

**Lake Houston Redevelopment Authority**

**Title VI/Nondiscrimination Plan**

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July 30, 2024

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## **Introduction**

The City of Houston created Reinvestment Zone Number Ten, City of Houston, Texas (herein referred to as the “TIRZ”) is to set forth goals, expectations, redevelopment plans and programs needed to facilitate planned residential, and commercial developments and in a manner consistent with the Kingwood Annexation Service Plan, included as an Exhibit to Ordinance 96-1115, adopted by City Council on October 23, 1996 and which annexed Kingwood into the City of Houston City Limits.

The City created the TIRZ by Ordinance No. 1997-1589, adopted by City Council on December 17, 1997, within an area covering approximately 1,426 acres, and located primarily in the vicinity of Lake Houston, and also known as Kingwood. The City adopted a Plan for the area on April 21, 1999 by Ordinance No. 1999-0387. On September 11, 1999, by Ordinance 1999-0825, City Council approved an Amended Project Plan and Reinvestment Zone Financing Plan for the TIRZ. Subsequently, after recommendation by the TIRZ, City Council, by Ordinance 1999-0853, approved the annexation of approximately 508 additional acres into the TIRZ. The enlarged TIRZ included areas for which several property owners requested annexation including the Kingwood Lakes South, North Tract, Woodstream Forest and Riverchase Village Subdivisions; in addition, several public rights-of-ways were also included in the annexed area including Mills Branch Drive, North Park Drive, Kingwood Drive and Woodland Hills Drive. On April 23, 2008, by Ordinance 2008-0337, City Council adopted an Amended Project Plan and Reinvestment Zone Financing Plan for the TIRZ, as to provide provisions for the design and construction of public benefit facilities. By Ordinance 2011-0741, adopted by the City on August 24, 2011, the City added 975.4 acres to the TIRZ. On the same day, by Ordinance 2011-0742, the City adopted an Amended Project Plan and Reinvestment Zone Financing Plan for the TIRZ. The Amended Plan included provisions for land acquisition, design and construction of a fire station, to be located within the TIRZ. On April 2, 2014, The City, by Ordinance 2014-0254, annexed an additional 496.38 acres into the boundaries of the TIRZ, and by Ordinance 2014-0255, amended the Project Plan and Reinvestment Financing Plan of the TIRZ. On, December 12, 2018, the City adopted Ordinance 2018-997, amending the Project Plan and Reinvestment Zone Financing Plan of the TIRZ, and extended the duration of the TIRZ to December 31, 2048, and by Ordinance 2018-997, annexed an additional 36.18 acres of territory into the boundaries of the TIRZ. On December 16, 2020, by Ordinance 2020-1082, the City annexed an additional 349 acres of land consisting primarily of a drainage channel commonly referred to as Taylor Gully, and various tracks of contiguous parcels designated to be developed into the future Woodridge Detention Basin and a future City of Houston regional wastewater treatment plant. On December 6, 2023, by Ordinance 2023-1060, the City annexed an additional 14.29 acres of land, consisting of road right-of-way on Northpark Drive, within the limits of unincorporated Montgomery County.

In 2014, the City created the Lake Houston Redevelopment Authority (the “Authority”), delegating to the Authority the responsibility of implementation of this Project Plan and Reinvestment Zone Financing Plan, and assigning to the Authority the tax increment revenues for such purpose pursuant to an Agreement by and Among the City of Houston, Texas, Reinvestment Zone No. 10, City of Houston, Texas, and the Lake Houston Redevelopment Authority, by Ordinance 2014-0050, dated January 30, 2014 (the “Tri-Party Agreement”).

LHRA is a forward-thinking leader delivering mobility, creating equity and inclusion across the agency, enabling economic opportunity, and enhancing quality of life for all people. LHRA works diligently to further that mission in a fair and nondiscriminatory way. As a recipient of federal financial assistance from the Federal Highway Administration (FHWA), LHRA is required to comply with Title VI of the Executive Directoril Rights Act of 1964, which provides:

No person in the United States, on the ground of race, color, or national origin, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Title VI served as the model for subsequent nondiscrimination laws, including the Federal Aid Highway Act of 1973 (gender), Section 504 of the Rehabilitation Act of 1973 (disability), and Age Discrimination Act of 1975 (age). LHRA's nondiscrimination policy statement includes these protected classes to ensure that no person be subjected to any form of discrimination in our programs or activities ([Attachment 1](#)).

The U.S. Department of Justice (DOJ), as the federal government's coordinating agency for Title VI, implemented its Title VI program in 28 Code of Federal Regulations (C.F.R.) Part 42 and issued guidance in two main documents: The Title VI Legal Manual and the Complaint Investigation Procedures Handbook.

Title VI authorizes and directs public agencies to enact "rules, regulations, or orders of general applicability" to achieve the statute's objectives. The U.S. Department of Transportation (DOT) implemented its Title VI program in 49 C.F.R. Part 21. FHWA's implementation of regulations can be found in 23 C.F.R. Part 200.

