

June 8, 2021

Memorandum for Community Development Commission Chair Amit Motwani and Members (BC-Amit.Motwani@austintexas.gov)

Subject: Title Transit Disparate Impacts—Community Services Block Grant VI Affordable Housing Impediments (Possible Action)

1. **Disparate Impact:** \$7.1B Project Connect, contingent on 45% Federal funding, will segregate Austin for centuries. North of US 183 rail is 24-30 years, yet Capital Metropolitan Transportation Authority/Austin City Council promoted “equity” propaganda. During the 87th Texas Legislature, HB 3893 (Hinojosa) died on “intent calendar.” Republican Senators understood that Capital Metro’s discriminatory Cap Remap violated Title VI of the Civil Rights Act of 1964 which “prohibits discrimination based on race, color, or national origin” (FTA, 2012) and would have jeopardized Texas’ Federal funding had the Downtown tunnel bill passed.

Federal Register: Submit Formal Comment to Federal Transit Administration. This will help determine if Capital Metro gets Federal funding.

Ø **Blue Line:** <https://www.federalregister.gov/documents/2021/05/24/2021-10866/preparation-of-an-environmental-impact-statement-for-the-capital-metro-blue-line-project-in-austin#open-comment>

Ø **Orange Line:** <https://www.federalregister.gov/documents/2021/05/24/2021-10865/preparation-of-an-environmental-impact-statement-for-the-capital-metro-orange-line-project-in-austin> [Deadline: June 23, 2021 (15 days remaining)]

**INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF AUSTIN AND
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
FOR CREATION OF A LOCAL GOVERNMENT CORPORATION**

The City Council and the Capital Metro Board have recognized that though the Project Connect System Plan will benefit all persons visiting, living, and working in Austin, as well as our local businesses, it is the residents, homeowners, renters, and businesses within the City’s taxing jurisdiction that will bear the costs of implementing Project Connect, except for parts contributed through Federal transit programs and other non-tax related funding sources;

FT 14.0 (4653 : LG(nect))

87TH STATE LEGISLATURE

Intergovernmental Relations Office – Brie L. Franco, Officer



LIHTC 2 Mile Rule

HB 1295 (Rodriguez)
SB 400 (Zaffirini)

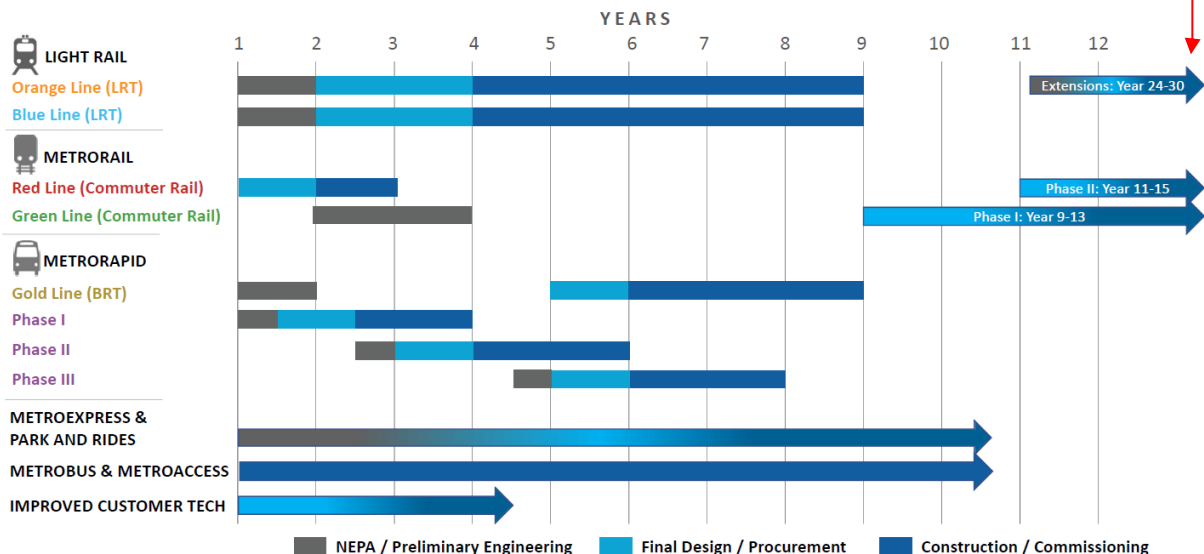
**CapMetro Parks Lease
(Project Connect)**

HB 3893 (Hinojosa)
SB 1838 (Eckhardt)

Inclusionary Zoning

HB 84 (Hinojosa)

