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## **Lawsuit Alleges Discrimination in Port Isabel Hurricane Rebuild Efforts**

*Millions of dollars in damages sought to reconcile wrongful actions*

**PORT ISABEL, Texas** – Today, the Cameron County Housing Authority (CCHA) filed suit in the U.S. District Court for the Southern District of Texas, Brownsville Division, against the City of Port Isabel, the Port Isabel City Commission and the Port Isabel Planning and Zoning Commission (Defendants). The Complaint asserts that the Defendants violated federal fair housing and civil rights laws by blocking efforts to rebuild affordable housing after Hurricane Dolly struck the area in 2008.

The suit, filed by the CCHA with assistance from Texas Appleseed, a public interest justice center, and Dallas-based Bell Nunnally & Martin LLP, alleges that city entities blocked the rebuilding of the Neptune Apartments, a multi-family affordable housing development in a predominantly Anglo neighborhood in Port Isabel, based on discriminatory hostility towards Latino persons and families with children.

CCHA was awarded federal disaster recovery funds to rebuild Neptune Apartments as mixed-income housing in 2014. The lawsuit alleges that the redevelopment efforts were repeatedly thwarted due to the Defendants' refusals to authorize necessary zoning changes and use permits necessary to the Neptune Apartments rebuild. Despite numerous attempts to work with the City, the Defendants refused to allow the project to move forward, resulting in the loss of federal funding for rebuilding in late 2015. These actions, plaintiffs allege, were motivated by concerns with the national origin and familial status of intended tenants.

"The Defendants' wrongful actions caused the CCHA to lose out on millions of dollars in federal grant funding," said Ben Riemer, lead counsel for the Plaintiffs. "The inability to rebuild this housing had a disproportionate impact on Port Isabel's Latino community."

"This is a prime example of the fact that even when natural disasters don't discriminate, recovery can," said Madison Sloan, director of Texas Appleseed's Fair Housing and Disaster Recovery Project. "Jurisdictions can't choose who gets to recover based on their race, national origin, or other legally protected characteristics, nor can they allow community opposition to prevent rebuilding."

"With so many Texas counties working right now to rebuild after Harvey, hopefully this lawsuit serves as a wake-up call to officials who may be tempted to ignore the need for and legal requirements around equity in rebuilding," said Deborah Fowler, executive director of Texas Appleseed. "Equitable rebuilding should be established as a priority early in the process – not just because it is legally required, but because it is the right thing to do."

(more)

CCHA's tenants are 99 percent Latino and 74 percent families with children. In the summer of 2015, plaintiffs organized and conducted two community outreach meetings to discuss the future of the Neptune Apartments site. The complaint describes one such meeting:

*...the Anglo residents ... [described] not wanting "those people" to come back, because the neighborhood had been "cleaned up," and multi-family residents would bring "drugs and crime" back to the neighborhood. Residents also made comments based on stereotypes about Latino persons including larger families sizes and loud celebrations, and comments about children being outside too often, indicating a bias against families with children.*

CCHA asserts that this biased thinking guided Port Isabel officials in thwarting the Neptune Apartments site from being rebuilt. Notably, while the rest of Port Isabel's affordable housing is clustered in an inland area with lower land values, the Neptune Apartment site was situated in a higher-income, disproportionately non-Hispanic white neighborhood abutting Laguna Madre.

The CCHA seeks relief under the Fair Housing Act of 1968, Title VI of the Civil Rights Act of 1964 and the Equal Protection Clause of the 14th Amendment to the U.S. Constitution, including a finding of discrimination and damages that would fully compensate CCHA for the loss caused by Defendants' actions and enable them to rebuild desperately needed affordable housing.

"The circumstances leading up to this action raise public policy concerns," said Riemer. "The potential implications of this case are significant and overarching – both for Port Isabel and for other communities, in Texas and across the nation, that are facing disaster rebuilding efforts."

#### **About Texas Appleseed**

Texas Appleseed is a nonprofit public interest justice center that works to change unjust laws and policies that prevent Texans from realizing their full potential. It conducts data-driven research that uncovers inequity in laws and policies and identifies solutions for lasting, concrete change. For more information, visit [www.TexasAppleseed.org](http://www.TexasAppleseed.org).

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