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CHAPTER 8. ADMINISTRATION, REGULATORY, AND LEGISLATIVE RECOMMENDATIONS

As part of the process of developing this plan, the San Jacinto Regional Flood Planning Group (RFPG) is directed to develop and include recommendations for legislative, regulatory, and administrative improvements that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation. Specifically, the RFPGs are to develop:

- Legislative recommendations that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation;
- Other regulatory or administrative recommendations that they consider necessary to facilitate floodplain management and flood mitigation planning and implementation;
- Any other recommendations that the RFPG believes are needed and desirable to achieve its regional flood mitigation and floodplain management goals; and
- Recommendations regarding potential, new revenue-raising opportunities, including potential new municipal drainage utilities or regional flood authorities, that could fund the development, operation, and maintenance of floodplain management or flood mitigation activities in the region.

These recommendations may address items that benefit and/or can be implemented at the local, regional, or state level. Recommendations, in general, are anticipated to be aimed at supporting flood risk reduction and supporting implementation of the regional flood plans, including exploring innovative ways of funding flood risk reduction activities. Recommendations include suggested changes to the flood planning process for the TWDB to consider when implementing the third and future cycles of regional and state flood planning.

Recommendations in this chapter were developed with input from various sources. They were prepared by referring back to recommendations from the previous RFP, reviewing recommendations from other Regions for applicability, and considering a variety of recent activities that impact prior recommendations. Examples of recent activities considered include:

- Current planning cycle RFP scope of work and technical guidance
- Latest available Intended Use Plan (2026)
- Available (as of August 2026) BLE models, maps, data, and model ordinance
- Available (as of August 2026) Flood Analytics findings
- Nature-Based Solutions Guidance
- State Flood Plan
- Senate Bill 3 and Texas Water Fund Legislation

The recommendations in this chapter were reviewed by the San Jacinto RFPG during the August 18, 2026 and September 8, 2026 meetings and approved on November 10. 2026. These recommendations are categorized into three major classifications based on the path that would be required to enact them: legislative, regulatory and administrative, and flood planning recommendations. It is recognized that

legislative recommendations are the most difficult to enact but at the same time they are potentially the most impactful actions to flood risk reduction. The next classification, regulatory and administrative recommendations, can be enacted typically by state level agencies such as TxDOT and are considered to take somewhat less effort and time to enact while still providing very impactful improvements to flood risk policy across the state.

Recommendations regarding the last category, the flood planning process itself, were developed after review of proposed project scoring guidelines and data requirements. The proposed project scoring system will be used by the TWDB to rank FMPs. Many of the recommendations in this category are focused on developing scoring criteria that are equitable to all community types and sizes. Scoring that automatically disadvantages a community due to its size or population, for example, should not be used.

Chapter 8.A. Legislative Recommendations

Recommendations in this section contain measures that would require action by the Texas Legislature. These actions involve updates to existing laws, authorities granted to counties and other entities, and new or additional funding appropriations. **Table 8-1** offers legislative recommendations and discussion that the RFPG considers necessary to further floodplain management and flood mitigation planning and implementation.

TABLE 8-1: LEGISLATIVE RECOMMENDATIONS

	Recommendation	Discussion
L-1	Provide recurring biennial appropriations to the FIF for study, strategy, and project implementation.	Passed by the Legislature and approved by Texas voters through a constitutional amendment, the FIF program provides financial assistance in the form of loans and grants for flood control, flood mitigation, and drainage projects. The program provided an infusion of funding when passed into law in 2019, with additional funds allocated in 2023, but future allocations are not guaranteed for subsequent legislative sessions. Setting a regular appropriation of funds is necessary to help communities to better plan for future applications and to encourage them to develop projects and mitigation measures for consideration.
L-2	Provide state incentives for establishment of dedicated drainage funding.	State law provides municipalities with the authority to establish local drainage utilities. Having a stable and predictable source of funding is conducive to both long-range planning and the timely development and implementation of flood risk reduction projects. Absent the creation of a drainage utility, local governments typically rely on federal partners to fund floodplain management and regulatory programs or utilize general tax revenues and/or municipal bonds secured and serviced with local tax revenues. The state should incentivize local communities to invest and plan for participation in, and funding of, dedicated drainage projects rather than rely solely on federal funding.