RECOMMENDED PROGRAM SEQUENCE

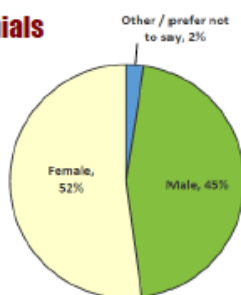


2. **Target Audience:** False ad, “Project Connect is a transit plan with more ways to move us **all**.” Voters were never told they would be subsidizing a system for white commuters from the suburbs. Instead, false **ballot language noted “essential workers.”** December 14, 2015-March 13, 2016 - about 5,000 surveys (partial results below): 72% white, 52% female (25-35), majority had access to two vehicles, earned \$100K, and 94% had some college (≈27% graduate degree). Capital Metro then created its new bus network saying “the people” wanted to walk ½-mile to a frequent bus. November 16, 2016 I testified against disparate impacts. October 24, 2017 Chair Wade Cooper relied on AURA urbanists, third party data not publicly available, asserting minorities [Southeast Hispanics, not Northeast Blacks] had access to the 15-minute network, ignoring safety: more transfers north of US 183 on roadways over 30K vehicles per day (“vpd”) due to unilateral northeast-west eliminations, walk to main corridor from home, wait at neighborhood stops, and transfer time. Blacks wait twice as long as Cooper’s #30-Walsh Tarlton whites outside the service area.

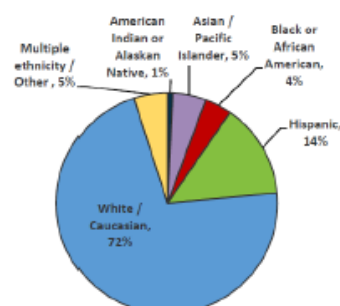
Cooking the Books!
2015-16: Capital Metro surveyed 72% whites. Resolutions and Ballot falsely implied minorities under the guise of Title VI.

WHEREAS, Capital Metro and the City have engaged with community members and other stakeholders to refine the Project Connect System Plan, (“Project Connect”) a high capacity transit system, to **address the City’s transit needs for safer, faster, and more reliable transportation that will improve access to essential services, such as education, health care, grocery stores, childcare, and jobs, especially in historically underserved and underrepresented communities;** August 24, 2020 Capital Metro excerpt (p. 78)

Question 21: Gender
Responses: 3,597
➔ **Focus: White Millennials**



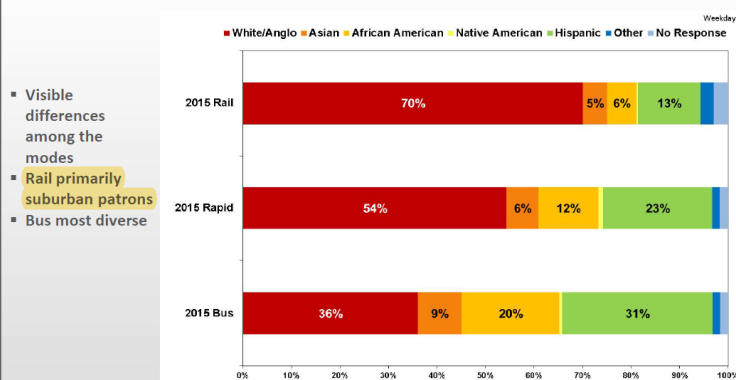
Question 23: Which race/ethnicity best describes you? Please select only one.
Responses: 3,544



ABSTRACT

This Community Survey Summary provides an overview of survey responses received as part of Capital Metro’s Connections 2025 transit study. The survey, posted online via SurveyMonkey.com, was available between Dec. 21, 2015, and Mar. 13, 2016, and was publicized via the project website, emails, online and print ads, at stop outreach, partner cross-promotion and public meetings/events. The survey included a range of questions designed to capture respondents’ travel patterns, demographic information, priorities, and opinions on transit in Central Texas. Source: Connections2025.org

Ethnicity Bus, Rapid, Rail 2015



January 25, 2016: Item III. Public Comment Anthony Walker (Black driver, 24-years). Urban Rail reflections: “Capital Metro Board, in general, is not respecting the City of Austin ... taxpayers. As leaders, ya’ll got to do a better job.” Stop protecting the rail. Pflugerville and Cedar Park “voted CapMetro out of the service area, but “you’re catering” to them. (Clip 06:50-12:20)

Item IX: **Origins and Destination Study: Chart (left)** shows 70% of MetroRail riders are white. 24-hour ticket = \$7 vs. Bus = \$2.50. Rail is nearly three times more, too costly for Black transit-dependent “essential workers” to enjoy. Video: <https://austintx.new.swagit.com/videos/45288>

July 25, 2016: Item III. Public Comment (12:32) Susan Pantell, PhD: “The survey had about 5,000[.]; . . . survey responses were (uhm) slanted toward (uhm) white people and also higher income than the bus ridership. I’m concerned ... [consultant’s] service study ... will be biased.” Video: <https://austintx.new.swagit.com/videos/45296>

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3. **Integrity:** May 24, 2021 Capital Metro approved its Ethics Policy while still violating Title VI of the Civil Rights Act of 1964.¹ In part, "Compliance with the Code will help protect **Capital Metro's reputation for honesty and integrity**" (p. 48). Passing HB 3893 would have made Texas legislators complicit in the City of Austin and agency's race discrimination, jeopardizing Federal funding.

