

Domenico (Dom) Marra-Nuckols
2008 Avenue K, Rear
Galveston Island, Near Texas 77550-4643

Telephone (409) 771-1849
Fax (409) 766-7032
Email nuck4@sbcglobal.net

December 20, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

Mr. President,

As a result of Hurricane Ike in 2008 80% of the public housing units were destroyed on Galveston Island Texas. The Galveston Housing Authority (GHA) is in the process of rebuilding public housing on Galveston Island.

The housing units destroyed were built project style in the 40's, 50's, and 60's when segregation was the norm. GHA's present plans are to recreate what was previously built.

GHA has spent untold amounts of taxpayer money on plans to accomplish this segregated housing plan. GHA, the City of Galveston, and the County of Galveston has been informed numerous times (see attachments) that GHA is violation of a Federal court orders "Thompson v. HUD" and "United States of America ex rel. Anti-Discrimination of Metro New York, Inc. v. Westchester County" if they proceed in this manner. To this date GHA is ignoring this advice.

I believe the intent of both court cases are to de-segregate and de-centralize public housing to break the cycle of dependence on government assistance to self sufficiency.

I request that you, as the Great Mediator, provide guidance so we can rebuild public housing in the most efficient and cost effective manner.

I was once in the position of requiring government assistance and appreciate the need for it. But I realized it was not a hand out but a hand up. We should put more effort and providing programs and jobs to assist people to become self sufficient.

I have enclosed a PDF file of this letter and all the attachments with internet links for your reference.

Thank you in advance,

Domenico Marra-Nuckols

Attachments:

- [Letter to Susie Green: 14 December 2009](#)
- [Letter to Judge Yarbrough: 10 December 2009](#)
- [What Does the Law on Housing Require?: 09 December 2009](#)
- [Houston Area Population Per Housing Unit](#)
- [Creating a Better Housing Program: 07 December 2009](#)
- [Letter to Lyda Ann Thomas: 06 December 2009](#)
- [Group Issues Legal Challenge on Public Housing: 05 December 2009](#)
- [Letter to Susie Green: 04 December 2009](#)

14 December 2009

Sent via email to: GreenSus@cityofgalveston.org

Susie Green
City Attorney
City of Galveston
823 Rosenberg
P.O. Box 779
Galveston, TX 77553

Dear Ms. Green:

Despite our previous correspondence regarding the 2005 decision in [Thompson v. HUD](#) that required de-segregation on a countywide or regional basis, and the 2009 decision in [United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County](#) that exposed an inadequate Assessment of Impediments, which required the County to redo their AI and pay fines; the Galveston Housing Authority (GHA) plans to vote on a redevelopment plan tonight that ignores these cases.

Texas Appleseed filed an [Administrative Complaint](#) with HUD calling attention to the fact that the AI's for the State of Texas in general, and the City of Galveston in particular, were "substantially inadequate". HUD agreed with the Appleseed complaint, and sent a [letter to the Governor](#) notifying him that CDBG funding would be put on hold until the situation was corrected and revised AI's were completed.

The [Governor replied](#) that he felt some of HUD's instructions were contradictory, but that new AI's would be filed once HUD had issued its new guidelines after the first of the year. One of the foundations of GHA's redevelopment plan is the "City of

Galveston, Texas 2005 Consolidated Plan". The AI for the city is contained within this plan.

Since the State's and the City's AI's have been found "substantially inadequate" the legality of the GHA redevelopment plan is in serious doubt, because neither GHA nor the City of Galveston can certify that the plan "affirmatively furthers fair housing".

Since following the ruling in the Thompson decision would put the future of GHA in jeopardy, because it would most likely be dissolved in favor of a county Housing Authority; we can not expect or rely on the GHA to take the appropriate actions. Therefore, the GOGP believes that someone in authority at the City needs to direct the GHA Commissioners to refrain from any further voting on redevelopment plans until:

1. The City of Galveston develops a new AI.
2. This AI is used to revise the City's Consolidated Plan.
3. The City Council and the County Commissioners agree on establishing a countywide housing authority that will act within the rulings cited above.

It is apparent that the GHA is ignoring the directions of the Secretary of the Department of Housing and Urban Development for the State of Texas to revise and update its AI's, and the reply by the Governor that this would be done next year. Pushing forward in the face of these cited court rulings and deficiencies in AI's is very ill advised!

For further documentation go to: [GOGP on the GHA](#)

Thank you for your wise counsel and assistance,

Best regards,

David Stanowski and Chris Toombs
Galveston Open Government Project
gogp@att.net
409-356-6553

Cc: Governor Rick Perry, sent via fax to: 512-463-1849

Cc: Ellen Witt, the Governor's Director of the Division of Disaster
Recovery and Renewal, sent via fax to: 512-936-4318

10 December 2009

Sent via email to: James.Yarbrough@co.galveston.tx.us

James D. Yarbrough
County Judge
Galveston County
722 Moody
Second Floor
Galveston, TX 77550

Judge Yarbrough:

As you know, the Galveston Housing Authority has spent many months presenting a variety of rebuilding plans to the citizens of Galveston. On 20 November, the Galveston Open Government Project delivered an article to City Council via email entitled "[Galveston: the End of the Road?](#)" which outlined the fact that none of the GHA plans conform to current court-directed HUD policy. On 03 December, I covered the same issues during the 3-minute public comment period at the Council meeting. On 04 December, the GOGP sent the City Attorney a [brief summary of our research](#).