	Recommendation	Discussion
L-3	Provide counties with legislative authority to establish drainage utilities and assess drainage fees.	State law provides municipalities in Texas the authority to implement governing ordinances within their jurisdictions including the establishment of drainage utilities or the assessment of drainage fees. This same authority is not currently granted to unincorporated areas of counties. These funds create a direct and reliable source of revenue to assist in the implementation and long-term maintenance and repair of drainage and flood risk reduction projects. Without the establishment of a utility or fee, governing entities must typically rely on federal partner funding, tapping into general funds, and/or issuing bonds. Any new drainage authority granted to unincorporated counties should not conflict with Municipal Utility Districts' (MUDs) authority. The goals of the State Flood Plan would be fostered if counties with governance over unincorporated areas were granted the authority to establish drainage utilities or drainage fees for those unincorporated areas.
L-4	Adopt or encourage more current statewide building standards, including recent International Building Code and International Residential Code editions and appropriate freeboard or higher flood standards.	Without a mandatory state building code, local entities in Texas do not score competitively for some federal funding programs, such as FEMA's Building Resilient Infrastructure and Communities (BRIC) Grant. Updated building standards, including requirements to build above expected flood levels, can reduce damage to new development and help prevent the creation of additional flood risk.
L-5	Establish and fund a levee safety program similar to the Texas Commission on Environmental Quality (TCEQ) dam safety program.	The TCEQ currently has in place a program that monitors and regulates certain dams across the state. The program calls for periodic inspections of dams that fall under its jurisdiction and pose a high or significant hazard. Recommendations are made to dam owners to help them maintain safe facilities. Levees, on the other hand, are not subject to a similar safety program despite posing a similar risk during flooding events.
L-6	Continue and expand state funding for RFPG and TWDB flood planning activities, including interim-cycle support.	Continue the TWDB funding and support to perform FMEs and expand state funding for RFPG and TWDB flood planning activities, including interim-cycle support. RFPGs could continue outreach, project development, plan amendments, and coordination between planning cycles if funding were available.
L-7	Clarify and expand county regulatory authority for floodplain management, land-use planning, waterway setbacks, permitting, and management of new development in unincorporated areas.	Uneven interpretation of county authority and limited ability to manage future flood risk from development outside city limits can limit effective implementation. Guidance or legislation should balance private property rights with public flood safety and no-adverse-impact principles.
L-8	Develop and fund programs to assist public and private dam owners, including NRCS dam owners, with evaluation, repair, maintenance, upgrades, and decommissioning studies where appropriate.	Aging dams can present increased downstream risk, especially where development has occurred since construction. Private owners and small public entities may lack resources for major repairs. Funding for evaluation, repair, maintenance, upgrades, and appropriate decommissioning can help address risks from aging dams before failures occur.

