

Authors

Neal Rackleff
713-226-1290
nrackleff@lockelord.com

Robert D. Miller
713-261-6754
rmiller@lockelord.com

Cynthia Bast
512-305-4707
cbast@lockelord.com

www.lockelord.com

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Relief from Houston Water Rate Increase Obtained for Affordable Housing Owners

Houston City Council adopted a dramatically increased water and sewer rate structure on April 21, 2010, which was designed to cover the City's cost of providing service.

In a successful effort to ameliorate the impact of the increase, Locke Lord attorneys Robert Miller and Neal Rackleff represented a coalition of affordable housing owners which worked with the City to develop the "Rent Restricted Multi-family Conservation Rebate Program."

The rebate program was adopted by City Council on July 7, 2010. The two-year program provides a rebate which effectively reduces the City's 30.1 percent increase to 12.50 percent in the first year and from 30.1 percent to 21.03 percent for the second year. The program will begin on July 1, 2010, and conclude on June 30, 2012.

Multi-family properties with maximum monthly rent restrictions established by law, deed restriction, a state or federal agency or by contract with the state or federal government are eligible for the program. To receive the rebate, such properties must meet the following requirements:

Year One

- Owners must apply to the program and document the property's rent restriction (*i.e.*, provide a copy of the LURA);
- Pay all water/wastewater bills in full by the due date on the bill each month, throughout the program;
- An inspection of some of the units must be performed to detect leaks and review areas of improvement to conserve water (this is not a "pass-fail" inspection); and
- Management must coordinate a water conservation education program for tenants.

Year Two

- Owners must demonstrate a minimum water usage reduction of 5 percent in July of the second year when measured against the usage from July of the previous year; and
- Pay all water/wastewater bills in full by the due date on the bill each month, throughout the program.

Conservation and education materials together with helpful information describing the program may be found on the City's website. [Click here](#) to view this information.

Please contact any of the authors listed to the left if you have any questions regarding the rebate program.

About the Authors

Neal Rackleff is an associate at Locke Lord. He concentrates his practice on community and economic development, affordable housing, and municipal and public law. He has a great deal of experience representing developers in negotiations with municipalities, counties and special purpose districts such as municipal utility districts, municipal management districts, public improvement districts and tax increment reinvestment zones.

Robert D. Miller is a partner at Locke Lord and chair of the Public Law Group. Listed in *Best Lawyers in America for Government Relations Law* in 2010 and named one of the Top 12 lobbyists in Texas by *Capital Inside*, he has demonstrated his skill and dedication by lobbying local, state, and federal governments on behalf of public and private concerns for more than 20 years.

Cynthia Bast is a partner at Locke Lord. Ms. Bast is nationally recognized as a preeminent attorney in the area of affordable housing and community development finance and leads the firm's Affordable Housing Group.