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Michael M. Daniel

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George Purefoy
City Manager for the City of Frisco, TX
George A. Purefoy Municipal Center
6101 Frisco Square Blvd.
Frisco, TX 75034

Richard Abernathy
City Attorney for the City of Frisco, TX
Abernathy Roeder Boyd & Hullett, P.C.
1700 Redbud Boulevard, Suite 300
McKinney, Texas 75070-1210

Re: City of Frisco and the West Ridge Villas development

Dear Mr. Purefoy & Mr. Abernathy:

We represent the Inclusive Communities Project, Inc. (ICP). ICP is a Dallas based fair housing organization that works to create and maintain racially and economically inclusive communities and to expand fair and affordable housing opportunities for low income families. ICP helps low-income persons obtain affordable housing in decent and safe conditions free from the vestiges of racial discrimination and segregation and in neighborhoods with adequate services and facilities throughout the Dallas metropolitan area. In particular, ICP assists families with Housing Choice Vouchers seeking housing in non-racially segregated, non-poverty concentrated areas.

The City of Frisco is making the low income affordable units proposed in the West Ridge Villas unavailable in the predominantly White non-Hispanic WestRidge area. The City staff cited the City's land use policy concerning multifamily zoning as a reason for the refusal to support the West Ridge Villa's 9% LIHTC 2015 application. The refusal made the 9% LIHTC funded units unavailable by denying the selection criteria points for municipal approval. This ranked the West Ridge Villas' application below the selection criteria point total necessary to obtain an award of 9% LIHTCs. The City of Frisco is now using its land use and utility policies and decisions in the ongoing actions to obstruct and prevent the construction and occupancy of the West Ridge Villas affordable rental housing development. The City's actions are making the units unavailable to a disproportionately Black or African American population - families that are eligible for and would occupy the affordable rental housing in the West Ridge Villas development including

housing choice voucher holders. The City's actions are perpetuating racial segregation in the WestRidge area of Frisco and McKinney, the City of Frisco, and the Dallas Metropolitan area.

The relevant City actions include the following:

- The February 17, 2015 City Council decision to table the agenda item(s) on the request for resolution approving letters of support for the West Ridge Villas LIHTC application;
- The March 3, 2015 City Council decision to deny the request for a resolution approving a letter in support of the West Ridge Villas LIHTC application; and
- The continuing refusal by City of Frisco employees to allow the purchase of water for use in the construction of the West Ridge Villas apartment development. This includes the City of Frisco's refusal to connect the existing water and sewer lines already in place adjacent to the West Ridge Villas.

The City of Frisco's Council approved 2015 analysis of impediments to fair housing choice identifies the lack of affordable housing in Frisco as an impediment to fair housing choice. The identified actions to address this impediment include using all available federal and state funding sources and programs for the development of affordable housing and for actions to encourage developers to provide affordable rental housing. The public record of the City's actions regarding the West Ridge Villa's development contains no information showing that the City applied its own analysis of impediments, otherwise affirmatively furthered fair housing, or identified legitimate non-discriminatory governmental interests in its decisions to make the West Ridge Villas' affordable rental housing units unavailable.

The City's 2015 affirmatively furthering fair housing policy provides:

IMPEDIMENT TWO - LIMITED SUPPLY OF AFFORDABLE HOUSING

. . . Incentives for the creation of affordable housing should be structured so that they are stringent enough to produce the desired units, but palatable to the developer as well.

RECOMMENDATIONS AND ACTIONS

1) continue to use all available federal and state funding sources and programs to address high priority housing needs for . . . and development of affordable units.

. . .

5) Continue to seek incentives to promote developers constructing a wide range of housing types at a number of price points, considering transportation, employment centers and the availability of services and shopping in their planning.

6) Housing for . . . and minorities should be scattered throughout the City.

IMPEDIMENT THREE - GOVERNMENT POLICIES

This impediment deals with issues relating to the development of land including housing that is available to a wide range of persons and income levels in disparate locations. . . .

Recommendations

. . .

5) Seek new or additional incentives, as noted in Impediment Two, to get developers to undertake affordable projects or to include affordable units in market rate projects.

IMPEDIMENT FOUR - AWARENESS OF POTENTIAL DISCRIMINATION

. . .

Recommendations

1) Increase housing choice alternatives for the disabled and families with children by encouraging the construction of affordable, and especially rental, housing. . . . City of Frisco, Analysis of Impediments to Fair Housing Choice 2015, pages 47-49, City Council Resolution .Resolution 15-06-47R.

Frisco, as a CDBG recipient, is bound by HUD’s Affirmatively Furthering Fair Housing regulation setting the standard for what the phrase “affirmatively furthering fair housing” requires. Frisco must comply with the obligation by:

. . . taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing means taking meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws. The duty to affirmatively further fair housing extends to all of a program participant’s activities and programs relating to housing and urban development. 24 C.F.R. § 5.152.

Based on the public record of the City’s actions with regard to the West Ridge affordable rental housing development:

- the City took no action to foster and compliance with civil rights and fair housing laws;
- the City did not take into account the racially discriminatory effects of its actions in excluding affordable rental housing from a predominantly White non-Hispanic area;

- the City took no action to avoid the racially discriminatory effects of its actions in excluding affordable rental housing from a predominantly White non-Hispanic area;
- the City did not state any legitimate governmental interest in the policies and decisions causing the exclusion of the affordable rental units that continues to occur;
- the City did not offer any non-discriminatory reasons or explanations for its actions other than a general statement that the site would not be appropriate for multifamily zoning;
- the City did not take any of the actions listed in its 2015 Analysis of Impediments to Fair Housing Choice that applied to the provision of affordable rental, and
- the City did not take any of the actions defined by HUD as affirmatively furthering fair housing including taking meaningful action necessary to foster and maintain compliance with civil rights and fair housing laws.

The City's actions making the West Ridge Villas' affordable rental housing unavailable directly impedes and obstructs The Inclusive Communities Project, Inc.'s ability to obtain affordable rental housing in non-minority areas for its clients. ICP's mission is to achieve housing desegregation by eliminating the obstacles that confront African-Americans and other minorities in their pursuit of equal housing opportunities. The City's actions making the West Ridge Villas' affordable rental housing unavailable directly injures ICP in its efforts to obtain the equal housing opportunities that its clients want.

This is a request for any records that shows the legitimate governmental interests or other reasons for the City of Frisco's actions refusing to provide a resolution of support for the West Ridge Villas 9% LIHTC 2015 application. This is a request for any records that shows the legitimate governmental interests or other reasons for the City of Frisco's continuing refusal to allow the purchase of water for use in the construction of the West Ridge Villas apartment development and the City of Frisco's refusal to connect the existing water and sewer lines already in place adjacent to the West Ridge Villas.

If there are appropriate and reasonable costs in providing these records, ICP will pay such costs as are authorized by the Texas Public Information Act, Tex. Gov't Code § 552.001, *et seq.*

Sincerely,



Mike Daniel
Laura Beshara
attorneys for ICP

cc: Ms. Demetria McCain, President ICP
Ms. Elizabeth K. Julian, Founder/Senior Counsel ICP
Ms. Ann Lott, President ICHDC