	Recommendation	Discussion
L-9	Leverage the recent Senate Bill 3 (SB3) establishment of a grant program for outdoor warning systems and sirens, and continue to expand funding for flood early warning systems, stream gages, low-water crossing safety improvements, flood hazard signage, gates, and roadway warning systems.	Benefits of SB3 for outdoor warning sirens is an example of how early warning and low-water crossing improvements directly support public safety, especially in regions with chronic flood risks.
L-10	Provide funding and incentives for conservation easements, land conservation, restoration, riparian protection, wetland protection, and landowner stewardship practices in flood-prone areas.	Build on Nature-Based Solutions Guidance and provide funding and incentives for conservation easements, land conservation, restoration, riparian protection, wetland protection, and landowner stewardship practices in flood-prone areas. Conservation easements, land conservation, restoration, and protection of wetlands and riparian areas can preserve natural flood storage, slow runoff, and prevent development from increasing future flood risk. Conservation easements can ensure that the property remains in private hands and on the tax rolls. Conservation easements are generally much less expensive than buying land in fee and do not require ongoing maintenance by the easement holders.
L-11	Expand or create grant programs for ongoing operations and maintenance of existing flood mitigation, drainage, culvert, and natural infrastructure assets.	Many funding programs prioritize new assets, while existing infrastructure needs maintenance to remain effective.
L-12	Enable or support, where locally supported, the creation, consolidation, or reorganization of regional flood authorities, flood control districts, river authority programs, drainage districts, or other flood management entities, including the establishment of watershed based or countywide jurisdictional boundaries where broader regional coordination is needed.	Flooding follows watersheds, not political boundaries. In some areas, flood management responsibilities may be divided among multiple entities with limited, overlapping, or fragmented geographic jurisdictions that do not necessarily align with watersheds or current regional flood management needs. The creation of broader flood control authorities, consolidation or reorganization of existing entities, and establishment of watershed based or countywide boundaries may improve regional coordination, administrative efficiency, project development, funding competitiveness, and implementation of flood mitigation projects. Appropriate mechanisms should be available to support these governance changes where they are locally supported and would improve regional flood risk reduction.
L-13	Increase state funding and technical assistance for accurate watershed models, floodplain maps, and regulatory floodplain mapping.	Many communities have outdated maps or no floodplain maps. Accurate models and maps are foundational for developing regulations, project identification, and public risk awareness.
L-14	Provide dedicated funding and policy direction for TxDOT and local road and bridge entities to improve flood safety of transportation infrastructure.	Transportation facilities can create or worsen flood impacts if not designed for current and future conditions. Dedicated funding would help prioritize flood safety improvements.
L-15	Provide guidance for use of public funds to improve private properties for flood risk reduction, such as structure elevation or floodproofing.	Local governments need clearer authority and liability guidance when considering public investment to reduce risk on private property.
L-16	Direct appropriate state agencies and funding to support debris and sediment removal.	Sediment and debris can obstruct channels and drainage systems, creating new or increased flood risk. State agencies should support and fund projects focused on sediment and debris removal.

	Recommendation	Discussion
L-17	Allow qualified nonprofit organizations to apply for and receive funding for conservation easements, land conservation, restoration, riparian protection, wetland protection, and landowner stewardship practices in flood-prone areas.	Nonprofit organizations have substantial experience implementing conservation projects that provide public benefits and can often complete these projects efficiently. Requiring nonprofits to secure a governmental partner can unnecessarily limit the number of worthwhile projects that move forward, particularly when governmental entities lack the staff capacity or resources to sponsor and administer additional projects. Allowing qualified nonprofit organizations to apply directly for funding would remove this barrier and expand the number of conservation and Nature-based Solutions that can be implemented.

Chapter 8.B. Regulatory and Administrative Recommendations

Some recommendations from the RFPG can be implemented under prior legislative action and can be enacted via existing authorities granted to state agencies. **Table 8-2** offers recommendations and discussion that the RFPG considers necessary to further floodplain management and flood mitigation planning and implementation that require regulatory and/or administrative action at the state level.

TABLE 8-2: REGULATORY AND ADMINISTRATIVE RECOMMENDATIONS

	Recommendation	Discussion
A-1	Continue efforts to clarify the process, investment requirements, and responsible agencies for converting BLE data into regulatory information or detailed Flood Insurance Rate Map studies.	BLE is an efficient modeling and mapping approach that aims to provide technically credible flood hazard data at various geographic scales such as community, county, watershed, and/or state level. Currently the state and FEMA are heavily investing in BLE across the state and there is a need to clearly communicate to local jurisdictions how to make this data regulatory or, if desired, improve upon it to make it eligible for incorporation into a detailed study on a FIRM. The steps for both paths remain unclear to many local jurisdictions and this large investment could be further leveraged.
A-2	Develop model floodplain ordinances for General Law Cities (e.g., building codes, subdivision regulations).	General Law Cities are smaller cities, generally having populations under 5,000 people, which include a large number of the communities throughout Texas. They have limited regulatory powers based on what state statutes direct or permit them to do. Typical ordinance language used by larger Home Rule Cities may not always be applicable for use in General Law cities. Model ordinances should be developed by the TWDB that consider the specific limitations of General Law Cities.

