

Fighting Back on the Cumulative Impacts of Environmental Hazards Faced by Vulnerable Communities in Houston

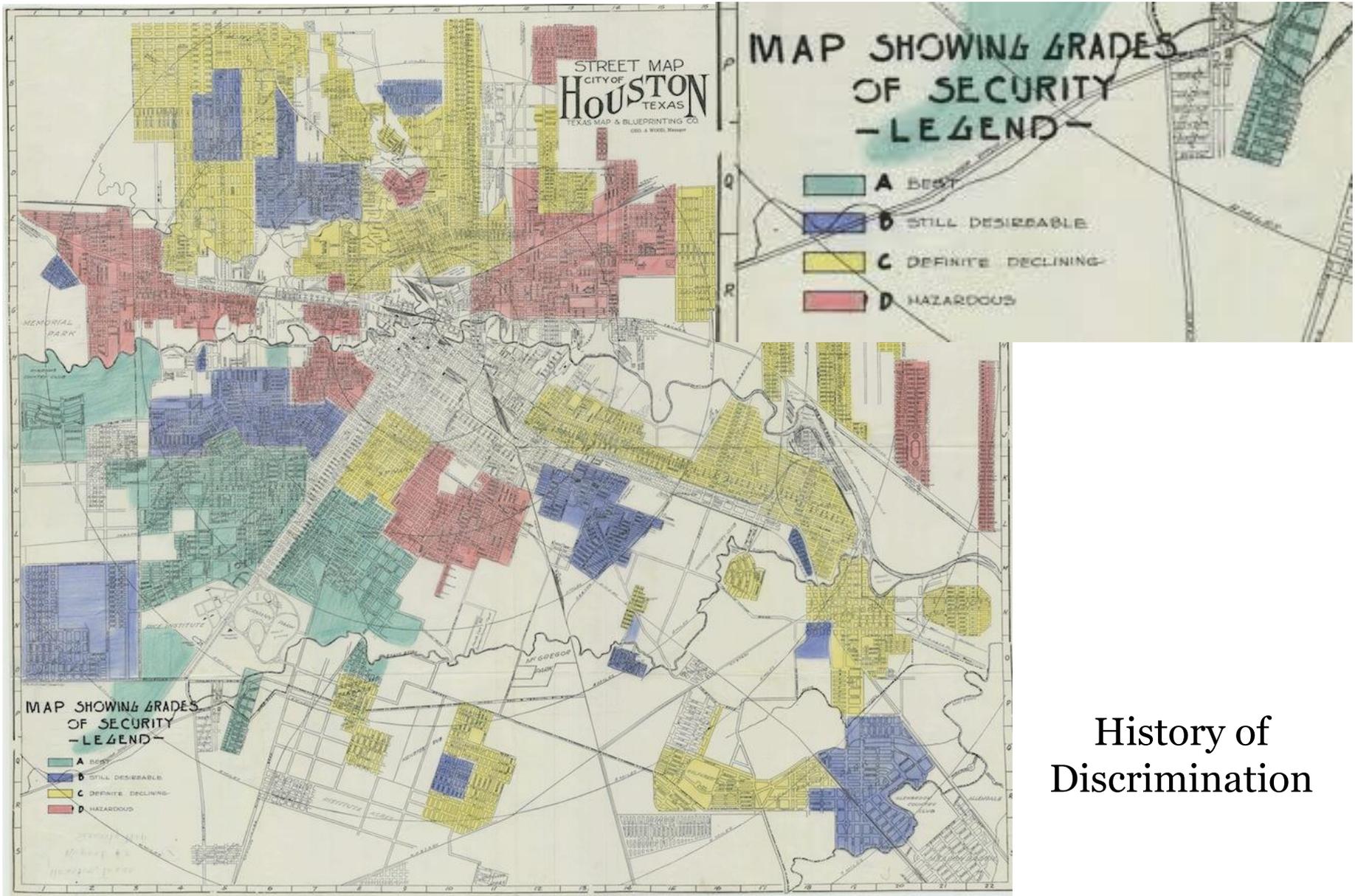
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CEC Environmental Summit

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L O N E S T A R
L E G A L A I D



History of
Discrimination

NO ZONING





REGULATORY ENTITIES



**TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY**

LOCAL GOVERNMENT



NEIGHBORHOODS

- Civic Clubs
- Community Organizations

Neighborhood-Based Efforts



LONE STAR
LEGAL AID

Permitting challenges



TEXAS COMMISSION
ON ENVIRONMENTAL QUALITY

- Air
 - Concrete batch plants
 - Refineries
 - Concrete crushers
- Land
 - Landfills
 - Superfund
 - Brownfields
- Water
 - Drinking Water
 - Stormwater

Nuisance Actions

- New Facility
- Change in Conditions



Deed Restrictions



- Uniform, common plan
- Defined boundary
- Agreement on use of land
- Majority must be residential-use only
- Requires Notice

Creating New Deed Restrictions



**NEIGHBORHOOD
PLAT**

**SUBDIVISION
FOR
RESIDENTIAL USE ONLY**

- Was neighborhood subject to restrictions once, but expired?

Yes, need 75% of owners to agree.

- If no restrictions, but majority of land has a residential-only character?

Yes, need 100% of owners to agree to prevent opt out.

Who can enforce Deed Restrictions?



- Property owners in the defined subdivision
- Home Owners Association (HOA) / Civic Club (if designated)
- City of Houston
- Harris County

Houston's Enforcement



Limited to restrictions that:

- Affect the use to which real property may be put;
- Fix the distance that a structure must be set back from property lines, street lines, or lot lines;
- Affect the size of a lot or the size, type and number of structures that may be built on the lot;
- Regulate orientation of a structure; or
- Regulate certain fences requiring a building permit.