### ***Discrimination under Title VI***

It is the responsibility of LHRA to prevent, minimize, and eradicate any form of discrimination. There are two types of discrimination prohibited under Title VI and its related statutes: (1) disparate treatment that alleges similarly situated persons are treated differently because of their race, color, or national origin (*i.e.*, intentional discrimination); and (2) disparate impact/effects when a facially neutral policy, procedure, or practice results in different or inferior services or benefits to members of a protected group. The focus of disparate impact is on the consequences of a decision, policy, or practice rather than the intent. Prohibited forms of discrimination may include, but not be limited to, the following:

- The denial of services, financial aid, or other benefits provided under a program;
- Distinctions in the quality, quantity, or manner in which a benefit is provided;
- Segregation or separation of persons in any part of a program;
- Restriction in the enjoyment of any advantages, privileges, or other benefits provided to others;
- Differing standards or requirements for participation;
- Methods of administration that directly or indirectly, or through contractual relationships would defeat or impair the accomplishment of effective nondiscrimination; or
- Discrimination in any activities or services related to a highway, infrastructure or facility built or repaired in whole or in part with federal funds.

LHRA's efforts to prevent such discrimination must address, but not be limited to, how a program or activity:

- Impacts the public;

- Provides accessibility;
- Provides equal access to benefits;
- Encourages participation;
- Provides services equitably;
- Initiates contracting and training opportunities;
- Investigates complaints;
- Allocates funding; and
- Prioritizes projects.

The nondiscrimination evaluation criterion applies to all within LHRA, with special emphasis placed on programs that directly affect the public through activities such as:

- Project planning and design;
- Environmental process;
- Right-of-way acquisition;
- Construction;
- Contracting; and
- External communications.

In addition, LHRA as a Texas Transportation Corporation administering programs that receive federal financial assistance must establish a Title VI compliance program.

### ***Authorities***

The authorities applicable to LHRA's Title VI/Nondiscrimination Program include:

- Title VI of the Executive Directoril Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 CFR Part 21 (entitled *Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of The Executive Directoril Rights Act of 1964*);
- 23 CFR Part 200 (FHWA's Title VI/Nondiscrimination Regulation);
- 28 CFR Part 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Executive Directoril Rights Act of 1964); and
- Texas Administrative Code §9.4, Executive Directoril Rights – Title VI Compliance.

The following Executive Orders place further emphasis on preventing discrimination based on race and national origin:

- Executive Order 12898, 3 CFR 859 (1995), entitled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”;
- Executive Order 13166, 3 CFR 289 (2001), entitled “Improving Access to Services for Persons with Limited English Proficiency”;
- Executive Order 13985, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and
- Executive Order 14096: Revitalizing our Nation’s Commitment to Environmental Justice for All - see EO 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

### **Title VI the Law and LHRA’s Title VI Policy**

LHRA’s Title VI Policy seeks to go beyond the strict definition laid out in the Executive Directoril Rights Act and extend protections to other vulnerable and typically underrepresented populations. In order to fulfill its stated mission for all Texans, LHRA prohibits discrimination based on race, color, national origin, gender, age, and disability in all areas of business. Issues concerning and accommodations for all these classes of people are covered individually by various divisions and programs, but by including these classes in its Title VI non-discrimination policy, LHRA pledges to instill a culture of inclusion and protection for these historically underrepresented groups throughout the agency as a whole.

### **Policy Statement**

Title VI of the Executive Directoril Rights Act of 1964 prohibits discrimination on federal and federally-assisted projects and programs based on race, color, and national origin. Since 1964, additional statutes have prohibited discrimination based on sex (Federal-aid Highway Act of 1973), age (The Age Discrimination Act of 1975), and disability (Section 504 of the Rehabilitation Act of 1973 and Americans with Disabilities Act of 1990). Additionally, the Executive Directoril Rights Restoration Act of 1987 defined the word “program” to make clear that discrimination is prohibited throughout an entire agency if any part of the agency receives federal assistance.

*“The Lake Houston Redevelopment Authority, as a recipient of federal financial assistance and under Title VI of the Executive Directoril Rights Act of 1964 and related statutes, ensures that no person shall on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment per 42 U.S.C. §2000d-3), color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any programs or activities.”*

### **Standard Assurances**

23 CFR 200.9(a)(1) requires assurances from LHRA that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the recipient receives federal assistance, including the FHWA.

The Title VI Assurances are submitted to the FHWA annually, or when LHRA appoints a new Executive Director during the fiscal year.

### **Organization & Staffing**

LHRA's Title VI/Nondiscrimination Program has been established in accordance with federal rules under 23 CFR Part 200, forms a central resource for LHRA and the general public.

#### ***Organization***

In accordance with 23 CFR 200.9(b)(1), the Executive Director serves as LHRA's Title VI/Nondiscrimination Coordinator. With support from LHRA's Board of Directors, the Executive Director is responsible for all aspects of LHRA's Title VI/Nondiscrimination Program and has been delegated sufficient authority and responsibility to effectively carry out the duties assigned to this position. The letter signed by LHRA's Executive Director designating Ralph De Leon as the Title VI/Nondiscrimination Coordinator.

The LHRA organizational chart is comprised of a Board of Directors and an Executive Director.

#### **Title VI/Nondiscrimination Coordinator**

The Title VI/Nondiscrimination Coordinator works to ensure there is a demonstrated commitment on the part of administration to enforce Title VI and is responsible for overall Title VI program implementation. Specifically, this person has the authority and responsibility to implement the Title VI program by:

- Recommending, developing, disseminating, monitoring, and pursuing policies and guidelines on the implementation of Title VI;
- Providing leadership, guidance, and technical assistance to program areas having significant impacts on the public and businesses, which are referred to as priority program areas, in carrying out their Title VI responsibilities;
- Reviewing, evaluating, and monitoring the priority program areas activities and programs related to Title VI and effectuating changes to ensure consistency and program effectiveness;
- Ensuring that all complaints of discrimination or complaints alleging non-compliance with Title VI are processed, investigated, and resolved in a fair and timely manner in accordance with Title VI and federal operating regulations; and
- Advising the Board of Directors concerning significant developments in the implementation of LHRA's Title VI/Nondiscrimination Program.

