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Resilient Families amidst Adversity in Colonias

A lot of attention has been paid to the plight of colonia residents in the state of Texas; researchers have written numerous articles and published reports, laws have been passed in the legislature, and the federal government has also allocated funding to deal with the fact that people in the state live without the benefit of water and sewer infrastructure. In the 1970s, the Lyndon Baines Johnson (LBJ) School of Public Policy at the University of Texas-Austin published a report depicting the quality of life of people residing in colonias in Texas border counties.

In Spanish, the word “colonia” means neighborhood, but in this particular context, in the state of Texas, a “colonia” is defined as an unplanned, informal housing de-

velopment that lacks one or all of the following: water and sewer infrastructure, paved streets, street lights, sidewalks, electricity, or safe and sanitary housing. The LBJ report focused on the impacts that lack of water and sewer infrastructure had on the predominately Mexican-American population residing under those conditions. Researchers noted that higher levels of certain communicable diseases were prevalent in colonias: viral hepatitis, bacillary and amoebic dysentery, and typhoid rates were higher than in any other part of the United States. Additionally, they concluded that this threat to the well-being of colonia residents could be largely eliminated by providing safe drinking water and sanitary waste water disposal systems to the colonias.¹

In 1996, the Federal Bank of Dallas published a report titled “Texas Colonias: A Thumbnail Sketch of the Conditions, Issues, Challenges and Opportunities” further doc-

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umenting and highlighting the conditions in colonias. In the concluding comments, this report issued a call to action, stating, “Through this report, we seek to illustrate the conditions, issues, challenges, and opportunities in colonias. We encourage any individual, institution, organization, or governmental entity that recognizes an opportunity to improve conditions in the colonias to act on it.”² In 2015, The Federal Reserve Bank of Dallas published yet another report, “Las Colonias in the 21st Century: Progress along the Texas-Mexico Border,” providing an updated assessment on living conditions there. The report indicated that an estimated 500,000 people live in 2,294 colonias in Texas, 337 of which lacked basic water and sewer infrastructure.³

About 96 percent of colonia residents are Mexican-American and 35 percent are foreign born; 94 percent of young people living in colonias are U.S. citizens.⁴ Though the majority of them are citizens, the same family might have members who are legal permanent residents and others who are undocumented.

Emergence of Colonias

Texas is a large state with vast areas of rural territory. Additionally, when it was founded as a state, the prevailing ideology was that government should be kept small. Rural ranchers wanted to live on their land, dig their own wells, and provide their own septic tanks and to have minimal government intervention in their lives. Farm workers originally lived in close proximity to the agricultural fields and also started to build dwellings so that they would be close to work, though they lacked basic services. These original homes built by farmworkers and their families were the original colonias.⁵

In some instances agricultural land was no longer productive and growers often subdivided it and sold lots to families in need of a place to live. Another contributing factor to the emergence of colonias were the forces of globalization in the mid-1960s that led many U.S.-based businesses to move their labor-intensive operations to other countries, giving rise to precarious jobs with low wages, lack of health care benefits, part-time employment, and increasing poverty. Loss of jobs in urban areas led to greater poverty, and, in some instances, people who were purchasing their home in a city were unable to make mortgage payments, or, if they were renting, could not afford

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to pay the rent. This lack of affordable housing resulted in families moving to a colonia where property was cheap to set up house in areas without water, sewer infrastructure, and other basic accoutrements.

To this day, Texas is the only state in the U.S. that restricts large areas within its boundaries from being zoned or effectively planned.⁶ Therefore, counties do not have the legal authority to implement zoning laws, effectively allowing people to purchase land and to live on the property without the benefit of water, sewers, electricity, and paved streets. This is the crux of the issue, since it allows people to sell land without services to others to live in conditions lacking appropriate infrastructure because, unfortunately, not everyone can afford to dig a well and provide their own services. Moreover, because counties are not empowered to regulate the use of land, it is common to see houses next to junk yards and in close proximity to automotive repair shops.

