect to other utilities such as gas and electric.

These loopholes have led to what are sometimes referred to as colonias "in limbo." Essentially, these are unplatted lots that have been sold without water or wastewater, leaving the purchaser with the expense of coming into compliance. At least 442 colonias along the border still do not have water or wastewater. It can be inferred that an even greater number lack basic utilities.⁹⁹ While considerable progress has been

⁹⁷ Attorney General of Texas. The Red Book: Subchapter B. Online. Available: <http://www.oag.state.tx.us/consumer/border/subchapb.shtml>. Accessed: August 2008.

⁹⁸ Ward.

⁹⁹ Forrest Wilder. "Let there be Light: A long suffering border colonias powers up with renewable energy." *Texas Observer*. (Aug. 2008) Online. Available: <http://www.texasobserver.org/article.php?aid=2817> Accessed: Sept. 1, 2009.

made in Texas' colonias, an estimated 442 out of 2300 remain frozen in time from 20 years ago.

Platting is not the only problem presented by the MSRs. Through the years, eligibility standards have become convoluted, as is evidenced by the duplicity in subchapter classifications for several counties.¹⁰⁰ These varying standards are not only confusing; they lead to an unlevel playing field when it comes to qualifying for funding. For example, the requirements under Subchapter B are more stringent than under Subchapter C, therefore, while Subchapter B counties are in greater need, they are less likely to come into compliance with the MSRs and qualify for much needed funding.¹⁰¹

Given the increasing realization amongst county officials and colonia NGO advocates of these apparent discrepancies, HB 2275 during the 2009, 81st Legislative Session was passed, which created a Task Force on Uniform County Subdivision Regulation. The task force is comprised of state and county officials and NGO advocates.¹⁰² The task force will seek “to examine and rectify those differences and work toward solutions.¹⁰³” While the prospects for what the task force will accomplish are promising, it is to be determined if the Texas Legislature will have the political will to reform the MSRs in future legislative sessions.¹⁰⁴

¹⁰⁰ Attorney General of Texas. Colonias Remediation and Prevention (Online).

¹⁰¹ Texas Legislature, Senate, Committee Substitute House Bill 2275 Analysis. 81st Texas Legislature (2009).

¹⁰² See Appendix C.

¹⁰³ Texas Legislature, C.S.H.B 2275 Analysis.

¹⁰⁴ Anonymous Interviewee.

Household Hookup to Services

Colonias prevention laws have helped to thwart the further proliferation of colonias along the border. However, to some extent, preventive measures have impeded provision, as was the case with the platting requirement.¹⁰⁵ Nonetheless, there are other prohibitive factors that deter colonia residents from benefiting from modern day services.

Building the infrastructure in a colonia is only part of the process. Once infrastructure is built, there are two aspects of getting a colonia household connected to services. The first component has been addressed in previous chapters. For one, a city or county must have the jurisdictional authority and financial ability to extend lines to a colonia. Secondly, in instances where water and sewage lines become available to colonias, the financial responsibility of connecting to those services falls on the owner of each household. Expectedly, the financial cost of hooking-up may not be within the budget of a colonia household.

The decision for a resident to hook-up is primarily an economic one. Depending on the condition of each home, hook-up costs range from \$900-\$1200, an upfront expense that is out of reach for many families.¹⁰⁶ Nonetheless, while the cost of connecting to services is expensive for colonia residents, the informal cost of service provision is much higher. For example, the most common means for purchasing water in Texas colonias is from tanker trucks. The average cost for purchasing water from a

¹⁰⁵ Ward. *Colonias and Public Policy in Texas and Mexico*. p.132.

¹⁰⁶ Phone Interview by Maritza Kelley with Ann Cass, Proyecto Azteca, San Juan, Texas October 2, 2009.

tanker truck is \$22 per 1,000 gallons.¹⁰⁷ Although this option will cost families more in the long-term, they will opt for it as opposed to paying a large sum of money upfront.

However, there are several communities that have come up with innovative ways to enable residents to hook-up to services. After water and wastewater infrastructure was developed in the colonia of Carrizo Hills in Dimmit County, the 300-families of the colonia formed a cooperative. Families of the colonia run the co-op; members pay monthly fees and waterbills to the co-op.¹⁰⁸ While the cost to tap-in is approximately \$1500, the co-op allowed members to pay off a little each month.

