

Marvin Jones

2019 Fernspray Lane • Houston, Texas 77084 • (281) 492-2219 • Email: marvin_jones@att.net

April 28, 2021

Sent via Email - Hard Copy to Follow by Mail

ATTN: GLO-CDR
Texas General Land Office
PO Box 12873
Austin, Texas 78711-2873
cdr@recovery.texas.gov

Dear GLO-CDR,

My complaint against the City of Houston - Homeowners Assistance Program (HoAP) and its cohort the Texas General Land Office (GLO-CDR) is as follows:

My Complaint

Against

City of Houston - Homeowners Assistance Program (HoAP)

&

Texas General Land Office (GLO-CDR)

Complaint is Against

City of Houston
Housing and Community Development Department
2100 Travis Street, 9th Floor
Houston, Texas 77002
Attn: Planning and Grants Management
Phone: 832.393.0550
Email: housingrecovery@houstontx.gov

Texas General Land Office (GLO-CDR)
PO Box 12873
Austin, Texas 78711-2873
Attn: GLO-CDR
Phone: 512.463.5001
Email: cdr@recovery.texas.gov

Presented below in chronological order is a listing of events that provide reasons for my complaint against the City of Houston - Homeowners Assistance Program (HoAP) and its cohort the Texas General Land Office (GLO-CDR). The dates and subject matter of the events are verified in the emails, letters, and other forms of documentation which are referenced therein.

PDF copies of all such documentation can be sent to you upon request. Comments and questions regarding my complaint are presented in blue-font print after the respective events.

Introduction

I am a 76 year old, married, disabled and retired man whose house, vehicles, and personal possessions were flooded on August 28, 2017 during Hurricane Harvey.

Being retired and living on a limited income, my wife and I didn't have any other choice but to obtain an SBA Loan to rebuild our house if we wanted to live in a house again.

We were able to stay at a Fire Station for over a year while our house was being rebuilt.

My wife and I moved back into our rebuilt house in September 2018.

About 3 months after returning to the house, I learned the City of Houston was being given money by the Federal government to financially help flood victims rebuild their homes. This financial aid included the reimbursement of "out-of-pocket" expenses that the flood victims spent to rebuild their houses.

Summary

A summary of just the "key" events that provide reasons for my complaint against the HoAP and GLO-CDR are presented below in the format of a time line. And, a Time Line of "all" events, which includes the key events, together with their supporting documentation that took place between me and the HoAP can be sent to you upon request.

As stated in the Introduction above, comments and questions regarding my complaint are presented in blue-font print after the respective events.

- From 02/18/19 - 05/13/19 shows it took **3-months** for my "contact" at the HoAP to assist me in completing my Application ID No. HoAP-372-86 and submit it to the HoAP.
Does it take this long for the HoAP "contacts" to assist and submit the Application Packets for all the other Applicants? Or, was it just for my Application?
- From 05/13/19 - 01/06/20 shows it took another **8-months** for the HoAP to acknowledge receipt of my Application Packet.
Does it take this long for the HoAP to acknowledge receipt of the Application Packets submitted by all the other Applicants? Or, was it just for my Application?
- During January 2020 - 02/07/20 shows it then took nearly **1½-months** for the HoAP to inspect my rebuilt house.
Does it take this long for the HoAP to inspect the houses of all the other Applicants? Or was it just for my house?
- On 07/29/20, or **6-months** after the HoAP acknowledged receipt of my Application Packet, received certified letter from HCDD denying my Application because "I had no unmet need". I had 30 days to appeal.

HCDD's letter contained some literature about the "no unmet need" and "duplication of benefit" (DOB) issues but I did not understand what the terms meant or how they were applied. The HoAP did not explain these issues to me. They left it up to me to figure it out.

