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ASSISTANT REPUBLICAN WHIP



JOHN CULBERSON
7TH DISTRICT, TEXAS

January 20, 2016

WASHINGTON OFFICE:
2372 RAYBURN BUILDING
WASHINGTON, DC 20515-4307
202.225.2571
FAX 202.225.4381

DISTRICT OFFICE:
10000 MEMORIAL DRIVE, SUITE 620
HOUSTON, TEXAS 77024-3490
713.682.8828
FAX 713.680.8070

INTERNET:
WWW.CULBERSON.HOUSE.GOV

The Honorable Julian Castro
Department of Housing and Urban Development
451 7th St SW
Washington, DC 20410-0001

Dear Secretary Castro:

Concerned parents whose children attend an already overcrowded neighborhood school were understandably alarmed to discover that **2640 Fountain View**, a multifamily Low-Income Housing Tax Credit development project, has been proceeding at a rapid pace largely undetected in their neighborhood. The neighborhood school, Briargrove Elementary, is one of the best in Houston. Its success is built upon the commitment of the parents, teachers, and professional staff, and the small class sizes that are so critical to a good learning environment.

These concerned parents have pointed out that while the capacity for the school is 788, there are 834 students enrolled. It is already over capacity. To even consider building a development that would add potentially hundreds of additional students to an overcrowded school is nothing short of a disservice to every student who is already or would be enrolled in this school.

In addition to the overcrowding problems, it is my understanding that the Houston Housing Authority (HHA) did no research or due diligence with the Houston Independent School District (HISD) to determine what the impact of this project is on Briargrove Elementary.

Harvin Moore, the HISD Trustee for this area, did his own research as soon as he learned of this project. He confirmed that HHA never contacted HISD regarding this development and did no research regarding the impact on the school or traffic patterns around the schools. He could not find any research done by HHA prior to approving this project. I have enclosed Mr. Moore's formal objection to this project.

In addition, John Luman, a neighborhood leader, informed me of the unanimous opposition of the neighbors to this project. The residents are understandably worried about the additional stress on their local elementary school. Further, the current relief school for the area is expected to reach capacity in the coming years. Any additional students in the area would dislocate currently zoned students to another elementary

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Secretary Castro
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school. Residents of this community are not only appalled that the HHA never considered school capacity when identifying a suitable construction location, but also are concerned about the lack of transparency throughout the process. Mr. Luman's letter is enclosed.

My constituents in this neighborhood have poured heart and soul into making Briargrove Elementary one of the best schools in Houston, and into making their neighborhood one of the safest and best places to live in Houston. This proposed project will add hundreds of children to an already overcrowded school, and the children in this neighborhood will have a significantly reduced chance of attending their own neighborhood school.

HHA has provided absolutely no reason behind their selection of the Fountain View location. A project map has been shared with my office to show that there are numerous other potential building locations within the high opportunity zones, with high quality schools, that are not at capacity. It appears that HHA has chosen this location simply based off of convenience, as HHA previously owned the property for office space.

Therefore, I want to ask you, Mr. Secretary, and your staff to immediately notify the City of Houston, the Houston Housing Authority, and all relevant authorities to stop all further work on this project until they determine, in an informed way, the impact on the neighborhood schools and the traffic patterns.

In the meantime, I want to ask you to reform the notification process. HUD should develop a formal site selection process so that everyone who would be affected by the government's construction of a multifamily unit is notified. The government should do their due diligence in ensuring that there will be a minimum impact on school overcrowding and traffic in the area where the project would be built. This should be a natural part of the process, particularly in our culture of transparency.

I look forward to your prompt response to my objection. Time is of the essence. This project is moving forward rapidly, and I need to know that you will take immediate action to stop or slow down this project until the Houston Housing Authority and the other entities involved in this project can prove that they have considered both local impact and interests.