To ensure that the City Council had a more detailed explanation on how these legal cases effect their current deliberations, on Public Housing, the GOGP requested that our primary investigator on this subject, Chris Toombs, be allowed to give his presentation, "[A Bold New Approach to Subsidized Housing](#)", at the 10 December meeting. **This request was denied.**

When developing an Analysis of Impediments, HUD requires that "widely divergent views are incorporated into the process". However, since the beginning of this process, the GOGP, and many others, have been shut out of any meaningful input into

the so-called “public comment process” when the GHA and the Galveston City Council chose to offer nothing more than their token 3-minute public comment periods to address a very complex issue that will dramatically impact the City of Galveston and Galveston County for many years to come. Groups such as ours must be given the chance to present our research in detail to our elected officials.

The Texas Low-Income Housing Information Service has just filed the second [Administrative Complaint](#) with HUD alleging in part that, “Texas did not provide enough opportunities for residents to comment on plans to spend disaster money”. We agree with their assessment, because we found the proposition that the GHA and Galveston City Council were actually trying to facilitate authentic public comment a complete farce! GHA scheduled meetings merely to meet the basic requirements to do so, did not listen to any dissenting opinions, told us that HUD required them to rebuild 569 housing units until [HUD confirmed that this was not true](#), and then finally admitted that they had already voted to rebuild seven months before that! This was nothing like the public comment process as defined and required by HUD. When we went to the Galveston City Council, they would not even put our presentation on the agenda.

We turn now to our elected officials at the County for help, and ask for sufficient time to give an in-depth presentation to you and the Commissioners on the requirement that Galveston County meet the standards laid down in [Thompson v. HUD](#) and [U.S. v. Westchester County](#) to create a Galveston County Housing Authority to replace the GHA and the Texas City Housing Authority.

This would allow the Commissioners to be fully informed, to ask questions, and to have your legal advisers comment and question our conclusions in the presentation. We ask that you put this presentation on the agenda of your next meeting, in order to facilitate this critical interchange as quickly as possible.

The Galveston County Commissioners Court may not have actively contributed to the segregated population patterns in the County, but HUD makes it clear that it still must take action to overcome the current situation, especially when the GHA and the Galveston City Council have ignored their responsibilities. **“The grantee should undertake actions to overcome the effects of the impediments it identifies, whether or not the grantee itself may have contributed to them.”** [Top Seven Keys to Affirmatively Further Fair Housing](#)

Texas Appleaseed filed the first [Administrative Complaint](#) with HUD on 28 October which primarily cited the issues raised in U.S. v. Westchester County, and it only took thirteen days for HUD to **reject the State’s application for \$1.7 Billion in the second round of CDBG funding.** ([Letter to Governor Perry](#)) [Governor Perry’s letter to HUD](#) reflects his unhappiness with HUD’s decision, and we expect him to take decisive action up and down the State’s political hierarchy to remedy the situation. The GOGP will copy him on all of our future research and correspondence with local officials.

We are attempting to inform our local elected officials that when HUD begins its investigation and discovers that the GHA, the Galveston City Council, and the Galveston County Commissioners Court have not ensured that Public Housing in Galveston County is being operated according to the rulings in Thompson v. HUD, it could be a long time before any more CDBG funds are flowing our way. In fact, we fully expect that HUD will reexamine their authorization to use CDBG funds from round one, and may prohibit their use until we are inline with Thompson.

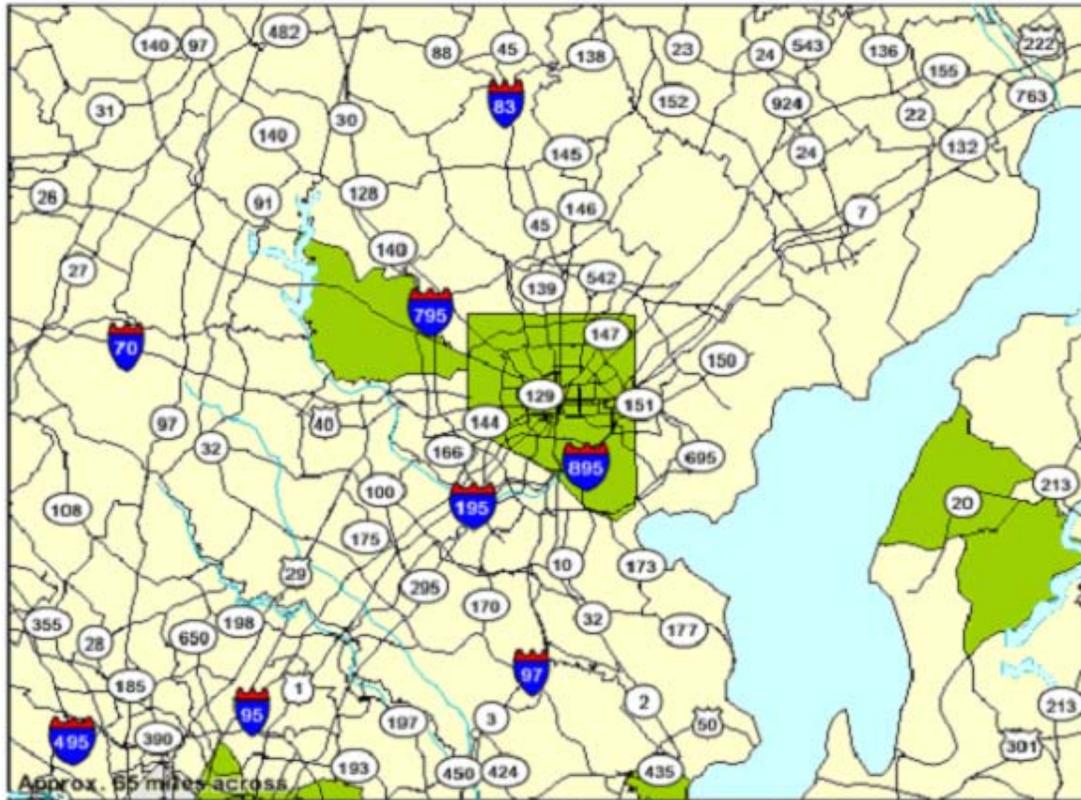
In Thompson, the court ruled that segregation like that shown below can only be remedied on a countywide or regional basis.