Hook-up costs are not the only financially prohibitive factor. When capital-intensive service infrastructure is built in colonias, property values rise and so do taxes. There is resistance from some residents to hook-up to services due to the consequent rise in property values and resulting increase in taxes. In which case, cities are not the only party reluctant to annex a colonia. In certain instances colonia residents have shared in this reluctance and elected not to allow for annexation.¹⁰⁹

CONCLUSION

This chapter spoke to the challenge presented to counties in retroactively improving infrastructure. For one, the county must enforce the MSR's and the colonia must be in compliance with the MSR's. Secondly, both the county and colonia must have the financial ability to construct and then connect to services, respectively. Lastly,

¹⁰⁷ Ward, *Colonias and Public Policy in Texas and Mexico*, p.132.

¹⁰⁸ Phone Interview by Maritza Kelley with Manuel Estrada, Neighborhood Housing Services of Dimmit County, Carrizo Springs, Texas, October 13, 2009.

counties must have the political will and colonias resident must have the personal will to do so. It is important to keep in mind that the completion of the service provision and connection process is not the final step to improving the quality of life in a colonia. Even after that arduous process, there are still many barriers to overcome to live in a decent home.

¹⁰⁹ Wilson, *Public Policy and Community*, p.24.

Chapter 4. Programmatic and Political Processes

Another key component that distinguishes informal homestead subdivisions are the state and federal governmental programs made available to them. This chapter will present an outline of the various agencies administering colonia programs and examine some of the institutional barriers resulting from a few programs. Finally, the chapter will conclude by highlighting the importance of political will and mobilization in gaining the attention of policy makers and discuss why informal homestead subdivisions have been on the legislative backburner for so many years.

STATE AND FEDERAL AGENCIES AND PROGRAMS

Due to the broad spectrum of public policy issues presented by colonias, governmental entities at state and federal levels have become engaged in the area. Consequently, there are multiple parties administering a variety of infrastructure programs in colonias. The centralized nature of government intervention in colonias is highly ironic given the predominant small government philosophy in Texas.

Undoubtedly, many colonias residents have benefitted from governmental programs, particularly from programs that have sought to improve housing conditions, water and wastewater infrastructure. Nevertheless, the projects funded do not address the full gamut of policy challenges encountered in a colonia. Additionally, the varying eligibility standards amongst programs have caused a confusing policy sphere to navigate

for a number of stakeholders including elected officials, policy makers and colonia advocates..¹¹⁰

Eligibility requirements are not the only component that differs between governmental programs, the definition of a colonia does as well. Each agency defines the concept for itself; there is not a singular definition of a colonia. Consequently, some colonias are eligible for monies that others are not..¹¹¹

¹¹⁰ Ward. *Colonias and Public Policy in Texas and Mexico*. p.148

¹¹¹ Laura Huntoon and Barbara Becker. "Colonias in Arizona: A Changing Definition with a Changing Location." Paper presented at the conference on Irregular Settlement and Self-Help Housing in the United States. Lincoln Institute of Land Policy, Cambridge, MA. September 21–22, 2001.

Eligibility Criteria	Agency		
	HUD	EPA	USDA
U.S. – Mexico International Boundary		✓	
Within 150 miles of the border	✓		✓
Low income	✓	✓	
Rural			✓
Unincorporated	✓	✓	
Lack of basic infrastructure	✓	✓	✓
Substandard Housing	✓	✓	✓
Recognized by the county	✓		✓
Predating 1989 or 1990	✓		✓

Table 1: Eligibility Requirements for Federal Programs.¹¹²

Since the tracking and data collection of informal homestead subdivisions is limited to the designations and definitions listed in Table 1, there is no way of approximating how many communities are not able to access funding of any sort. The majority of federal assistance to colonias comes in the form of loans and grants. The U.S. Department of Agriculture/Rural Development (USDA) the Department of Housing and Urban Development (HUD), and the EPA are the three federal agencies administering colonias programs. The four state agencies charged with implementing colonias

programs are the Texas Department of Rural Community Affairs (TDCRA), the Texas Department of Transportation (TxDOT), the Texas Water Development Board (TWDB) and the Texas Department of Housing and Community Affairs (TDHCA) (See Table 2).