Sincerely,



John Culberson
Member of Congress

*Thank you
most Secretary*

Enclosures (2)

cc: Governor Greg Abbott
Commissioner George P. Bush
Mr. Lance Gilliam, Chairman, Houston Housing Authority
Senator Joan Huffman
Representative Jim Murphy
City Council Member Greg Travis
Mayor Sylvester Turner



**BOARD OF EDUCATION
HOUSTON INDEPENDENT SCHOOL DISTRICT**

HATTIE MAE WHITE EDUCATIONAL SUPPORT CENTER
4400 West 18th Street • Houston, Texas 77092-8501
Tel: 713-556-6121 • Fax: 713-556-6115

Harvin C. Moore
Trustee, District VII

January 15, 2016

The Honorable John Culberson
United States Congressman
Texas, 7th District
10000 Memorial Drive, Suite 620
Houston, TX 77024

Dear Congressman Culberson,

I am writing to object, on behalf of my constituents in District VII of the Houston Independent School District (HISD), to a proposed development at 2640 Fountainview Drive by the Houston Housing Authority (HHA) that uses federal and state funds and guarantees to construct a 233 unit complex that will put new families with children into a neighborhood school that is already overcrowded, thereby displacing local families from their neighborhood school.

According to the HHA, the project is planned to include 156 studio and one bedroom apartments, and 77 two bedroom apartments, which means, according to HHA's guidelines on the number of individuals who may occupy each room, up to 387 children. The neighborhood school to which these children would be zoned is Briargrove Elementary School, which has an enrollment of 834, despite a capacity of 788 students. Clearly, there is no room for additional students at this school, and by placing families into the zone, a significant number of children will be forced to attend other schools where there is excess capacity.

I have spoken with the Chairman of the HHA, Lance Gilliam, who has confirmed that to his knowledge, the HHA never provided notice to HISD of its interest or intention of building this project and did not request any data from HISD that would be necessary in order to assess the human environmental impact of this project at this site. I have confirmed from HISD administration that they were not informed of this project. It is also my understanding from Mr. Gilliam that no other potential sites were analyzed for this project. Such an analysis would have revealed that there are numerous nearby areas where this project could be sited with far less human impact. Mr. Gilliam explained that this site was chosen because an existing \$17 million building went on the market and HHA felt it was a good deal and it met HHA's criteria as a high opportunity area.

Despite the clear lack of capacity in the neighborhood school, a constituent of mine located a document dated May 18, 2015 written by HHA as part of a required notice (which was never provided to me or other elected officials or to the school district) that stated, in part, "The City of Houston has determined that this project will have no significant impact on the human environment." I have asked HHA for the documentation behind this statement and was told they would look for it, but have not seen it. Given HHA has stated a goal of providing a good school environment for the children in its projects, then certainly the capacity, or lack thereof, in



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Harvin C. Moore
Trustee, District VII

the neighborhood school, as well as the project's impact on the existing children in the area should have been assessed prior to the purchase of property.

HHA provided a map (attached here) showing numerous "opportunity zones" where they may build such projects. I asked HISD to overlay a map of elementary school attendance zones over the HHA map, and to include a colored circle indicating whether there is excess capacity in that school (this map is also attached). While many schools, like Briargrove, are at or above capacity, many, including several nearby this area, are not, and would have made better candidate locations for this project, had a site selection process that took human environmental impact into account, been done. All six of the nearby schools with capacity met standards under the Texas Education Agency's educational quality rating system. And those are just the nearby schools in HISD. Numerous Spring Branch ISD schools are also in adjacent qualifying opportunity zones.

This map overlaying HISD school capacity on HHA's opportunity zones took two hours for HISD staff to prepare, and is the sort of thing HISD is happy to do upon request from the general public or from a governmental entity seeking to evaluate educational impact. Had this map, or similar data, been requested at any time after HHA first identified the Fountainview property as a possible location for their project, a great deal of time and frustration could have been avoided, since the map makes very clear this is a poor choice of location given HHA's stated goals and requirements.

I have been told that the HHA often hears objections to its projects that are centered on, in the words of Mr. Gilliam, "not letting 'those' people into our neighborhood." Nothing could be further from the truth in this case. Briargrove Elementary is a very diverse school, with a non-Anglo population of 55%. This is because the attendance zone is also ethnically and economically diverse. In fact, part of the fallacy of claiming a need for subsidized housing in this area is the false belief that there is not already a great deal of low income housing in the area.

I have attached a map demonstrating the prevalence of low cost housing nearby, and it is clear that this immediate area has many units at or below, and in some cases far below, the planned rent levels in the Fountainview project. In fact, there is enormous additional low cost housing on the south side of Westheimer Road, as close as two blocks from this project. And while my understanding is that the HHA guidelines do not allow them to build a project on that side of Westheimer because that is outside the opportunity zone, it certainly must be considered as nearby and competing housing in any analysis. Overall then, there is already an very large supply of low cost housing very close to the proposed Fountainview project, which calls into serious question the reason for expending tax dollars on this project, even before considering the fact that there is literally no educational capacity in that location.

