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**Via First Class Mail**

Brenda McDonald  
Messer, Rockefeller & Fort  
6351 Preston Rd  
Ste 350  
Frisco, TX 75034

Re: Town of Addison exclusion of vouchers and tax credits from Addison Grove apartments

Dear Ms. McDonald:

We represent the Inclusive Communities Project, Inc. (ICP). The Town of Addison's prohibition of the use of vouchers authorized by 42 U.S.C. § 1437f and the low income housing tax credits (LIHTC) from the Addison Grove multifamily rental units will exclude ICP's clients who use vouchers in perpetuity.

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. ICP's Mobility Assistance Program (MAP) is a longstanding housing mobility program serving Dallas Housing Authority (DHA) housing choice voucher families seeking racially integrated housing opportunities in Dallas and the Dallas area.

There are no housing choice voucher tenants in the Town of Addison. The exclusion of vouchers from Addison has a disparate adverse impact on African Americans and perpetuates racial segregation. 87% of the DHA voucher families are African-American. 79% of all the voucher families in the Dallas MSA are African-American. There are no LIHTC units in the Town of Addison. The residents of the non-elderly LIHTC units in the Dallas Metropolitan Division are predominantly minority.

The Town, with knowledge that there are no housing choice voucher tenants in Addison, is implementing a policy to exclude future voucher families. The Town Council approved the total exclusion of voucher families as a condition for the provision of \$6.5 million in financial assistance for the Addison Grove development. This exclusion will continue the existing exclusion of voucher families and perpetuate racial segregation in the Town and in the Dallas area. *Town of Huntington v. Huntington Branch*, 488 U.S. 15, 18 (1988); *Dews v. Town of Sunnyvale*, 109 F.Supp.2d 526 (N.D. Tex. 2000).

This is a request for the Town to provide a statement of the Town's justification for the exclusion of vouchers from the Addison Grove apartments. The request is for the Town's

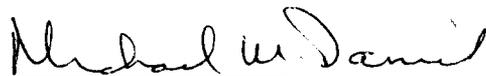
statement of why the exclusion of vouchers is necessary to achieve one or more substantial, legitimate, and nondiscriminatory interests of the Town. This includes stating the substantial, legitimate, and nondiscriminatory interests of the Town that are served by the exclusion of vouchers. ICP also requests a statement whether the Town considered whether those interests could be served by another practice or policy. If so, what other practices or policies did the Town consider? If the Town considered other practices or policies, what reasons caused the Town to reject those alternatives.

The refusal of landlords to participate in the voucher program is an effective means of excluding voucher families from the Town. The low income housing tax credit program is and has been the major source of affordable rental units for low income families in the Dallas area. This program prohibits the owners and managers of the tax credit units from discriminating against voucher families. The Town Council approved the the total exclusion of LIHTC units as a condition for the provision of \$6.5 million in financial assistance for the Addison Grove development. This exclusion will perpetuate racial segregation in the Town and in the Dallas area.

ICP requests a statement of the Town's justification for the exclusion of LIHTC units from the Addison Grove apartments. This is a request for the Town to state why the exclusion of LIHTC units is necessary to achieve one or more substantial, legitimate, and nondiscriminatory interests of the Town. What are those substantial, legitimate, and nondiscriminatory interests of the Town? Has the Town considered whether those interests could be served by another practice or policy. If so, what other practices or policies did the Town consider? If the Town considered other practices or policies, what reasons caused the Town to reject those alternatives.

The Economic Development Program Grant Agreement for Addison Grove requires that the deed restriction provide that an Owner shall be deemed to be in compliance with the Deed Restriction for so long as the multi-family portion of the Project is consistently maintained in a first-class manner consistent with other luxury multi-family properties in the Addison-North Dallas, Texas submarket. Neither the Agreement nor the Town Council Resolution define the term "first class manner." This is not the commonly used Class A, B, C, D, U classification scheme for multifamily properties. Does the term "first class manner" that is to be included in the Addison Grove deed restriction include a prohibition on the use of vouchers in the operation of the Addison Grove development? Such a prohibition would also exclude vouchers from the apartments and perpetuate racial segregation.

The Town's exclusion of vouchers from the Addison Grove apartments continues the complete exclusion of vouchers from the Town. The exclusion directly injures ICP's clients and ICP. ICP is willing to meet with the Town to discuss these issues.



Michael M. Daniel  
Laura B. Beshara  
attorneys for ICP

cc: Ms. Demetria McCain, President, The Inclusive Communities Project, Inc.  
Ms. Elizabeth K. Julian, Founder and Senior Counsel, The Inclusive Communities Project, Inc.