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LOCAL // HOUSTON

## Houston, Harris County seek waiver of bedroom limit on rebuilt Harvey homes

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The gutted kitchen of Joe Fowler's home in the Kashmere Gardens neighborhood, almost two years after it flooded from Harvey on Tuesday, June 18, 2019 in Houston.

Photo: Elizabeth Conley, Houston Chronicle / Staff photographer

The calendar in Joe Fowler's Kashmere Gardens home still displays August 2017, its pages curled around a screw fastened to the moldy drywall.

Fowler has been unable to live in his Pickfair Street home since Hurricane Harvey forced three feet of water inside and his family out. Twenty-two months after the storm, Fowler and his four-year-old son still are waiting on the city of Houston to help rebuild, using disaster recovery funds awarded through the federal Housing and Urban Development Department.

“Every time we come over here, it’s ‘Daddy, when are we going to move home? Is the house still broke?’” he said.

A rule created by the Texas General Land Office, however, could force Fowler’s family to downsize.

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The GLO rule bars local governments from using federal Harvey recovery grant funds from rebuilding a home with more bedrooms than the number of people living there. The land office, which is in charge of disbursing the federal government disaster housing funds to cities and counties, says the restriction would enable officials to help more households.

Houston and Harris County have requested waivers that would exempt them from the guideline, a move officials say is critical to fully replenishing the local housing stock damaged by Harvey.

Houston Mayor Sylvester Turner, city Housing Director Tom McCasland and Harris County Precinct 1 Commissioner Rodney Ellis contend that the requirement unfairly diminishes the value of three- and four-bedroom homes inhabited by parents whose children since have moved out.

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If the city and county do not receive the waiver, residents in that scenario could only rebuild homes with two bedrooms, they said.

"That's value that they've put most of their life savings in," McCasland said.

Fowler, 65, said he grew up in the five-bedroom, 1,900-square-foot house with his 11 siblings and parents, who purchased the home in 1968.

The floors are uneven and rotted. Sunlight pours through a gaping hole in a wall. Fowler and son have lived with friends since the storm, though he visits the home often to mow the yard and to deter squatters.

He said the city has offered to rebuild a three-bedroom home on the site, which would be shared with his brother and sister. He worries a smaller house no longer would serve the role his parents planned when they left the family home to their children.

"Over the years, even when my parents were here, when siblings would fall on hard times, then they'd move back here until they could get situated," Fowler said. "They could always move back here."

The city and county have asked the GLO to waive the provision which is contained in its housing guidelines that, in turn, were approved by the U.S. Department of Housing and Urban Development. The GLO declined to waive the guideline, but forwarded the request to HUD "for further consideration."

HUD spokesman Brian Sullivan, however, said the department has no position on the guideline regarding the number of bedrooms, and the GLO is free to waive it.

"This is a question the State of Texas must answer as it considers how any change to its recovery plan might impact its ability to serve the greatest possible number of Texas families," Sullivan said.

In its request, the city asked HUD to make three-bedroom homes the "standard" size, instead of two.

McCasland and Ellis said the current requirement would acutely affect low- and moderate-income families, who make up at least 70 percent of the homeowners eligible for rebuilding assistance, according to Ellis' office.

In a letter sent to the GLO earlier this month, McCasland wrote that a city study found that Harvey impacted about 243,000 low- and moderate-income people across nearly 98,000 households, an average of about 2.5 people per home.

"Given that many of the homes to be replaced were at least 3-bedroom homes before Harvey, the city must consider more than household sizes to ensure an equitable recovery," McCasland wrote.

Heather Lagrone, the GLO's deputy director of community development and revitalization, wrote to McCasland that "replacing a pre-existing home without consideration of unit size in relation to family size would disproportionately assist applicants with larger sized homes." Doing so would limit the number of households that can use the program, she wrote, though she noted the GLO could grant waivers for individual cases.

Ellis likened the GLO rule to historic housing discrimination that delayed the ascendance of many black and Hispanic families into the middle class. He argued it would harm the ability of low-income families to transfer generational wealth, in the form of homes, to children and grandchildren.

"You're going to create another group of second-class people," Ellis said.

Daphne Lemelle, executive director of Harris County's Community Services Department, said the GLO must consider that the Houston area not only needs to rehabilitate its housing stock post-Harvey, but prepare the region for future growth and acute housing demand.

"Keep in mind, whenever we rebuild housing here, we're not only just rebuilding for the family who's there today, but we're looking to the future, because this housing is going to have to be resilient, and going to sustain for future growth for the county," Lemelle said.

Zoe Middleton, Houston-co director of the nonprofit Texas Housers, said the GLO rule is well-intentioned, as it aims to ensure tax dollars are used to rebuild as many home as possible. In practice, however, she said it does more harm than good.

“We already know that disaster compounds wealth gaps,” she said. “This would alter the wealth of, not only households, but the economic stability of neighborhoods.”

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