In short, Congressman, my constituents are shocked and disappointed that little to no analysis was done before making a decision to use significant tax dollars to build a project that is not



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Trustee, District VII

needed by the target market of low income individuals, cannot meet the educational needs of the very people it is proposed to be built to assist, and will displace a large number of existing families from their neighborhood school. I believe that citizens and taxpayers expect a responsible analysis to be done before spending tax dollars or undertaking major projects, and that was simply not done – at all – in this case. In addition, I believe citizens do and should expect that governmental entities will coordinate with each other so that tax dollars and operations of one entity will not negate or oppose tax dollars and operations of other entities. Thank you for your efforts to assist in this matter.

Sincerely,

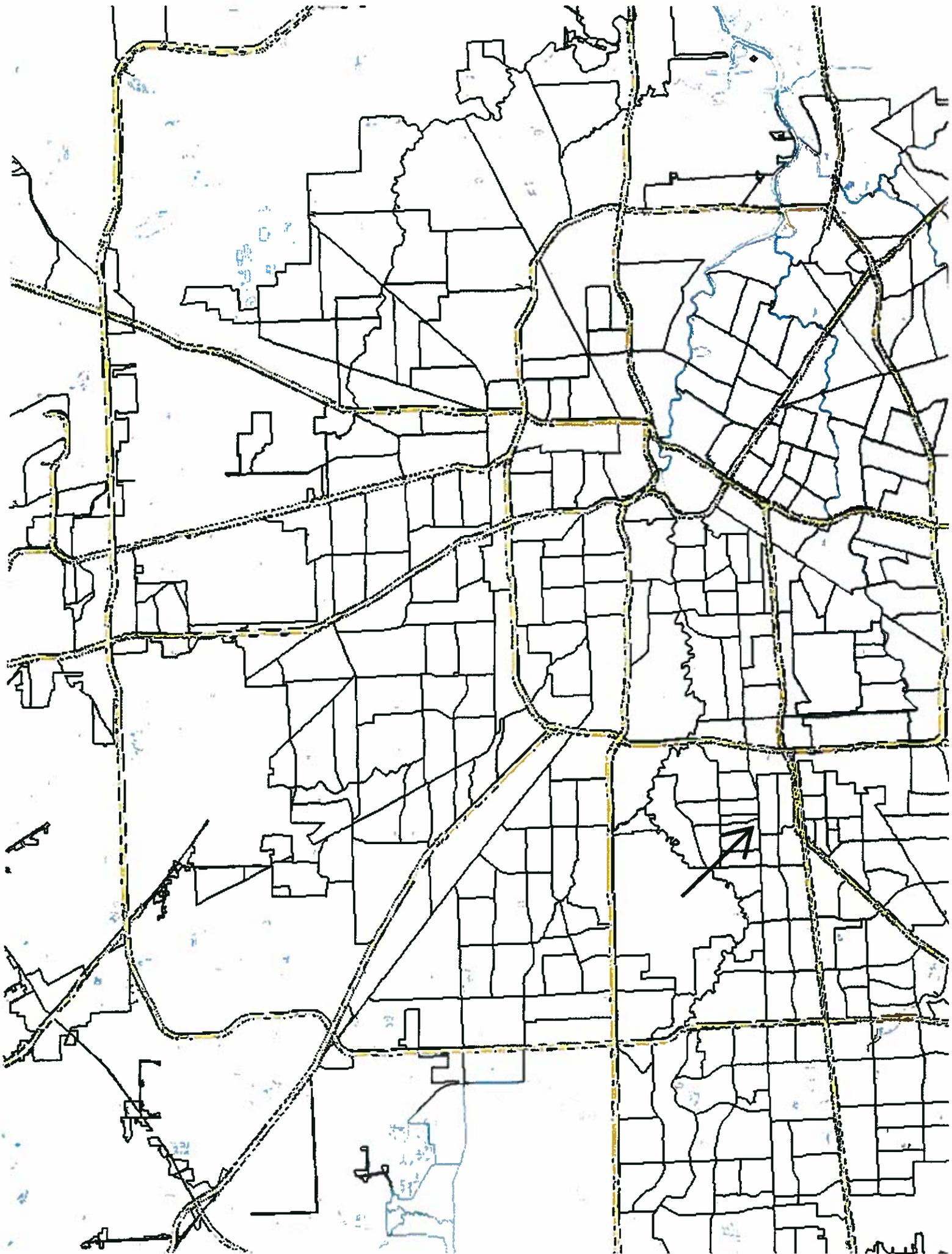
Harvin C. Moore
Trustee, HISD Board of Education

