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STANDING - TEXAS

Galveston Open Government Project v. U.S. Dept. of Housing and Urban Development

United States District Court, S.D. Texas, Galveston Division - April 30, 2014 - F.Supp.2d - 2014 WL 1760930

The Galveston Open Government Project (GOGP), an organization that “was organized to examine and critique local government and suggest ways to ‘improve its accountability to the voters,” filed suit to enjoin the rebuilding of public housing projects that had been destroyed by Hurricane Ike. GOGP’s primary argument was that rebuilding housing projects would perpetuate racial segregation.

“A group like GOGP that serves as a watchdog over local public officials strengthens our system of self-government. But that system of self-government would suffer if anyone had standing file a lawsuit challenging a policy merely on the basis that they disagreed with the policy choices enacted after vigorous public debate. Because it has not suffered a concrete injury from the plan to rebuild Galveston public housing that differentiates it from the numerous people in the Galveston area who have strong views on this issue, GOGP is dismissed from this case for lack of standing.”

However, the court concluded that an individual plaintiff had made a sufficient showing at the pleading stage to allow her claim to go forward on the basis of “neighborhood standing.” “But—as in those Supreme Court cases—whether she will suffer a concrete injury in terms of living in a more segregated neighborhood as a result of the rebuilt public housing is an issue that will remain in the case pending further factual development.”