

A brief outline of the many ways that the Galveston Housing Authority may violate the Civil Rights Act and the Fair Housing Act as interpreted through various statutes, regulations, and court cases and a proposed solution to Public Housing in Galveston County using the Communities of Opportunity approach.

Since its inception in 1937, Public Housing has gone through many changes as the failure of the model becomes more and more painful and obvious. The latest “fix”, provided by HUD, is the use of “scattered sites” and Section 8 vouchers that are used to rent privately-owned properties. As before, HUD claims that these changes have “reformed Public Housing”, but the results are mixed. Some cities, such as Memphis, have seen crime increase with scattered sites and Section 8, and it is unclear whether other cities that have made these changes have really experienced improvement, or have just not had the increase in problems seen in Memphis.

After more than two years of research, the GOGP has identified only two methods that seem to offer consistent improvement to the failed Public Housing experiment. The first is the Eastlake model, or what is now known as the Purpose-Built Communities model. This is a concept that ignores the calls for the scattered site approach in favor of large developments, typically 500-1300 units, which can offer special facilities, amenities, and services to Public Housing residents.

They are built as gated mixed-income communities with 50-70% of the units targeted for middle-class residents paying market rate rents, and it includes an on-site charter school, an on-site community center, private security, as well as after-school programs and a day-care center. Although the Mayor has claimed that the GHA will be building to the Eastlake model, his plans using scattered sites cannot offer the facilities that an authentic Eastlake development would provide.

Without an authentic Eastlake model, the only realistic way to improve Public Housing for its residents AND its neighbors is to use the “Communities of Opportunity” approach developed by Professor John A. Powell as the remedy to the Thompson v. HUD case in Baltimore. His argument is that the only realistic way to provide Public Housing residents with a reasonable probability of escaping from poverty is to locate Public Housing in neighborhoods, i.e. census tracts that offer the opportunities to do so.

Professor Powell developed an objective 14-point scoring system to rank census tracts in such a way as to identify the ones where Public Housing should be placed. He also made it very clear that you must take a regional approach to find enough qualifying census tracts in the Baltimore metro area, so choices cannot be restricted to the oldest city in the area. The City of Galveston and Galveston County present a very similar situation to what was faced in Baltimore and its surrounding counties at the beginning of the lawsuit.

This document is an outline of our research supporting the conclusion that the way to properly deal with Public Housing in Galveston County is to use the Communities of Opportunity approach developed by Professor Powell to guide its placement **throughout the entire County**, and it seems clear that the failure to do so will result in a violation of the Civil Rights Act and the Fair Housing Act, forcing the City of Galveston to repay federal funds.

References

1. Public Housing Authorities typically **do not enforce their rules** and some that try to evict bad actors run into roadblocks in court. This is merely **one of the failures of this model** (1998): http://www.popcenter.org/library/CrimePrevention/Volume_09/GettingEvicted.pdf

2. Gangstas in Paradise; the Houston Press on **GHA Housing Projects** (2001): <http://www.houstonpress.com/2001-12-06/news/gangstas-in-paradise/#>
3. MIT found **Galveston to be a "Forgotten City"** (see page 49) (2007): If we are trying to offer the opportunity for the poor to escape poverty, how can they do so in a forgotten city??
http://web.mit.edu/dusp/dusp_extension_unsec/people/faculty/hoyt/Hoyt_Leroux_FC.pdf
4. American Murder Mystery (2008): **Memphis** used the simplistic solution of Section 8 and Scattered Sites, using no Opportunity Index; and **crime increased!**
<http://www.theatlantic.com/magazine/archive/2008/07/american-murder-mystery/6872/#>
5. [Galveston Vows to Continue Failed Policy; Lack of Success no Reason to Change: 30 March 2009](#) Brief history of PH.
6. [Jacquelyn Tarpy commentary to Council: 24 September 2009](#) Brief summary of GHA's failure to enforce its rules.
7. [If You Build It, They Will Come: 29 September 2009](#) History of welfare and PH.
8. [Press Release: HUD Does Not Require GHA to Rebuild the Housing Projects: 16 October 2009!](#)
9. [Galveston Public Housing Concentrations versus National Averages: 23 October 2009](#)
10. [Press Release: CORRECTION and Update on Police "calls for service" for the Housing Projects: 28 October 2009](#) In the 12 months before Hurricane Ike, **21% of all case reports (crimes) in the City of Galveston were for the areas containing and surrounding the four Housing Projects.** The total population of these four facilities was approximately 1,252, or 2.20% of the pre-Ike population of the City.