	Recommendation	Discussion
A-3	Continue to promote public education and outreach regarding flood awareness, preparedness, flood safety, flood-prone areas, and the importance of protecting floodplains. Partner with Texas Association of Counties to include dedicated outreach to Floodplain Administrators lacking technical flooding background (e.g., County Judges who serve as Floodplain Administrators may not have the necessary technical background).	The TWDB should partner with floodplain management organizations such as TFMA to develop and promote public flood risk education and outreach materials. Public outreach that provides opportunities for flood risk education and awareness helps to support public safety and flood mitigation measures in a variety of ways. A well-informed public can make better informed personal choices regarding issues that involve flood risk and also will be more likely to support public policies and mitigation measures to reduce that risk. These outreach materials and education can reach an even wider audience by partnering with organizations like Texas Association of Counties that have broader reaches to smaller communities and those that may not have dedicated Floodplain Administrators with technical backgrounds.
A-4	Provide support for ongoing education/training regarding floodplain management in the form of no or low-cost online resources including training modules, webinars, and print resources. Target training for non-technical Floodplain Administrators (e.g., County Judges who serve as Floodplain Administrators may not have the necessary technical background).	Floodplain Administrators, especially in smaller Texas communities, are often responsible for a much wider field of responsibilities than just floodplain management as often is the case with County Judges. Also, these individuals may not have a technical background or be well versed in floodplain management practices. Providing support in the form of no or low-cost educational training including webinars and print resources tailored toward non-technical audiences would help to make effective floodplain management more prevalent across the state.
A-5	Develop state incentives for local governments to participate in the FEMA NFIP and CRS program.	The NFIP is a vital tool that works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the NFIP. These programs are essential to achieving the goals of the State Flood Plan and state led incentives that encourage and assist communities in participation are recommended.
A-6	Develop a statewide database and tracking system to document flood-related fatalities that are publicly available. This could be an addition to the Flood Plan Data Hub to capture existing data from TxDOT, NOAA, or others.	Fatalities have historically occurred during extreme flood events throughout the state's and region's history. To limit these fatalities, a statewide database and tracking system with appropriate privacy restrictions could serve to aid in future project planning and regulatory decision making. Additionally, it could help with future outreach and education efforts that serve to break the cycle of actions taken during storm events that frequently lead to these outcomes. An example is the importance of not attempting to drive through flood waters. This effort could be an addition to the Flood Plan Data Hub to capture existing data from TxDOT, NOAA, or others.
A-7	Assist via funding smaller jurisdictions in preparing grant and loan applications or make the application process easier. Provide training for Councils of Governments (COGs) to assist with funding process.	Developing applications for project funding can be a difficult task, especially for smaller jurisdictions with limited experience and access to funding to obtain expert assistance. Simplifying applications and making funding available specifically for application development would serve to make the process more accessible across the state and help close knowledge gaps. Additionally, developing resources at the COG level that would provide training to smaller communities regarding how to fully develop funding applications would provide further benefits and help to ensure opportunity to pursue funding to all.

