

November 29, 2017

Ben Carson  
Secretary  
U.S. Department of Housing & Urban Development  
451 7th Street, SW  
Washington, DC 20410

Re: Civil Rights and Disaster Recovery Issues in Houston, TX

Dear Secretary Carson:

The undersigned civil rights, fair housing and affordable housing organizations write to express our grave concerns about a serious civil rights problem that threatens the ability of the City of Houston, Texas to help all of its residents share equitably in the recovery from the widespread damage caused by Hurricane Harvey. We urge you to take immediate steps to remedy this problem in a manner that is consistent with our nation's civil rights laws and simultaneously will help to ensure the future viability and sustainability of this, the fourth largest city in our country.

In January of this year, after a detailed investigation, HUD determined that Houston was in violation of Title VI of the Civil Rights Act of 1964 as the result of its practices regarding the approval and location of affordable housing developments that HUD found intentionally discriminatory. The determination was prompted by the City's refusal to approve a particular development, known as Fountain View, but it was based on an analysis of the impact of Houston's affordable housing approval practices and procedures over many years. These resulted in the virtually universal denial of affordable housing developments proposed in communities where a majority of the population is white. A staggering 25 of the Houston Housing Authority's 26 developments are in census tracts where the majority of the population is people of color, and 60 of the City's 68 Low Income Housing Tax Credit properties are in similarly segregated areas. Many of these neighborhoods have high levels of poverty and lack important amenities that are necessary for their residents to flourish, including high performing schools. Some of them are located in close proximity to petrochemical plants and other environmental hazards and some are in areas that lack adequate storm drainage infrastructure, making them vulnerable to repeated flooding that disrupts the lives of residents, puts their health at risk, jeopardizes the habitability of their homes, and requires the repeated injection of extremely limited affordable housing resources.

As HUD noted in its January 11, 2017 Letter of Finding to the City of Houston, when it finds a jurisdiction to be in violation of Title VI, the next step is for the jurisdiction to enter into a Voluntary Compliance Agreement (VCA) with the Department. Such a VCA would spell out the actions the jurisdiction will take to remedy the problems and a timeline for completing those actions. Many of the necessary remedial actions are laid out in the Letter of Finding, which should make it possible to reach a VCA with relative speed.

HUD's failure to resolve the Title VI violation through a VCA with Houston will seriously hinder Houston's efforts to recover from the devastation of Hurricane Harvey. It is expected that HUD will be allocating the CDBG-DR funds appropriated for hurricane relief in the near future. But, the outstanding Title VI violation makes it impossible for Houston to certify truthfully that

it is affirmatively furthering fair housing, a certification that is required for receipt of the disaster relief funds. Without such a certification Houston is ineligible to receive CDBG-DR funds critical to its recovery efforts.

A strong VCA must address the Title VI findings in a strategic and effective manner. It is particularly critical – and also opportune - at this moment, when the City is faced with the daunting task of rebuilding from the devastation of Hurricane Harvey. Rebuilding Houston’s damaged affordable housing in place might be the most expedient course of action, but that would reinforce the existing, harmful patterns of segregation and perpetuate the existing civil rights violations. Instead, this is the moment – when Houston must adopt a comprehensive rebuilding plan – for HUD to help the City craft a plan that will ensure that all of its residents, regardless of race or national origin, not only share in the recovery but also have access to affordable housing in neighborhoods that connect them to the kinds of opportunities that enable them to flourish. Such a plan will bolster Houston’s sustainability in the face of the inevitable future disasters, create the underpinnings of a socially and economically robust community, and maximize the benefit of valuable and limited federal affordable housing and disaster recovery resources.

We urge you to take immediate steps to enter into a VCA with Houston that achieves these goals and clears the way for the City to receive disaster recovery resources without delay.

Sincerely,

American Civil Liberties Union  
Center for Responsible Lending  
Connecticut Fair Housing Center  
Fair Share Housing Center of New Jersey  
Greater Houston Fair Housing Center  
Housing Choice Partners  
Houston Center for Independent Living  
Lawyers’ Committee for Civil Rights Under Law  
NAACP  
NAACP Legal Defense and Educational Fund, Inc.  
National CAPACD  
National Coalition for the Homeless  
National Community Reinvestment Coalition  
National Consumer Law Center (on behalf of its low income clients)  
National Fair Housing Alliance  
National Law Center on Homelessness & Poverty  
National Low Income Housing Coalition  
National LGBTQ Task Force  
National Urban League  
Paralyzed Veterans of America  
Poverty & Race Research Action Council  
PolicyLink

Cc: Pamela Patenaude, Deputy Secretary  
Ana Maria Farias, Assistant Secretary for Fair Housing & Equal Opportunity

Neal Rackleff, Assistant Secretary for Community Planning & Development  
Jemine Bryon, General Deputy Assistant Secretary for Public & Indian Housing  
Beth Zorc, Acting General Counsel and Principal Deputy General Counsel