Notice how the Black population of Baltimore County, shown in green, was concentrated in the City of Baltimore before Thompson v. HUD:

Maryland 1990 Census – 24.9% African-American Population

TM-P007. Percent of Persons Who Are Black: 1990
Universe: Total population
Data Set: 1990 Summary Tape File 1 (STF 1) - 100-Percent data
Maryland by County Subdivision

NOTE: For information on confidentiality, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/data/notes/stp07190.htm>.



Notice the similarity, in Galveston County, with the high concentration of the Black population in the East End of Galveston, Texas City and La Marque.

Galveston County 2000 Census – 25.5% African-American Population

TM-P004B. Percent of Persons Who Are Black or African American Alone: 2000
Universe: Total population
Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data
Texas by 5-Digit ZIP Code Tabulation Area

NOTE: For information on confidentiality protection, nonsampling error, definitions, and count corrections see <http://factfinder.census.gov/home/enr/data/votes/experts.html>.



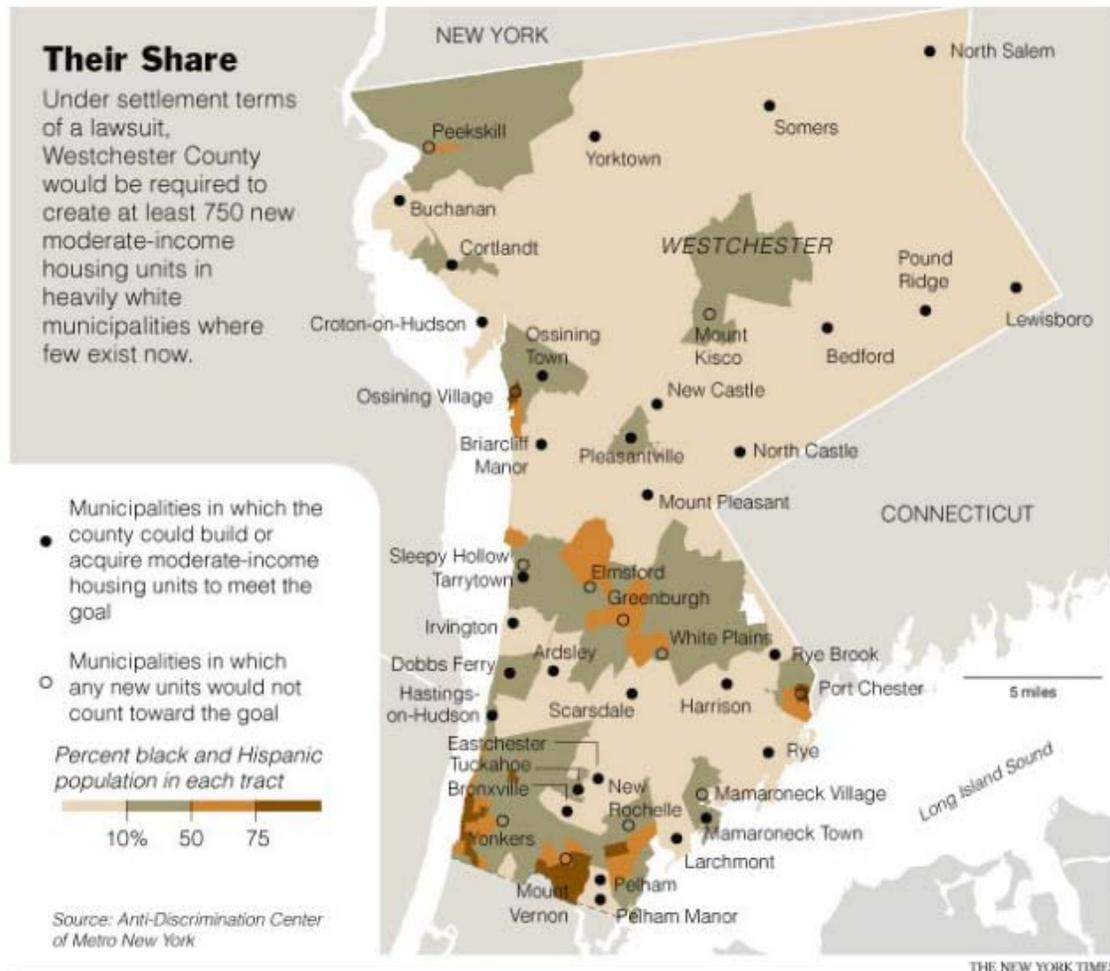
Source: U.S. Census Bureau, Census 2000 Summary File 1, Tables P1, and P7.

The similarities to the conditions that triggered *Thompson v. HUD* are striking!

The settlement reached in *U.S. v. Westchester County* noted that “As part of its applications for funding under the HUD grant program, between 2000 and 2008 the County periodically certified that it was meeting its obligations to affirmatively further fair housing.” [DOJ Press Release, Page 2](#) The complaint alleged that Westchester County had made a false claim that they were in compliance.

The Court agreed, and [in the settlement, Pages 2-3](#), the County was forced to spend \$30 million to ensure the development of 750 units of fair and affordable housing in areas with low racial and ethnic diversity, to repay \$21.6 million to HUD, pay the

whistle blower \$7.5 million, and to submit to the oversight and enforcement authority of a court-appointed Monitor.



