

March 16, 2022

The Honorable Marcia Fudge
Secretary
U.S. Department of Housing and Urban Development
Washington, DC 20702

To Secretary Fudge,

We, the undersigned affordable housing, disaster recovery, and civil rights organizations, write to urge the U.S. Department of Housing and Urban Development (HUD) to take every available action to protect and enforce civil rights and advance racial equity through federal disaster recovery efforts in Texas. HUD's Office of Fair Housing and Equal Opportunity (FHEO) recently [determined](#) that the Texas General Land Office (GLO) discriminated against communities of color in Southeast Texas when distributing \$2.1 billion in much-needed Community Development Block Grant – Disaster Mitigation (CDBG-DR MIT) funding, the result of an [administrative complaint](#) filed by Texas Housers and the Northeast Action Collective. In light of this serious civil rights violation – and other pending civil rights complaints against the State of Texas and City of Houston on closely related disaster recovery issues – we strongly urge HUD to reject the State of Texas's Action Plan Amendment and require Texas to first resolve the outstanding findings, before HUD approves the state's action plan amendment or provides additional mitigation funding. The three pending civil rights complaints must be addressed comprehensively to ensure that critical disaster mitigation resources are distributed equitably.

The lowest-income and most marginalized survivors, including Black and Latino households and their communities, are often hit hardest by disasters but receive the least amount of assistance to recover and protect against disasters in the future. HUD's historic decision to enforce civil rights law and uphold its mandate to increase equity, however, would be directly undermined if HUD approves Texas's action plan amendment before the state resolves the significant civil rights violations that HUD identified in its findings. By directing Texas to first resolve civil rights violations, HUD can ensure that essential funding reaches those communities often left behind by America's disaster recovery framework. The deep inequities in infrastructure created by decades of systemic underinvestment can only be rectified if HUD requires states to equitably distribute resources.

In its decision, HUD found that Texas violated Title VI and Section 109 of the Housing and Community Development Act of 1974 in its distribution of CDBG-MIT funds provided by Congress to mitigate the risk of future disasters in areas impacted by Hurricane Harvey in 2017. HUD found that Texas had distributed these funds through a competition that penalized areas with larger overall and larger non-white populations – those areas designated by HUD as most impacted – and favored inland counties with smaller percentages of non-white populations designated as most impacted by the state. The number of people of color in those areas that HUD designated as most impacted is ten times greater than the number of people of color in areas that the state designated as most impacted. Yet the state created a project rating system that split funds evenly between the HUD-designated and state-designated areas. As a result, less-populous inland counties with greater numbers of white residents received seven and a half times more funding per resident than counties with larger overall and larger non-white populations.

Strict compliance with civil rights laws must be central to any effort to advance racial equity in disaster recovery.

Sincerely,

Fair Share Housing Center
Lawyers' Committee for Civil Rights Under Law
NAACP Legal Defense and Educational Fund, Inc.
National Community Reinvestment Coalition
National Fair Housing Alliance
National Housing Law Project
National Low Income Housing Coalition
PolicyLink
Poverty & Race Research Action Council

CC:

Adrienne Todman, HUD Deputy Secretary
Arthur Jemison, Principal Deputy Assistant Secretary for Community Planning and Development, HUD
Demetria McCain, Principal Deputy Assistant Secretary for Fair Housing and Equal Opportunity, HUD
Jenn Jones, Chief of Staff, HUD
Jessie Handforth-Kome, Director of the Office of Block Grant Assistance, HUD