

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 GOP 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.

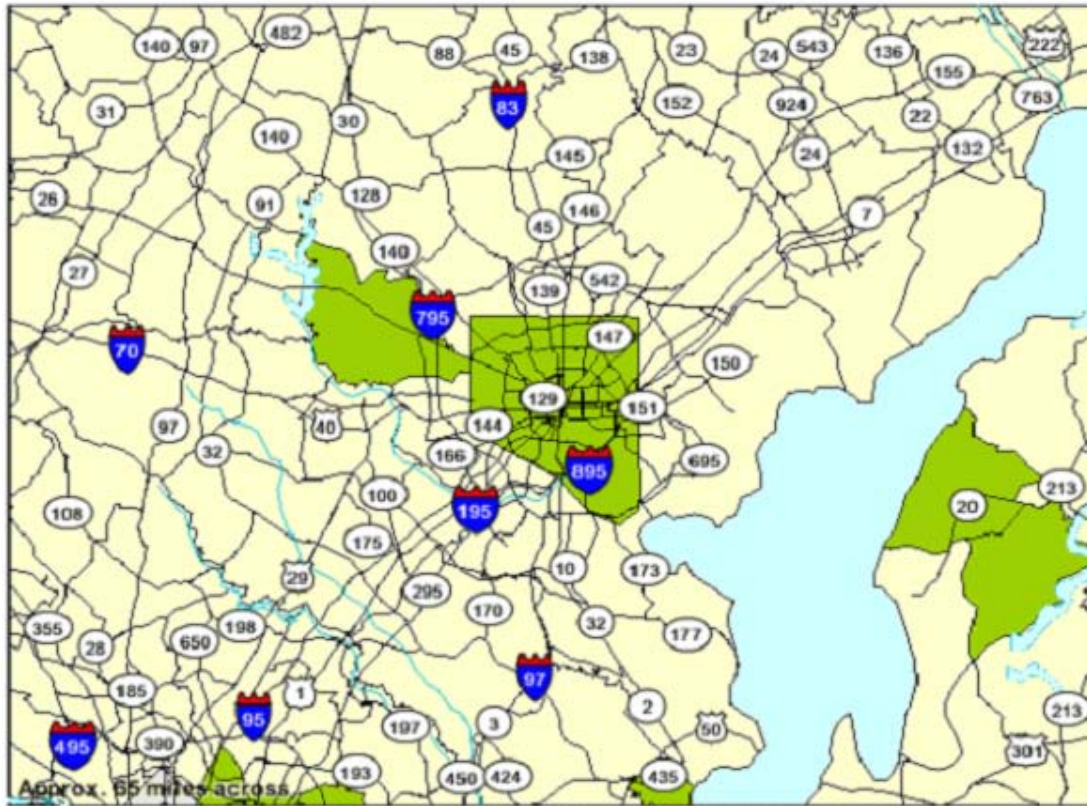
In Thompson, the court ruled that segregation like that shown below can only be remedied on a countywide or regional basis.

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/enrol/states/tx/sp1ts.html>.



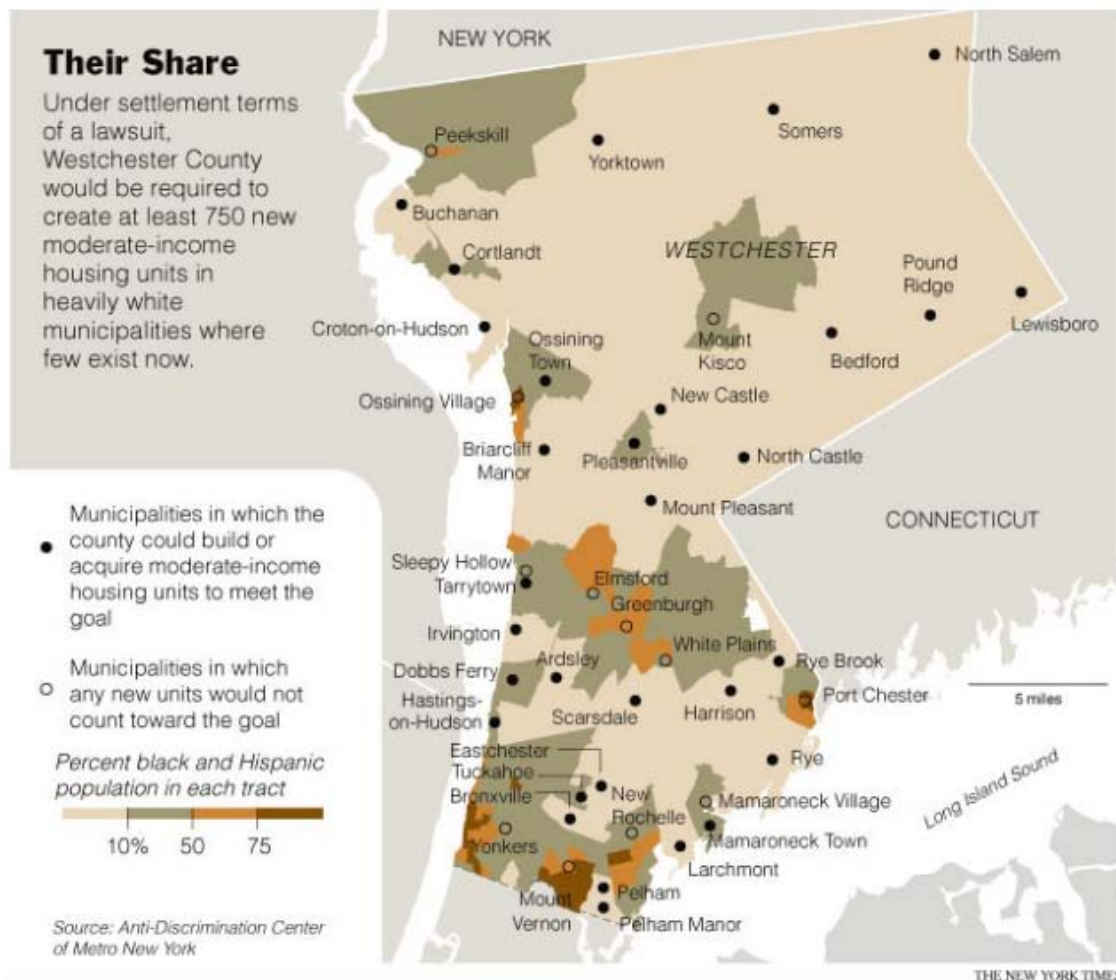
Source: U.S. Census Bureau, Census 2000 Summary File 1, Tables P1, and P7.

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