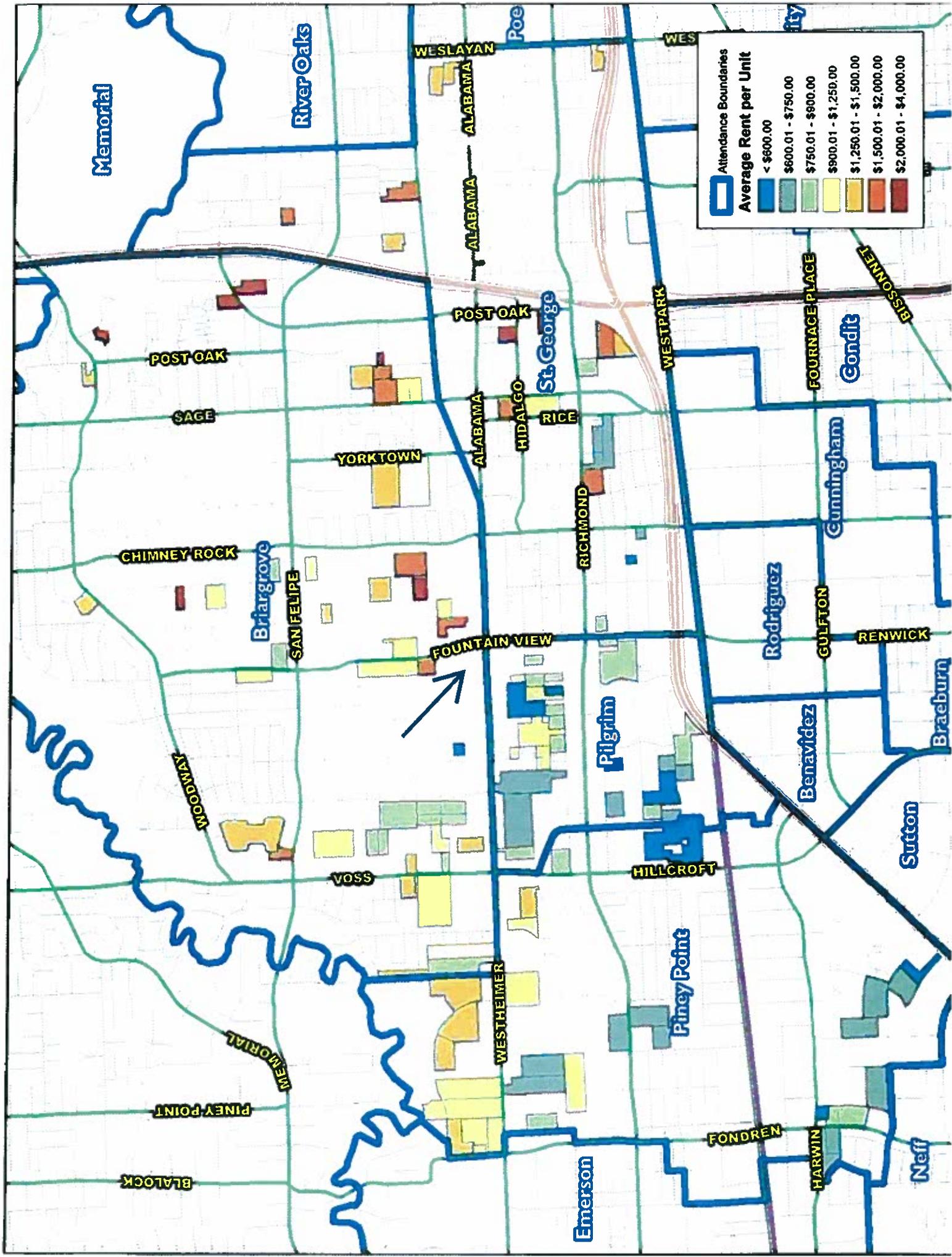
Attachments:

HHA Opportunity Zone Map for Greater Houston

HHA Opportunity Zone Map for Greater Houston with Overlay Provided by HISD of School Districts, Elementary School Zones and Capacities

HISD Provided Map of Average Rent Per Unit in Area Nearby Fountainview Project





John F. Luman III

6219 Chevy Chase Drive • Houston, TX 77057
Phone: 832-618-9567 • E-Mail: luman@texasstaralliance.com
Web: www.texasstaralliance.com

