



May 2, 2022

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Via email to: cdr@recovery.texas.gov

Complaint Regarding Conduct of Regional Method of Distribution Process

Dear Ms. Lagrone:

Texas Appleseed is submitting this complaint regarding the conduct of the Regional Method of Distribution process (MOD process) by subrecipient Councils of Government (COG). We request that the State stop the ongoing MOD process for all subrecipient COGs - which was initiated before the State's Action Plan Amendment 1 was approved¹ - investigate whether the citizen participation process in each of the subrecipient COGs complied with state and federal requirements, and conduct a MOD process that includes meaningful citizen participation and otherwise complies with both federal law and requirements and the State's own CDBG-MIT Action Plan and guidance for subrecipients.

¹ The GLO MOD Guidance (Guidance) clearly requires that the Public Planning Meeting that must take place before the preliminary MOD is submitted to GLO must discuss "the amount of funding available to the COG." Before the approval of Action Plan Amendment 1, this amount of funding available to each COG was not certain. A second process must be held for funds that were only available to each COG when Amendment 1 was approved by HUD on March 18, 2022.

I. Subrecipient Failure to Comply with Citizen Participation Requirements

The Federal Register Notice (FR Notice) setting out Allocations, Common Application, Waivers, and Alternative Requirements for Community Development Block Grant Mitigation Grantees (CDBG-MIT) mandates a “robust” citizen participation process to “mitigation activities are developed through methods that allow all stakeholders to participate . . . because citizens recovering from disasters are best suited to ensure that grantees will be advised of any missed opportunities and additional risks that need to be addressed.” (84 FR 45838, 45852, August 30, 2019.) As a condition of its eligibility for CDBG-MIT funding, the State has certified that it is following a detailed citizen participation plan, and “[a]lso, each local government receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).” (84 FR 45869) The regional Councils of Government (COG) – which are regarded as units of local government for purposes of CDBG-DR and CDBG-MIT funds – are not complying with the requirements of 24 CFR 570.486, the waivers and alternative requirements provided in 84 FR 45838, or the alternative requirements provided in the State of Texas CDBG-MIT Action Plan Amendment 1 and the Texas CDBG-MIT Regional Mitigation Program COG Method of Distribution Guidance published by the Texas General Land Office (GLO).

Notably, HUD has not waived 24 CFR 9.115 (e) which requires the state to “describe the citizen participation requirements for units of general local government receiving CDBG funds from the State.” Under the applicable waivers, the State did not need to include the specific requirements in 24 CFR 570.486, and instead established alternative citizen participation plan requirements for the COGs in Action Plan Amendment 1 and the MOD Guidance. The State’s Action Plan requires that “each COG follow a citizen participation process.”² The details of the citizen participation process required by the Action Plan are laid out in the State’s MOD Guidance.

Units of local government that did not follow the “detailed citizen participation plan” requirements in the MOD Guidance have not complied with the State’s certification of citizen participation.

The state’s Method of Distribution Guidance provides the requirements for COG Citizen Participation Plans. The Guidance clearly mandates a citizen participation process that includes extensive outreach and the accommodation of LEP persons and persons with

² AP Amendment 1 at 257.

disabilities; not merely publication of meeting notices and a 15-day public comment period on the proposed MOD. Not only is each COG “required to publish notice of any public hearings prior to holding the hearings” in local newspapers of record and on the COG’s website, but it must also be “provided to all eligible cities, counties, and other stakeholders in the region.”³ Publishing the notice alone is not sufficient.

Section 2.2.1 of the MOD Guidance states:

*The Citizen Participation Plan must document and describe efforts to reach out to housing advocacy organizations, faith-based organizations, and other community groups. The COG **must make efforts to bring non-elected members of the community into discussions regarding the MOD.** For example, the COG could work with places of worship, schools, and other organizations. The COG may also utilize radio and television public service announcements.*

*The COG is encouraged to consult with local governments and departments including public housing authorities, floodplain administrators, public work departments, emergency managers, local hazard mitigation and city planners, and stormwater management branches. The COG is also encouraged to **gather input from river authorities, conservation groups, historical preservation groups and other organizations that may have knowledge about needed mitigation efforts in the community.***