Chapter 212 of Tex. Local Government Code;
Article XV of Chapter 10, Sections 10-551
through 10-555, of the City of Houston Code
of Ordinances

County's Enforcement



County Attorney may enforce “restrictions” that:

- Affect the use to which real property may be put,
- Fix the distance at which buildings or other structures must be set back from property, street, or lot lines,
- Affect the size of lots, or
- Affect the size, type, or number of buildings or other structures that may be built on the property.

City Efforts to Regulate



What will Houston protect?

- Drinking water
- Stormwater
- Sewage
- Air pollution
- Nuisances
- Deed restrictions



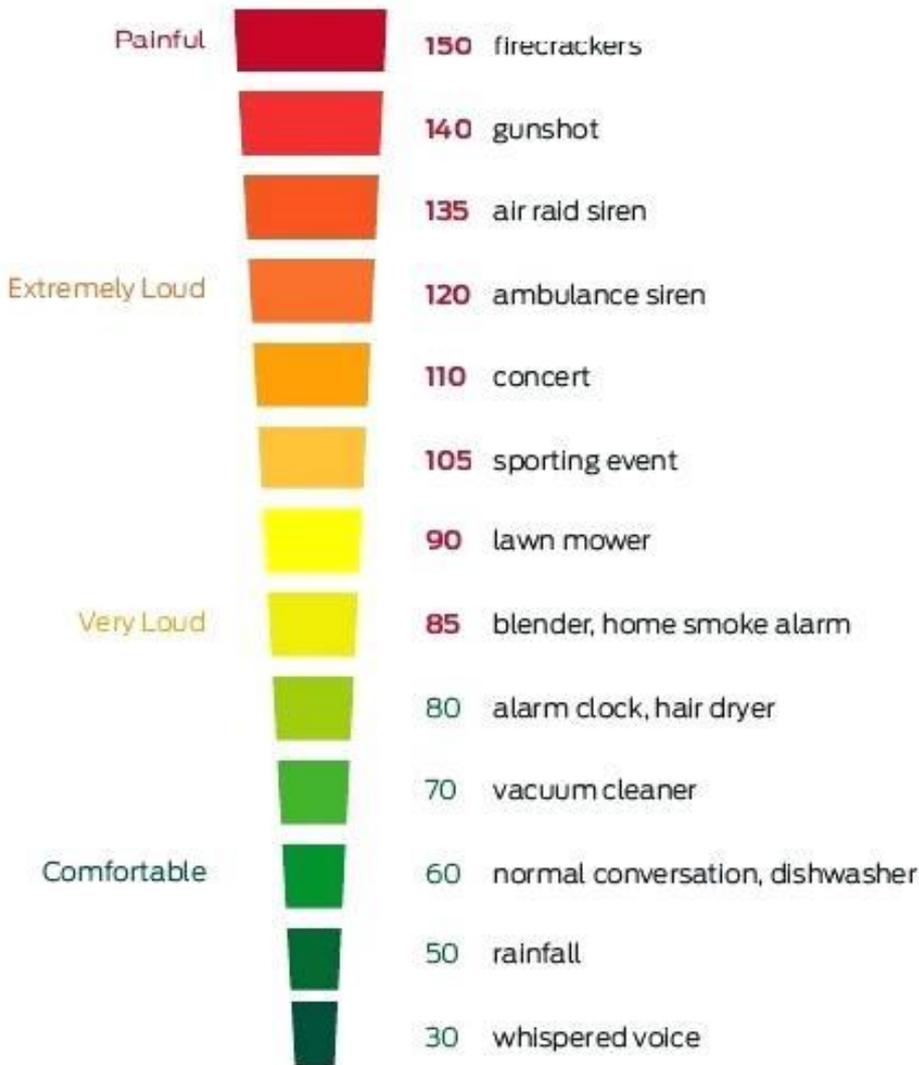
What hazards does Houston regulate?

- Auto wreckers, storage and salvage yards
- Docks, canals, ditches around Lake Houston
- Excessive Criminal Activity at Apartments
- Fences
- Grease traps, sewage, car washes and laundries
- Hazardous enterprises
- Industrial waste
- Junk dealing, scrap and metal processing
- Junk vehicles
- Noise and sound levels
- Oil & gas wells
- Railroads
- Slaughterhouses
- Tire storage
- Visual blights (graffiti)
- Wells and cisterns

PUBLIC NUISANCES



City of Houston Ordinances,
Chapter 10



Noise and Sound

- Residential property limits:
 - 65 dB(A) during daytime hours
8:00 am – 10:00 pm
 - 58 dB(A) during nighttime hours
10:00 pm – 8:00 am
- Nonresidential property:
 - 68 dB(A) at all times
- Also regulates
 - Noisy animals and birds
 - Noisy vehicles generally

Trees and Landscaping: Buffers



- Screening fence or landscape buffer required for any non-residential or multi-family use adjacent to a single-family residential use.

City of Houston Ordinances,
Section 33-128

County Efforts to Regulate



What hazards does Harris County regulate?

- Animal control
- Game rooms
- Graffiti
- Junkyards, Automotive Wrecking and Salvage Yards
- Nuisances
- Metal Recycling
- Sexually-Oriented Businesses
- Water Wells

Harris County Attorney's Office



- Enforces laws regulating air pollution, water pollution, sewage disposal, hazardous and other solid waste disposal, drinking water contamination, flood plain management, and public health nuisances.
- Works with investigators with EPA, TCEQ, City of Houston, Coast Guard, Public Health to check out violations
- Consults air emission events data to determine where enforcement upon major unauthorized emitters of toxic pollutants



Questions?

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