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Floodway coalition questions law's purpose

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Members of the Floodway Coalition of Houston are wondering what's behind a city of Houston law that has robbed them of their property values and property rights.

The group told state Sen. Dan Patrick last week that city officials, including Mayor Bill White, have given them the cold shoulder since they learned the true impact of an amendment made in 2006 to the city's floodplain ordinance — an amendment they say essentially condemns their property.

The city has since softened its position, developing guidelines for its planning and public works staff that at least allow residents living along Houston's bayous to rebuild their homes — with conditions — if they are damaged.

But the lack of dialogue and apparent unwillingness to revise the law — Chapter 19 — leave FCOH members stunned and wondering if something more insidious is at play here.

"Only when we went outside city politics were we able to have any kind of minimum — and I stress minimum — dialogue with the city," FCOH organizer Nancy Wilcox told Patrick.

She said the passage of a new law to fund more greenspace development in Houston has left FCOH members, many of whom own property inside Loop 610, wondering if their property is being devalued on purpose.

Chapter 19 was amended in October 2006 to prohibit new construction in the floodways along Houston's bayous and drainage channels as well as discourage repair of homes or buildings that are damaged or destroyed within it.

Coupled with federal Flood Insurance Rate Maps that were updated last summer to include new data from Tropical Storm Allison, the ordinance now applies to nearly 10,000 properties, some of which have never flooded. More than 10 percent of those are inside the 610 Loop along White Oak Bayou.

While the city has revised the guidelines it uses to interpret the ordinance, as far as the coalition is concerned, the guidelines are not permanent enough.

"All someone has to do is hit the delete button," said Wilcox.

As a result, the coalition has financed a new engineering study that FCOH organizer Bruce Norcini said will dispute the boundaries of the city's expanded floodway. FCOH plans to release results of the new report in a few days, he said.

For his part, Patrick mentioned FCOH's dilemma on his radio show last week and plans to take the topic up again after the March primary.

He told Wilcox, Norcini and about two dozen FCOH members who met with him at Golden Cafe, 1430 W. 19th (in the heart of the White Oak Bayou floodway), that their plight is not really a state issue. However, he promised to speak with Mayor White and other state senators whose districts include floodway properties. If the group continues to run into a brick wall at City Hall, he said he may be able to help in his capacity on the state Senate's intergovernmental committee.

"The underlying emotion for those of us in the floodway is fear," Wilcox said. With a city law that "strangles" investment and development, residents worry their neighborhoods will deteriorate.

Mary Jane O'Fiel, who learned she could no longer afford to sell her home in Shady Acres and move to North Carolina because of Chapter 19, said many senior citizens are being robbed of the equity they have in their homes. For some, that's all they have, she said.

Five persons have filed "inverse condemnation" lawsuits against the city. Those suits were put on hold until Feb. 1 at the city's request.

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