- From 02/18/19 - 07/29/20 shows it took more than **18-months (or 1-½ years)** from the time I completed the Harvey Intake Survey to the time the HoAP denied my Application. I had 30 days to appeal.
Does it take this long for the HoAP to deny the Applications submitted by the all the other Applicants? Or, was it just for denying my Application?
- On 08/24/20, and without understanding how the "no unmet need" and "DOB" issues were related, submitted my 1st Appeal and Complaint letter to the HCDD. This letter again explained why I was requesting reimbursement and my frustration for the HoAP denying it. Being an organization that provides financial aid to flood victims, I would think the HoAP is obligated to explain how the two terms are related so that I could better apply for the reimbursement - but they did not. In all honesty, I was beginning to think they did not want me to know. This is what caused my protracted appeals to the HoAP as well as all of their continual denials.
- On 09/21/20 received email from Congresswoman Lizzie Fletcher informing me that the DOB rule which disqualified recipients of SBA Loans from receiving additional grants was changed in June 2019 whereby they could receive grants. And, an amendment to provide \$45 million in additional relief for households impacted by Hurricane Harvey was passed in February 2020. This information was later included in my 2nd Appeal to the HoAP with the following wording: **Therefore, because the "Duplication of Benefits" issue has since been resolved I would think the funds allocated to the HoAP by the federal government were, and still are, intended to cover situations such as mine - which includes my claim for reimbursement.**
- On 09/29/20 received certified letter from the HCDD stating my Application was again denied because of the same "no unmet need" and "DOB" issues. This time the HCDD included a couple of flyers in their letter which "indicated", but did not clearly explain, how the "no unmet need" and "DOB" issues were related in their calculations to rebuild my house. In the meantime, since I was running out of time to respond to the HoAP's denial of my 1st Appeal, my 2nd Appeal and Complaint letter was focused on the DOB issue and information received from Congresswoman Lizzie Fletcher. I had 30 days to appeal.
My protracted appeals and the HoAP's continual denials could have been eliminated if the HoAP would have more clearly communicated to me what the "no unmet need" and "DOB" issues meant unless, of course, if they were determined to deny my Application to begin with. All of these factors were later explained in my 3rd Appeal and Complaint to the HoAP. Also, it was in this letter that I learned the HoAP was estimating the cost of rebuilding my house by using a software program named "Xactimate" for building a "new and modest" house in Houston and no regard whatsoever was given to the actual type of house I had or the actual costs and conditions under which my house had been rebuilt. In fact, the HoAP never mentioned nor asked me for the actual costs I had incurred for rebuilding my house. Why? After all, the amount of money already spent is what reimbursement is generally all about.

- On 10/07/20, since I had previously learned the Texas General Land Office (GLO-CDR) was going to take control of the HoAP and realizing that my Application was being “disadvantaged” too much by the HoAP, I sent a letter to the GLO-CDR requesting their help in processing my Application in a fair and reasonable manner.
- On 10/25/20 submitted my 2nd Appeal and Complaint letter to the HCDD. I again explained that my wife and I had been using our savings before we ever received the SBA Loan as well as after we got the Loan. I also referred to an email I received from Congresswoman Lizzie Fletcher that said the SBA Loans would not disqualify flood victims from getting additional grants from the HCDD and this issue had been changed in June 2019. Therefore, because the DOB issue had since been resolved, I thought the funds allocated to the HCDD by the federal government were, and still are, intended to cover situations such as mine - which included my Application for reimbursement.
- From 10/25/20 - 01/15/21 shows it took **3-months** from the time I submitted my 2nd Appeal and Complaint letter to the HCDD to the time it took the HoAP to deny the Appeal. Furthermore, during this time my Application was being passed back-and-forth between the HoAP and GLO-CDR to decide which organization would process it. By now, it appeared to me the HoAP was determined to keep control of my Application so they could continue to deny it. This effort by the HoAP in maintaining control over my Application also indicated to me that the HoAP is not managed very well and, as such, is incompetent in the performance of its work. This is especially the case when considering the HoAP was using their “hypothetically” derived amounts of money, instead of my actual amounts of money that was already spent, to determine the amount of reimbursement I should receive.
- Finally, on 01/15/21 received a letter by email from the HCDD stating my Application was again denied because of the “no unmet need” as it relates to the “DOB” issue. This letter also said my appeal to the GLO-CDR could be sent to cdr@recovery.texas.gov or by mail to the Texas General Land Office. I had 30 days to appeal. By this time I had figured out how the “no unmet need” issue is related to the “DOB” issue by comparing the HoAP’s hypothetically derived amounts of money to how the amount of reimbursement is derived.
- On 02/12/21 submitted my 3rd Appeal and Complaint letter to cdr@recovery.texas.gov via email. Submittal was done in 2-transmittals because of the voluminous content of information. The 1st transmittal consisted of the letter and Enclosure #1. The 2nd transmittal consisted of Enclosures #2 and #3. All calculations in the letter and Enclosures were based upon the actual and documented costs to rebuild my house and not on the hypothetically-valued amounts estimated by the HCDD and HoAP. The documentation contained summaries about the 2 contractors my wife and I had to use, spreadsheets showing all “actual” and “documented” expenses incurred, references to expenses paid and receipts received, a list of items remaining to be repaired, and even a few photos showing the items remaining to be repaired and other-related information. **This letter contained the most scathing evidence that proved the HoAP was determined to deny me reimbursement by disregarding all information presented in the letter. PDF copies of this letter and all other letters sent to and received from the HoAP can be sent to you upon request.**