Our major concern, at this time, is that if the City of Galveston and Galveston County do not begin to initiate a countywide solution to Public Housing, before HUD begins investigating the two pending Administrative Complaints, Galveston County and the City of Galveston will not only face having CDBG funds withheld and/or frozen, but they could be fined like Westchester County. As taxpayers, in a City and County still recovering from a hurricane, the last thing that we want is for HUD to levy a fine that would further deplete our financial reserves.

To view our presentation, go to:
<http://www.galvestonogp.org/GHA/GalvestonHousingAuthority.ppt>

Thank you for your consideration,

Best regards,

David Stanowski
Galveston Open Government Project
gogp@att.net
409-356-6553

Cc: Governor Rick Perry, sent via fax to: 512-463-1849

Cc: Ellen Witt, the Governor's Director of the Division of Disaster Recovery and Renewal, sent via fax to: 512-936-4318



What does law on housing require?

By Heber Taylor
The Daily News

Published December 9, 2009

It doesn't matter what public officials think of the Galveston Open Government Project. Members of the self-styled watchdog group have asked some good questions. People in government should be able to answer them.

The folks in this political group, who have described public housing as a failed social experiment, have asked whether a lawsuit in Baltimore has implications for public housing in Galveston County. Ironically, the lawsuit in Baltimore was championed by the American Civil Liberties Union and the NAACP's Legal Defense Fund. Politics can make for strange allies.

The lawsuit, *Thompson v. the U.S. Department of Housing and Urban Development*, claimed that the plans to continue the decades-old pattern of public housing in Baltimore discriminated against African-Americans living in public housing.

In 2005, U.S. District Judge Marvin Garbis said: "Geographic considerations, economic limitations, population shifts, etc., have rendered it impossible to effect a meaningful degree of desegregation of public housing by redistributing the public housing population of Baltimore City within the city limits. Baltimore City should not be viewed as an island reservation for use as a container for all of the poor of a contiguous region."

The judge said the U.S. Department of Housing and Urban Development would have to take a regional approach to promoting fair housing opportunities.

Translation: The housing units should be spread outside Baltimore and into other communities in the region.

For years, Baltimore had been becoming an increasingly segregated city as affluent white people moved to the suburbs. Public housing units were built overwhelmingly in poor, African-American neighborhoods. The result of that policy was that, if you sought subsidized housing under the Fair Housing Act, you were forced into neighborhoods with limited opportunities — neighborhoods characterized by low-income levels, high crime rates and poor schools.

In Galveston County, public officials face two questions. The first is the question of

what the law demands.

Would Galveston County have to spread public housing units outside of the three cities that now have them — Galveston, Texas City and La Marque — to comply with the Fair Housing Act? Would public-housing units have to be available in League City and Friendswood, for example, for the county to be in compliance with the law? Would shifting Section 8 vouchers from one area to another help?

The question is important because governmental bodies that get federal money, particularly block grants, have to comply with the law. It's not clear, at this writing, exactly how much of the federal money flowing into Galveston County after Hurricane Ike depends on the county — not just the city of Galveston — being in compliance with that law. But it's millions, not thousands.

What does the law require? It's an important question. Leaders in local government should do their best to answer it.

But public officials also should think beyond the minimum requirements of the law. If you set aside the intricate legal issues of the lengthy litigation in Baltimore for a minute, you can see officials in Maryland got in trouble because they followed a pattern, for decades, that seemed natural to them. Whatever areas had the lowest income levels, the highest crime rates and the lowest-performing schools — those were the areas where they assumed public housing units should be.

Is that what we've been doing in Galveston County? And, if so, do we intend to break that pattern?

Copyright © 2009 The Galveston County Daily News

**2008 US Census Estimate Cross-Reference with HUD Housing Authority Profiles
Filtered on Housing Authorities in the Houston Region**

City	Population	Public Housing	Population/ Unit
Galveston city	57,086	995	57
Beaumont city	110,553	663	167
Victoria city	62,558	321	195
Bryan city	72,357	300	241
Port Arthur city	55,910	216	259
Texas City city	44,491	130	342
Huntsville city	38,480	100	385
Nacogdoches city	32,205	76	424
Baytown city	70,330	150	469
Houston city	2,242,193	3898	575
Average Population Per Unit			311
Median Population Per Unit			301
Galveston			57

Galveston Has:

- 5.2 Times the Houston Area Median Population / Unit
- 2.9 Times it's nearest city, Beaumont



Daily News Homes

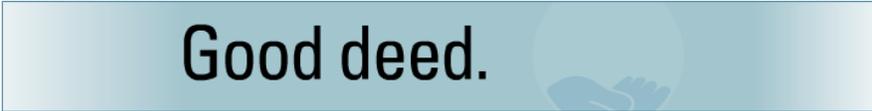
Your new home is looking for you! Browse home listings for the Houston/Galveston area.

Sunday, December 20 | Texas' Oldest Newspaper: Since 1842

- Home
- News
- Sports
- Opinion
- Blogs
- Lifestyle
- Communities
- AP
- Services
- Classifieds
- Homes
- Shopping
- Help

[Advanced](#) | [Browse](#) | [Help](#)

[Register](#) | [Sign In](#) | [Subscribe](#) | [E-Edition](#)



FREE Movie Tickets
when you switch to

Creating a better housing program

By **David Stanowski**

Contributor

Published December 7, 2009

In 1996, Galveston Housing Authority residents filed a lawsuit against the authority and the city of Galveston alleging GHA had subjected them to racial segregation by locating all four of its family housing projects in low-income minority neighborhoods.

Eventually, GHA entered into a voluntary compliance agreement and a consent decree in which it agreed to end this practice.