Date: January 19, 2016

The Honorable John Culberson
United States Congressman
Texas, 7th District
10000 Memorial Drive
Suite 620
Houston, Texas 77024

Dear Mr. Culberson:

Thank you for meeting with me last week to discuss the Houston Housing Authority's proposed project at 2640 Fountainview. As I mentioned, presently I am the community leader in opposition to HHA's proposed Fountainview project and the voice for several hundred residents in Briargrove, Tanglewood, Briarcroft, Charnwood, Briarbend and various townhomes whom unanimously oppose the project. I am also the former Dad's Club President at Briargrove Elementary School and an active member on the PTO Board. My daughter went there from K through 5th, and my son is in the 4th grade there. I first learned of HHA's proposed Fountainview project at a PTO Executive Committee meeting back in December 2015. Since learning of it, I have spoken to and emailed with hundreds of people, and it is fair to say no one I have communicated with, including the home owners' associations of the above neighborhoods, knew of the proposed development until about a month ago. There has been a total lack of transparency. To say that HHA is trying to fly under the radar screen on this project is, at best, charitable. No notice is bad government policy.

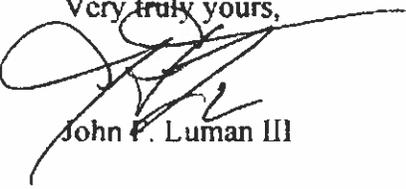
Now that residents of the affected neighborhoods know about the Fountainview project, they oppose it, not because it is low-income, but because the developers of this project cannot deliver on their promises to their potential residents. Indeed, there has been very thoughtful discourse on the need for affordable housing in Houston. Additionally, notwithstanding the utter failure of HHA to disclose the project to residents affected by it, the architectural plans recently shown to some of us depict a nice facility, which you would hope at a land purchase price of over \$17 million and proposed funding of \$36 million not including cost overruns.

The problem with the proposed location for the Fountainview project, however, is there is no public elementary school for the children in the 233 apartments to attend. Indeed, the Fountainview project will be zoned to Briargrove Elementary, a school that has been operating at capacity for several years. In fact, Briargrove Elementary turns away dozens and dozens of students at the beginning of every school year because there is no room for them. Those students who did not get in this year were offered the next closest available school with capacity: Memorial Elementary, 5.5 miles away by Memorial Park. The news station KPRC documented Briargrove's overcapacity problem with several reports this past August. See (1) <http://www.click2houston.com/news/students-show-up-to-school-to-find-no-room-in-classrooms>; (2) <http://www.click2houston.com/news/overcrowding-leaves-hisd-elementary-school-students-in-limbo>.

Our understanding is HUD and HHA seek to build affordable housing in "neighborhoods of high opportunity." One of the major criteria for new housing is access to better local schools. The Fountainview project does not meet that standard because the kids moving into those apartments are not guaranteed a spot in Briargrove Elementary. In fact, they realistically could wind up on a bus going to Memorial Park Elementary or some other elementary school miles away. Based on the number of proposed apartments (233 total, of which 77 will be two bedrooms), there could be a couple hundred kids looking for a place to go to elementary school. Additionally, the new Briargrove Elementary relief school being built on Fondren, Governor Mark White Elementary, will be at capacity before residents ever move into the Fountainview apartments. Where will the City of Houston accommodate the volume of new students? Why put a new City owned apartment complex in a location where the kids cannot go to a local school? Moreover, is it fair to the affected neighborhoods that they will not be able to send their kids to their local school due to the increase in students from a City owned apartment complex? Is it smart fiscal policy to take such a valuable, tax revenue generating property off the market? It is clear to all of us, HHA never considered school capacity, or anything else, when deciding on the Fountainview location. What exactly did they consider and study with respect to Fountainview?

HHA's Fountainview project has been opaque from the outset. It only came to light in the last couple of months, and it has taken a lot of digging and asking to learn about it. No one at HHA consulted with those in the affected neighborhoods or neighborhood HOAs. Trying to "slip" this project through is not how government should function. The location for the project is a bad idea, for both the future renters at the Fountainview apartments and those already living in the Briargrove Elementary school zone. We ask you to look into the process followed by HUD and HHA to see if they complied with all laws, rules, and regulations governing the selection of location for the Fountainview affordable housing project.

Very truly yours,



John P. Luman III