

MAN MADE KATRINA LOOMS IN HOUSTON

Houston Mayor uses FEMA in Major Land Taking

11/1/07

The Great Flood in Houston is now beginning. The preponderance of Mayor White's ponds is sweeping away land values "down the drain". It's all started on October 1, 2006 when the newly revised Ordinance 19-43 went into effect. You can't build anymore in the bayou's floodway because it has been designated as a "conveyance zone" for floodwaters. If you live in the floodplain or floodway you can only rebuild up to 50% of your existing structure. Yet in 2001 thru Tropical Storm Allison devastation there was very little flooding in the floodways. Most all of the flooding occurred outside of the floodplain (outside 105,012 Houston floodplain properties) and outside of the floodway (9,920 properties) of the total 538,048 properties in Houston. Public Works tell us that they decided that all of the improved floodway properties (numbering 6,358 both residential and other floodway properties) have a restricted flow on floodwaters in the floodway. We have yet to see that study and could not be told what factor was used to determine this effect. We also will never see the study (which was not done) to determine the benefits of modifying existing older floodway properties to be rebuilt (with mitigation or methods to retain water or allow increased flow) so that the remaining vacant properties (3,562 in number) can be intelligently built upon as in the past. So, by the stroke of a pen, and after 3 years of meetings without any involvement of property owners 9,920 properties in the floodway have been decimated. This is a "Katrina moment" for the citizens of Houston.

Floodway properties are not being sold ... if they are ... it's to unaware buyers, lenders and even appraisers not aware of the Ordinance change. Floodway areas are becoming blighted. Transients are taking up residence in abandoned structures. Trash is beginning to gather where there was none before. Vacant lots are not being maintained ... because owners have no more interest in a property that has become worthless. My neighbor's "prime building lot" went from an appraised value of \$131,000 to \$8,300. My other neighbor's home and land along with thousands of others have lost their retirement nest egg, their castle and their rights under the state and federal constitutions.

So where's the flood in Houston in 2008? Well, I cannot see into the future, and certainly don't wish any floodwaters to inundate property in this great city. But I do see a cascade of property owners flooding the assessment offices to get their property values reduced because of the new floodway policies. The City of Houston keeps on saying that no lands have been taken ... it is "not a taking". When a government adversely affects property values because of a designated usage ... where a definite "negative impact occurs" without compensation to the property owners ... folks ... this is a taking through "inverse condemnation"! "If it walks like a duck, looks like a duck ... it probably is a duck". When 9,920 properties are affected ... you've got a lot of taxable assets "going down the drain for tax money to the city". Let's look at these numbers and make some assumptions:

The average single family home in Houston: \$173,000.

2,373 properties * \$173,000 * 0.90 loss = \$370 Million – homes (lost tax base)

3,562 properties * \$120,000 * 0.90 loss = \$385 Million - vacant land (lost tax base)

3,985 properties * \$250,000 * 0.90 loss = \$895 Million - commercial & multifamily (lost tax base)

Total Taking = \$1.6+ Billion (lost tax base)

Let's also assume that all the vacant lots (3,562) could have built structures built on this land compatible for the floodway. Now these structures are not allowed, but for loss of future value, multiply \$200,000 per lot times the number of vacant properties and hence the additional lost appraised value of \$641,000,000 (at 90%) then gets added to the \$1.6+ billion would show a potential value **<loss> to the City of Houston of \$2.292 Billion of taxable properties**. I guess the Mayor doesn't need any more tax dollars to help solve the deteriorating inferior Houston drainage system.