The Expansion of Colonias

Poverty has also led to the growth of colonias along the Texas border. Coupled with a lack of affordable housing in urban areas, low income, and lack of credit, many families find that moving to a colonia is a better option than being homeless, because at least they are investing in property. Once a family enters into a contract for deed to purchase property in the county, they usually move a mobile home onto the land, install a septic tank, and purchase a large container to store water and a gas tank. For people with limited income, it takes time to save the money to purchase these accoutrements and some families make do with what they have and what they can afford; hence, some rely on well-intentioned family and friends without the necessary expertise, who provide assistance with installing septic tanks that can leak. Fam-

ilies also resort to building outhouses until they can afford to install a septic tank, which can lead to health problems.

Environmental Health Problems

Access to water is a major challenge for colonia residents. Lack of water and sewage infrastructure contributes to many environmental health problems. Colonia residents are susceptible to water-borne diseases such as hepatitis A and shigella dysentery. Those who can afford a large cistern still have to pay a water delivery truck; other families resort to purchasing water by the gallon at local retail stores, which of course is a big expense. In the case of a fire in a dwelling in colonias, the lack of water has had devastating effects, leading to major losses. Another challenge they face is trash disposal, since the county government does not provide this service. Residents find a variety of ways to deal with their trash: one option is to bury it on their property; another is to burn it, causing air pollution; and a third is to dispose of their trash in bins at local business located within the city limits, which is illegal.

County, State, and Federal Government Involvement in Colonias

County government officials have lobbied the state legislature to make changes in the laws that would allow for counties to pass zoning and planning statutes. Additionally, they have made the case that providing water and sewer infrastructure is more difficult and costly once people have established their homes. Fortunately, some colonias have received these services, though this has led to higher property taxes, which can be a financial hardship for families with limited income. However, having access to water also allows them to share this resource with their less fortunate neighbors.

Since 1987 several bills have been introduced into the Texas legislature to address the problems of colonias. Despite numerous bills having been passed, the bad living conditions in some colonias persist because poverty and the lack of affordable housing, coupled with pride in property ownership, lead people to move there. Despite the legislature having passed several bills to ameliorate and address the lack of water and sewer infrastructure

and other issues, however, in 2018, the problem persists, though people in colonias find ways to address and solve their own difficulties.

Senate Bill 585 was the first piece of legislation introduced in 1987, authorizing the Texas Water Development Board (TWDB) to provide grants and loans for water and wastewater services for colonias. In 1989, Senate Bill 2 established the Economically Distressed Areas Program (EDAP) to provide water and wastewater services to colonia residents who could not afford them and also to ensure that new rural residential subdivisions would have water and water services installed. Senate Bill 818, passed in 1991, set water quality standards and established the Colonia Plumbing Loan Program to offer low-interest loans to colonia residents for individual home water and wastewater installations and for indoor plumbing improvements. In 1993, House Bill 2079 authorized counties to solicit help from the Office of the Attorney General (OAG) to enforce state health and safety laws related to nuisance violations and on-site sewage facilities and allowed the OAG to request injunctions against violations of county subdivision rules in established developments and to sue for damages when violations occur. This bill targeted people whose septic tanks overflowed into others' property.

In the 1995 legislative session, SB 1509 created a colonia self-help center to provide home financing assistance, counseling, a tool library, and instruction and technical assistance on installation and financing for septic systems. House Bill 2252, passed in 1997, provided funding to a variety of colonia-related social service programs administered through the Centers for Housing and Urban Development. SB 1421 established provisions regarding the regulation of the subdivision or development of land in certain economically distressed areas, including colonias. This bill, passed in 1999, also provided penalties for violations.

SB 198 was passed by the legislature in response to colonia residents who did not speak English being taken advantage of by people selling land and providing contracts in English. SB 198 required that a seller provide a buyer with certain written information and disclosures when using a contract for deed and that, if the contract was negotiated in a language other than English, the seller must provide copies of all documents in that language.