In 2008, about 2 percent of the U.S. population was living in public housing or using a housing authority voucher, but an estimated 8 percent of Galveston's residents were receiving housing assistance, four times the national average.

In addition, 88 percent of all the public housing units and 76 percent of all the Section 8 vouchers in Galveston County were located in the city, which contained only 20 percent of the county's population.

The lawsuit filed by GHA residents expressed their desire to escape from low-income minority neighborhoods, and the concentration of public housing shows the city has been bearing far more than its share of the social and economic costs of the county's public housing.

The only way to give GHA residents a chance at better lives, and lower the burden on the city, is to locate any new public housing and Section 8 properties in Friendswood, League City, Dickinson and Santa Fe, where there are more jobs, better school systems and lower crime rates.

The latest court rulings confirm the view that desegregation of public housing cannot be accomplished in a meaningful way within one city.

Baltimore has a demographic composition within Baltimore County that is similar to the city of Galveston and Galveston County.

In 1995, Baltimore's housing authority, its executive director, the city council, the mayor and HUD were sued in an allegation that HUD had made little effort to desegregate the minority population throughout the entire county, because the public housing had been concentrated in the city.

Galveston Open Government Project is requesting the city council ask HUD to work with Galveston County to set up a county housing authority to replace GHA and all other county public housing programs.

A county housing authority will allow the former residents of GHA's family housing projects to move into areas throughout the entire county, resulting in an effective and successful desegregation that cannot be accomplished within the city.

David Stanowski lives in Galveston and is one of the founders of Galveston Open Government Project.

[Share](#) | [Save](#) | [Mail](#) | [Print](#) | [Letter](#) | 4 Comments



Vistaprint Make an impression

CONGRATULATIONS!
You've been selected to receive

250 FREE Business Cards

Order Now

PLANTER & SONS
LANDSCAPE DESIGN
HANDLO PLANTER
Senior Lawn Care Specialist

- [Privacy Policy](#)
- [Reprints](#)
- [Newspapers in Education](#)
- [About The Daily News](#)
- [Contact Us](#)
- [Advertise](#)



© 2009 The Galveston County Daily News. All rights reserved.

A Galveston Newspapers Inc. Publication.

06 December 2009

Sent via certified mail, return receipt requested

Sent via email to: lydaannthomas@cityofgalveston.org

Sent via email to: lydaannthomas@aol.com

Lyda Ann Thomas
Mayor
City of Galveston
823 Rosenberg
P.O. Box 779
Galveston, TX 77553

Mayor Thomas:

As you know, the Galveston Housing Authority has spent many months presenting a variety of rebuilding plans to the citizens of Galveston. On 20 November, the Galveston Open Government Project delivered an article to City Council via email entitled "[Galveston: the End of the Road?](#)" which outlined the case that none of the GHA plans conform to current court-directed HUD policy. On 03 December, I covered the same issues during public comment at the Council meeting. On 04 December, the GOGP sent the City Attorney a [brief summary of our research](#).

To ensure that the City Council has a more detailed explanation on how these legal cases effect their current deliberations, on Public Housing, the GOGP is requesting that the primary investigator on this subject, Chris Toombs, be allowed to give his presentation, "[A Bold New Approach to Subsidized Housing](#)", to Council, at the 10 December meeting.

This would allow Council to be fully informed, to ask questions, and to have the City Attorney comment and question our conclusions in the presentation. Since you have clearly indicated

that you feel a sense of urgency with regard to this matter, we ask that you put this presentation on the 10 December agenda, in order to facilitate this critical interchange as quickly as possible.

To view the presentation, go to:

<http://www.galvestonogp.org/GHA/GalvestonHousingAuthority.ppt>

Thank you for your consideration,

Best regards,

David Stanowski
Galveston Open Government Project
gogp@att.net
409-356-6553



Daily News Homes

Your new home is looking for you! Browse home listings for the Houston/Galveston area.

Sunday, December 20 | Texas' Oldest Newspaper: Since 1842

- Home
- News
- Sports
- Opinion
- Blogs
- Lifestyle
- Communities
- AP
- Services
- Classifieds
- Homes
- Shopping
- Help

[Advanced](#) | [Browse](#) | [Help](#)

[Register](#) | [Sign In](#) | [Subscribe](#) | [E-Edition](#)

Great gift.

With the purchase of this gift card a donation was made to United Way.

FREE Movie Tickets when you switch to **EASY PAY**

Group issues legal challenge on public housing

From staff reports

The Daily News

Published December 5, 2009

GALVESTON — The Galveston Open Government Project has issued a legal challenge to the city of Galveston, saying the concentration of housing units on the island violates federal law.

The group, which has contested the Galveston Housing Authority's plans to rebuild 569 units destroyed by Hurricane Ike, said public housing units would have to be scattered throughout the county to comply with federal court rulings.

In a letter to Susie Green, Galveston's city attorney, the group said cities must certify they will affirmatively further fair housing if they apply for community development block grants.

Millions of federal dollars are coming into the city and county after Hurricane Ike.

The group contends public officials could not accept the money if they continue to concentrate public housing units in the county's oldest and poorest cities.

The law would require officials to put "any new public housing and Section 8 properties in the more affluent cities in the county that currently have no public housing," the letter says.

The letter was copied to County Judge Jim Yarbrough and county commissioners, as well as other city officials.

Green and Yarbrough could not be reached for comment.

David Stanowski, a founder of the group, said he hoped public officials would agree continuing to concentrate public housing in the county's oldest and poorest communities violated public law.

The letter, citing court cases in Baltimore and in Westchester County, N.Y., said, "The latest court ruling confirm the view that desegregation of public housing cannot be accomplished in a meaningful way when it's done within one city."