11. [Public Needs to Question Building in a Floodplain!: 01 November 2009](#) Executive Order 11988 of the U.S. Federal Government instructs HUD to "avoid direct or indirect support of floodplain development wherever there is a practicable alternative".
12. [Galveston: The End of the Road?: 20 November 2009](#) Population trends and opportunity; 1997 Galveston Consent Decree; concentration of PH in the City represents defacto segregation; County demographics; Thompson v HUD; Westchester County; Geography of Opportunity.
13. [GOGP Plan Original; A Bold New Approach for Subsidized Housing: 01 December 2009](#) Summary of proposed countywide plan at that point in time.
14. [Houston Area Population Per Housing Unit](#) Shows concentration of PH in 10 SE Texas cities.
15. [Letter to Susie Green: 22 December 2009](#) Outlines personal liability of Councilmembers for civil rights violations under 42 USC 1983.
16. [Solutions Not Excuses: 28 December 2009](#) Rebuttal to article claiming North County does not offer opportunities. North County entry level businesses had 3 times the revenue of Galveston businesses.
17. [Letter to Secretary Donovan: 08 February 2010](#) Summary of the case to date; includes documentation.
18. [Another Way to Create a Countywide Public Housing Plan: 18 February 2010](#) State and federal laws allowing GHA to build or buy outside the City limits. Includes apartments for sale on the Mainland.
19. [Administrative Complaint: Site and Neighborhood Standards: 23 February 2010](#) Highlights the primary reason GHA plans will violate CFR 941.202.

20. Recognizing and Removing Obstacles to Fair Housing; Michael Allen: 14 April 2010 Attorney Michael Allen's Powerpoint presentation showing that many cities, counties and states **may fail to AFFH, and be subject to a False Claims lawsuit like Westchester.**

21. Conciliation Agreement: 25 May 2010 The **threat of withholding federal funding** if Galveston does not build 569 PH units.

22. Does the Conciliation Agreement Violate the Equal Protection Clause: 27 September 2010 Can the State of Texas enter into a Conciliation Agreement that forces the 48,000 residents of the City of Galveston to bare the burden of building, operating, and maintaining at least 979 public housing units while they make no such requirement of the 227,000 residents living in other parts of the County?

Since **the State of Texas fails to use a uniform statewide standard for the location of public housing; it has violated the Equal Protection Clause**, making the Conciliation Agreement null and void!

Does the Conciliation Agreement also **violate the Due Process clause** of the Fourteenth Amendment?

23. Suit challenging locations of affordable housing moves forward: 30 September 2010 Clearing the way for a trial, a federal judge has determined that there is enough evidence that the state's largest affordable rental housing program has **directed low-income housing projects disproportionately into poor and minority neighborhoods.** ...the **Texas Department of Housing and Community Affairs** appeared to have approved the development of a relatively high number of low-income tax credit-financed projects in poor, minority areas while rejecting a disproportionate number of applications for such projects in affluent, white neighborhoods.

"This is sweeping in finding merit in the argument that **the State of Texas has engaged in civil rights violations,**" said John

Henneberger, co-director of the Texas Low Income Housing Information Service.