Federal Agency	Program
HUD	Community Outreach Centers
	Community Development Block Grants
EPA	Border Environmental Cooperation Commission
	Border Environmental Infrastructure Fund
USDA	Rural Utilities Service
	Rural Housing Service
State Agency	Program
TDCRA	Colonia Planning and Construction Fund
	Colonia Economically Distressed Areas Program
	Colonia Self-Help Centers
TxDOT	Border Colonia Access Program
	Job Access and Reverse Commute (JARC) Grant Program
TWDB	Economically Distressed Areas Program
	Colonia Self-help Program
TDHCA	Colonia Self-help Centers
	Contract for Deed Conversion Program
	Colonia Model Subdivision Program
	Texas Bootstrap Loan Program
	Owner-occupied Program
	HOME Homebuyer Assistance

Table 2: Federal and State Agencies and Programs that Benefit Colonias.¹¹³

¹¹² Paavo and Mukhija, *Too Broad Too Narrow*, p. 764

¹¹³ U.S. Department of Housing and Urban Development. "Colonias Quick Facts." Online. Available: <http://nhl.gov/offices/cpd/communitydevelopment/programs/colonias/index.cfm>. Accessed: February 1, 2009; Legislative Budget Board. "Colonias Primer." (Nov. 2008) Online. Available: http://www.lbb.state.tx.us/Other_Pubs/Colonias_Primer.pdf Accessed: March 1, 2009.

See Appendix B for definition of programs.

A Summary of Issues with Various Governmental Programs

A recent audit completed by the EPA gave light to some of the frequent delays that occur in disbursing federal funds to colonias.¹¹⁴ The audit identified four principal factors that slow the distribution funds, one, non-compliance with the MSRs, two, multiple and complex funding sources, three, increases in construction costs as a result of a delay, and four colonia residents' lack of awareness of the resources available to them. In a separate audit completed on the Texas Water Development Board (TWBD), auditors reported similar delays in funding disbursement. Projects that were estimated to take 3.2 years were taking an average of 8.4 years, increasing contract costs by 31%.

The intent of the MSRs was to prevent developers from subdividing and selling land without basic infrastructure. Despite the various issues that have arisen with the MSRs, as discussed in detail in Chapter 3, they have largely contained the growth of colonias along the border. However, the MSRs did not address the inherent issue that drew so many residents to purchase lots in colonias in the first place, a demand for affordable housing.

The MSRs have not only curtailed the development of colonias, they have also slowed the construction of subdivisions generally. The cost of paving streets, water, wastewater and sewage all comes at an exponentially greater cost than the previously unserviced lots. In Hidalgo County, a lot in a MSR compliant subdivision ranges from

¹¹⁴ Environmental Protection Agency. "Millions of Federal Dollars Remain for Colonias Projects." (2008) Online. Available: <http://www.epa.gov/oig/reports/2008/20080623-08-P-0184.pdf> Accessed: October 1, 2009.

30-35K, which approximates the cost of a lot in the city of McAllen. Additionally, lenders are charging outrageous interest rates, from 50%-100% interest for the sale of the lot.¹¹⁵ The increased value of the land results in purchasers investing most of their funds into a lot with little leftover for constructing a home. Some research indicates that the number of dilapidated trailers has actually increased in the newer subdivisions.¹¹⁶

The outrageous interest rates being charged on the purchase of a lot in a newer subdivision is not the only form of predatory lending taking place. A year ago, the Texas Civil Rights Project along with La Unión del Pueblo, two NGOs based in Hidalgo county, filed a lawsuit against several local developers for requiring purchasers to sign a “in lieu of foreclosure clause” in addition to the warranty deed and the deed of trust. Purchasers are unwittingly signing the title of their property back to the sellers upon signing the in lieu of foreclosure clause. Mortgage contracts are complex documents, when combined with a lack of familiarity with property laws; it leaves a situation ripe for exploitation.¹¹⁷ Consequently, whenever a resident is behind on their payment, people are evicted at will.¹¹⁸

When a colonia resident applies for a home, in addition to meeting income eligibility requirements, they must prove the title of the land belongs to him or her. Additionally, the resident must have good credit to apply for a mortgage. Consequently, several NGOs have undertaken financial literacy as part of their mission.

¹¹⁵ Cass interview.

¹¹⁶ Larson, *Informality*, p. 17

¹¹⁷ Phone Interview by Maritza Kelley with Corinna Spencer-Scheurich, Texas Civil Rights Projects. San Juan, Texas. November 20, 2009.

The Affordable Homes of South Texas Incorporated (AHSTI) and similar organizations, like the Neighborhood Housing Services of Dimmit county offer homebuyer assistance courses to get participants to the point where they may qualify for a loan. The USDA Rural Housing Assistance Program requires a credit score of 650 or above to qualify for the program.¹¹⁹ In the experience of AHSTI, only 2 of 5 titles holders are able to qualify for a mortgage. The other 3 require credit counseling.¹²⁰ The homebuyer assistance courses provide participants with the information they need to improve their credit scores.

