

Marvin Jones

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

05/18/2021

Sent via Email - Hard Copy to follow by Certified Mail

Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873
Ashley.Hurst.GLO@Recovery.Texas.gov

RE: City of Houston Complaint

Ms. Hurst:

Pursuant to the receipt of your letter dated 05/13/2021, I am both confused and disappointed by many things you said in the letter.

For instance, the 2nd paragraph in your letter says “The Disaster Recovery Reform Act of 2018 (DRRA) (division D of Public Law 115-254) stated that SBA loans are no longer considered DOB when certain conditions are met for disasters declared between 1/1/2016 and 12/31/2021.” The paragraph further says “... legislation was passed in October 2018, HUD did not release rules on how to apply the new changes until June 2019. Our Hurricane Harvey programs were already fully established at this time. We assessed the impact of amending our Hurricane Harvey policies and procedures. However, incorporating the new [new] HUD rules for SBA would reduce the number of applicants eligible to receive a reimbursement.” So, what is really going on? From what I read, the DOB issue has since been resolved and should no longer be used against me - especially, when considering that the calculations involving my actual and documented costs do **not** disqualify me from receiving reimbursement any way. This is because funds received from outside sources (\$181,120.99) barely exceeded the total expenditures to repair my home (\$179,323.66) and produced a modest balance of \$1,797.33. Then, when subtracting the modest balance from the estimated cost of repairs remaining to be completed (\$38,845.93), the difference shows I should receive reimbursement. **All of this is proven in my 3rd Appeal and Complaint letter.** Therefore, why is the HoAP and GLO still denying me reimbursement? Is it because the GLO does **not** want to make things right for me by incorporating the new changes? In any case, I still want to know why the HoAP will **not** use the account of my actual and documented costs to rebuild my house?

Then, the 3rd paragraph says “According to the Damage Repair Valuation completed by the City of Houston on 1/13/2020, the repairs that you [I] made to your [my] home total \$128,225.19.” This amount is **not** correct because the HoAP based their Damage Repair Valuation on a fictitious, hypothetically-valued estimate that does **not** reflect all of the costs I incurred. As explained in my 3rd Appeal and Complaint letter, all “actual” and “documented” costs to rebuild my house amounted to **\$179,323.66**. For this and many other related reasons, I am sending you a

copy of my 3rd Appeal and Complaint letter, with its Enclosures #1, #2 and #3, in PDF format via email. This letter and its Enclosures will clarify many things that people in the HoAP and GLO apparently haven't told you or don't want you to know.

The 3rd paragraph also says "Program procedures do not allow for dollar for dollar reimbursements for repairs. The City of Houston calculates Damage Repair Valuation totals using standard industry pricing." However, none of this is applicable in my situation. This is because the HoAP has been, and still is, basing its denials for my reimbursement on their fictitious, hypothetically-valued estimate with numerous accounting errors and **not** on the actual and documented costs that I incurred for rebuilding my house. Moreover, it also proves the City of Houston is **not** taking into account the limited resources at higher prices that I had to pay as well as many other costly conditions the flood victims were subjected to. So, it is **not** surprising to learn that the City of Houston is now creating procedures after-the-facts. This is nothing short of moving the goal posts during a flood victim's recovery effort because none of the aforementioned procedures and policies was in effect at the time of the flooding.

In regards to the **\$22,222.79** for repairs related to contractor fraud, I pointed out that such amount should be included in **Item 3D** of the DOB Reconciliation Worksheet. This is because it is money that I was charged (as an Over Run cost) by Contractor No. 1 and I never received any benefit from the charge. In any case, it was a moot point then and still is now. This is because such amount was included in the actual and documented costs to rebuild my house. This is more fully explained and shown on the accompanying spreadsheets in **Enclosure #1** to my 3rd Appeal and Complaint letter that I am sending to you in PDF format via email.

And, in regards to the DOB Reconciliation Worksheet provided to me by the City of Houston, there is absolutely **no** credibility to it whatsoever! This is because the Worksheet is based upon the HoAP's fictitious, hypothetically-valued and grossly incorrect estimate **instead of the actual and documented costs that I paid to rebuild my house.** Moreover, the errors in the amounts entered on the Worksheet further enabled the HoAP to manipulate the calculations related to the no unmet need and DOB issues to convince you that I am **not** eligible to receive reimbursement. For this reason, I am also sending you a copy of the Worksheet in PDF format via email. You will then be able to compare the erroneous entries in the Worksheet to the findings presented in my 3rd Appeal and Complaint letter with its Enclosures #1, #2 and #3. At this juncture, it should now be obvious to the readers why the HoAP refuses to use the account of my actual and documented costs to rebuild my house.

At the end of the 3rd paragraph, I do **not** recognize how you derived the \$52,895.80 with the cost of future repairs not included? But the costs related to contractor fraud (i.e., the **\$22,222.79**) are included in the costs to rebuild my house. This is because such costs were a part of the actual and documented costs that I paid to rebuild my house. I also do **not** recognize how you derived the DOB of \$30,673.01 even if the costs related to contractor fraud were deducted from the DOB calculations? But none of these unknowns **are surprising to me or even applicable** because the HoAP and GLO are continuing to base their calculations on a fictitious, hypothetically-valued and grossly incorrect estimate that is full of errors instead of my actual and documented costs.