Many tax-credit affordable housing projects in Texas are clustered in neighborhoods mainly populated by poor blacks and Hispanics. **The result, they say, is that the low-income residents are kept out of so-called high opportunity neighborhoods and instead are forced to attend worse schools and live in blighted areas.**

In Dallas, according to the lawsuit, more than 92 percent of tax-credit financed properties have been built in **census tracts with fewer than 50 percent Caucasian residents.**

24. [Mayor's Poverty Industry Panel \(aka the Town Hall Meeting\): 13 October 2010](#) Focus on **Item 5 Part 2, and Item 5, Part 3.** **Many revealing statements.**

25. [A Clear Answer About GHA's Plan: 27 October 2010](#) Heber Taylor's comments on the letter from Attorney Michael Allen to City Council alleging that they City must obey the CA.

26. [Civil Rights Obligations; Michael Allen: 27 October 2010](#) Text of the letter mentioned in number 25.

27. [Legal Opinion on Building 569 in the City of Galveston; Kevin Hamby: 27 October 2010](#)

28. [Rebuilding All 569 Public Housing Units is the Law; Michael Allen: 28 October 2010](#)

Please take special notice of the fact that in item number 20, attorney Michael Allen argued that cities, counties and states must certify that they are AFFH, or suffer the same consequences as Westchester County, but in the case of the City of Galveston (see items 25-28), he says that the GOGP doesn't know what we are talking about, and the GHA **MUST** build 569 units within the City; ignoring the fact that doing so will not allow Galveston to AFFH! How convenient!

29. [Implications of Conciliation Agreement on GUSD: 16 November 2010](#) Review of the **impact of additional PH on the school system.**

30. [Location of Public Housing: Poverty: 29 November 2010](#) Shows the likely locations of PH when **examining the City's census tracts for poverty levels.**

31. [Location of Public Housing: Race and Ethnicity: 30 November 2010](#) Shows the likely locations of PH when examining the City's **census tracts for race and ethnicity concentrations.**

32. [Location of Public Housing: Communities of Opportunity: 06 December 2010](#) Shows the likely locations of PH when **examining the demographics in Galveston County on a city-by-city basis using this system.**

33. [GOGP Comments on the State's AI: 24 January 2011](#) The **Primary Impediment to AFFH, the refusal of the rest of the County to host PH, was omitted!**

The Mayor continues to lead the City on a path that will result in further decline by willingly obligating it to host and pay for Public Housing for decades to come in exchange for "free federal money" today, while **ignoring the impossibility of Affirmatively Furthering Fair Housing, if all of these units are built in this city!** The tremendous burden that Public Housing places on City services such as schools, fire, police, EMS, and social services is of little or no concern. Finally, the so-called fair-housing groups, that initiated this process, have decided to punish the City of Galveston for the perceived crime of be unwilling to host all of the Public Housing for the entire County, and in doing so, **they have joined with the State to trap the most vulnerable and helpless members of our society in the City that offers them the least opportunity to gain any sort of self-sufficiency!**

34. [Kamens Comments on the State's AI: 24 January 2011](#) **Questions the bias of the group that did the AI:**

The consultants chosen to produce the AI, Southwest Fair Housing Council (SWFHC), are a housing advocacy group themselves. They are in the same category as Texas Appleseed and Texas Low Income Housing Service (TXLIHS), which are the groups who brought the complaints against the state of Texas in the first place. **This does not appear to be an independent group to conduct an objective analysis.**

35. [Toombs Comments on the State's AI: 24 January 2011](#)

A **thorough analysis of the many deficiencies of the AI**; too numerous to mention in this outline.

36. [Repayment of Federal Funds: 04 February 2011](#) The **threat of being forced to repay recovery funds**, if the City violates the Fair Housing Act, should give this Council pause, and motivate it to take the necessary steps to prevent any violations!

37. [18 USC 641](#) The “misuse of federal funds” would seem to violate this statute. Does someone who accepts federal funding, knowing that it will be used for an unlawful purpose, like violating the Civil Rights Act and the Fair Housing Act, commit a felony under this statute?

