

PRESS-RELEASE:

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HOUSTON USES FEMA IN LAND GRAB by: Jay Green Floodway Resident Houston, TX



SIGNS SHOULD BE POSTED ALONG PROPERTIES IN HOUSTON'S FLOODWAY

How would you like to wake up one morning to find out that one of the biggest, most important investments in your life just lost most of its value? It didn't happen because of World War III, and it wasn't the stock market crashing down and thankfully it wasn't a "tornado" that blew away your life long investment ... it was the City of Houston! 7,500 properties along the Houston's floodway (adjoining Houston's 1,300 miles of waterways) have been locked into a "no build" status by the Houston City Council in October 2006, after years of following FEMA guidelines in allowing controlled building in floodway areas. Houston has no zoning, but now, this city council has reversed its own building policies in these areas, to incorporate this new construction ban using the FEMA Floodway Maps. Welcome to "Ordinance 19-43". Ordinance 19 has been an accepted FEMA guideline since 1985 (or longer), which Houston, along with 18,000 other US cities has used. Houston had allowed continuous controlled building in the Houston floodway up and until October 2006 by using variances through accepted FEMA building practices. Floodway landowners (both commercial & residential) only recently learned of the changes, and it seems the city has been arbitrary in concluding that it cannot allow any new construction along its floodway. The city says that is "just trying to keep the water from going down the street into peoples' homes". Now, all of a sudden, it has decided that Houston has a problem building in its' floodway, after allowing construction for many years. Yet, the floodway still has many existing residential properties that are built on slabs or are built one to two feet raised above the ground on concrete blocks. In these cases, this type of construction impedes the flow of water and will not allow absorption of flood waters into the ground, if a slab is occupying the space. These existing structures should be allowed to be reconstructed even with some intelligent increased footprint design. Yet the city will not even allow these obstructions to be rectified. Even the amount of existing vacant residential lands (which probably are not many) should be given consideration for intelligent construction, as was allowed in the past and as FEMA recommends ... but Houston doesn't choose to accept the FEMA guidelines. It appears to this homeowner, who was allowed to build in the floodway as recently as last year, (part of Houston's "new bait and switch building program ... like ... come live in Houston and then we will allow

your property to become part of a negative demographic developmental area”). My investment will “depreciate” as my area stagnates and declines without the resurrection of new homes to replace the old. My area was a transitional area, in which many people were moving, to be close to downtown and the Galleria. Had I known, in advance, my new home was in the “floodway and a future NO BUILD area”, I would not have built there, making this huge investment. As for those people still owning the older homes expecting normal appreciation of values over the years ... well the “rug was pulled out from under them too. In an existing residence, you cannot renovate or spend more than 50% of current value and only over a 10 year period. Good luck if your home is worth \$130,000 and the building is only worth \$40,000 ... try to fix up a 90 year old home for \$20,000. We also believe that under this ordinance, we cannot rebuild to existing “pre-fire construction” design if we have our home “totaled” by a disastrous fire. So the insurance company pays us money to rebuild, but we can’t, so we have to pay down the loan to satisfy the lender (which has just lost its equity) ... and all we have is a charred building that we can’t live in ...with a land value of 93% less ... that nobody will buy? Because, if you happen to own a vacant piece of property ... you really have been “slammed” ... your value is now 93% less of what it was before the new ordinance was adopted. Yes, you read it right! There are appraisals already out there, showing this disparity. The Houston City Council had also decided this “NEW NO BUILD POLICY AREA” does not warrant any “monetary compensation” to property owners, even though the city’s action has now caused comprehensive damage to values in these affected areas. Everyone understands the need to find solutions to flooding problem throughout Houston, but it is appalling to see how the city has maneuvered itself to achieve this goal. Some might argue that we must do things that benefit the majority and not the minority. That is morally acceptable & appropriate, but should individuals contributing to the good of all, be the recipients of “nothing in return”? Deciding that “building something (or anything) in the floodway” will now destroy the whole eco system of Houston’s flood drainage system is a bunch of “malarkey”. Do you think we should remove all of the existing trees (which impede water flow) in the floodway too, so we can save Houston? So, if you cannot build, then, Houston had better step up to the plate and compensate property owners in the floodway. There is no statute one can point to saying the city “did physically take” our lands, but city government sure did a fine job in the “taking of our property values without just compensation”. Council created a “dysfunctional land usage”. As a citizen (and certainly not as an attorney) I seem to remember something from Civics 101 that says that the government cannot take your land or destroy your land without just compensation. Someone at City Hall must have sleep through their Civics 101 class and didn’t remember this. But, are there other city agendas ... at play here? Maybe the city is trying to establish this “land grab in these floodway areas so they can increase their ratios of “green areas” to have more parks in Houston? Is the city using more stringent regulations (with Ordinance 19-43) than even FEMA requires, so it can save some of its citizens Flood Insurance money, thereby allowing more property owners in the flood plain to obtain flood insurance? So if a flood occurs, the burden to provide damage funds is on the landowners and not the city? So, by having a “no build policy”, if the city gets a lower insurance rate and can save 4,000 citizens maybe \$40 per year in premium costs, is that a good thing? We were just told that the city is about to get another FEMA reduction in its rate for floodway and floodplain