#### **Interdisciplinary Approach**

FHWA policy guidance prescribes an interdisciplinary approach to maintaining compliance with Title VI. The Executive Director works to ensure compliance with Title VI/Nondiscrimination requirements. The Executive Director helps ensure nondiscrimination in the delivery of LHRA's programs and activities. Additionally, the Executive Director is responsible for:

- Attending meetings with the Board of Directors;

- Participating in Title VI training;
- Assisting in Title VI program review surveys and activities;
- Promoting awareness of LHRA’s Title VI Program;
- Monitoring and implementing any corrective actions necessary for Title VI compliance;
- Assisting in quarterly Limited English Proficiency (LEP) data collection;
- Referring Title VI complaints and allegations;
- Serving as designated contact for Title VI; and
- Disseminating Title VI information to the public, and where appropriate, in languages other than English.

**Subrecipients**

Subrecipients refer to an organization such as LHRA with administrative or functional responsibilities that indirectly receives federal funds. In accordance with 23 CFR 200.9(b)(7).

Responsibilities for subrecipients include, but are not limited to:

- Participating in the subrecipient compliance assessment tool (SCAT);
- Maintaining and providing answers and requested supporting documentation in the SCAT survey during the required reporting cycle to include:
  - a policy statement and standard Title VI assurances;
  - Subrecipient’s Title VI/Nondiscrimination Plan;
  - Designating a person serving in the role of Title VI Coordinator;
  - Developing external discrimination complaint handling procedures;
  - Including Title VI contract provisions in solicitations, contracts and awards;
  - Indicating how the agency ensures LEP individuals have access to agency programs and services;
  - Specifying data collection procedures for collecting demographic information; and
  - Identifying public involvement procedures that solicit input on a proposed action from minority populations within LHRA jurisdictional boundary.
- Attending Technical Assistance Training if the SCAT survey results in an unsatisfactory status.
- Correcting any deficiencies and retaking the SCAT survey to receive satisfactory status.

## **Program Area and Project Monitoring for Internal Review Processes**

As part of the Title VI internal monitoring program, The Executive Director works to perform reviews on policies and processes that involve the public. These program areas have been deemed priority because they have more interaction with the public, have more potential to permanently impacts people's daily lives, and guide how we choose who does business with LHRA. Priority programs include:

- Contracts Services (CSD);
- Construction (CST);
- Design (DES);
- Environmental Affairs (ENV);
- Professional Engineering Procurement Services (PEPS);
- Procurement (PRO);
- Right-of-Way (ROW); and
- Transportation Planning and Programming (TPP).

### ***Program Review Procedures***

Internal Title VI reviews are performed, if necessary, in the form of a Title VI questionnaire. LHRA's priority programs are reviewed by the Executive Director. The review includes a questionnaire tailored with general and program specific questions that focus on gathering information about the implementation of Title VI/Nondiscrimination requirements. Once the questionnaire is completed, the information will be summarized and provided to FHWA in the Accomplishment Report.

Process for implementing the desk audit and completing the review:

- Priority program areas, listed in the previous section, will be evaluated as necessary;
- The Executive Director will review each questionnaire response and analyze the data to determine if any discriminatory trends exist. In the event Title VI deficiencies are identified, the Executive Director will submit a corrective report and work to resolve the issue;
- The Executive Director will submit questions/issues to the Board of Directors. Where an issue requires corrective action, The Board of Directors will work with the Executive Director to schedule and complete the corrective actions; and
- The Executive Director will prioritize, plan, and complete extended audits for priority programs where:
  - There have been Title VI Complaint(s) regarding a LHRA process or procedure;
  - FHWA recommends an audit;
  - There are issues with Title VI data collection;

- Desk audit responses are incomplete;
- Operation manuals in a program area need to be updated;
- Title VI issues are identified in an operations manual with corrective action procedures; and
- Deficiencies concerning minority or LEP populations exist in the Public Participation process.

***Findings***

The findings will be used to determine what areas the Executive Director may need to provide additional technical assistance to and identify strategic goals for the next federal fiscal year. The results of the reviews will be noted in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*. If a program area does not respond to the desk audit or extended audit, the issue will be escalated to LHRA’s Board of Directors.

***Follow-up Monitoring***

The Executive Director will determine if additional monitoring and training are needed to ensure on-going compliance with Title VI requirements. If action items identified are not completed, then follow-up monitoring will document the non-compliance and the Board of Directors will be notified.