*The COG **must contact and work with local organizations representing protected classes of individuals, as well as organizations interested in fair housing issues,** to gain additional perspective on fair housing and civil rights issues in the COG. This exercise should also help the COG understand how the people they represent are affected by natural disasters. Approaches beyond simple written notification of public hearings are encouraged. **For example, the COG could host a separate meeting with housing advocacy groups active in the region or visit local offices of civil rights groups. The COG could also pursue personal outreach by calling groups individually.***⁴

³ Texas General Land Office, Texas CDBG-MIT Regional Mitigation Program COG Method of Distribution Guidance, October 1, 2021, at 4. (“Notices shall be published in all major regional newspapers, posted on the COG’s website, **and** provided to all eligible cities, counties, and other stakeholders in the region.”) (emphasis added) PuAvailable: <https://recovery.texas.gov/documents/mitigation/programs/regional-mitigation/mit-cog-mod-guidelines.pdf>

⁴ MOD Guidance at 6. (emphasis added)

In addition, “[t]he COG **must** reach out to and accommodate for Limited English Proficient (LEP) Persons and the organizations that serve them”⁵ and “**must** identify how it will accommodate the needs of any person with a disability, including holding in-person meetings in accessible facilities and making reasonable accommodations for in-person **and/or virtual meetings/public hearings.**”⁶

The State’s MOD Guidance clearly requires a citizen participation process that goes beyond a single public hearing, including bringing community members “into discussions regarding the MOD”, “consult[ing]” local governments and departments, “gather[ing] input” from “organizations that may have knowledge about needed mitigation efforts in the community”, and “contact[ing]and work[ing] with” organizations representing members of protected classes.” The MOD Guidance clearly anticipates that there will be not only “additional meetings, hearings and workshops and other requests for public comment contributing toward the development of the MOD” and requires that the Citizen Participation Plan “include a list of those contacted and consulted in the development of the MOD.”⁷

H-GAC is the only COG that posted its Citizen Participation Plan online; however, it did not include the reference list of stakeholders referenced so it is impossible to determine from the posted portion of the Plan whether those stakeholders included the required persons and organizations, particularly those most affected by Hurricane Harvey with the greatest mitigation needs. H-GAC did not reach out to the Houston Organizing Movement for Equity (HOME Coalition) a coalition of twenty organizations, formed in response to Hurricane Harvey, that advocate for a just recovery or Texas Appleseed, both of which have worked extensively on disaster recovery in Houston-Galveston region in collaboration with the most affected populations including protected classes and low-income populations. Although the failure to contact specific stakeholders does not in itself indicate that HGAC failed to comply with the MOD Guidance, public comments reveal that other public officials and non-profit organizations also did not receive notice of the public planning meetings. The lack of notice provided to stakeholders who are deeply involved in regional advocacy on these issues demonstrates that the H-GAC stakeholder list does not include categories of organizations mandated by the MOD Guidance or that stakeholder lists are incomplete.

⁵ MOD Guidance at 7. (emphasis added)

⁶ MOD Guidance at 7. (emphasis added)

⁷ MOD Guidance at 7. None of the three Citizen Participation Plans we reviewed distinguished between stakeholders to whom the COG gave notice of the public hearing and stakeholders who were “consulted” in the development of the MOD.

DETCOG and BVCOG provided their Citizen Participation Plans to Texas Appleseed. While both COGs reached out to stakeholders or publicized their public planning meetings using means beyond written notice – DETCOG contacted stakeholders by phone, facsimile, and mail, and BVCOG sent the announcement to local media outlets and social media, there is no indication that the citizen participation process in either COG was more extensive than one public meeting.

II. Accessibility for persons with LEP and with disabilities

Under Title VI of the Civil Rights Act of 1964 and the Americans with Disabilities Act, the MOD process must be accessible to both LEP populations and persons with disabilities. The General Land Office clearly stated laid out these requirements in the MOD Guidance; “[t]he COG must reach out to and accommodate for Limited English Proficient (LEP) Persons and the organizations that serve them”⁸ and “must identify how it will accommodate the needs of any person with a disability, including holding in-person meetings in accessible facilities and making reasonable accommodations for in-person and/or virtual meetings/public hearings.”⁹

The importance of this mandatory specific outreach to LEP persons and organizations that represent them and persons with disabilities is illustrated by the inaccessibility of notice of both the hearings themselves and of the availability of translation in the MOD process. We note that we have not been able to review the Citizen Participation Plans of the majority of the subrecipient MODs; to the extent these Plans did not identify specific LEP populations or organizations that serve LEP persons and directly reach out to these populations and organizations beyond a general written public notice of hearing, those COGs did not comply with the citizen participation requirements of the MOD Process, CDBG-MIT Program, or Title VI of the Civil Rights Act of 1964.¹⁰