So, when the mayor goes on TV and tells you that he has lowered your property tax rate for next year, he is telling the truth. Have you checked to see how much your property value has increased since the year before? Are you still saving money yet? Just wait until the *flood of people* go to HCAD (property appraisal district) and want to reduce their property values ... and they better get them reduced. If you are one of the 69,969 residential property owners in the floodplain and you wish to get your property reduced 1/3 just like Mayor White did for having his property in the floodplain Multiply the average single family home value of \$173,000 times the floodplain number and reduce it by 33% and another

<loss> of \$3.9 billion of values should be reduced from the tax rolls resulting in **approximately \$6.3 Billion <loss> of tax property values**. Guess who is going to pay more taxes to keep the schools going etc. ALL HOUSTONIANS will be paying more!!!

Unfortunately, there was no impact study conducted by the city before these changes were made. There was no feedback from any property owners in the floodway. Yes Houston we do have a flooding problem and all it will take is approximately \$4 Billion to start fixing the antiquated drainage system. No, Houston does not have that kind of money lying around. But taking away citizens assets without proper compensation is no solution either. Reduction of the tax base is ludicrous in the face of horrendous flooding capital improvements which are needed. At a recent civic meeting in Shady Acres where Mayor White attended, I heard him answer with my own ears, "If an existing property worth \$500,000 in the floodway loses its value because of the Ordinance, I can't see spending the city's money to pay for that home". So we have a mayor that is really not interested in property rights ... not mine or yours. My home was built in the floodway and I took title to it on April 17, 2006. As Houstonians we shouldn't have been allowed to build near the bayous even though the city always allowed people to build there. All citizens affected by the new Ordinance change, whether they have owned land in these areas since the 1940's or live in a 600 S.F. home or 4,000 S.F. home, must now pay for the past sins by floodway mismanagement of prior administrations. Who gives the Mayor the "right and power" to decide that my property should be condemned and "devalued"? Why should I, along with the other 9,919 people in the floodway be discriminated against? Why should the City of Houston decide to make "ponds" out of my land so as to give FEMA the impression Houston is the trendsetter for flooding abatement policy? Mayor White still believes that the reduction of FEMA insurance premiums by 20% would be a God send to all Houstonians who have flood insurance ... he still doesn't get it. The savings to a person of 20% even on a \$400 premium pales to the values lost by many homeowners. It's ugly! This is a man made "Houston Katrina Flood" in the making. You are treating the "symptoms" and "not the real problem causes" of poor drainage and inferior bayou mitigation. You have put the "cart before the horse" and it is insensitive, foolish and discrimination!

If even one (1) property owner loses their property value, YOU HAVE NOT DONE YOUR JOB! You have violated my constitutional rights (along with many others) as United States Citizen and as a Texan. You have sworn upon your election to the mayor's position to "uphold the laws of the Constitution of the United States". Sir, I have always believed that I should be protected by my government ... NOT from it!

Mr. Mayor ... you have not upheld your oath of office. You do not walk in my shoes or in the 9,919 others and your insensitivity in this matter speaks very loud and clear. Many, many people still do not know of your "agenda", but the power of the people will speak out against this. Your legacy will follow you because of your deeds and not of your words. To make Houston a "model floodway city" in your image requires the input of all citizens and a fairness of sensitivity to all, and not just from the assumptions of the engineers or through calculations of "flood models". Your city model for the citizens of Houston is looking more like a city run by a leader who thinks he knows what's best for all and just sacrifices those who need to be removed "for the good of all".

I have made assumptions in this article to point out what the devastation could be like. For those disbelievers who think this can't happen in America, think again ... this is real ... I know ... first hand! Mayor White, you don't feel my pain. You don't have a clue! I live in the floodway, in a new home that I moved into in April 2003. My home was just re-appraised to see what the affect floodway Ordinance 19-43 has on my current value. My home should have been appraised at \$430,000 and now as of October 30, 2007, it is only worth \$42,000 ... because of your change of policy. This is UN-AMERICAN.

Where has America gone. If this Houston Floodway model of an American city is at its best ... then all of America should wake up and beware! This flooding tide must be turned around. For further information got to www.houstonfloodway.org

Press Contacts

Jay Green

(281) 451-5678

jgreen@ghg.net