For the avoidance of doubt as well as for record purposes, the amount of money that should be reimbursable to my wife and I should be essentially the same as the \$37,048.60 which was calculated and presented in the letter.

The letter also contained the following statement: Thus, the amounts specified in this letter are more applicable to my claim for reimbursement because the house had already been rebuilt and all costs accounted for. Now, at this juncture, I still want to know why the HoAP did not ask me for an account of my expenses for rebuilding the house to begin with.

- On 02/24/21 received email from jenna.goldberg.ctr@recovery.texas.gov of the Texas General Land Office (GLO-CDR) confirming receipt of my Tier 3 appeal to the HoAP. The email also said they will provide a response by 03/10/2021.
- On 03/12/21 received email from jenna.goldberg.ctr@recovery.texas.gov of the Texas General Land Office (GLO-CDR) informing me that my appeal deadline has been extended to 03/26/2021 because they require additional time to adequately review my appeal. This extension in time taken by the HoAP to review my 3rd Appeal proved to me that (a) the HoAP was determined to find a way to deny my appeals from the very beginning, and (b) the HoAP implemented a double-standard in reviewing my appeals - like giving me only 30 days to submit my appeals and them taking as long as they wanted to review my appeals.
- On 04/07/21 received email from jenna.goldberg.ctr@recovery.texas.gov of the Texas General Land Office (GLO-CDR) informing me that my appeal deadline had again been extended and is now 04/21/2021 because they require additional time to adequately review my appeal. This second extension in time taken by the HoAP to review my 3rd Appeal further proved the points mentioned in my comments above.
- On 04/12/21 received email from jenna.goldberg.ctr@recovery.texas.gov of the Texas General Land Office (GLO-CDR) with a letter attached from the Texas General Land Office that was signed by Ashley Hurst. The email said a hard copy of the letter will also be mailed to me. From 02/12/21 - 04/12/21 shows it took well over 1 ½ - months from the time I submitted my 3rd Appeal and Complaint letter to the HCDD to the time it took the HoAP to review my 3rd Appeal.

The letter was likewise dated 04/12/2021 and said my Tier 3 Appeal was denied. The letter further noted that all GLO appeal determinations are final. The reason for the denial was that HUD upholds that all funds an applicant receives to repair and/or rebuild their home after a disaster must be considered when awarding assistance. The City of Houston stated it calculated my DOB by considering how much assistance I previously received from outside entities (ex: FEMA, insurance, SBA loan) would be duplicated by my requested assistance. After their review, it was also stated they determined the amount I received from outside entities exceeds the cost of repair of my home.