H-GAC is the only COG that provided translation – into Spanish, Mandarin, Vietnamese, and American Sign Language (ASL) – without requiring the public to ask for those specific accommodations. The other COGS required LEP persons to ask for translation services 48 to 72 hours in advance of the hearing.¹¹ At least four of those COGs – BVCOG, CAPCOG, CBCOG, and GCRPC – however, only provided the notice of hearing

⁸ MOD Guidance at 7. (emphasis added)

⁹ MOD Guidance at 7.

¹⁰ H-GAC is the only COG that posted portions of its CPP online and DETCOG and BVCOG provided copies of their Citizen Participation Plans upon request.

¹¹ Four COGs required a request for translation of other communications accommodations 48 hours in advance of a hearing and a request for accommodations for a disability within 24 hours of the hearing.

that informed LEP persons they could ask for accommodations in English. COGs that provided notice of hearing in more than one language on their websites – AACOG, CTCOG, DETCOG, and SETRPC – required LEP persons to navigate and English-only website in order to find these notices.

BVCOG’s Citizen Participation Plan states that “Notices for the public hearings will be sent out to local media outlets, social media and public service announcements that reach many residents who have Limited English Proficiency and disabilities such as auditory and visual impairments that may hamper their receipt of the notices in other ways” and that “[t]he BVCOG uses on a daily basis a number of methods to communicate with non-English speaking citizens.” While we appreciate that BVCOG provided its citizen participation plan, the plan does not include which targeted methods and media outlets were used, or whether there was specific outreach to individuals or organizations.

Similarly for persons with certain disabilities, visual impairments, for example, it is not clear how the majority of COGs ensured that those persons had access to notice of the hearing and of the opportunity to request reasonable accommodations as the only notice available is in writing.

We request that GLO conduct a detailed investigation of whether its subrecipients complied with citizen participation requirements as the available information indicates non-compliance with LEP and accessibility requirements and laws.

III. Specific Issues

A. H-GAC

H-GAC held three public planning meetings on February 3, 2022. Notice of the hearings was published on the COG’s website and H-GAC was the only COG to provide notice on social media, posting notice on Facebook, and Twitter on January 27, 2022, seven days before the hearing. However, this was the only post on either site regarding the meeting, while the COG posted multiple times over the same week about its annual meeting, which also took place on February 3, 2022. At the 6:00 pm hearing on February 3, 2022, both community members and public officials commented that they had only learned about the public hearing that day.¹² The MOD Guidelines require outreach to

¹² H-GAC Record of Public Comments at 2. Available: <https://www.h-gac.com/getmedia/032833a3-0f88-4bca-8b7c-0fa60b8a7c78/Community-Development-Block-Grant-Mitigation-Funds-Method-of->

both specific groups and populations and clearly contemplate an outreach process that is not limited to notice of one public hearing. All public comments, oral and written, were due by 5:00 pm on February 4, 2022. The majority of the public had less than 24 hours to submit comments on the MOD process. At most, H-GAC residents who could attend the 10:00 am meeting had 30 hours to submit comments, and members of the public who could only attend the 6:00 pm hearing had 23 hours. This is an inadequate public comment process by any standard.

However, the ways in which H-GAC's public engagement and comment process were insufficient are secondary to the fact that the COG's entire comment process was a sham. H-GAC's website states that H-GAC "**is developing** a Method of Distribution" and that it "accepted oral and written comments **on the development of the MOD.**"¹³ This was untrue.

In both public notices and in presentations at all three public meetings, H-GAC stated that the COG was "seeking input on the development of a Method of Distribution (MOD) in Community Development Block Grant (CDBG) Mitigation funds," presented objective factors and funding options as "proposed", and used the process chart included in GLO's MOD Guidance to explain that the COG was in the public planning meetings stage, which precedes the COG "**creat[ing]** and submitting the preliminary MOD to GLO for approval."¹⁴ Contrary to these representations, however, H-GAC had already selected objective factors and funding options, created a methodology, and proposed an allocation of CDBG-MIT funds that had been approved by the H-GAC Water Resources Committee on January 18, 2022. That methodology denied CDBG-MIT funding to Houston and Harris County where over 4.5 million of H-GAC's 7.2 million residents live, for example, without giving those residents any input into that decision.

