

TEXAS HOUSE OF REPRESENTATIVES
DAN HUBERTY

October 5, 2011

David Feldman
City of Houston
P.O. Box 1562
Houston, TX 77251

Mr. Feldman:

I am writing to you today in reference to the proposed rehabilitation center at 4107 Acorn Street in Kingwood and the meeting you attended on Monday, October 3. Although no representatives from my office were present at the event, we have been told repeatedly that you continually referred residents to the Texas Commission on Alcohol and Drug Abuse at the State level, as the permitting agency for this specific situation.

My office had ever heard of this Commission and being that we so closely examined the budget this past legislative cycle, it is highly unlikely that we would be unaware of any commission's existence. We reviewed the statute you referred to at the meeting, Texas Health and Safety Code, Title 6, Subtitle B, Chapter 461, only to find that the "Texas Commission on Alcohol and Substance Abuse was abolished and the powers, duties, functions, programs, and activities of that agency were transferred to the Department of State Health Services" in 2003. Rather, the Commission was down-sized to a small division of the Department of State Health Services called the "Mental Health and Substance Abuse Division." According to DSHS, this division has no permitting authority and would have no say in the opening of this rehabilitation center.

That being said, our office have been in contact with the DSHS regarding the permitting of the proposed facility for some time now and they continue to have the same response. The facility must receive a fire marshal report which includes a gas pipe pressure test from the City of Houston Fire Department; a completed ADA packet with on site certificate; and a completed inspection of the kitchen by Harris County, or a letter from the county stating they do not handle these inspections, among other requirements, before the DSHS will schedule an official inspector to come to the location to continue the permitting process.

As it appears, the permit would be issued by the DSHS, but the initial inspections lie with the City of Houston and Harris County. With this in mind, I urge you to reconsider your opinion that these individuals are a protected class under the Federal Fair Housing Act and that this overrides local zoning ordinances and deed restrictions allowing the City no authority to prevent the center from opening.

I agree with Congressman Ted Poe and Council Member Mike Sullivan that this facility is not protected under the Federal Fair Housing Act and that the City of Houston must reevaluate its position. It is my hope that you will reconsider your opinion on this matter as many of the statements made by the City have led some community members to believe that their property rights and the standing deed restrictions are being ignored by allowing this facility into the community.

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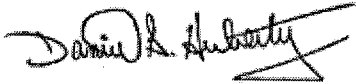
Although I understand the need for such facilities, I do not feel that this setting is the appropriate place. Opening a for-profit rehabilitation center at a single-family residence located in a neighborhood does not bode well for the community. This particular home sits rather close to Shadow Forest Elementary school and several local businesses, like The Black Belt Karate Academy and The Little Gym, that host activities for children before and after school.

It should also be noted that Kingwood already hosts a great rehabilitation center, Kingwood Pines Hospital, that caters specifically to alcoholism as a primary treatment center, but also treats many other diseases. Being that this facility already exists, I see no purpose to open another competing facility in a residential neighborhood.

Again, I urge you to reevaluate your previous opinion and take action. Although this center will serve a noble purpose, it is not appropriate in a residential setting and this service is already being performed at Kingwood Pines Hospital.

I thank you for your time and look forward to a response.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Huberty", with a stylized flourish at the end.

Dan Huberty

CC: Mayor Annise Parker
City Council Member Mike Sullivan