None on the reasons provided above by the GLO for denial of my 3rd Appeal are correct or true. This can be verified by reading my 3rd letter of Appeal and Complaint to the HoAP. Their denial not only proves the GLO-CDR and HoAP had consistently ignored what I had

presented in my 3rd Appeal as well as my Application and all the other Appeals - but it also proves the HoAP has systematically and blatantly denied me of any chance at receiving reimbursement! Why? And, exactly who is the HoAP giving all the federal money to?

Again, for the avoidance of doubt as well as for record purposes, I did not receive reimbursement for any of my out-of-pocket expenses for rebuilding my house. Absolutely nothing! And, moreover, from 02/18/19 - 04/12/21 shows it took 26-months (or 2.2 years) from the time I completed the Harvey Intake Survey to the time I was denied reimbursement by the HoAP. This inordinate amount of time taken by the HoAP to implement a predetermined denial of my Application was totally inconsiderate, unethical, and further proves my complaint against the HCDD, GLO-CDR, Texas General Land Office, and whoever else is tied into the City of Houston's - Homeowners Assistance Program (HoAP).

Conclusion

Because I did not receive any reimbursement, and after considering all the issues associated with the HoAP's decision to deny my Application, it was obvious the HoAP was determined to deny me of any chance at receiving reimbursement from the very beginning. Why?

Since reimbursement pertains to money that has already been spent, why did the HoAP estimate the cost of rebuilding my house instead of asking me for an account of my out-of-pocket expenses that I had already spent? As experts in the costs of rebuilding flooded houses, I would think the HoAP should have asked me about the money I already spent from the very beginning - but, they didn't. So, it was very obvious to me that the HoAP had built a case against me by using the estimated costs to rebuild my house rather than ask me for my actual costs for the rebuild. By building this case, the HoAP could more easily show how the balance derived from the "total funds received" minus the "total expenditures to rebuild" would be greater than the cost of the items remaining to be repaired. This became even more obvious when taking into account the HoAP Inspectors had declined to accept my list of items remaining to be repaired when they came to inspect my house. **If the HoAP says it was a mistake on their part for not asking about my actual costs, then such excuse would further prove their incompetence as well as their determination to deny me reimbursement - especially, when considering that I had to make 3 Appeals to obtain any chance at receiving reimbursement which was still to no avail!**

Other comments and questions about my complaint, most of which are asked on a comparative basis, are as follows:

Note: The term "Applicants Like Me" as used below refers to an individual with physical and social traits similar to mine (i.e., a 76 year old, married, disabled and retired man).

- To date, how many Application Packets for Applicants Like Me have been denied by the HoAP? And, how many Application Packets for all the other Applicants have been denied by the HoAP?
- Being an organization that provides financial aid to flood victims, and because most of the Applicants are not familiar with the terminology and calculations used in determining the amounts of reimbursement, I would think the HoAP is obligated to "clearly" explain to "all"

Applicants what the terms of “no unmet need” and “DOB” mean and how such terms are used in the calculations for determining reimbursement. If my thought is correct, then how many Applicants Like Me did the HoAP reach out to? And, how many of the other Applicants did the HoAP reach out to?