The letter also contends the three cities in the county with public housing — Galveston, Texas City and La Marque — have the highest crime rates, the lowest median household incomes and the lowest school district rankings.

"It's certainly a legal challenge," Stanowski said.

He said public officials had ignored the group's criticism of the housing authority's plans.

If public officials ignore the letter outlining the court cases, the group will seek help from larger groups, including the NAACP and the American Civil Liberties Union, which filed litigation in Baltimore, Stanowski said.



Online Six Sigma Training

Earn Six Sigma Master Certificate From Villanova U

[Explore now...](#)



Tan Without Skin Damage

Beauty Times reports on an Amazing New sunless tan for under \$5.

[Find more...](#)

Related Links

[Copy of Galveston Open Government Project's letter](#)

[Share](#) | [Save](#) | [Mail](#) | [Print](#) | [Letter](#) | 17 Comments

[Privacy Policy](#)

[Reprints](#)

[Newspapers in Education](#)

[About The Daily News](#)

[Contact Us](#)

[Advertise](#)



21st Century insurance Switch to 21st Century Auto Insurance. You could save hundreds.

Insurance provided through 21st Century Insurance and Financial Services or in Michigan through 21st Century Insurance Agency, Wilmington, DE, agent for its affiliated personal lines insurance companies. *National average of annual savings developed for new policyholders from 1/1/06 - 6/30/08 who reported their prior carrier premium.

[GET A QUOTE NOW →](#)

© 2009 The Galveston County Daily News. All rights reserved.

A Galveston Newspapers Inc. Publication.

04 December 2009

Sent via email to: GreenSus@cityofgalveston.org

Susie Green
City Attorney
City of Galveston
823 Rosenberg
P.O. Box 779
Galveston, TX 77553

Dear Ms. Green:

In 1996, residents of Galveston Public Housing filed a lawsuit against GHA and the City of Galveston alleging that GHA had subjected them to racial segregation by locating all four of its family housing projects in low-income minority neighborhoods. The suit even cited "[purported violations of the Fair Housing Act alleged against the City's former mayor.](#)" (Page 15) It is not clear why the mayor was singled out, but it may be due to the mayor's role in appointing the GHA Board. Eventually, GHA entered into a Voluntary Compliance Agreement and a [Consent Decree](#) where it agreed to end this practice.

In 2008, about [2% of the U.S. population](#) was living in Public Housing or was using a Housing Authority voucher, but an estimated [8% of Galveston's residents](#) were receiving housing assistance; four times the national average. In addition, [88% of all the Public Housing Units](#), and [76% of all the Section 8 vouchers](#) in Galveston County were located or being used in the City of Galveston which only contained [20% of the County's population](#).

The 1996 lawsuit filed by GHA residents expressed their desire to escape from low-income minority neighborhoods, and the

concentration of Public Housing in the City of Galveston shows that it has been bearing far more than its share of the social and economic costs of Public Housing within the County. There is only one way to give GHA residents a chance at better lives, and lower the burden on the City of Galveston; locate any new Public Housing and Section 8 properties in the more affluent cities in the County that currently have no Public Housing.

When comparing the seven major cities in Galveston County, notice how the three cities with Public Housing (Galveston, La Marque, and Texas City) have the highest crime rates, the lowest Median Household Incomes, and the lowest school district rankings.

City	2007 Crime Rate National Average = 320	2007 Median Household Income	School District Ranking 948 Districts in TX
<u>Galveston</u>	650	\$35,610	<u>735</u>
<u>La Marque</u>	568	\$42,938	<u>821</u>
<u>Texas City</u>	453	\$44,321	<u>571</u>
<u>Santa Fe</u>	275	\$58,600	?
<u>Dickinson</u>	266	\$51,741	<u>444</u>
<u>League City</u>	175	\$78,596	<u>89</u>
<u>Friendswood</u>	99	\$85,509	?

The latest court rulings confirm the view that de-segregation of Public Housing can not be accomplished in a meaningful way when it is done within one city. The City of Baltimore has a demographic composition within Baltimore County that is similar to the City of Galveston and Galveston County. In 1995, Thompson, et al. sued the Housing Authority, its Executive Director, the City Council, the Mayor, and HUD alleging that the local authorities and HUD had made little effort to de-segregate the minority population throughout the entire county, because they had concentrated their Public Housing Projects in the City.

The 2005 decision in [Thompson v. HUD](#) stated on page 11 that, “Geographic considerations, economic limitations, and population shifts, have rendered it impossible to effect a meaningful degree of de-segregation of public housing by redistributing the public housing population of Baltimore City within the City limits. Baltimore City should not be viewed as an island reservation for use as a container for all of the poor of a contiguous region..”

In another case, [United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County](#) the Plaintiff filed a claim as a whistle blower under the False-Claims Act alleging that [Westchester County, New York had not “met its obligations to affirmatively further fair housing.”](#)

“To meet this obligation, the County was required to conduct an analysis of the impediments to fair housing choice, including impediments erected by racial and ethnic discrimination or segregation, and to take appropriate actions to overcome the effects of any such impediments.” [DOJ Press Release, Page 1](#)

“As part of its applications for funding under the HUD grant program, between 2000 and 2008 the County periodically certified that it was meeting its obligations to affirmatively further fair housing.” [DOJ Press Release, Page 2](#) The complaint alleged that Westchester County had made a false claim that they were in compliance.

The Court agreed, and [in the settlement, Pages 2-3](#), the County was forced to spend \$30 million to ensure the development of 750 units of fair and affordable housing in areas with low racial and ethnic diversity, to repay \$21.6 million to HUD, pay the whistle blower \$7.5 million, and to submit to the oversight and enforcement authority of a court-appointed Monitor.