In 2003, HB 1875 allowed for rural-targeted funds to be used to provide low-interest loans to rural political sub-

divisions for water or water-related projects and for water quality enhancement projects. SB 827, passed in 2005, required the Office of the Secretary of State to establish and maintain a statewide classification system to track state-funded projects related to water/wastewater, road paving, and other assistance to colonias. It required the colonias ombudspersons, the Office of Rural Community Affairs, the Water Development Board, the Transportation Commission, the Department of Housing and Community Affairs, the Department of State Health Services, and/or any other appropriate agency as determined by the Secretary of State to report information to the Secretary of State for the classification system. The Secretary of State was then to compile and report this information to the legislature by December 1 of each even-numbered year. The classification system includes only counties within 62 miles of an international border.

Legislation regarding colonias has been passed in every session from 2007 to 2017. SB 781 related to remedies available if a sub-divider fails to provide water or sewer services in certain subdivisions near an international border; passed in 2009, HB 1579 allowed counties to remove flood waters caused by a natural disaster in order to protect the health and safety of a colonia. In 2011, SB 1377 authorized general obligation bonds to be issued to provide financial assistance for colonia-access roadway projects to serve border colonias. In 2013, HB 3933 sought to transfer water and wastewater infrastructure and responsibilities to the Cuadrilla Improvement Corporation (CIC) to the Lower Valley Water District and allow for a million-dollar water improvement project to be executed by the Border Environmental Corporation Commission.

A Federal and Binational Issue

In the 1990s when the North American Free Trade Agreement (NAFTA) was being negotiated, environmental and health problems in colonias were elevated to a national and international level. The United States Environmental Protection Agency (EPA) held public hearings in border communities and was apprised of the realities of colonia residents. National environmental non-governmental organizations called for a parallel side agreement to address the negative externalities that increased trade would bring to the region. The EPA responded with a Border En-

vironmental Plan that stated that, in the United States, wastewater treatment facilities and clean drinking water would be given the highest priority. The total U.S. commitment in the FY 1993 budget to address environmental problems along the border was US\$241 million, including US\$199 million in water-related constructions grants. Of this sum, US\$50 million would be earmarked for EPA wastewater grants to colonias in border regions and an additional US\$25 million in grants was proposed for drinking water hook-ups.⁷

As an academic researcher, I have been visiting colonia residents in the state of Texas for over 25 years. My interactions with them have allowed me to see 1) colonia residents' resiliency and their ability to solve their housing problems; 2) their creativity and resourcefulness in dealing with the lack of infrastructure; 3) their willingness to help family and friends in need; 4) how hard they work at their jobs, commuting long distances, and then, after getting home, working on building and improving their homes; and 5) that they handle their financial transactions in cash and do not rely on credit.⁸

My recent visit to colonias in El Paso County in fall 2017 indicated that many people are still living without the benefit of services. I noted many indications that the informal economy is rampant in colonias. I saw signs reading, "Land for sale," "I clean lots," and, in Spanish, reading, "Postes de luz para mobile home" (Electricity poles for mobile homes), and "Se limpian fosas" (We clean septic tanks).

Colonia residents shared with me that they deal mostly in a cash-only economy; that everyone wants payment in cash; and that it was difficult to maximize their resources when water and gas vendors charge a delivery fee regardless of the amount of water or gas that you purchase. People complained that lack of public transportation made life difficult especially if the family had only one car. Colonias are isolated and in remote areas, making it

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difficult and costly for governments to deliver services and for residents to access services and stores because of the distances involved.

When I was learning about living arrangements, one matriarch shared with me that 12 people were living in her small house. She showed me how the sofa in the living room was her daughter and son-in-law's bed at night, how bunk beds allowed for more space for sleeping, and how two small cots were placed next to the dining room in order to have more sleeping space. She also showed me how an old camper in the driveway was where her son and his wife lived.