- For determining the amounts of reimbursement, how many Applicants Like Me did the HoAP use “Xactimate” for estimating the cost of rebuilding their houses? And, how many of the other Applicants did the HoAP use “Xactimate” for estimating the cost of rebuilding their houses?
- Again, for determining the amounts of reimbursement, how many Applicants Like Me did the HoAP use their “actual” and “documented” costs for the cost of rebuilding their houses? And, how many of the other Applicants did the HoAP use their “actual” and “documented” costs for the cost of rebuilding their houses?
- Did the HoAP Inspectors decline to accept the lists of items remaining to be repaired that are offered to them by all Applicants Like Me? And, did the Inspectors decline to accept the lists of items remaining to be repaired that are offered to them by all the other Applicants?
- How many Appeals submitted by Applicants Like Me were denied by the HoAP? And, how many Appeals submitted by all the other Applicants were denied by the HoAP?
- How many extensions in time were taken by the HoAP to review the Appeals submitted by Applicants Like Me? And, how many extensions in time were taken by the HoAP to review the Appeals submitted by all the other Applicants?
- My Application for reimbursement amounted to **\$37,048.60**. But I was awarded absolutely nothing by the HoAP! As a matter of curiosity, what is the “average” amount of reimbursement in dollars (\$) that is awarded by the HoAP to other Applicants Like Me? And, what is the “average” amount of reimbursement in dollars (\$) that is awarded by the HoAP to all the other Applicants?
- It took 26-months (or 2.2 years) from the time I completed the Harvey Intake Survey to the time I was denied reimbursement by the HoAP. Again, as a matter of curiosity, what is the average amount of time it takes for other Applicants Like Me to receive their denials of reimbursement from the HoAP? And, what is the average amount of time it takes for all the other Applicants to receive their denials of reimbursement from the HoAP?

Closing

My complaint against the HoAP is just one example of the many out-of-pocket expenses and indifferences in peoples’ attitudes toward the financial status of my wife and I that we incurred as a result of Hurricane Harvey. This can be evidenced by the other run-arounds that we had been given by FEMA and BCFS. For instance:

- The only money we received from FEMA was **\$3,166** (i.e., \$500 for Critical Needs and \$2,666 for 2-months Housing Rental). This amount was by no means comparable to all the expenses FEMA said they would cover in their disaster relief letters sent to us. The reason why we were forsaken by FEMA is because they said our SBA Loan covered all our losses.

(Note: I still cannot believe FEMA's logic on how a "loan" that we have to pay back over the next 32 years is considered financial aid.); and

- Over the course of a 10 month period (Aug 2018 - May 2019), and after being passed around to 3 different BCFS Case Managers, the only financial aid we received from BCFS was a **\$4,500** check from Red Cross.

Based upon the exceedingly late responses and measly financial aid provided by FEMA, BCFS, and, now, "nothing" from the HoAP, it is obvious that we have been and still are being abandoned by agencies that were supposedly put in place to help us. Therefore, it should now be understandable why I am filing my complaint against the HoAP and GLO-CDR.

All of the above has ruined my retirement and made my life miserable. As such, I suffer from panic attacks, depression, anxiety, and difficulty in sleeping. If I feel the way I do, then you can bet there are other flood victims who feel the same way I do - even if they are too embarrassed or afraid to admit it.

Therefore, any help you can provide in respects of the above will be greatly appreciated. And, I still think our U.S. government agencies should be more understanding and accommodating to the U.S. citizens who have paid their fair share of taxes over the years to fund the government agencies.

Respectfully,

Marvin Jones



Note: Copies of the following documents are available in PDF format and can be sent to you upon request:

1. Time Line of all events with the HoAP, which includes key events listed in the Summary
 - Supporting Documentation for Time Line
2. Application Packet HoAP-372-86
3. Denial letter to Application Packet dated 07/29/20 received from City of Houston - HCDD
4. 1st Appeal and Complaint letter dated 08/24/20 sent to City of Houston - HCDD
5. 1st Denial letter dated 09/29/20 received from City of Houston - HCDD
6. 2nd Appeal and Complaint letter dated 10/25/20 sent to City of Houston - HCDD
7. 2nd Denial letter dated 01/15/21 received from City of Houston - HCDD
8. 3rd Appeal and Complaint letter dated 02/12/21 sent to Texas General Land Office
 - Enclosure #1
 - Enclosure #2
 - Enclosure #3
9. 3rd Denial letter dated 04/12/21 received from Texas General Land Office

Copy To: Congresswoman Lizzie Fletcher
Houston Office
5599 San Felipe Road, Suite 950
Houston, TX 77056
Rep. Lizzie Fletcher <repfletcher@mail.house.gov>