This failure to inform the public that H-GAC has already created a preliminary MOD and applied the methodology to allocate funds was noted in public comments:¹⁵

[Distribution-Public-Comments](#) We note that these commenters, a city official and a representative of an organization involved in providing non-profit services to disaster survivors, are stakeholders who should have been provided direct notice of the hearing under the MOD Guidance.

¹³ <https://www.h-gac.com/community-development-block-grant-mitigation-funds>

¹⁴ See: <https://twitter.com/hougalvareacog> (January 27, 2022); <https://www.facebook.com/HouGalvAreaCog> (January 27, 2022); <https://www.h-gac.com/community-development-block-grant-mitigation-funds>; and, HGAC Public Meeting Presentation at <https://www.h-gac.com/community-development-block-grant-mitigation-funds>. (Emphasis added.)

¹⁵ H-GAC MOD Public Comments are available at: <https://www.h-gac.com/getmedia/032833a3-0f88-4bca-8b7c-0fa60b8a7c78/Community-Development-Block-Grant-Mitigation-Funds-Method-of-Distribution-Public-Comments>

- *[t]he meeting presenter stated that staff has not created a distribution methodology or jurisdictional allocation summary. And the presentation was done in a manner to request public input for a methodology and allocation summary to be completed, yet an existing version/sample was presented to the HGAC Water Resource Committee on 1/18/2022.¹⁶*
- *The HGAC presenter stated that staff has not created a distribution methodology or jurisdictional allocation summary. The presentation was done in a manner to request public input for a methodology and allocation summary to be completed. This is a misleading presentation since the HGAC Staff has already developed a preliminary method of distribution.*
 - *Why was the meeting structured to solicit input on the development of the MOD when an existing version was presented to the HGAC Water Resource Committee on 1/18/2022? . . .*
 - *Similar to the 1st comment above, it appeared that the presenter did not want to disclose the list of projects and stated that they would have to compile the list to share. What needs to be compiled if a list of projects was presented to the HGAC Water Resource Committee on 1/18/2022?¹⁷*
- *[T] the City of Pearland supports HGAC's proposed Method of Distribution (MOD) of LO administered CDBG-MIT "Round 2" funding proposed by the Water Resources Committee at its January 18, 2022 meeting, which proposes to provide the City of Pearland with \$11,014,323 in flood mitigation funding.¹⁸*

H-GAC represented to the public, and to GLO, that it was conducting the Public Planning Meeting(s) required by the GLO Guidance and the Action Plan, Amendment 1.¹⁹ Instead, H-GAC conducted a MOD planning process without public involvement, and then submitted the resulting MOD to GLO for approval without incorporating subsequent public comments and input. H-GAC has not complied with program requirements, its MOD must be disapproved and the COG be required to conduct a new MOD development process that complies with program guidance, the State's Action Plan Amendment 1, and federal requirements.

¹⁶ Public Comment by Gwyneth Teves, Director of Planning and Development, City of Wharton, via email to H-GAC, February 4, 2022.

¹⁷ Public Comment by Christina Flores, City Secretary, City of Kendleton, via email to H-GAC, February 3-4, 2022.

¹⁸ Public Comment by The Honorable Joey Hardy, Mayor, City of Pearland, via email to H-GAC, February 4, 2022.

¹⁹ GLO MOD Guidance at Action Plan, Amendment 1 at 257. ("Local MOD guidelines will require that each COG follow a citizen participation process.")

B. DETCOG

DETCOG did provide notice of its Public Planning Meeting to eligible units of local government and other stakeholders, “including local organizations interested in fair housing issues and representing protected classes of individuals” - by mail, fax, email, and phone.²⁰ Unfortunately, that notice contained information that was not entirely accurate and may have made it difficult for the public to comment on the specific planning issues related to this MOD.

First, the notice was not clear that the amount of CDBG-MIT funding was conditional; AP Amendment 1 had not been approved by HUD at the time.

