

FOR IMMEDIATE RELEASE

FRIDAY, MAY 19, 2006

Contacts: Michael A. Caddell
John Scofield, Jr.
Caddell & Chapman
(713) 751-0400

Deborah Fowler
Texas Appleseed
(512) 804-1633 x 105

Steve Ronfeldt
The Public Interest Law Project
(510) 591-9794

Marc Cohan
National Center for Law and
Economic Justice, Inc.
(212) 633-6967

Class Action Lawsuit Filed Today Against FEMA to Keep 50,000 Hurricane Evacuees From Becoming Homeless

HOUSTON, TX. – A class action lawsuit was filed today in the U.S. District Court, Southern District of Texas, to prevent the Federal Emergency Management Agency from cutting off emergency housing assistance on May 31st and rendering homeless more than 17,000 households nationwide, or 50,000 low income evacuees of Hurricanes Katrina and Rita.

Attorneys with **Caddell & Chapman** of Houston, the public interest law center **Texas Appleseed**, the **Public Interest Law Project** in Oakland, CA, and the **National Center for Law and Economic Justice, Inc.** in New York, NY, filed a motion for a temporary restraining order and a preliminary injunction against FEMA to ensure continued housing support until June 30, 2006, for the six named plaintiffs and others at risk, including 7,602 households in Houston and another 2,121 households in Dallas.

“FEMA’s arbitrary and inequitable decision to eliminate Section 403 housing payments at the end of this month with no adequate notice, with no clear standards for determining eligibility or for making an appeal, and with no timely transition to its temporary housing assistance program (Section 408) is a complete failure of FEMA’s statutory obligation to assist our hurricane evacuees,” said Michael Caddell of Caddell & Chapman, adding that this case is about fundamental fairness for the hurricane victims.

“Without injunctive relief, thousands of the most vulnerable—the elderly, the disabled, our children, and the poor—will become homeless through no fault of their own. We want to see fairness in the process and a willingness on FEMA’s part to live up to its mandate,” said Deborah Fowler, legal services director of Texas Appleseed.

“FEMA has acknowledged its administrative problems by extending the deadline to cut

off housing assistance. Unfortunately, for political reasons and in disregard of the law, FEMA will pay June rent only for evacuees in Houston, leaving out evacuees in the rest of the country,” said Steve Ronfeldt of The Public Interest Law Project.

In the attached complaint, the plaintiffs note that FEMA is mandated to administer \$62 billion in federal aid to displaced evacuees in an “equitable” and “impartial” manner, but characterized FEMA’s response as “inept” and “disgraceful.” Specific examples include:

- 1) FEMA’s refusal to provide Section 403 funding for 12 months as it initially represented;
- 2) FEMA’s failure to provide a nationwide extension of housing assistance until June 30, 2006 for housing requests that are currently deemed “ineligible” or “pending” by FEMA;
- 3) FEMA’s failure to provide equal housing opportunities for all evacuees. Evacuees needing the most assistance were first in line and received only six-month leases, which now makes the most vulnerable prematurely subject to making security deposits and taking other necessary steps to secure continued housing;
- 4) FEMA’s failure to properly notify evacuees about the terms of their eligibility for Section 408 temporary housing assistance—and processing claims “at a snail’s pace” so as to eliminate existing benefits before decisions are reached on Section 408 funding;
- 5) FEMA’s failure to adopt clear standards for eligibility for housing benefits or a clear avenue for appeals as required by federal law;
- 6) FEMA’s failure to provide housing assistance based on “fair market rates” that cover utilities as provided by federal law;
- 7) FEMA’s violation of a court order by continuing to deny housing assistance to evacuees who, before the hurricane, shared the same address or phone number with a victim who had already applied for assistance—even though the households are now separated by the disaster and are living independently; and
- 8) FEMA’s denial of housing benefits after incorrectly determining that evacuees’ original housing is now habitable. A follow-up inspection by a team from the City of Houston, for example, found 70% of these “habitable” units still needing significant repairs, rented to others, occupied by relief workers, or located away from essential services.

In their complaint, the plaintiffs ask the Court to enjoin FEMA from transitioning the hurricane evacuees to the Section 408 temporary housing assistance program until federally mandated requirements for the program’s administration are met and a hearing is held.

#####