Title VI Considerations for Internal Review:

**Construction**

The Advanced Funding Agreement (“AFA”) for Surface Transportation Block Grant Program Off-System by and between the Lake Houston Redevelopment Authority and the Texas Department of Transportation, executed on October 4, 2022, includes provisions from the Texas Transportation Code, Section 201.103, including, the State, shall design, and construct a system of highways in cooperation with local governments. Thru, Minute Order Number 116292, the State was authorized to undertake and complete a highway improvement or other transportation project generally described as the widening of Northpark Drive from Russell Palmer Rd to Woodland Hills Dr., specifically:

- **CSJ: 0912-37-245** – The construction of Northpark Dr. from Russell Palmer to Harris County Line, from 4 to 6 lane boulevard including a 10’ side paths, drainage, reconstruction of the bridge at Kingwood diversion ditch (NBI#:121700B47595001, 121700B47595002), and signalized intersection at Woodridge Parkway.
- **CSJ: 0912-72-618** – The construction of Northpark Dr. from Montgomery County Line to Woodlands Hill Dr., from 4 to 6 lane boulevard including a 10’ side paths, drainage structure improvements along the corridor and at Bens Branch (near Woodridge Parkway/Hidden Pines Drive), a pedestrian tunnel at Glade Valley Dr., and a signalized intersection at Woodland Hill Drive.

As such, the Texas Department of Transportation (TxDOT) will perform inspection testing and provide administrative oversight for all construction contracts. TxDOT is also responsible for contractor pre-qualification, bid proposal issuance and awarding (letting) construction and maintenance contracts. TxDOT will monitor construction project work for practices that adhere to the Title VI/Nondiscrimination

Plan. TxDOT will ensure that policies and procedures for monitoring construction activities, reviewing and approving change orders and inspections are applied in a nondiscriminatory manner. Some considerations for review will include:

- Information regarding LHRA mitigation commitments made during the environmental process are documented in the final engineering plan set;
- Procedures and the practices for completion of tasks in order to fulfill those commitments by the final acceptance stage of the project;
- Data regarding procedures for temporary traffic and pedestrian routing during various sequences of construction to preserve pedestrian and ADA accessibility; and
- Demographic profiles of the communities within an active project and internal procedures for maintaining Title VI compliance.

### **Design**

The Design Division (DES) will ensure that all aspects of the design phase, including final design, are executed in accordance with the LHRA Title VI/Nondiscrimination Plan. The design process includes solicitation of proposals, consultant selection, preliminary design work, development of alternatives on larger projects, and finalizing the design before a project goes to letting for construction. The design process requires effective outreach strategies to solicit and incorporate, where practicable, input from minority and low-income populations into the final design. Some considerations for internal review will include:

- Data on consultant contracts including award amounts and demographic data on consultant firm ownership;
- Number of public meetings and public hearings held during the design phase and their relative proximities to the project area;
- The process to consider public input and concerns received during the design phase; and
- Demographic profile of project area under design and internal procedures for maintaining Title VI compliance.

### **Environmental**

Per the AFA, TxDOT will ensure that the environmental effects of a project and the proposed mitigation measures to offset the impacts are developed in accordance with the LHRA Title VI/Nondiscrimination Plan. The NEPA process, Title VI of the Civil Rights Act and related statutes, and Executive Orders on EJ and LEP are incorporated in the environmental process to ensure nondiscrimination and identify and address any disproportionately high health and environmental impacts to minority and low-income populations and LEP populations. Furthermore, the environmental process considers all social, economic and environmental effects of a proposed project to preemptively identify any Title VI issues that may exist. ENV will ensure a reasonable study area is developed for assessing community impacts and that potential impact to minority and low-income populations are considered in the type of environmental documentation done on a project.

Once a project receives environmental clearance, the mitigation commitments are clearly documented in the environmental document, outlined in the plans for construction and any associated permits. Because there is a substantial time gap between environmental clearance and end of construction, TxDOT will ensure that commitments are communicated from environmental clearance and detailed design, pre-bid conference, project letting, construction, and final acceptance. Some considerations for internal review will include:

- Methods for identifying minority populations and conducting a community impact assessment report that identify any issues related to Title VI;
- Procedures to identify projects with a disproportionately high and adverse impact on minority population will consult with LHRA proactively to address any Title VI concerns;
- The number and types of environmental clearances performed (Categorical Exclusions, Environmental Assessments or Environmental Impact Statement);
- Data on the demographics of public meeting participants and representative attendance from the community being impacted by a proposed project;
- Strategies for engaging minority and LEP populations for reducing any barriers that may exist in the transportation decision-making process; and
- Procedures followed during the environmental process to incorporate formal and informal public comments into the transportation decision-making process.

### **Contracting**

Per the AFA, TxDOT is responsible for the creation and administration of negotiated contracts. TxDOT will monitor contracting procedures and activities for practices that adhere to the Title VI/Nondiscrimination Plan. TxDOT also ensures Federal-aid construction contracts include the required language, provisions, and attachments that are required for compliance with Title VI. Some considerations for internal review will include:

- Number and amount federally funded construction and professional service contracts awarded;
- Demographic information on business owners with professional service contracts; and
- Description of procedures to ensure federally required nondiscrimination language is in all federal-aid contracts.

### **Professional Engineering Procurement Services**

LHRA is responsible for procuring engineering, architectural and surveying services for transportation projects through professional services contracts. They establish procedures regarding the selection and award process to ensure it is being conducted in compliance with Title VI. PEPs also develop templates to ensure selection proposals and consultant contracts include the required Title VI language. When a Request for Proposals (RFP) is created, the current historically underutilized business (HUB) and Disadvantaged Business Enterprise (DBE) goal, as appropriate, is included to encourage participation of minority owned businesses. Some considerations for internal review will include:

- Number and amount of professional service contracts awarded;
- Demographic information on business owners with professional service contracts; and
- Description of procedures to ensure federally required nondiscrimination language is included in all contracts.