Second, the Notice states that CDBG-MIT funds can be used for “activities related to disaster relief, long-term recovery, restoration of infrastructure and housing, [and] economic revitalization” as well as mitigation activities, which conflates CDBG-DR and CDBG-MIT funding. CDBG-MIT funds can only be used for mitigation activities that are “consistent with the Mitigation Needs Assessment provided in the Grantee’s Action Plan.”²¹ Unlike CDBG-DR funds, which must have a “tie-back” to a specific disaster and address unmet recovery need related to that disaster, CDBG-MIT funds do not require such a “tie-back” to the specific qualified disaster that has served as the basis for the grantee’s allocation of CDBG-MIT funds.²²

Hurricane Harvey damage should be a primary indicator of the need for mitigation and ongoing unmet need and should be used to prioritize mitigation activities, particularly since these CDBG-MIT funds were allocated based on damage from Hurricane Harvey and can only be used to mitigate risks from “hurricanes, tropical storms and depressions, and flooding” in accordance with the Action Plan and consistent with the State’s Mitigation Needs Assessment.²³ DETCOG’s notice is not clear that these funds can only be used for mitigation projects, and in fact states that these funds can be used

²⁰ Notice posted on Twitter and Facebook, January 5, 2022.

²¹ 84 FR 45840 (For the purposes of this Notice, mitigation activities are defined as those activities that increase resilience to disasters and reduce or eliminate the long-term risk of loss of life, injury, damage to and loss of property, and suffering and hardship, by lessening the impact of future disasters.); 84 FR 45848

²² 84 FR 45848

²³ Action Plan at 258. (“As outlined in Mitigation Needs Assessment, hurricanes/tropical storms/tropical depressions, and severe coastal/riverine flooding are the top two severe risks Texas experiences. Each proposed project must mitigate against one of these identified risks.”)

for disaster recovery, failing to provide the public with notice of the actual topic of the Planning Meeting.

The notice also states that funding is for “the most impacted and distressed areas resulting from Presidentially-declared disasters that occurred in 2015, 2016, and 2017.” The CDBG-MIT funding allocated through the Regional Mitigation Program cannot be used in areas with Presidential declarations for 2015 and 2016 disasters, the can only be used in the most impacted and distressed areas for Hurricane Harvey in 2017.²⁴

Third, the notice informs the public that there will be two hearings “to see[k] input on the MOD” and provides a deadline for written public comment yet does not clarify that the second hearing and public comment period will be after the preliminary MOD is approved by the GLO. The notice states that “[w]ritten and oral comments regarding the MOD will be taken at public hearings scheduled for the following dates, times, and locations” and that written comments “must be received by DETCOG by 4:30 p.m. on Tuesday, April 5, 2022.” Texas Appleseed was not present at the January 13, 2022 in-person meeting, and DETCOG did not post the public meeting presentation online. The presentation itself includes a timeline of the MOD process, but provides “program day” and not dates for each projected milestone, and the written comment deadline is given as April 5, 2022.²⁵ Texas Appleseed planned to submit written comments by the April 5, 2022 deadline, but was informed on March 31, 2022 that the April 5, 2022 deadline was for comments on the preliminary MOD approved by GLO, and that the comment deadline would be extended because GLO had not yet provided preliminary approval.²⁶

Fourth, DETCOG held only one in-person planning meeting; no virtual, phone, or written option was provided.²⁷ At the time, the extremely contagious Omicron variant of the COVID-19 virus had become the dominant strain of COVID-19 in Texas. One month before the hearing, Texas had an average daily case count of 3,332 cases, and 1,822 new cases per day. By January 4, 2022, the day before DETCOG posted public notice of the planning meeting on social media, Texas’s daily average case count was 37,390 with 53,990 new cases per day, and by the day before the hearing, January 12, 2022, the state’s average daily case count was 52,466 with 73,895 new cases per day.²⁸

²⁴ See, e.g. Action Plan at 257-258.

²⁵ DETCOG Public Meeting Presentation, May 31, 2022. On file with the author.

²⁶ March 31, 2022 email from Bob Bagshaw, DETCOG Regional Planner, to John Laycock, Texas Appleseed.

²⁷ April 5, 2022 was the only written comment deadline presented in the notice or meeting presentation.

²⁸ Tracking Coronavirus in Texas: Latest Map and Case Count, The New York Times. Available: <https://www.nytimes.com/interactive/2021/us/texas-covid-cases.html> Data sources: Centers for Disease Control and Prevention, state governments, U.S. Census Bureau.

Hospitalizations and deaths were also spiking. Attending a public meeting that required gathering indoors - potentially with limited ability to social distance - when local government entities had been prohibited from requiring masks²⁹ was a high-risk activity, even for fully vaccinated Texans, in January 2022.