The cases in Baltimore and Westchester County set a clear precedent that Public Housing must now be located on a countywide or even regional basis in order to de-segregate low-income minority groups in a way that gives them an authentic

opportunity to better their lives. The plans developed by the Galveston Housing Authority for the re-development of Public Housing are not consistent with the rulings in these cases, and therefore are not within current court-directed HUD policy.

Based on the cases that the Galveston Open Government Project has studied, it appears as though the GHA, the GHA Commissioners, and the Executive Director of the GHA, the City of Galveston, City Council Members, and the City Manager could be vulnerable to a variety of legal actions until local policy is corrected:

1. [Administrative Complaint with HUD. see U.S. Code, Title 42, Chapter 45, Subchapter 1, Section 3610](#)

Texas Appleseed filed an [Administrative Complaint](#) on 28 October 2009 alleging that the City of Galveston cannot certify that they are affirmatively furthering fair housing. Starting on page 22, the AC reads in part:

"CDBG grant funds are expressly conditioned on a jurisdiction's certification that it will affirmatively further fair housing. "The AFFH certification [is] not mere boilerplate formality, but rather a substantive requirement, rooted in the history and purpose of the fair housing laws and regulations, requiring the [jurisdiction] to conduct an AI, take appropriate actions in response, and to document its analysis and actions." United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County, Case 1:06-CV-02860-DLC, Document 118 at 50-51, (S.D.N.Y, February 24, 2009).

The Secretary cannot obligate funds when a grantee has failed to make a certification that is material to its eligibility to receive CDBG funds. Neither Galveston, as an example, or the State, has submitted or can submit a fair housing

certification that can be satisfactory to the Secretary.”

“For the reasons set out above, we ask you to deem Texas’ Plan insufficient to support obligation of CDBG funds at this time, and require revision and resubmission of the Plan in accordance with applicable federal laws and regulations.”

Based on this AC, and other problems, [HUD rejected the State’s Action Plan for CDBG Disaster Recovery](#) supplemental funding.

The GOP agrees that the City of Galveston’s plan, as drafted by GHA, does not meet the fair housing standards as cited in *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County*, but Texas Appleseed conveniently does not ask HUD to require jurisdictions in the State of Texas to meet the standards set forth in *Thompson v. HUD* in regards to countywide and/or regional de-segregation. At some point, Texas Appleseed may file an amended AC to include *Thompson*, or additional AC’s may be filed by other parties to fill in the missing pieces.

The first question that must be addressed by City Council is how can CDBG funds properly be committed to the GHA when their plan does not meet the standards described above?

2. [False Claims Act](#).

Texas Appleseed fails to mention that *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County* was initiated by filing a False Claims Act. The complaint alleged that Westchester County had made a false claim that they were in compliance with fair housing laws when they applied for and received CDBG funds. Galveston County, the City of Galveston, and the Galveston Housing Authority may have done the same thing, leaving them vulnerable to a False Claims Act filing.

Since False Claims actions are usually done on a contingency fee basis, with potentially large rewards, and anyone who becomes aware of the False Claim can file; it is likely that someone will use the template of the Westchester County case to do the same thing here.

3. [Lawsuit.](#)

The City and the GHA were sued by residents of the family housing projects in 1996, alleging that the defendants were allowing racial discrimination within the City, and their complaints were not completely remedied according to the old standard of looking at segregation on a citywide basis. With the new standard required by *Thompson v. HUD*, if a countywide approach is not implemented through an Administrative Complaint, surely some group such as the NAACP or ACLU, who originated the process in *Thompson*, will step up and file a lawsuit.

Chris Toombs did most of the research on this subject, and he will be presenting the arguments contained in this letter, in [greater detail](#), to the Planning Commission on 15 December. Based on his findings, the GOGP will be asking the PC to reject the GHA's plans and send the matter back to Council where they can fully consider the necessity of dissolving the Galveston Housing Authority, so that HUD and the Galveston County Commissioners Court can set up a County Housing Authority that can operate according to the guidelines set forth in *Thompson v. HUD*.

We know that the Planning Commission and City Council will be seeking your advice when this matter comes before them, so we wanted to forward our research and references to you, to give you time to begin your review of some of the legal issues effecting any plans to build Public Housing in the City of Galveston.

Our city is currently in the painful and prolonged process of recovering from the devastation leveled on us by Hurricane Ike,

and the last thing we need is for our City government to become entangled in lengthy and costly litigation when this matter can be resolved very easily by simply following the requirements set forth by the two cases cited above and establishing a County Housing Authority which will allow former GHA residents the opportunity to re-locate into more favorable neighborhoods throughout the County.

Postscript:

No society can ever hope to meet its full potential if it allows barriers to stand in the way of anyone's opportunities, AND it does not insist that all able-bodied people find their individual path to independence and self-reliance. The old order that the GHA and others want to perpetuate that separated and isolated people geographically into dehumanizing warehouses of despair, and promoted programs that created hopelessness and emasculating dependency, with all the resultant psychological consequences, must not continue!

The current Public Housing system forces the frustrated, resentful, and overtaxed middle class to bear the cost, not of offering a hand up to their fellow citizens, but rather makes them become the caretakers of the underclass while those herded into this modern plantation system feel no gratitude for the largess they receive; in fact, they are insulted and humiliated even as they feel a strong sense of entitlement.

Unless we stop building Public Housing as a separate world within our country and find a way to mentor the underclass on how to assimilate into mainstream society; we face a very grim future. Everyone has an enormous stake in finding a new way to make this work. Galveston, like other cities, has a very powerful and vocal Poverty Industry that prospers financially and politically by keeping people trapped on the plantation that they have created.

The people of Galveston must not allow the Poverty Industry to dictate our future any longer. We must create a new public

policy based on sound research, common sense, and the enlightened best interests of the City rather than guilt or other irrational emotional impulses!