Another common problem that colonia residents face when wishing to purchase a home is clearing their title. In Starr County, half of the colonias are in receivership, which means there is no owner. NGOs spend a significant amount of time assisting colonia residents with this process.¹²¹ Clear work is a time consuming and costly process, fortunately, CDBG money can be used to clear a title.¹²²

It is important to underscore the importance of colonia residents utilizing self-help and sweat-equity as a means for developing their communities and improving their standard of living. However, these cases are exceptional as few know how to navigate the bureaucratic process to access the funds dedicated for self-help projects.¹²³ The funds that are accessible do not conform to the construction needs of families. In the HUD

¹¹⁸Texas Civil Rights Project . “South Texas Civil Rights Project Files Suit Against Colonia Developers for Fraud.” Online. Available: <http://www.texascivilrightsproject.org/?p=315> Accessed: November 20, 2009.

¹¹⁹ Estrada interview.

¹²⁰ Phone Interview by Maritza Kelley with Robert Calvillo, Affordable Homes of South Texas Incorporated. McAllen, Texas, October 6, 2009.

¹²¹ Mitchell interview.

¹²² Mitchell Interview.

administered HOME program, funds can only be used for the acquisition of land if the home is constructed within a short period of time. This does not lend to the incremental construction techniques that would so greatly assist colonia families.¹²⁴ The possibility of colonia residents accessing private capital for homes construction is unlikely. Lenders exude a reluctance to lend funds considering the lack of collateral of colonia residents.¹²⁵

POLITICAL WILL AND MOBILIZATION

“If there is a lack of leadership within the colonia, the colonia is not going to improve.¹²⁶”
-Robert Calvillo, Affordable Homes of South Texas Incorporated

In a series of interviews with directors of colonias-serving NGOs, they were asked what distinguishes a colonia that has improved significantly versus one that have not benefited from government programs. Interviewees stated that despite the various institutional barriers, which hinder progress in colonias, ultimately it is the combination of political mobilization on the part of the residents and political will amongst elected officials that determines the extent to which a colonia develops.

One particular example is the Colonia of Cameron Park in Hidalgo County (See Illustration 6). Cameron Park is widely recognized as the colonia that has seen the greatest improvement in the course of 20 years. There is now water, sewer and

¹²³ “Colonias: Problems and Promise. Desperate Situations, Local Innovations.” *Borderlines*. Vol. 6, No. 1 (February 1998) p.2.

¹²⁴ Texas Department of Housing and Community Affairs. “2007 State of Texas Low Income Housing and Plan Report.” (Jan. 2007) Online. Available: <http://www.tdhca.state.tx.us/housing-center/docs/07-SLIHP.pdf> Accessed: June 1, 2009.

¹²⁵ *Ibid.*, p. 247

¹²⁶ Calvillo interview.

electricity, paved streets and the Hidalgo County is about to put in curbs and gutters.¹²⁷ And unlike other colonias that have benefited from the installment of basic services but not from improved housing conditions, the Community Development Corporation of Brownsville has built over 230 houses in Cameron Park. In the case of Cameron Park, the residents were highly organized and benefited from the assistance of community organizations like Valley Interfaith.¹²⁸ Its geographic location was also key to gaining the attention of local elected officials. “Its location to the city of Brownsville was important; it was in the middle of the donut hole, 6,000 people live there making it highly visible geographically and politically,” noted Nick Mitchell, Executive Director of the Community Development Corporation of Brownsville.

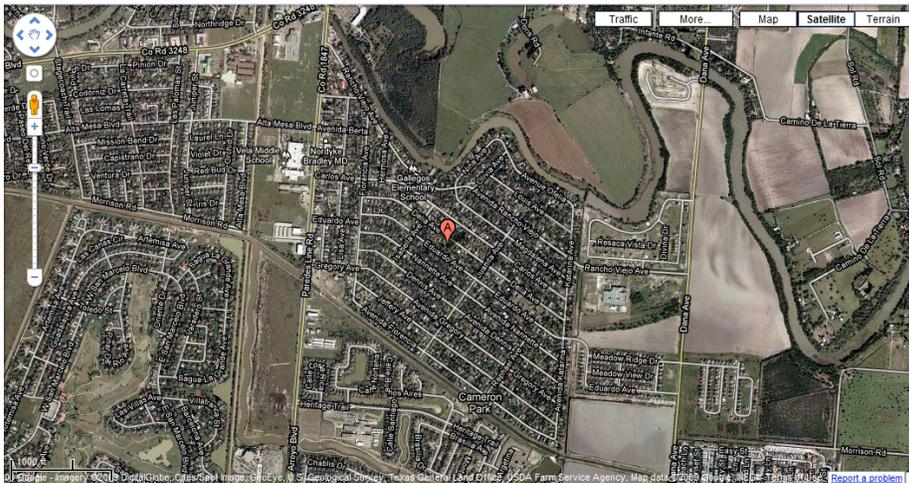


Illustration 6: Cameron Park Colonia¹²⁹

¹²⁷ Mitchell interview.

