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Sent via email to: michael.gerber@tdhca.state.tx.us

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Mr. Gerber:

We were very happy to see that Governor Perry directed the Texas Department of Rural Affairs, and the Texas Department of Housing & Community Affairs to draft and file the "State of Texas Action Plan Amendment Number 1" with the Department of Housing and Urban Development which should help the State move forward with disaster recovery efforts.

http://www.tdra.state.tx.us/pdfs/Texas_Action_Plan_Amendment_No1.pdf

In reading through the draft of the Action Plan Amendment Number 1, we noted on pages 37 and 38 a section on Regulatory Requirements.

"Regulatory Requirements

TDRA, TDHCA, Grantee and Subrecipients must comply with all CDBG program regulations to include but not be limited to fair housing, nondiscrimination, labor standards, and environmental requirements applicable to the CDBG Program.

Fair Housing

Each Grantee will be required to take steps to affirmatively further fair housing; and when gathering public input, planning, and implementing housing related activities, will include participation by neighborhood organizations, community development organizations, social service organizations, community housing development organizations, and members of each distinct affected community or neighborhood which might fall into the assistance category of low to moderate income communities.

TDRA and TDHCA will require that special emphasis be placed on those communities who both geographically and categorically consist of individuals who comprise “protected classes” under the Civil Rights Act of 1964 and the Fair Housing Act of 1978 as amended. The efforts will be recorded in an “Affirmative Marketing Plan”. At all times, “Housing Choice” will be an emphasis of program implementation and outreach will be conducted in the predominate language of the region where funds will be spent.

The Galveston Open Government Project does not believe that the Galveston Housing Authority, the City of Galveston, and Galveston County meet this standard, because the GHA’s current redevelopment plan seeks to concentrate low-income members of racial minority groups in the City of Galveston, which already contains a very high concentration of this demographic group, rather than giving them the choice to relocate to other cities in the County that can offer them far better opportunities to improve their lives.

We have sent a detailed description of the current impasse in Galveston County to Secretary Donovan which you can review by accessing the link below:

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

We also note that Appendix B states that, *“Each State must make the following certifications prior to receiving a CDBG disaster recovery grant:”*

We believe that due to the unresolved issues in Galveston County, addressed in our letter to Secretary Donovan, the State of Texas may not be able to certify to parts a) and j) of Appendix B which state,

“a.) The State certifies that it will affirmatively further fair housing, which means that it has or will conduct an analysis to identify impediments to fair housing choice within the State, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487(b)(2).)

j.) The State certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.”

The deficits to local and State certification can be easily remedied by simply directing Galveston County to adopt a countywide approach to public housing; an option that the GHA and the City of Galveston refuse to consider.

It should have been possible for us to work out a method to implement this approach on the local level, but the GHA and the City have made no effort to facilitate the public participation and debate, in the spirit intended by part g.) of Appendix B, and entrenched interests have used their influence and political power to force a return to the former method of providing public housing which will once again result in highly segregated conditions in the City of Galveston, and Galveston County.

“g.) The State certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 (except as provided for in notices providing waivers and alternative requirements for this grant), and that each unit of general local government that is receiving assistance from the State is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as

provided for in notices providing waivers and alternative requirements for this grant)."

It should be noted that although the GHA has held a series of public meetings, item g.) says "each unit of general local government that is receiving assistance", but the Galveston City Council has declined requests to put this issue on the agenda, for discussion, to find a method to adopt a countywide system of public housing; which is hardly "detailed citizen participation".

Part a.) directs the State to "*take appropriate actions to overcome the effects of any impediments identified through that analysis*". Therefore, we hope that you will send someone from your office, to the City of Galveston, who has the authority to bring the GHA, the City of Galveston, and Galveston County together to find a way to implement countywide public housing, so that our city and county, and the State of Texas, are able to truthfully certify that they are in full compliance with all of HUD's rules for this recovery effort.

Best regards,

David Stanowski, President
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