### **Procurement**

Per the AFA, TxDOT is the purchasing office, for procuring goods and non-professional services, and automated information system goods and services under the State Purchasing Act. TxDOT develops purchasing policies and procedures and serves as the department liaison to the procurement oversight agencies. TxDOT assists in interpreting purchasing law, policies and procedures. It also manages suppliers, facilitates procurement negotiations, provides procurement training, oversees purchasing cards, and assists with outreach activities for the department's HUB Program. Some considerations for internal review will include:

- Number and amount of professional service contracts awarded;
- Demographic information on business owners with professional service contracts; and
- Description of procedures to ensure federally required nondiscrimination language is in all federal-aid contracts.

### **Right of Way**

LHRA will work with and thru the City of Houston and with TxDOT on the acquisition of land to build, widen or enhance roadways, including parcels needed for flood remediation infrastructure, such as detention basins as/if needed. TxDOT will monitor property acquisition for practices that adhere to the Title VI/Nondiscrimination Plan and ensure that policies and procedures for property acquisition are applied in a fair, equitable and nondiscriminatory manner in accordance with the Uniform Relocation Act of 1970. Some considerations for internal review will include:

- Demographics of relocatees and other beneficiaries of ROW compensation and/or relocation assistance program;
- Data regarding the appraisal process, including just compensation offers and supporting documentation;
- Information on accommodations provided to LEP persons and frequency of interpretation services provided; and
- Data on right of way acquisition and relocation contracts including award amounts and demographic data on ownership.

### **Data Collection/Reporting/Analysis**

Statistical data on race, color, national origin, sex, age, and disability of participants in and beneficiaries of LHRA's programs should be gathered and analyzed for projects and programs to determine the transportation investment benefits and burdens to the public generally and vulnerable populations specifically. Collecting, analyzing, and maintaining statistical data are crucial elements of the Title VI

Program because they constitute an effective mechanism by which to numerically verify the distribution and impact of program funding.

LHRA is responsible for collecting Title VI/Nondiscrimination-related data and analyzing the data to identify and address any trends or patterns of discrimination. Data collection is key to ensuring that transportation programs, services, facilities and projects effectively meet the needs of “all persons” without discrimination (i.e., disproportionately benefiting or harming one group over another is a violation of Title VI.) based on Title VI implementing regulations, to the extent possible, each priority program area is required to:

1. Provide for the collection of data and information to demonstrate effective enforcement of Title VI;
2. Collect data about beneficiaries;
3. Analyze the data and information collected;
4. Identify potential discrimination and work to eliminate if found; and
5. Take affirmative measures to ensure nondiscrimination.

### ***Data Collection***

LHRA is responsible for collecting data on race, color, national origin, sex, age, and disability as it pertains to their potential interaction with the public. Additional data can include language spoken other than English and income status. The Executive Director will work to develop a collected data set which will support the Title VI questionnaire for reporting to FHWA. Potential sources of data and analysis tools include:

- Census Data
- Forms or Surveys from the public
- Field Observations

All data sets are gathered at the smallest possible geography and a report can be generated to show the results. The level of reporting as well as the categories reported will be adjusted to meet the needs of the analysis.

### ***Reporting***

Internal Title VI reviews are performed annually as a Title VI questionnaire. LHRA’s will submit an annual Title VI questionnaire for review. The Executive Director will identify which data needs to be analyzed from the questionnaire responses.

### ***Analysis***

Once the Title VI data is collected, the data must be analyzed for identifying patterns of discrimination or the potential for discrimination. A pattern of discrimination may result from a specific process, or as the result of a process or procedure being implemented in a discriminatory manner.

## **Title VI Training**

LHRA's Title VI/Nondiscrimination Training Program consists of an internal and external component. A summary of training conducted will be reported in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*.

## **Complaint Procedures**

The following procedures cover complaints filed under Title VI of the Executive Directoril Rights Act of 1964 and the Executive Directoril Rights Restoration Act of 1987. Any person who believes they, or any specific class of persons, to be subjected to prohibited discrimination based on race, color or national origin may file a written complaint individually or through a representative.

A complaint must be filed no later than 180 days after the date of the alleged discrimination, unless the discrimination is ongoing, or the time for filing is extended by the FHWA. Complaints related to the Federal-aid highway program may be filed with LHRA, FHWA Division Office, the FHWA Headquarters Office of Executive Directoril Rights (HCR), the USDOT Departmental Office of Executive Directoril Rights, or the USDOJ. LHRA will ensure that all complaints are sent to the appropriate authority for disposition.

Complaints alleging violations of Title VI by LHRA may be filed in writing directly with the following FHWA agencies:

Federal Highway Administration – Texas Division  
300 E. 8<sup>th</sup> St.  
Austin, TX 78701

Federal Highway Administration  
Office of Executive Directoril Rights  
HCR-20, Room E81-320  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Complaints alleging violations of Title VI filed against LHRA may be filed in writing with LHRA at:

Lake Houston Redevelopment Authority  
c/o: Hunton Andrews Kurth  
Attn: Kelly Cashman  
600 Travis, Suite 4200  
Houston, Texas 77002

Additionally, complaints filed against LHRA may be filed with FHWA or the U.S. Department of Justice at:

Federal Coordination and Compliance Section – NWB  
Executive Directoril Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

NOTE: Additional information regarding the Title VI complaint process can be found on the [Title VI/Nondiscrimination Program page](#) of LHRA's public facing website.