	Recommendation	Discussion
A-8	Modify or develop a model-based future conditions flood hazard data layer using BLE, Risk MAP, land-use data, and future rainfall information for use in future flood planning cycles.	Although the TWDB has prepared the 2060 Floodplain Maps for Texas, standard BLE model-based statewide future conditions data would improve consistency and reduce the need to rely on less detailed data sources and/or extrapolate from inadequate local mapping. Information regarding future flood risk presented in the RFPs and will aid to provide more uniformity in data and mapping quality across the regions.
A-9	Continue efforts to reduce or eliminate barriers that prevent jurisdictions from forming effective partnerships to provide regional flood mitigation solutions.	Flood risk does not recognize jurisdictional boundaries, yet many flood mitigation programs have requirements that can often prevent multiple jurisdictions from working together. For example, if a primary sponsor meets all administrative requirements but additional jurisdictions do not this could jeopardize state funding eligibility. The process should still allow regional flooding solutions in this situation to remain eligible for state funding either through a waiver process or an update to current policy. Flood mitigation studies and solutions at the scale of Regional Flood Planning are rarely inclusive of a single jurisdiction, therefore interjurisdictional collaboration should be encouraged, and policies updated to better allow for it.
A-10	Leverage the NBS manual to promote, incentivize, and provide training and technical resources for nature-based solutions, green infrastructure, natural floodplain preservation, conservation, and hybrid structural/nature-based approaches.	Natural floodplains provide flood risk reduction benefits by slowing runoff and storing flood water. They also provide other benefits of considerable economic, social, and environmental value that are often overlooked when local land-use decisions are made. Building on the State's Nature-based Solutions guidance can help communities better understand when conservation and natural systems can provide effective flood-risk-reduction solutions – at times at a lower cost both in terms of upfront costs as well as long-term maintenance costs.
A-11	Recommend a statewide building standard of a minimum finished floor elevation to be established at or waterproofed to the FEMA effective 0.2% annual chance flood elevation as shown on effective Flood Insurance Studies except in areas designated as coastal flood zones or at the 1.0% annual chance flood elevation where Atlas 14 has been adopted.	The TWDB should encourage and incentivize higher building standards than those minimally required by federal regulations. This is especially true on minimum base flood elevations (BFEs) where recent events of historic flooding and updated rainfall totals by the National Oceanic and Atmospheric Administration Atlas 14 have revealed how much BFEs can change over time. New studies occurring across the state now expect to see increases of BFEs once the new Atlas 14 data is incorporated into models and maps. Jurisdictions that have required a freeboard over the current BFE have mitigated the risk of these increasing BFEs.
A-12	Incentivize voluntary buyout programs, turning repetitively flooded properties/neighborhoods into green space, parkland, or any other flood risk mitigation measure as a potential alternative to large-scale construction projects.	Buyouts can permanently remove people and structures from areas of repeated flood risk while creating opportunities to restore floodplain functions and provide green space. Buyouts can also serve adjacent populations further by reclaiming environmentally beneficial floodplain land or providing a location for other community needs such as parkland. Many communities however are not supportive of buyouts, typically due to loss of tax revenue and other unintended consequences. Incentives should be developed to encourage this type of permanent flood mitigation and offset some of these consequences, especially in areas where structural mitigation projects cannot meaningfully reduce flood risk.

	Recommendation	Discussion
A-13	TxDOT should employ roadway design criteria to require all new and reconstructed state roadways to be designed and constructed, to the extent practicable, at elevations at or above the 1.0% ACE water surface elevation if determined with Atlas 14 rainfall. The 0.2% ACE water surface elevation should be used to determine elevation if Atlas 14 has not yet been adopted. TxDOT should also consider future conditions, such as urbanization and climate variability, in its roadway design criteria for drainage and flood risk reduction.	TxDOT is not a participant in the NFIP and does not in all cases design roadways in a manner consistent with minimum NFIP requirements. It is recognized that, by their nature, it is often not feasible or practicable to design and construct roadways to provide a level of flood protection equivalent to or greater than the 1.0% annual chance storm event. However, as a matter of policy and practice, TxDOT should strive to meet this standard, especially for critical infrastructure such as evacuation and emergency routes. By not acting on this recommendation, newly built transportation infrastructure could be at risk of extreme event flooding.
A-14	Leverage State Flood Plan results, Base Level Engineering work products, and Flood Analytics recommendations and continue to improve methods for measuring and documenting flood damages, including uninsured losses, actual flooded structures, financial damages, agricultural damages, and industrial losses.	Reliance on flood insurance claims can undercount damages, and other economic consequences, in lower-income communities and undermine funding eligibility.
A-15	Provide funding and process support for multi-jurisdictional cooperation on FMEs, FMSs, and FMPs.	Regional solutions often require an initial sponsor and seed funding before affected jurisdictions can coordinate effectively.
A-16	Clarify roles and responsibilities for floodplain management in ETJ areas.	Clear ETJ authority would reduce gaps or overlaps in responsibility for floodplain management, permitting, and drainage standards.