For certain populations, including the elderly, people with compromised immune systems, and persons with other pre-existing conditions,³⁰ many of whom are people with disabilities,³¹ attending a meeting to give in-person public comment was extraordinarily high risk. Concerns for the health of vulnerable populations would also prevent people associated with people with disabilities, for example, persons who work at nursing homes or have immunocompromised family members, along with parents of children under five, from providing in-person public comments. Communities of color and low-income communities have also been disproportionately affected by COVID-19.³² In other words, it is the input of precisely the vulnerable populations and low- and moderate-income persons that the MOD Citizen Participation Plan places “particular emphasis” on, that were most likely to be excluded by the requirement that people appear in-person to provide input on the MOD planning process. The Public Planning Meeting was not, in reality, accessible to these populations and DETCOG’s Citizen Participation Process did not comply with MOD Guidance or federal law.

C. SETRPC

SETRPC sent notice of its public planning meetings by email, on February 10, 2022 for a February 16, 2022 in-person public planning meeting – which was also accessible virtually - and a reminder email on February 22, 2022 regarding the February 24, 2022

²⁹ Executive Order GA-36, May 18, 2021. Available: https://gov.texas.gov/uploads/files/press/EO-GA-36_prohibition_on_mandating_face_coverings_response_to_COVID-19_disaster_IMAGE_05-18-2021.pdf

³⁰ Razzaghi H, Wang Y, Lu H, et al. Estimated County-Level Prevalence of Selected Underlying Medical Conditions Associated with Increased Risk for Severe COVID-19 Illness — United States, 2018. *MMWR Morb Mortal Wkly Rep* 2020;69:945–950. DOI: <http://dx.doi.org/10.15585/mmwr.mm6929a1>

³¹ 42 U.S.C. §12132l “Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”; §12182(a). *See, also*: 28 CFR §35.130

³² See, e.g.: CDC: COVID-19 Available: <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html#:~:text=Impact%20of%20Racial%20Inequities%20on%20Our%20Nation's%20Health,-Racism%2C%20either%20structural&text=COVID%2D19%20data%20shows%20that,with%20non%2DHispanic%20White%20populations>; and, Jared Brey, “People Living in Formerly Redlined Neighborhoods at Higher Risk of COVID-19” *Next City*, September 11, 2020. Available at: <https://nextcity.org/daily/entry/housing-brief-people-in-formerly-redlined-neighborhoods-higher-risk-covid19>;

virtual public planning meeting. Texas Appleseed is only aware of this particular set of emails and its recipients. While SETRPC included groups like the Beaumont NAACP, the Society of St. Vincent de Paul Disaster Services Corporation, Family Services of Southeast Texas, Texas Appleseed, and Texas Housers³³, it did not include two organizations that have been deeply involved in disaster recovery advocacy for the protected class and low-income populations most affected by disasters in Southeast Texas: the Port Arthur Community Action Network (PACAN) and the Community In-Power and Development Association (CIDA). CIDA was not contacted about the MOD process despite the fact that CIDA's Marketing Director, Michelle Smith, made comments at the October 20, 2021 SETRPC Board Meeting encouraging the COG to focus its MOD on effective large scale mitigation and redressing historical infrastructure disinvestment in Port Arthur that has resulted in historically Black and Hispanic-Latinx neighborhoods flooding repeatedly. While simply providing written notice of the hearing was inadequate, SETRP failed to provide even this level of outreach to at least two "local organizations representing protected classes of individuals" with specific information about the mitigation needs of these communities.

IV. Conclusion

We request that the State stop the ongoing MOD process for all subrecipient COGs, which was initiated before the State's Action Plan Amendment 1 was approved, investigate whether the citizen participation process in each of the subrecipient COGs complied with state and federal requirements, and required its subrecipients to conduct a MOD process that includes meaningful citizen participation and otherwise complies with both federal law and requirements and the State's own CDBG-MIT Action Plan and guidance for subrecipients.

Please don't hesitate to contact us if you have questions, concerns, or would like to further discuss this complaint. We look forward to a response to our complaint within 15 days.

Sincerely,

Madison Sloan

Director of Disaster Recovery and Fair Housing, Texas Appleseed
msloan@texasappleseed.org

³³ The email sent to Texas Housers was addressed to a former employee.