Complaint and investigation files are confidential. The contents of such files will only be disclosed to appropriate LHRA personnel and federal authorities in accordance with Federal and State laws. LHRA will retain files in accordance with records retention schedules and all Federal guidelines.

### ***Roles and Responsibilities***

The Executive Director is charged with the primary responsibility of processing Title VI external discrimination complaints received by LHRA. All discrimination complaints received must be referred to the Executive Director for review and action. The Executive Director processes complaints consistent with FHWA's *Questions and Answers for Complaints Alleging Violations of Title VI of the Executive Directoril Rights Act of 1964* guidance. The Executive Director will inform the FHWA Division Office, which will forward the complaint to the FHWA Headquarters Office of Executive Directoril Rights (HCR) for review and further investigation if accepted.

### ***Processing Complaints***

Complaints shall set forth, as fully as possible, the facts and circumstances surrounding the alleged discrimination. If a person makes a verbal complaint to a LHRA, that person shall be interviewed by the Executive Director. If necessary, the Executive Director will assist the person in documenting the complaint in writing and submitting the written version to the person for signature.

Within 10 days of receipt of the complaint, the Executive Director will acknowledge receipt, inform the complainant of action proposed or taken, and forward the complaint to the appropriate regulatory agency. Complainants are provided LHRA's Title VI flyer Title VI, "Protecting your Executive Directoril rights is good business" with current contact information. Complaints forwarded to the FHWA will include the following information, if available:

- Name, address, and phone number of the complainant;
- Name(s) and address(es) of alleged discriminating official(s);
- Basis of complaint (i.e., race, color, national origin, sex, age, disability);
- Date of alleged discriminatory act(s);
- Date of complaint received by LHRA;
- A statement of the complaint;
- Other agencies (state, local or federal) where the complaint has been filed; and
- An explanation of the actions LHRA has taken or proposed to resolve the issue raised in the complaint.

FHWA has the authority to make all final decisions, including dismissing complaints and issuing letters of findings for complaints concerning the Federal Highway Program. The following are four potential outcomes once a complaint is submitted to FHWA:

- **Accept:** if a complaint is filed timely, contains sufficient information to support a claim under Title VI, and concerns matters under FHWA's jurisdiction, then FHWA will send to the complainant, the respondent agency, and the FHWA Division Office a written notice that it has accepted the complaint for investigation.
- **Preliminary review:** if it is unclear whether the complaint allegations are sufficient to support a claim under Title VI, then FHWA may (1) dismiss it, or (2) engage in a preliminary review to acquire additional information from the complainant and/or respondent before deciding whether to accept, dismiss, or refer the complaint.
- **Procedural Dismissal:** if a complaint is not filed timely, is not in writing and signed, or features other procedural/practical defects, then FHWA will send the complainant, respondent, and FHWA Division Office a written notice that it is dismissing the complaint.
- **Referral\Dismissal:** if the complaint is procedurally sufficient but FHWA (1) lacks jurisdiction over the subject matter, or (2) lacks jurisdiction over the respondent entity, then FHWA will either dismiss the complaint or refer it to another agency that does have jurisdiction. If HCR dismisses the complaint, it will send the complainant, respondent, and FHWA Division Office a copy of the written dismissal notice. For referrals, FHWA will send a written referral notice with a copy of the complaint to the proper Federal agency and a copy to the USDOT Departmental Office of Executive Director's Rights.

### ***Investigative Process for Subrecipient Complaints***

FHWA may delegate a Title VI complaint filed to LHRA for investigation. Within 60 days of receipt of the complaint, the Executive Director will conduct and complete an investigation of the allegation and based on the information obtained, will render a recommendation for action in a report of findings to FHWA. FHWA will issue final decisions in all cases, including those complaints investigated by the Executive Director. The complaint will be resolved by informal means whenever possible. Such informal attempts and their results will be summarized in the report of findings.

### ***Developing an Investigative Plan***

An Investigative Plan (IP) will be prepared to define the issues and lay out the blueprint to complete the investigation. The IP is used to keep the investigation on track and focused on the issues and sources of evidence or corroboration. The IP outline is as follows:

- Complainant name and contact information, and that of their attorney, if applicable;
- Respondent name and contact information, and that of their attorney, if applicable;
- Applicable laws and regulations;
- Basis of complaint (i.e., race, color, national origin, sex, age, disability);
- Allegation(s)/Issue(s);

- Theory(ies) of discrimination (for Title VI only);
- Background;
- Interviewee(s) name and contact information;
- Questions for the complainant, respondent, and interviewee(s);
- Evidence to be obtained;
- Estimated investigation time line; and
- Remedy sought by the complainant(s).

### ***Complaint Log***

The Executive Director maintains a complaint log to document all activity related to the complaint. Information captured includes:

- Complainant's name, and if provided, race, color, and national origin;
- Respondent's name;
- Basis(es) of the discrimination complaint;
- Allegation(s)/Issue(s) surrounding the discrimination complaint;
- Date the discrimination complaint was filed;
- Date the investigation was complete;
- Disposition;
- Disposition date; and
- Other pertinent information.

### ***Preparing the Report of Investigation***

A Report of Investigation (ROI) will be prepared setting forth all the relevant facts obtained during the investigation. The ROI will include a finding for each issue and recommendations, where necessary. Documentation regarding any attempts and outcomes that were made to resolve the complaint prior to the initial receipt of the written complaint will be summarized in the ROI. The ROI and recommended decision will be forwarded to the FHWA for a final decision.