residents (probably because of 19-43). That's just awesome ... I save another \$30 dollars a year in flood premium but have lost \$350,000 of equity. What a deal! And ... what does the city get in return? Well, if it loses 7,500 taxable floodway properties that could reduce the annual tax revenues by ... maybe \$37,000,000 per year (just guessing). Is that good too? So in June of 2007 the newly drawn FEMA maps will be accepted as carved in stone and the city will have its desired new policy. All will be lost by thousands of Houstonians who grew up in these areas, or who recently moved into these areas. The "Houston Land Grab" has taken place. Maybe Houston should have put up signs along the bayous and proclaimed these areas hazardous ... CAREFUL FLOODWAY AREA – NO NEW BUILDING – NO COMPENSATION TO LANDOWNERS; why not, we all see "high water crossing" signs where ever needed! Citizens are supposed to be protected by its city ... *not from it*. Yet, there will be no compensation for the homeowners in the floodway which seems to be a "fraudulent act" by the city. City officials said "the city does not know the current values of land and are not in the business of deciding what values are or should be"? Apparently it is of no interest to the city ... what happens to these properties ... right? The citizens affected see this as IMMORAL and illegal. I continue to have a problem seeing this "total no-build" benefit. Is the "floodway territory" the only key to "saving" Houston, by preventing all types of new footprints to be built in these areas? My belief (as stated in the beginning), is that there is more to be gained to help water control in the floodway by removing or renovating all of the old residential homes and re-building them with new pier and beam structures. With sensitive platting, using porous driveways (grass crete – pavers with holes in them) and even mini retention ponds to hold more water when excessive rainfalls occur, a value added solution could occur. But, this is only one man's opinion, and I am not an engineer, only a retired Architect. Again I have to ask ... is there really another agenda? What is Houston's master flood plan? Rumor has it, that removing old obstructions (old bridge piers etc.) in these bayous can reduce the high water levels almost by 24 inches. All of this makes me wonder ... what is really going on here? Has Houston failed to keep pace with the growth of its city (to protection its citizens) and now is trying to find an easy way out? Some speculation is the city has written off these floodway properties (loss of tax revenues); so should we be paying property taxes? I guess they really don't care about us. And what is FEMA's position on these matters: *from Questions about the NFIP (from www.fema.gov) #80. What is a regulatory floodway and who designates it? "The intention of the floodway is not to preclude development. Rather, it is intended to assist communities in prudently and soundly managing floodplain development and prevent additional damage to other property owners."* Maybe the city didn't read that paragraph or can't handle the potential volume of new requests to grant variances and just said "no new building in the floodway – period". So *please, everyone*, do not forget, that all of us, the property owners in the floodway throughout the city, who have invested in these lands, and have expected our lands, our homes, our castles, to be vested as part of our future nest egg, our future investment and future retirement, we all have been summarily sacrificed. The city must revise this ordinance! The way things are going ... to all the property owners in the "floodplain"; who knows ... you could be next? **Ord. 19-43 is truly morally ... WRONG.**

Welcome to HOUSTON! www.houstonfloodway.org