¹²⁸ Valley Interfaith has historically played a role in colonias advocacy. See R. Wilson, “Public Policy and Community,” p. 240-244.

¹²⁹ Google Maps. Online. Available: <http://maps.google.com/> Accessed: October 1, 2009

Many of the interviewees underscored the importance of collaboration between colonia residents and county officials.¹³⁰ In the words of Manuel Estrada, Executive Director of the Neighborhood Housing Services of Dimmit County, “Any accomplishments can be accredited to the families in the colonia who wanted a better quality of life for their children. On the other hand, if the county hadn’t played a key role, those families would still have insanitary housing.”¹³¹ Of the seven border colonias advocates who were interviewed, all expressed have benefited from the responsiveness of elected officials at some level, whether county, state or federal.

However, the experience with the political will of elected officials in non-border colonia counties has been markedly different. Lionel Lopez, Executive Director of the South Texas Colonias Initiative has found local leaders to be indifferent to the issue.¹³² Additionally, many stakeholders in Nueces County are misinformed and think that most colonia residents are illegal. Mr. Lopez stated that his organizing efforts are not well received and it is largely because decision makers do not want to accept the fact that colonias are prevalent in Nueces County. Said Mr. Lopez “They don’t want to hear the truth, little kids drinking dirty water and that people have to come into town with barrels to get their water.” As discussed in Chapter 2, this sentiment is shared by local officials across the state.

Nueces County is located just outside the 100 km border classification for EPA programs. Additionally, there are informal homestead subdivisions in Nueces County

¹³⁰ Calvillo Interview.

¹³¹ Estrada interview.

¹³² Rodriguez interview.

that came into existence after 1989 or 1990, leaving those communities ineligible for HUD or USDA resources.¹³³ An additional explanation for the lack of political will might be the lack of a financial incentive since there are no resources available for improving the conditions of informal homestead subdivisions in Nueces County.

Not all non-border colonias are condemned to the same fate as the ones in Nueces County. A couple of years ago the UT Environmental Law Clinic and the Texas Low Income Housing Information Service became active in a colonia named Rancho Vista, near San Marcos (See Illustration 7). The residents of Rancho Vista contacted the UT Environmental Law Clinic because their septic tanks had been failing and raw sewage was seeping to the surface, contaminating the community. The residents of Rancho Vista began to meet regularly and discuss their plan of action for lobbying county and city officials to replace the septic tanks. Ultimately, their efforts were successful and in addition to replacing the septic tank, in the long run, the county is planning on connecting Rancho Vista to the San Marcos regional sewer facility.¹³⁴

¹³³ Lopez interview.

¹³⁴ Hennenberger, Texas Non-Border Colonias (Online).



Illustration 7: Rancho Vista Colonia.¹³⁵

PRIORITIZING FUNDING OF COLONIAS PROGRAMS

Misinformed public officials are not the only ones having a hard time accepting the existence of colonia-like settlements outside of the border. There is an explicit fear amongst colonia advocates of the competition for dollars with non-border colonias, particularly since the conditions in some of the border colonias are remain depraved.¹³⁶ On the other hand, there are colonias like Cameron Park, which have benefitted extensively from a variety of programs.

It is the existence of those vastly improved colonias for why Mr. Lopez argues that after a certain level of development, colonias should lose their colonias designation. “They have street lights, sidewalks, when you fix it [the colonia] up and put a lot of money into it they should get off the list as a colonia so that the other ones can have a

¹³⁵ Google Maps (online)

¹³⁶ Anonymous interviewee.

chance.¹³⁷” However, allowing the communities to keep their designation and access to funding is critical for encouraging cities to incorporate those areas. Officially, after a colonia has been incorporated for five years, it loses its designation.¹³⁸

Both these points highlight the importance of accurately tracking and collecting data on informal homestead subdivisions across the State of Texas so that the distribution of funds can be prioritized. The Colonia Health, Infrastructure, and Platting Status tool is a step in that direction as is the Colonia Database of the Texas Attorney General. However, both databases limit their data collection to the same outdated definitions and designation of what is a colonia. Moreover, neither dataset is publically accessible but at this point merely generate online maps for the viewer.