### **Dissemination of Title VI Information**

In accordance with 23 CFR 200.9(a)(12), LHRA is required to develop Title VI information for dissemination to the general public and, where appropriate, in languages other than English. Notice of LHRAs Title VI policies and procedures are listed in many places such as the Executive Director's Rights

Division's materials (detailed below), Environmental Affairs Division's Community Impacts Handbook, and materials distributed at public involvement events.

### ***Notification to Beneficiaries***

LHRA's website was updated to ensure Title VI information is readily accessible to the public. The website informs the public of their rights under Title VI and provides information on how to file a complaint. Title VI information available on LHRA's Web site includes:

- LHRA's Title VI/Nondiscrimination Policy;
- LHRA's Title VI Nondiscrimination Appendices;
- LHRA's Title VI Nondiscrimination Assurances;
- LHRA's Title VI Discrimination Complaint Procedures;
- LHRA's External Discrimination Complaint Form; and
- LHRA's Language Assistance Plan.

The above information is located on [LHRA's Title VI Web site](#).

### ***Public Involvement during the Planning Process***

LHRA informs all stakeholders about proposed plans and projects during the transportation planning process. During this process, LHRA also seeks input from all stakeholders on specific projects and issues. Notification of any actions including how and where to obtain a copy of the subject document, the time and date of the public hearing, instructions to those interested in providing comments, and a copy of the applicable public notice, is sent to the following:

- City of Houston City Council District E and At-Large Council District Members, City of Houston Flood Plain Administrator, Public Works, Water, and Planning Departments, the City of Houston Mayor's Office of Citizens Assistance, City of Houston Super Neighborhood Number 43, Harris County and Montgomery County Precinct Elected Officials, Harris County Flood Control District, Metropolitan Transit Authority of Harris County, Harris County Toll Road Authority, Houston Galveston Area Council, San Jacinto River Authority, Texas Department of Governmental Affairs and State Legislative Affairs, in addition to Local State and Federal Elected Officials;
- Kingwood Area Business Owners and Merchant Associations;
- Kingwood Area Homeowners Associations; and
- Outdoor Directional Venue Signage Kingwood Park Community Center.

All other interested parties are provided notice of the comment period and public hearings via an advertisement in the Public Notice Section of the Houston Chronicle, Humble/Kingwood/Atascocita This Week, Montgomery County News, La Voz (Spanish Newspaper), E-Blast Houston City Council District E, and on LHRA's Web site. Interested parties can access planning documents at TxDOT District offices, and on LHRA's web site. Copies of all documents are available for review on LHRA's website.

LHRA's public involvement process allows for at least 45 calendar days from the date the public hearing notice appears for the public to review and comment (in writing or in person at the hearing) on a planning document before it is adopted.

### ***Public Involvement and Consultative Tools***

LHRA utilizes the following methods to communicate information regarding activities and opportunities for public and stakeholder participation in the planning process:

- Newsletter/Mailings;
- Email blasts;
- Online engagement platforms;
- Media Releases;
- Notices Published;
- Local Community Public Meetings; and
- LHRA's Web site.

### ***Public Involvement during the Environmental Process***

Public involvement occurs as a part of the social and economic impact analysis. Public involvement efforts must also reflect an understanding of language trends in the project area and accommodate any LEP populations. The public assists LHRA in providing important information for socio-economic analysis by:

- Helping to develop the project's purpose and need;
- Identifying alternatives and impacts; and
- Developing strategies and solutions for avoiding, mitigating, minimizing, or enhancing impacted resources.

### ***Types of Public Involvement Procedures***

Meetings to discuss the recommended projects are advertised allowing any interested citizen to provide input in the project planning and programming process. In some instances, these meetings can be considered adequate public involvement for projects constructed in public right-of-way. However, depending on the type and complexity of the project, public concerns, associated social, economic, and environmental factors, the following additional public involvement may be required:

- Public Meetings – LHRA holds Public meetings to inform the public and provide a forum for a free exchange of project views and concerns. Public meetings occur as early as LHRA determines is feasible to assure public input in project planning, location, and design alternatives. Public meetings include meetings with interested citizens, the general public, and local, neighborhood, and special interest groups. A public meeting can be held at any

stage of project planning and development. While not required, the project team also provides a virtual option for public meetings.

- City of Houston Council District E Town hall meetings and City of Houston Department of Public Works District E Capital Improvement Project meetings – LHRA, as a component unit of the City of Houston works directly with various City Departments, the Mayor’s Office, and District E City Council Member Office to co-sponsor Public Meetings which are held twice annually.

### ***Specialized Public Involvement–Cultural Resources***

Section 106 of the National Historic Preservation Act requires that special care be taken when potential historic and/or archaeological resources are involved in a transportation project. For projects involving historical resources and archaeological sites, LHRA will identify and coordinate with interested parties early in the project planning process. The *Environmental Handbook for Historic Properties* includes procedures related to Letter Content, Certified Letter Transmittal, Responding to Interested Parties, and Informing the Public.