Chapter 8.C. Flood Planning Recommendations

This section contains recommendations to the flood planning process for the TWDB to consider when implementing the next cycle of regional and state flood planning. **Table 8-3** contains recommendations to the Flood Planning process.

TABLE 8-3: FLOOD PLANNING RECOMMENDATIONS

	Recommendation	Discussion
F-1	Scoring criteria and methodology for projects that benefit agricultural activities should be updated to allow for these types of projects to compete with urban focused projects.	The scoring or award of funding for projects that benefit agricultural activities based on a traditional benefit-cost ratio will not feasibly allow for these projects to compete against more urban projects with higher value infrastructure or damage. Protection of agricultural land use can also help to maintain their use as beneficial floodplains. Guidance should be developed and provided on a TWDB-preferred methodology to account for benefits to agricultural areas and activities and include consideration of agricultural benefits when ranking projects in the State Flood Plan. In addition, farms and ranches can provide important floodplain storage and watershed benefits even though traditional benefit-cost analyses may undervalue them because they contain fewer high-value structures.

	Recommendation	Discussion
F-2	Continue progress demonstrated in the most recent FIF IUP to meet the needs of lower population rural areas by enhancing the project scoring that is equitable to sponsors regardless of community size, population, land area, or urban/rural status.	Scoring and awarding of projects should not be affected by a community's overall population or size. Certain proposed scoring guidelines include metrics that would automatically give larger communities the lowest score possible since it would divide the benefits by total population. Scoring metrics should not be included that automatically disadvantage project sponsors because they are large in area or population.
F-3	Apply the insights from the NBS guidance manual to help develop stand-alone scoring criteria for nature-based solutions so they can be competitive with non-nature-based projects.	Nature-based projects should not be disadvantaged by criteria developed primarily for gray infrastructure. Scoring should recognize how natural systems reduce flood risk as well as the additional long-term benefits they provide. Goal is to develop stand-alone metrics for nature-based projects.
F-4	Expand consideration and priority for FMEs that establish initial FEMA effective floodplains.	Development of high-quality FEMA floodplain maps is a key component in a successful flood mitigation strategy. It provides many tools used to regulate flood risk and typically grants local authorities additional authorities. One key feature is the automatic establishment of Base Flood Elevations (BFEs) which, in addition to reducing future flood risk, would allow communities to better consider floodplain management practices and identify FMPs.
F-5	Improve flood risk identification by incorporating first-floor elevations and better population-at-risk methods.	Structure footprints alone can overestimate risk where buildings are elevated above BFE.
F-6	Develop a simplified amendment process for regional flood plans, including advancement of recommended FMEs to FMPs based on FME results.	A more efficient amendment process would allow plans to incorporate newly developed projects between full planning cycles.
F-7	Designate a separate pool of funds designated for nature-based solutions where the natural systems and processes are an integral component of the solution and materially contribute to the project's primary purpose, such as conservation easements, land conservation, restoration, riparian protection, wetland protection, and living shorelines among others.	Nature-based solutions provide additional benefits to the community that are not adequately scored in the ranking criteria, and natural systems provide additional long-term sustainability benefits to the community which are difficult to measure. A separate funding pool would allow projects in which natural systems and processes are integral to flood-risk reduction to compete against comparable projects rather than exclusively against gray infrastructure. It would also help ensure that simply adding a natural feature to a conventional project is not enough to qualify as a Nature-based Solution.

Implementation of these recommendations will help to support flood risk reduction and support implementation of the regional flood plans, including providing innovative ways of funding flood risk reduction activities.

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