For further documentation go to: [GOGP on the GHA](#)

Thank you for your wise counsel and assistance,

Best regards,

David Stanowski
Galveston Open Government Project
gogp@att.net
409-356-6553



Daily News Homes

Your new home is looking for you! Browse home listings for the Houston/Galveston area.

Sunday, December 20 | Texas' Oldest Newspaper: Since 1842

- Home
- News
- Sports
- Opinion
- Blogs
- Lifestyle
- Communities
- AP
- Services
- Classifieds
- Homes
- Shopping
- Help

[Advanced](#) | [Browse](#) | [Help](#)

[Register](#) | [Sign In](#) | [Subscribe](#) | [E-Edition](#)

Clary's

Seafood Restaurant

Make your office party and holiday reservations today.

Click for Directions | Call for Reservations | (409)740-0771



FREE Movie Tickets when you switch to

EASY PAY



Courtesy Photo

An artist rendering shows what less-dense public housing developments at Magnolia Homes would look like under Galveston Housing Authority's redevelopment plan, which commissioners approved Monday night.

GHA approves public housing rebuilding plan

By **Rhiannon Meyers**

The Daily News

Published December 15, 2009

Galveston Housing Authority commissioners Monday approved a controversial redevelopment plan to reduce public housing density, but not enough to satisfy a neighborhood group and critics who wanted to spread public housing throughout the city and county.

Commissioners unanimously approved Commissioner Ray Lewis' plan, estimated at \$88 million, which replaces 569 units of public housing at developments destroyed after Hurricane Ike struck with 390 public housing units built on the original footprints and 179 units scattered across the island. The plan's density is 30 percent less than the pre-Ike configurations.

Executive Director Harish Krishnarao had proposed lowering the density even further. He recommended building 320 units of public housing on the original footprints and scattering 249 public housing units across the island. Krishnarao's plan would have reduced density at the original sites, on average, by 40 percent.

Commissioners rejected that plan in a split vote. Suzanne Choate and Arthur Mabasa voted in favor of the plan. Lewis, Juan Gonzalez and Billie Hoskins struck it down.

Lewis said he was uncomfortable with the housing authority managing so many scattered sites.

The decision disappointed those who wanted to reduce density on the original footprints by spreading out public housing throughout the island and county.

David Stanowski, critic of the housing authority and co-founder of the Galveston Open Government Project, has argued the plan is not legal because it does not meet federal fair housing standards.

The organization is planning to file a complaint with the U.S. Department of

Try the Volumetrics® menu with our special offer:

Lose **12 lbs** for **\$12!**

*Plus the cost of food

CLAIM COUPON >

Jenny Craig

Century 21

Bay Reef Realty

Vacation Homes

Housing and Urban Development. The group wants the city and Galveston County to establish a countywide housing authority to spread public housing into the North County, instead of concentrating it in Galveston, Texas City and La Marque.

Ralph McMorris, of the Galveston Alliance of Island Neighborhoods, chastised commissioners for being concerned only with bringing public housing residents home quickly so they could “vote for (District 1 councilman) Tarris Woods.”

He said commissioners are not worried about providing residents with a good quality of life, he said.

The alliance had suggested the agency decrease density by renovating existing vacant houses across the island. Krishnarao's original plan would have satisfied the neighborhood group, McMorris said.

In a nod to the neighborhood group, Krishnarao promised to explore renovating existing houses for the 179 scattered sites. One hundred of those units will be in scattered clusters — or multifamily complexes — while 79 will be “individual sites” with no more than four units on one site.

Krishnarao said the agency also would explore building new scattered site houses and working with developers to acquire properties. At least 10 island landlords have said they are interested in setting aside units for public housing residents. Some of those contracts could be inked within three months, Krishnarao said.

Although the approved plan calls for a greater density than Krishnarao proposed, the plan is a shift away from the postwar barracks-style public housing in place before Hurricane Ike came ashore Sept. 13, 2008.

According to the newly approved plan:

- Oleander Homes, 5228 Broadway, will have 120 units, or 40 percent fewer than the 196 clustered there before the hurricane. The multifamily units, some with private backyards, will be among the first built.
- Cedar Terrace, 2914 Ball, will have 110 units, or 20 percent fewer than the 135 there before Hurricane Ike. Krishnarao had recommended reducing the density by 40 percent.
- Magnolia Homes, 1601 The Strand, will have 120 units, or 10 percent less than the 134 units there before the hurricane. Krishnarao had recommended reducing density by 40 percent.
- Palm Terrace, 4400 Sealy, will have 20 single-family houses, divided into 40 duplexes. That's 60 percent fewer units than the 104 units there before the hurricane. The development will mirror the neighboring Oaks development.

The housing authority's plan has to be approved by the planning commission, which will make a recommendation to the city council for final approval.

Construction on the new developments will take two to three years.

Share | Save | Mail | Print | Letter | 88 Comments

Related Stories:

- [500-plus apply for housing recovery assistance](#)
- [Quick solution to housing problem](#)
- [Dewhurst surveys progress](#)
- [State asks FEMA to extend housing deadlines](#)
- [HGAC approves Round 2 spending plan](#)
- [Construction equipment arrives at Texas City Dike](#)

Privacy Policy

Reprints

Newspapers in Education

About The Daily News

Contact Us

Advertise



Virgin mobile

TOTALLY UNLIMITED CALLING

No Annual Contract - Nationwide 3G Network Just **\$49.99** /mo.
Phones starting at \$9.99

GET IT NOW >

TERMS

© 2009 The Galveston County Daily News. All rights reserved.

A Galveston Newspapers Inc. Publication.