### ***Notices and Media Releases***

- Publishing notices – Official notices are published in local general circulation newspapers, regional newspapers and special interest newspapers, such as neighborhood, ethnic, or foreign language.
- Other forms of publicity – Other forms of publicity include temporary signs, leaflets posted in public locations, media releases, notices mailed to residents, etc.
- Notices of availability – Environmental Assessment (EA) and Final Environmental Impact Statement (FEIS) – Informs the public of the approval of an EA and required following approval of a FEIS; notice of availability is published in local newspapers.
- Media releases – Can be used any time to publicize meetings or other information about projects. Once the public involvement process is complete, project planning and development decisions are to be publicized through press releases to inform the public about the project. Any changes to a transportation project may require additional public involvement.
- Notice of construction – The LHRA may send a notice of impending project construction to landowners abutting the roadway within the project limits, local governments, and public officials. Projects that involve the addition of at least one-travel lane or construction on a new location require notices of construction.

### ***Limited English Proficiency (LEP)***

Executive Order 13166, guidance entitled “Improving Access to Services by Persons with Limited English Proficiency” requires federal agencies to assess and address the needs of otherwise eligible persons seeking access to federally conducted programs and activities who, due to LEP, cannot fully and equally participate in or benefit from those programs and activities. LEP individuals are those who do not speak English as their primary language and have a limited ability to read, write, speak, or understand English as a result of their national origin. These individuals may be entitled to language assistance with respect to a particular type of service, benefit, or encounter.

The U.S. DOJ's LEP Guidance advises each federal department or agency to "take reasonable steps to ensure 'meaningful' access to LEP individuals to the information and services they provide." It further explains that the identification of "reasonable steps" to ensure meaningful access will be contingent on a number of factors. Among the four factors to be considered are:

- The number or proportion of LEP persons in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The importance of the service provided by the program; and
- The resources available to the agency.

LHRA's Language Assistance Plan (LAP) has been developed to assist in its efforts to ensure information and services are accessible to LEP individuals by providing guidance on translation, interpretation, and outreach services for LEP individuals seeking access to LHRA programs. Since the State of Texas boasts such a diverse population, LHRA developed its own unique LAP to better serve the specific needs of the Kingwood area. Additionally, LHRA will annually re-evaluate the changes in demographics, services and programs, and other factors that should be considered when determining LEP needs. This annual assessment will help guide LHRA in determining what changes, if any, are needed to update its LEP plan. LHRA's LAP is available on LHRA's website.

## **Compliance and Enforcement Procedures**

### ***Identifying and Eliminating Discrimination***

LHRA will actively pursue the prevention of Title VI deficiencies and will take the necessary steps to ensure compliance with all administrative program requirements. To further enhance the ability to identify and eliminate patterns of discrimination, the Executive Director will ensure that the Board of Directors is educated and informed regarding their Title VI roles and responsibilities.

The Executive Director will conduct compliance reviews to: (1) ensure compliance with Title VI; (2) provide technical assistance in the implementation of LHRA's Title VI/Nondiscrimination Program; and (3) correct deficiencies, when found to exist. When conducting Title VI compliance reviews, any deficiencies will be communicated in writing with the remedial action agreed upon by the Executive Director within a period not to exceed 90 days. Efforts to secure voluntary compliance will be undertaken at the outset in every noncompliance situation and will be pursued through each enforcement action. The Executive Director will seek cooperation of the Board of Directors when correcting deficiencies found during the review. The Executive Director will also provide technical assistance, guidance, and assistance in finding methods, strategies, and processes to ensure effective Title VI implementation and enforcement.

### ***Process to Resolve Deficiencies Identified By FHWA***

Effective Title VI compliance requires LHRA to take prompt action to achieve voluntary compliance in all instances in which deficiencies are found by FHWA. LHRA will correct any deficiencies found within a reasonable time period, not to exceed 18 months in order to implement Title VI compliance in accordance with required guidelines.

Within 30 days from the receipt of a deficiency, the Executive Director will develop a corrective action plan (CAP) to include:

- The identified deficiency;
- Applicable laws, rules, regulations;
- Actions to be taken by the Executive Director to correct the deficiency;
- The timeframe to correct the deficiency;
- The plan for monitoring the progress of the CAP; and
- The timeframe for providing updates to the FHWA.

The CAP will be submitted to FHWA for approval. Upon approval, the Executive Director will implement the CAP and provide periodic updates to FHWA. If necessary, the Executive Director will update its procedures or work with the affected program area to update its procedures to reflect the outcome of the CAP. The CAP, and its results, will be included in the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report*.

#### ***Reporting to FHWA***

LHRA will submit the *Title VI/Nondiscrimination Plan* and the *Title VI/Nondiscrimination Annual Work Plan & Accomplishment Report* to FHWA annually by October 1. This report updates FHWA on how LHRA is monitoring the implementation of LHRA's Title VI/Nondiscrimination Program. This report will include:

#### **Accomplishments**

1. A summary of internal reviews conducted, the results, and any actions taken as a result;
2. A list of all Title VI training given by LHRA, including the topics covered, and the number of attendees;
3. A summary of all Title VI complaints received and the outcomes for those complaints; and
4. A summary of all liaison/I-Team meetings with the Executive Director topics and any issues raised by the Title VI team.

#### **Goals**

1. A description of the reviews planned for the next year (both internal and external);
2. Develop Title VI program metrics to be presented in an Accomplishment Report to FHWA;
3. A summary of the external (subrecipient) participation in the compliance assessment tool and onsite technical assistance reviews conducted by LHRA;
4. A description of any training sessions planned (both internal and external); and

5. Any other Title VI related activities LHRA intends to participate in for the fiscal year.