What will it take for non-border colonias to become a policy priority? According to one NGO advocate, who wished to remain anonymous, neither the political will nor political mobilization exists to bring the problem of non-border colonias to the forefront. The interviewee went onto clarify that when SB 2 passed in 1989, it was the critical mass of colonias resident and colonias advocates that forced that Legislature and Congress to action but there is not the some volume of non-border colonias communities and even fewer advocates.¹³⁹ There may be isolated successes, like in the case of Rancho Vista, but as the interviewee stated, “Colonias are gaining less attention and the interest is waning. Every once in a while it will resurface but not in a big way.” This can be

¹³⁷ Lopez interview.

¹³⁸ Mitchell interview.

¹³⁹ Anonymous interviewee.

explained in part by the vast number of colonia residents who have benefited from governmental programs and how their lives have improved drastically as a result.¹⁴⁰

¹⁴⁰ Ibid.

Chapter 5. Conclusion

“What they did not see was that such developments were a rational response to the statewide lack of housing for the working poor in a regional context predicated on low wages. In short, state policy makers were treating the symptoms and not the causes.¹⁴¹” – Peter ward

Relatively speaking, the policy challenges presented by informal homestead subdivisions are fairly new to U.S. policy makers. For U.S.-style decision makers, ever averse from learning from other countries, it has largely been a trial and error process. The programs and laws designed to assist border colonias are far from perfected and in the meantime various other Informal Homestead Subdivisions, including non-border colonias, have arisen. The various issues in colonia policy implementation can help to inform the development of improved policies that will benefit border and non-border colonias alike.

In the previous chapters, the various factors that both enable and impede colonias and non-border colonias from developing were thoroughly discussed. Chapter 2 described the different characteristics between border and non-border colonias and highlighted their common purpose, affording otherwise unlikely individuals the opportunity for homeownership. Chapter 2 reviewed the adoption of the Model Subdivision Rules and the remaining institutional barriers that prevent colonia residents from accessing much needed services. Chapter 4 spoke to the juxtaposition of political will and political mobilization as it relates to improving the standard of living in a colonia. Chapter 5, the concluding chapter, ...

Another way to examine the issue would have been through the lens of governance. Governance is the confluence of government and civil society in formulating and determining the actions of government.¹⁴² Rather than examining the processes which distinguish border and non-border colonias, a governance framework would have sought to measure the extent which government is responding to the needs of colonias residents and demands of colonias advocates. Ultimately, I decided against this framework; it was not my goal to assess the state of governance in Texas but instead to identify the fissures in the system and inform the development of new policies. Nonetheless, a present-day¹⁴³ governance analysis would be informative and contribute to the discussion.

In summary, there was a period in Texas' history when, to an extent, the limited authority of counties was appropriate sensible. When Texas was still a rural state with few property owners who owned vast segments of land, a highly bureaucratic system of local government was consistent with the needs of agricultural and oil interests. Presently, however, Texas is home to three of the top ten most populous cities in the U.S and urbanization is no longer contained within city limits.¹⁴⁴ As people occupy space not previously before inhabited there is a subsequent need for basic utility services, it should

¹⁴¹ Ward, *Informality*, p.247

¹⁴² Wilson, *Public Policy and Community*, p. 13.

¹⁴³ Dr. Robert Wilson completed a comprehensive analysis of the state of governance surrounding the passage of SB 2 in during the 71st Texas Legislative Session in 1989 in his book "Public Policy and Community: Activism in Governance in Texas."

be permissible for counties to manage development in their jurisdictions through limited ordinance making authority.

Overtime, the legislature has allowed certain counties limited planning authority to deal with issues specific to those counties. Separate subchapters of the local government code have been created, grouping counties with similar characteristics. This disjointed approach to granting counties authority has resulted in a confusing policy sphere to navigate. Due to the rate at which Texas is growing, legislating authority on an inconsistent basis is not an efficient model. Additionally, it makes evaluating the effectiveness of the laws challenging.

The political context of Texas, however, presents a particularly challenging environment for resolving the plight of informal homestead subdivisions. Texas is known to underfund its social services and encourage a business friendly environment. Regardless, the inadequate conditions informal homestead subdivisions across the state will persist, problem will worsen until policymakers choose to address it at its root by adopting with innovative solutions to supply affordable housing and accessible homeownership.