"You have figured out how to circumvent Title VI: "Say one thing; do another; document what is said to fool the Feds."

~Zenobia C. Joseph, March 11, 2020 Capital Metro Public Hearing

Disparate Impacts acknowledged by Capital Metro Chair/lawyer Wade Cooper on January 28, 2019

"It is also undeniable that individuals may have seen, in particular areas, changes that did not help those individuals and maybe disadvantaged those individuals. . . . We hear the pain and challenge, particularly, with respect to the Eastside community."

August 7, 2020 FTA funding requires "implementing the least discriminatory alternative," but Cooper maintains Black inequities.

Title VI FHWA Transit Precedent
In Reply Refer To: HCR-1
JUN 26 2013 DOT #2012-0020
Dayton Blacks v. Beavercreek, OH

RESOLUTION
OF THE
CAPITAL METROPOLITAN TRANSPORTATION AUTHORITY
BOARD OF DIRECTORS

STATE OF TEXAS
COUNTY OF TRAVIS

Approved: June 10, 2020
RESOLUTION (ID # AI-2020-1297)

Funding and Commitment Resolution for Project Connect

**Denying Blacks equal access
on federally-funded roadways
run by TxDOT violates Title VI!**

**Actors falsely conflated
Ridership (white riders)
with coverage (lifeline)**

**Cap Remap maintains
the racist status quo:
infrequent, unreliable,
disconnected NE buses!**

WHEREAS, Project Connect is a vision for how we move people today and plan for tomorrow, and will create an integrated transit system that eases traffic, brings jobs to our region, improves the environment and better connects people so everyone in our community can thrive; and

WHEREAS, the existing local and regional bus network and MetroAccess service are the backbone of the transit system that will provide equitable connections to all members of the community to meet their essential needs and to connect to the high capacity transit network, and the service hours to make that local service successful should be maintained; August 7, 2020 Project Connect Resolution ID# AI-2020-1297 (p. 34)

**Before 2018, 35-min Peak
"New" Route 339 was a restored
number from ServicePlan2020
Worsened: 60 min all day only
for Blacks, but fooled the FTA!**

Desired minimum frequency		RED FLAG		
		Weekday		
Route type	Peak	Midday	Night	
Radial	30	60	60	
Crosstown	30	60	60	
Limited	20	30	Based on demand	
Feeder	30	60	Based on demand	
Express/Flyer	20	-	-	
MetroRail	40	60	-	
UT Shuttle	20	20	40	



June 8, 2020 Capital Area Metropolitan Planning Organization ("CAMPO") Item 5: May 4, 2020 Minutes [17:50]. I testified against Chair Wade Cooper's reappointment to Capital Metro's Board of Directors [video]. <https://austintx.new.swagit.com/videos/63256>

CAMPO Transportation Policy Board
Meeting Minutes

June 8, 2020
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5. Discussion and Take Appropriate Action on May 4, 2020 Meeting Minutes

The Chair recognized Ms. Zenobia Joseph who provided comments on the May 4, 2020 meeting minutes. Ms. Zenobia requested that the minutes be amended to reflect her comments for Agenda Item 7-Discussion and Take Appropriate Action on CAMPO Appointment to Capital Metro Board as "spoke against the reappointment of Mr. Wade Cooper to the Capital Metro Board."

The Chair entertained a motion for approval of the minutes for the May 4, 2020, as amended.

Judge James Oakley moved for approval of the May 4, 2020 meeting minutes, as amended.

Mayor Craig Morgan seconded the motion.

The motion prevailed unanimously.

¹ CapMetro (2021). Ethics (p. 48): https://www.capmetro.org/docs/default-source/public-involvement-docs/board-meetings-docs/board-agenda-docs/may-2021_board-meeting_agenda-packet.pdf?sfvrsn=dc3a6aa4_2

4. **Fair Housing Impediments:** Travis County Program Year 2019. 8 of 9 developments = 0.7 to 5 miles from transit which failed to “affirmatively further fair housing.” Additionally, the Housing Authority of the City of Austin uses 80% AMI = New Redlining.