Finally, the 4th paragraph says "... the GLO is still attempting to assist me with your [my] pending disaster recovery repairs. Your [My] application for the GLO's Homeowner Assistance Program for City of Houston residents (HAP - City of Houston) is currently in the status 'Eligibility Review'. The pending items that you [I] outlined in your [my] Tier 3 appeal may be

repaired if you are [I am] deemed eligible for assistance. Please continue to work closely with your [my] Case Manager as your file progresses.” **All of this is new news to me**. No one from the GLO ever informed me about this nor told me who my Case Manager is. Besides, I received a legal opinion back on 02/01/2021 that said the HAP provides homeowners with repair or reconstruction assistance but it does **not** provide reimbursement. Even though I would be appreciative of and could use the HAP assistance (which I should probably be receiving any way), the HoAP and GLO have still missed one of my main points from the very beginning for requesting the reimbursement which is as follows:

As communicated to the HoAP and GLO many times before, my wife (Donna) and I are in dire need of being reimbursed for money that we had to spend through no fault of our own in rebuilding our house due to a National Disaster. Donna and I are now 73 and 76 years old, respectively, and have numerous problems with our health which is just one of the reasons why the reimbursement is needed. For instance, both of us have diabetes with Donna having to take insulin together with about 8 other meds. I have a bone marrow cancer called multiple myeloma that resulted in replacing my L5 vertebrae with a titanium vertebrae. The multiple myeloma must be monitored periodically (e.g., PET/CAT scans, blood work, etc). In addition to this disability, I am having chronic problems with my teeth and am also taking medication for treating tremors (similar to Parkinson’s disease) and high blood pressure. We are living on a very limited income of social security. At this point, it should be noted that some of the reimbursement money was going to be used for completing the repairs to our home. But if the GLO is really going to have the HAP complete the repairs, we can then use all of the reimbursement money for our health issues which would be a blessing.

Regardless of the outcome involving help from the HAP, all of the other situations involving my request for reimbursement from the HoAP and GLO have been, and still are, a travesty! And, ironically, the HoAP’s use of its fictitious, hypothetically-valued and grossly incorrect estimate, instead of using my actual and documented costs that I paid to rebuild my house, is in reality an act of fraud on their part! The only thing that would be worse than what the HoAP and GLO are doing to me is for the people who are copied on this letter to **not** investigate what has happened, and is still happening, to me.

Furthermore, because of the HoAP’s and GLO’s continuing persistence in basing their calculations on a fictitious, hypothetically-valued and grossly incorrect estimate that is full of errors, instead of using my actual and documented costs, **I think the HoAP is retaliating against me for a series of letters that I wrote about Flood Control and sent to several public officials.** Most of the letters were written after my wife and I evacuated our flooded home back in August 2017. I sent the letters to the public officials via certified mail. One of the officials was Mayor Sylvester Turner who is head of the HoAP. To date, I have written and sent a total of 10 letters to the officials. For your information, I am sending you a PDF copy of only the 3rd letter about Flood Control via email. This is because I did not include Sylvester Turner as a recipient of the letters until the 3rd letter. Thereafter, he was included in all of them. I will be happy to send you copies of all the letters upon your request.

In addition to the above, **I also think the HoAP and GLO is discriminating against me based upon any of the facts associated with me being a 76-year old, retired and disabled, white male.** Otherwise, why is the HoAP and GLO continuing to stack-the-deck against me in my effort to obtain reimbursement?

In closing, and as previously stated above, the only thing that would be worse than what the HoAP and GLO are doing to me is for the people who are copied on this letter to **not** investigate what has happened, and is still happening, to me.

Respectfully,

Marvin Jones



Note: For those of you who are just now being included as recipients of this correspondence, it is suggested that you read the Reference Documents listed below. Copies of all the Reference Documents are available in PDF format and can be sent to you via email upon request.

1. Time Line of all events with the HoAP, which includes key events listed in the Summary
- 1.A 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
- 8.A Enclosure #1
- 8.B Enclosure #2
- 8.C Enclosure #3
9. 3rd Denial letter dated 04/12/21 received from Texas General Land Office
10. My Complaint letter against the HoAP and GLO dated 04/28/2021

Reference documents generated or referred to after My Complaint letter against the HoAP and GLO include the following:

11. 4th Denial letter dated 05/13/21 received from Texas General Land Office
12. DOB Reconciliation Worksheet provided by the City of Houston
13. 3rd letter about Flood Control (John Culberson - 3 Operations & Maintenance)

Copy To:

Senator Paul Bettencourt
Houston Office
11451 Katy Freeway, Suite 209
Houston, Texas 77079
Paul.Bettencourt@senate.texas.gov
(Letter w/o Reference Documents)

Congresswoman Lizzie Fletcher
Houston Office
5599 San Felipe Road, Suite 950
Houston, Texas 77056
repfletcher@mail.house.gov
(Letter w/o Reference Documents)

Attorney General Ken Paxton
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(Letter w/o Reference Documents)

Commissioner George P. Bush
Texas General Land Office
P.O. Box 12873
Austin, Texas 78711-2873
(Letter w/o Reference Documents)