

11 February 2010

Sent via email to: [mkpurser@mkpconsulting.com](mailto:mkpurser@mkpconsulting.com)

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Dear Ms. Purser:

We were very happy to see that your company was awarded a contract by the City of Galveston to develop a five-year consolidated plan for the CDBG and HOME Programs, and an Analysis of Impediments to fair housing choice, as required by HUD.

The Galveston Open Government Project agrees with Texas Appleseed that,

*“The State of Texas cannot certify that it is affirmatively furthering fair housing. Before receiving CDBG disaster recovery funding, Texas must certify that it “will affirmatively further fair housing.” Under federal regulations, this means that the state must truthfully certify that it (a) has or will conduct an analysis to identify impediments to fair housing choice within the state, (b) take appropriate actions to overcome the effects of any impediments identified through that analysis, and (c) maintain records reflecting the analysis and actions in this regard.*

*The State in fact has a dual responsibility to affirmatively further fair housing. It must engage in its own activities that*

*affirmatively further fair housing, and must also ensure that any subrecipient jurisdictions to which it is providing funds comply with their individual certifications in order to affirmatively further fair housing."*

*"Nor is the State taking steps to ensure that subrecipients or other grantees are in compliance with mandatory certifications regarding fair housing. The City of Galveston, for example, as an entitlement community under the Annual CDBG program, has its own Consolidated Plan, **last updated in 2005**. The City's AI is summarized in one sentence; **"The City found that there were no policies that contributed to the concentration of racial/ethnic minorities** and that city building codes or ordinances did not impede or limit the development or improvement of affordable housing in Galveston." The City's Post-Ike Long Term Community Recovery Plan also fails to address fair housing issues. Public response to plans to rebuild affordable and subsidized housing, however, suggests that **Galveston's AI is "substantially incomplete" at best.**"*

<http://www.galvestonogp.org/GHA/TexasAppleseedAdministrativeComplaint10-28-09.pdf>

Not only is the City's current AI out of date, and insufficient in detail, but it can not be accurate when the rebuilding plan of the Galveston Housing Authority clearly seeks to concentrate low-income racial/ethnic minorities in a city, within Galveston County, with a very high existing concentration of low-income racial/ethnic minorities.

In addition, in U.S. v. Westchester County, New York the court held that, *"In particular, the County did not analyze how its placement of affordable housing affected segregation, nor whether the placement of such housing had the effect of increasing or decreasing racial or ethnic diversity in the neighborhoods where the housing was built. Having failed to identify impediments to fair housing based on race or ethnicity, the County took no action designed to overcome those particular impediments. As a result, **the County's production***

*and placement of affordable housing may have perpetuated or increased racial and ethnic segregation in the area."*

Once again, the current GHA redevelopment plan would likewise increase racial and ethnic segregation as it did in Westchester County. If the City of Galveston does not generate an Analysis of Impediments which honestly addresses this problem and identifies the solution of allowing low-income minorities the opportunity to relocate to other cities in Galveston County, the City will leave itself open to the same liability as Westchester County had where the court ruled that, "*the County periodically certified that it was meeting its obligations to affirmatively further fair housing. The Complaint alleges that, due to the County's failure to identify and address impediments to fair housing, the County knew those certifications to be false, and therefore violated the False Claims Act*".

Finally, "*the United States District Court ruled that the County's certifications that it had acted to affirmatively further fair housing were false*"

[http://www.justice.gov/crt/housing/documents/westchester\\_pr.pdf](http://www.justice.gov/crt/housing/documents/westchester_pr.pdf)

<http://www.antibiaslaw.com/sites/default/files/files/SettlementFullText.pdf>

[http://www.nytimes.com/2009/08/11/nyregion/11settle.html?\\_r=1](http://www.nytimes.com/2009/08/11/nyregion/11settle.html?_r=1)

<http://www.acorn-online.com/joomla15/lewisboroledger/news/localnews/48221-county-releases-implementation-plan-for-housing-settlement.html>

It is our understanding that your company will be seeking public input as you develop Galveston's 2010 AI. The Galveston Open Government Project looks forward to meeting with you to share our concerns about properly including the impact of GHA's

redevelopment plan in the AI, and to make sure that it identifies the need to adopt a countywide approach to public housing.

We include a link to our recent letter to Secretary Shaun Donovan for reference:

<http://www.galvestonogp.org/GHA/WeNeedYourHelp.pdf>

Best regards,

David Stanowski, President  
Galveston Open Government Project

<http://www.galvestonogp.org>

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