

HUD Finds City of Houston in Noncompliance with Title VI of the Civil Rights Act of 1964

On January 11, 2017, HUD issued a letter to City of Houston Mayor Sylvester Turner finding that the City was in noncompliance with Title VI of the Civil Rights Act of 1964. The City refused to issue a Resolution of No Objection for Fountain View, an affordable housing development proposed by the Houston Housing Authority to be built in a predominantly white, high-opportunity neighborhood in the City. The City cited local opposition and the costs associated with Fountain View as justification for the denial, but a HUD investigation found that (1) “the City’s denial of the Fountain View proposal was based in part on racially motivated opposition” and (2) “the City’s policies, practices, and procedures for approving LIHTC projects effectuate local opposition motivated by discriminatory intent and perpetuate segregation.”

Title VI of the Civil Rights Act of 1964 provides, in part, that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” To remedy the City’s violations of Title VI, HUD is requiring, among other things, that the City: (1) provide the Houston Housing Authority with supplemental funding for the Fountain View project; (2) develop strategies for (a) encouraging development of affordable housing and (b) revising or eliminating policies or practices that hinder affordable or fair housing; (3) “create, adopt, and implement a site selection policy for vetting and reviewing requests for Resolutions of Support and Resolutions of No Objection for Low Income Housing Tax Credit projects which results in the development of affordable housing in areas of Houston that do not perpetuate segregation;” (4) establish a City Fair Housing Commission that will work with HUD to diminish housing segregation in the City; and (5) submit to HUD for review and approval each proposed multifamily housing project that will utilize HUD funds and develop criteria for determining site selection of City-funded multifamily housing that ensures no “segregative effects.”

For more information regarding reasonable accommodations or the Fair Housing Act, contact R&C’s Fair Housing Litigation Attorneys Robert Graham at rgraham@renocavanaugh.com or Iyen A. Acosta at iacosta@renocavanaugh.com.

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