Recently, I met a family comprised of one sister (Julissa, a pseudonym), two brothers, and one nephew; together they purchased an acre of land and subdivided it into four plots, and they are very proud property owners. On the property there are four dwellings: a trailer and three houses, though they were all built around trailers. Julissa stated that it has taken her 10 years to build her home, with a lot of self-help and with the assistance of family and friends. She noted that sometimes she had money to purchase materials to continue building her home but not enough time to work on it, and other times, when she had time, she did not have money. Hence, building her home had become a long-term project. She went on to describe how first they purchased septic tanks, 25,000-gallon cisterns, and propane gas containers to be able to live on the property. She also said that all these purchases and the construction were paid for in cash, because credit is difficult to come by when you have a low-income job, and banks are reluctant to lend money for mortgages in colonias. Julissa stated that it cost her US\$75 to fill her cistern with water, and added that she was very frugal and used it wisely; she lamented that some families pay up to US\$250 a month for water and that some families cross the border to Ciudad Juárez, Chihuahua, to buy water jugs.

Conclusions

Despite legislation and resources provided to colonias over time, families are still living without access to water and sewer infrastructure, though some colonia residents attempt to solve their own problems and certainly do not rely on the government for help. Due to poverty and so-

cial alienation, some residents are just not able to fend for themselves. Colonia residents have great pride in home ownership and in their resourcefulness in solving their own problems.

Government officials are still trying to address the lack of water in colonias. In 2016, authorities in El Paso County submitted a grant application to the United States Department of Agriculture/Rural Development to provide water services to residents of Hillcrest Estates and Hillcrest Center Colonias. Guadalupe Díaz, a 27-year resident of the Hillcrest area, thanked the county officials for submitting this application. "I guess this morning all of you took a shower and it was relaxing; it was pleasant. For us in this area, every time we take a shower we have to think if we're going to finish our shower because we don't know if water from our tank is running out or not," she said.⁹

Referencing the LBJ report published back in the 1970s, if governments and policy makers had heeded the warning back then that the "threat to the well-being of colonia residents could be largely eliminated by providing safe drinking water and sanitary wastewater disposal systems to the colonias," and if they had responded to the Federal Reserve Board of Dallas call to action that any "individual, institution, organization, or governmental entity that recognizes an opportunity to improve conditions in the colonias [should] act on it," life for families in colonias would not have to be so challenging and all colonia residents would live in healthier environments today. ■■■

Notes

- 1 M. Estes et al., *Colonias in the Lower Rio Grande Valley of South Texas: A Summary Report*, PRP 18 (Austin: UT Board of Regents, 1977), pp. 1-19.
- 2 <https://www.dallasfed.org/~media/documents/cd/pubs/colonias.pdf>.
- 3 <https://www.dallasfed.org/assets/documents/cd/pubs/lascalonias.pdf>.
- 4 Ibid.
- 5 <https://www.texastribune.org/2011/07/10/conditions-health-risks-sicken-colonias-residents/>.
- 6 Capital Area Council of Governments, "County Land Use Authority in Texas," November 2009 http://data.capcog.org/Information_Clearinghouse/presentations/2009-11-03%20County%20Land%20Use%20Report%20-%20final%20for%20Publication.pdf, accessed February 10, 2018.
- 7 https://books.google.com/books?id=drjz-aQnQBkC&pg=SL22-PA51&dq=border+environmental+plan+colonias&hl=en&sa=X&ved=0ahUKEwiqqr_2v5zZAhUSiIMKHZ5GCocQ6AEIjzAA#v=onepage&q=border%20environmental%20plan%20colonias&f=false.
- 8 Irasema Coronado, "La vida en las colonias de la frontera/Life in Colonias on the Border," *Latino Studies* vol. 1, 2003, pp. 193-197.
- 9 <http://www.elpasotimes.com/story/news/local/community/2016/06/13/county-seeks-funds-provide-water-colonias/85834894/>.