For years various scholars, most prominently, Dr. Peter Ward, have argued for the need to support incremental development and home construction in Texas and the United States. At issue is enforcing a decent standard of living in informal homestead subdivisions in such a way that does not eliminate the affordable aspect of informality. This goal can be achieved by investing in programs that support self-help, mutual aid and

¹⁴⁴ <http://www.caller.com/news/2009/oct/18/editorial101809/>

sweaty equity for the purpose of constructing housing and alternative, low-cost systems for service provision.¹⁴⁵ Illustration 8 depicts a solar powered reverse osmosis that treats 14,000 gallons of water in a day. Enabling such programs would entail loosening the strict permitting and building code standards typical of municipalities.¹⁴⁶



Illustration 8: Solar-Powered Water Purification System¹⁴⁷

Recommendations

- Basic services cannot be supplied without a viable local government. Not only do counties need to be granted limited ordinance making authority but they need to be required to do so. Giving counties the option to adopt such measures leaves the fate of residents in informal homestead subdivisions in the hands of county officials who may not be inclined to assisting those populations.

¹⁴⁵ Ward, Colonias and Public Policy, p. 160

¹⁴⁶ Ward, Urban Informality, p. 26

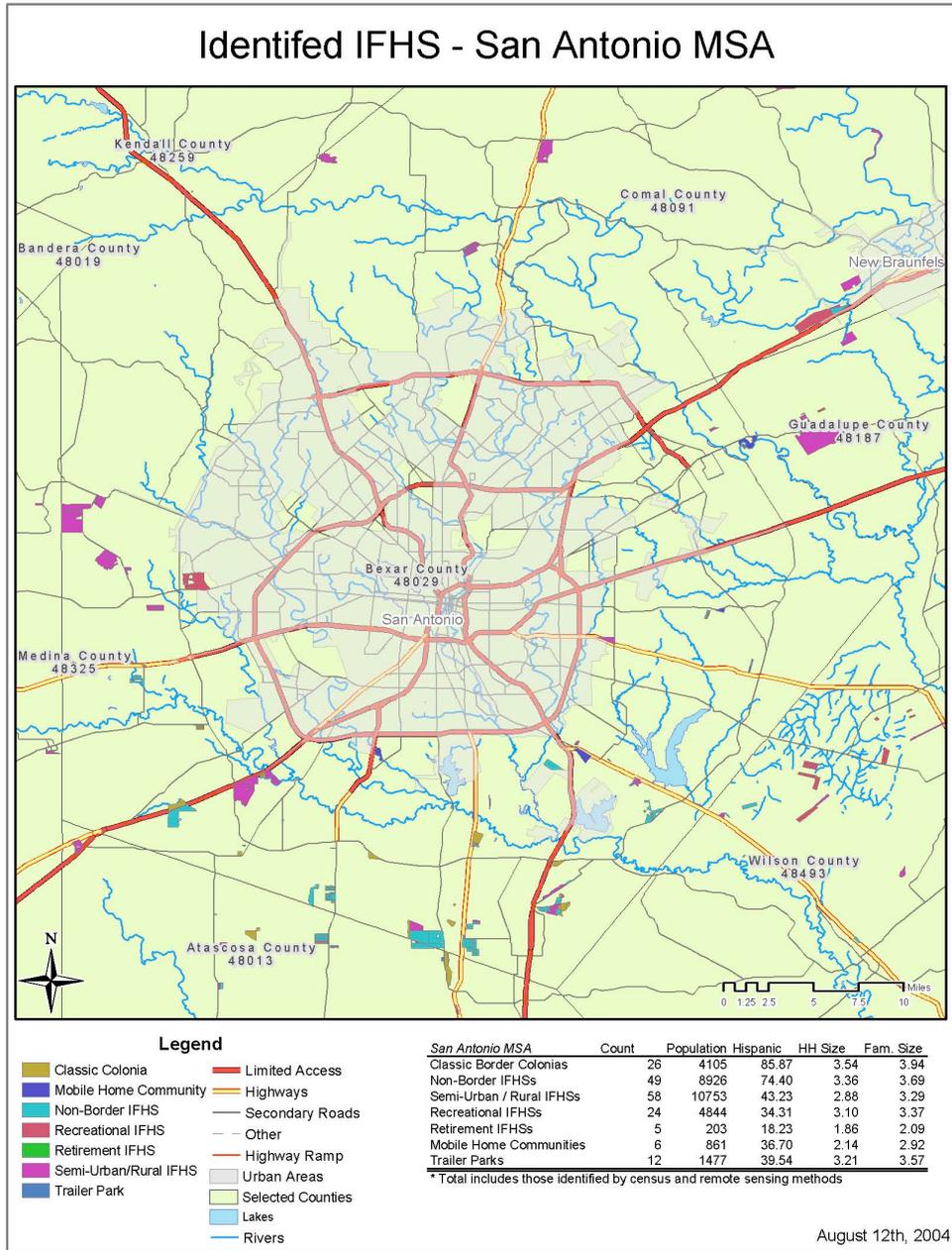
¹⁴⁷ State Energy Conservation Office. "Colonias Projects: Colonias Solar-Powered Water Purification Systems." Online. Available: http://www.seco.cpa.state.tx.us/re_colonias.htm Accessed: November 1, 2009

