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December 1, 2009

The Hon. Ron Sims  
Deputy Secretary  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street, S.W., Suite 10100  
Washington, D.C. 20410

RE: Fair Housing Complaint against the State of Texas

Dear Deputy Secretary Sims:

Enclosed please find a Fair Housing Complaint,<sup>1</sup> submitted on behalf of Texas Low-Income Housing Information Service ("TxLIHIS"), alleging that, in the administration of its federal housing and community development funds, the State of Texas has: (1) made housing unavailable on the basis of race, color and national origin, in violation of 42 U.S.C. §3604(a); (2) discriminated in the terms, conditions, or privileges of sale or rental of a dwelling, and in the provision of services or facilities in connection therewith, because of race, color, and national origin, in violation of 42 U.S.C. §3604(b); and (3) failed in its obligation to affirmatively further fair housing ("AFFH") as required by 42 U.S.C. §3608 and related federal statutes and regulations.

For the foregoing reasons outlined in the Complaint, Texas Low-Income Housing Information Service respectfully requests your personal involvement in addressing the State's substantial noncompliance with its obligations under the Fair Housing Act ("FHA"). HUD should fully investigate the allegations in the Complaint, and take appropriate remedial actions. Specifically, we ask HUD to find that the State's Analysis of Impediments to fair housing choice ("AI"), most recently revised in January 2003, is substantially incomplete and that the State's multiple, subsequent AFFH certifications based on that AI are inaccurate. Such findings would require HUD to disapprove the State's Consolidated Plan ("Con Plan"), bar it from receiving funds under any of the housing and community development programs listed above, and require the State to conduct a new, AFFH-compliant AI and submit a revised Con Plan and certifications to HUD.

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<sup>1</sup> The Complaint is lodged pursuant to 42 U.S.C. §§3608 and 3610.

The October 28, 2009 CDBG Complaint filed by TxLIHIS and Texas Appleseed pointed out that the proposed Texas CDBG Disaster Recovery Plan for Hurricanes Ike and Dolly did not comply with federal law. The plan could not achieve the 50+ percent minimum low and moderate income benefit level required by the law and made essential by the nature of the victims of these disasters. The plan failed to define the State's proposed uses of funds, activities to be undertaken or the program beneficiaries. The plan deprived citizens of the opportunity to comment upon a plan since no actual plan for activities was submitted -- it was merely a plan to transfer money to other units of government to allow them to decide how it would be spent. The plan allocated funds regionally not based on damages from the disasters but based on political considerations. HUD has properly directed to the state of Texas to revise its plan to address these failures.

Without HUD intervention, the result of the State's hands-off approach is entirely foreseeable: CDBG funds will not be spent on urgently needed housing recovery for the vulnerable people of these communities; and the people will be forced away.

We are prepared to share substantial research and documents with you concerning the allegations in the Complaint. In the interest of timely submission, however, we have chosen to summarize our principal concerns, acknowledging that there may be other matters upon which additional investigation may be required to determine whether the State has complied with its AFFH obligations.

Feel free to contact me if you should have any questions.

Sincerely,



Michael Allen

CC: The Hon. John Trasviña  
Assistant Secretary, Fair Housing and Equal Opportunity  
U.S. Department of Housing and Urban Development  
451 7<sup>th</sup> Street, S.W., Suite 5100  
Washington, D.C. 20410

The Hon. Mercedes Marquez  
Assistant Secretary, Community Planning and Development  
U.S. Department of Housing and Urban Development  
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