

We are happy to see that Council would like to draft a letter to HUD asking for guidance and direction. However, the approach outlined in the agenda is problematic. Simply stated, if you ask HUD that kind of question, they will no doubt answer that it is a local decision, which will not help you in setting local policy.

After conferring with Chris Toombs, we would like to offer the following suggested questions which may be more helpful in developing Public Housing policy. If HUD declines to answer these questions, it would be very revealing:

- 1) Has HUD repealed the "one for one replacement waiver" granted in February 2009 to hurricane-impacted areas?
- 2) Will HUD withhold funds from the City of Galveston if it does not perform a "one for one replacement" of the Public Housing destroyed by Hurricane Ike within the City limits?
- 3) Does HUD plan to issue a waiver to the City of Galveston allowing it to ignore the requirement that housing authorities build Public Housing in census tracts that decrease the concentration of low-income minorities, AND that qualify as opportunity neighborhoods?
- 4) If the City of Galveston can demonstrate that it CANNOT build Public Housing within its City limits, AND Affirmatively Further Fair Housing, will HUD give GHA the authority to build in other areas of the County where it CAN build Public Housing, and still be AFFH compliant?

Getting answers to these questions will help you modify the current rebuilding plans to reduce the liability that is attached to them.

We realize that Council has been advised as to the liability created by the current rebuilding plans, and the lack of change in policy signals that you have been told that the City's liability is negligible. Obviously, we do NOT agree.

Michael Allen is a prominent Fair Housing attorney. He was the lead counsel for the plaintiffs in the Westchester case and won a multi-million dollar judgment against Westchester County; he is also lead counsel for Texas Appleseed and TXLIHIS, in its complaint against the State of Texas, and lead counsel for the Greater New Orleans Fair Housing Center in its complaint against the State of Louisiana.

His recent Powerpoint seems to contradict the advice that you apparently received. A copy was emailed to each Councilmember this afternoon.

http://www.galvestonogp.org/GHA/AFFH_Presentation_100414.ppt

In his Powerpoint, Mr. Allen states:

“Recipients ignore HUD’s *Fair Housing Planning Guide* and AFFH regulations at their peril.”

“There will be more vigorous AFFH enforcement in the coming years:

Administrative complaints to HUD
HUD “front end” and compliance reviews
Litigation by civil rights groups”

We support your efforts to reduce the City’s liability whether your advisors recognize it or not!

David Stanowski

President,
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