Central Texas Assessment of Fair Housing

The Central Texas Assessment of Fair Housing (2018) is a joint report commissioned by cities, counties and housing authorities in Travis and Williamson Counties. The report informs jurisdictions about meaningful actions that can be taken to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination. The **Analysis of Impediments to Fair Housing Choice**, a planning process mandated for local governments and public housing agencies receiving funding from the U.S. Housing and Urban Development Department (HUD), provides helpful context on the causes and conditions of poverty, given that the analysis of impediments to fair housing process includes **examining patterns of residential segregation, discrimination, and other disparities that result in inequitable outcomes.**

The 2018 report cites three factors contributing to fair housing choices in the region: 1) ongoing **regional challenges with housing segregation** and integration; 2) disproportionate housing needs (differences in housing access among jurisdictions in the region as well as among **race/ethnic** demographic category); and 3) **access to opportunity (good jobs** and skill development, quality schools, healthy food and access to the outdoors, supportive services, and affordable transportation). Specific barriers to fair housing in the region include the following:⁴

- City and county capacity for addressing fair housing challenges is limited.
- **The harm caused by segregation** is manifested in disproportionate housing needs and **differences in economic opportunity.**
- Affordable rental options in the region are increasingly limited.
- Stricter rental policies further limit options.
- Disparities in the ability to access homeownership.
- State regulations and zoning and land use limit housing choice.
- Educational inequities persist in the region.
- **Public transportation access has not kept up with growth.**

During PY19, Fair Housing Screens for RONO were completed for nine projects, as shown in the table below. CDBG staff recommended, and the Commissioners Court approved, all nine, totaling 2,654 new affordable multi-family units, proposed to be built in Travis County over a period of time.

Figure 3. Affordable Housing (LIHTC) Units Approved through RONO by Travis County during PY19

RONO/LIHTC Affordable Housing Data for LIHTC property developments that were recommended by CDBG and/or by TCCC during PY19															
Property Name	Developer	Partner	Property Address	Census tract/block group	Precinct/Comm	Approx. distance to nearest bus stop**	Target Population	Total # of units being built	# set aside for Property Managers	Total Affordable (LIHTC) units	% units at ≤30% MFI	% units at >30% & up to 60% MFI	% units ≤60% MFI	% units ≤80% MFI	% units at >80% MFI
1 Old Manor Rd Senior	Elmington Capital	TCHFC	Old Manor Rd, Austin, TX 78724; TCAD Parcel: 0226310914	22.02 / 3	1 / Travillion	1.3 miles	elderly	208	0	208	0%	100%	100%	100%	0%
2 Yager Flats*	Elmington Capital	SHFC	4818 E Yager Ln, Manor, TX 78653	18.42 / 1	1 / Travillion	3.2 miles	general	300	0	300	5%	80%	85%	100%	0%
3 Spring Villas*	AMTEX	TCHFC	7430 Bluff Springs Rd, Austin, TX 78744	24.27 / 3	4 / Gomez	0.4 miles	general	304	2	302	0%	99%	99%	99%	0%
4 Meadow Apartments*	AMTEX	TCHFC	14.28 AC. Colton Rd, Austin ETJ, Austin, Texas	24.32 / 1	4 / Gomez	2 miles	general	288	0	288	5%	95%	100%	100%	0%
5 Capitol View Flats	Elmington Capital	TCHFC	9002 Capitol View Rd, Austin, TX 78747	24.26 / 1	4 / Gomez	0.7 miles	general	324	0	324	0%	100%	100%	100%	0%
6 Grand Station	Pedcor Investments, LLC	TCHFC	16000 Bratton Ln, Austin, TX, 78728	18.5 / 4	2 / Shea	0.9 miles	general	216	0	216	0%	100%	100%	100%	0%
7 Crystal Bend Apartments*	AMTEX	TCHFC	2313 and 2405 Crystal Bend Dr, Pflugerville, TX 78660	18.42 / 1	2 / Shea	3 miles	general	390	2	388	5%	94%	99%	99%	0%
8 The Residences at Howard Lane*	NRP Lone Star Development LLC	TCHFC	NW corner of E Howard Ln & Harris Branch Pky and 1.5 ac S of Howard Ln	18.42 / 1	2 / Shea and 1 / Travillion	4 miles	general	300	0	300	10%	60%	70%	100%	0%
9 Kingswood (FM 812/COTA)*	LDG Development	HACA	13411 FM 812, Del Valle, TX 78617	24.36 / 1	4 / Gomez	5 miles	general	328	0	328	3%	86%	89%	100%	0%
TOTALS								2,658		2,654	3%	90%	93%	100%	0%

*Properties that are located within a federally-designated Opportunity Zone.

**Distances to the nearest bus stop are approximate and reflect service at the time of the fair housing analysis.

Acronyms

TCHFC	Travis County Housing Finance Corporation
SHFC	Strategic Housing Finance Corporation of Travis County
HACA	Housing Authority of the City of Austin

Very respectfully,

Zenobia C. Joseph

Zenobia C. Joseph