*“Whoever embezzles, steals, purloins, or **knowingly converts to his use or the use of another**, or without authority, sells, **conveys** or disposes of any record, voucher, **money**, or thing of value of the **United States or of any department or agency** thereof, or any property made or being made under contract for the United States or any department or agency thereof; or*

Whoever receives, conceals, or retains the same with intent to convert it to his use or gain, knowing it to have been embezzled, stolen, purloined or converted,

*Shall be fined under this title or **imprisoned not more than ten years**, or both; but if the value of such property in the aggregate, combining amounts from all the counts for which the defendant is convicted in a single case, does not exceed the sum*

of \$1,000, he shall be fined under this title or imprisoned not more than one year, or both.

The word "value" means face, par, or market value, or cost price, either wholesale or retail, whichever is greater."

Administrative Complaints

[Lone Star Legal Aid Agreement: 13 March 2009](#)

[Texas Appleseed Testimony to Congressional Subcommittee in Galveston: 25 September 2009](#)

[Texas Appleseed Letter to Texas Department of Rural Affairs: 30 September 2009](#)

[Texas Appleseed Administrative Complaint; Cover Letter: 28 October 2009](#)

[Texas Appleseed Administrative Complaint: 28 October 2009](#)

[HUD Letter to Governor Perry re CDBG Disaster Recovery Funds: 10 November 2009](#)

[Following Advocates' Complaint, HUD Rejects TX Disaster CDBG Plan: 13 November 2009](#)

[Governor Perry Letter to HUD: 16 November 2009](#)

[TXLIHIS Administrative Complaint; Cover Letter: 01 December 2009](#)

[TXLIHIS Administrative Complaint: 01 December 2009](#)

Cases

[GHA Consent Decree: 12 December 1997](#)

[Thompson v HUD, Baltimore: 06 January 2005](#)

[John Powell testimony Thompson v HUD: 06 January 2005](#)

[Thompson v. HUD Outline of Opinion: January 2005](#)

[Thompson v. HUD Analysis: February 2005](#)

[Thompson v. HUD NAACP Legal Defense Fund: 08 April 2005](#)

[The Federal Role in Metropolitan Housing Segregation:
March/April 2005](#)

[Thompson v. HUD in Seattle: 15 March 2007](#)

[A Progress Report on Baltimore Housing Mobility Program:
October 2009](#)

[Anti-Discrimination Center of Metro New York v Westchester
County, NY: 10 August 2009](#)

[Westchester County Violates False Claims Act: 10 August 2009](#)

[Westchester County, New York had not "met its obligations to
affirmatively further fair housing."](#)

[County Releases Implementation Plan for Housing Settlement: 02
February 2010](#)

[Westchester's Word: 17 February 2010](#)

[ICP v. Texas Department of Housing and Community Affairs: 08 March 2008](#)

[Deconcentrating Poverty in Mineapolis: 2002](#)

[Chicago's Gautreaux Program](#)

[U.S. v. Jacksonville, FL, Press Release: 18 October 2000](#)

[U.S. v. Jacksonville, FL, Complaint](#)

[U.S. v. Jacksonville, FL, Consent Decree](#)

Floodplain

[Floodplain Management](#)

[Floodplain Management and Wetlands Protection](#)

[National Floodplain Management](#)

[Special Flood Hazard Areas and Wetlands](#)

[Procedures for Making Determinations on Floodplain Management](#)

Fair Housing

[Promoting Fairness in Public Housing: March 2000](#)

[Office of Fair Housing and Equal Opportunity; Fact Sheet](#)

[Promoting Fair Housing](#)

[Fair Housing Laws and Presidential Executive Orders](#)

[Top Seven Keys to Affirmatively Further Fair Housing](#)

[Furthering Fair Housing](#)

[Analysis of Impediments to Fair Housing Choice Reissuance](#)

[Site and Neighborhood Standards](#)

[Fair Housing Planning Guide \(note page 29\): March 1996](#)

[Letter on the need for AI's: 14 February 2000](#)

[The Geography of Opportunity: July 2008](#)

We have much more! These are just the highlights!