- Rename non-border colonias in Texas Statute to make the concept more palatable to elected officials outside of the border.
- Create a database that is useful, accessible and functional. And allows city and county officials to self-identify and report informal homestead subdivisions particular to their area.
- Improve efforts to raise community awareness about the funds that are available to residents in informal homestead subdivisions and assist residents to navigate processes to access those funds.
- Develop financing programs that assist residents to come into compliance with the MSRs and reduce hook-up costs.
- Revisit the strict designation of a colonia as being in existence prior to 1989 and 1990.
- Identify the institutional barriers which impede residents from accessing services. Eliminate contradictory city and county jurisdictional authority that prevent access to services.
- Develop building codes and standards that permit inexpensive, low-tech, self-help construction.

In conclusion, between the differing authorities of Texas counties, the 7 federal and state agencies administering a total of 19 programs with various eligibility and criteria standards, and the incomplete inventory of informal homestead subdivisions in Texas, it can be surmised that there are many institutional barriers inhibiting informal homestead subdivisions in Texas from developing. As an example, officially there are

three boundaries that define a border colonia, the 50-mile boundary as defined by the State of Texas, the 62-mile boundary as defined by the EPA and the 150-mile boundary as defined by USDA and HUD. Despite these facts, there are several examples of colonias that have developed considerably and experienced an enormous improvement in the quality of life the community. The importance of leadership and political mobilization in these communities cannot be overestimated. While there are a number of public policy reforms that need to be made, change will not be realized without the active participation of communities in informal homestead subdivisions.

Appendix A: San Antonio Case Study - Poverty, “The American Dream” and the Rise of Informal Homestead Subdivisions¹⁴⁸



¹⁴⁸ Peter M. Ward, of Poverty, “The American Dream” and the Rise of Informal Homestead Subdivisions. Online. Available: <http://www.prc.utexas.edu/WardNSF/casestudies.htm>. Accessed: February 2008.

Appendix B: State Agencies and Programs¹⁴⁹

Texas Department of Rural Community Affairs

Colonia Planning and Construction Fund – Provides first-time water and wastewater service to colonia residents and funding for counties to develop a comprehensive plan that addresses the priorities of the colonias in that county.

Colonia Economically Distressed Areas Program - Provides first-time water and wastewater service to colonia residents by providing improvements on private property.

Colonia Self-Help Centers–Transfers funds to TDHCA for operation of Colonia Self-Help Centers.

Texas Department of Transportation

Border Colonia Access Program–Funding for roadway projects serving colonia.

Job Access and Reverse Commute (JARC) Grant Program–Provides transportation for low-income individuals for jobs or other employment- related services.

Texas Water Development Board

Economically Distressed Areas Program– Funding for the supply of water and wastewater services.

Colonia Self-help Program–Funding for projects that provide adequate water and wastewater services to colonias where local residents provide necessary labor State Inception.

Texas Department of Housing and Community Affairs

Colonia Self-help Centers– assistance, infrastructure improvements, and other services to surrounding colonias.

Contract for Deed Conversion Program–Helps colonia residents convert their contract for deeds into traditional mortgages and associated housing rehabilitation.

Colonia Model Subdivision Program–Provides alternatives to colonias by promoting the development of new, high-quality, residential subdivisions.

Texas Bootstrap Loan Program–Enables owner-builders to purchase real estate and construct or renovate a home.

Owner-occupied Program–Funding for the rehabilitation of single family homes.

HOME Homebuyer Assistance–Provides down payment and closing cost assistance to first-time homebuyers.

¹⁴⁹ Legislative Budget Board. “Colonias Primer.” (Nov. 2008) Online. Available: http://www.lbb.state.tx.us/Other_Pubs/Colonias_Primer.pdf Accessed: March 1, 2009

Appendix C: Appointees to the Task Force on Uniform County Subdivision Regulation¹⁵⁰

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¹⁵⁰ Anonymous Personal Correspondence. Nov. 18, 2009

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Vita

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