

Earlier this week, I submitted four questions that I requested that you pose to Harish, at tonight's meeting. However, last night, these questions were addressed in a letter to Council, and a guest column authored by Michael Allen; a lawyer for the public housing advocates who drafted the infamous Conciliation Agreement that now dictates policy in this city. It would have been nice to get an opinion from a lawyer who represents the interests of the City's middle class, but the other side continues to have all of the resources.

Even after the critique of my questions, Mr. Allen agreed that, "the City of Galveston must propose a plan to rebuild public housing that complies with applicable federal regulations and that affirmatively furthers fair housing". The real issue then becomes how you interpret and apply them.

Mr. Allen was one of the lawyers that argued the Westchester case, but he rejects the idea that similar criteria can be used in Galveston. That is very interesting. Would he also find fault with the criteria set forth in Thompson? If you can't use prior cases to make an informed assessment about what it will take to minimize the potential liability, from a Civil-Rights lawsuit, what can you use?

In his guest column, Mr. Allen said, "When the housing authority proposes a specific plan, fair housing advocates will be the first to assess whether it is consistent with federal law and the conciliation agreement." In other words, the fair-housing groups will tell us what is acceptable.

This may seem to be the easy way out of your liability problem, but it's not that simple!

Even if the City allows the fair-housing groups to select the locations of the public housing units, if a Civil-Rights lawsuit is filed, their selections may mean little or nothing to the court, if they stray from prior cases, and the fair-housing groups will not be the defendants; the City, the GHA, City Councilmembers, and GHA Commissioners will be.

The same thing applies to HUD waivers. HUD is often found in violation of its own rules during litigation, so a HUD waiver or an opinion from fair-housing groups is certainly not a grant of immunity from liability. I encourage the Council to read the cases, and use your own judgment and common sense to decide what must be done to conform to the Fair Housing Act.

Taking a pile of money in return for the agreement to rebuild public housing may seem like the easy way out, and a small price to pay for the City's loss of sovereignty, integrity, self-respect, and independence; but if you don't make a concerted effort to place it in the right locations, a lawsuit could prove very costly to the City, and many people personally. Council needs to provide strict oversight of the planning process to minimize this risk, because it is unlikely that federal recovery money can be used to settle a judgment.

I remain hopeful that as more people understand that this "deal with the devil" has transferred the City's sovereignty to two groups in Austin, it will push some beyond their tipping point, and at least one will find the will to file a lawsuit suit to regain our freedom!

Do we really need a City Council, if outside unelected groups can tell us what to do?