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COURT ISSUES PRELIMINARY INJUNCTION IN CLASS ACTION LAWSUIT AGAINST . FEMA; JUDGE ORDERS FEMA TO CONTINUE RENTAL ASSISTANCE AND AFFORD DUE PROCE

FEMA; Judge Orders FEMA to Continue Rental Assistance and Afford Due Proce 15/06/2007 18:48:00
Business Wire A federal court in New Orleans, Louisiana on Wednesday issued a preliminary injunction in Ridgley, et al.

v.
Federal Emergency Management Agency (FEMA), a suit filed April 19, 2007 by a group of low-income individuals displaced from their homes by Hurricane Katrina, announced participating law firm Weil, Gotshal & Manges LLP.

U.S.
District Judge Helen Berrigan s order prohibits FEMA from terminating people from its rental assistance program without providing them due process, including a meaningful explanation of the reason for termination, a meaningful opportunity to appeal FEMA s decision, and a hearing.
The judge s order gives relief to two classes of hurricane victims - (1) people who have been or will be denied continued FEMA rental assistance and (2) people who received from FEMA a demand for repayment of benefits.

Judge Berrigan urges FEMA to "return to their original mandate of alleviating their suffering and focus its substantial powers on continuing to help those entitled to relief, including affording them the minimal due process needed to assure that they do." "This ruling will affect thousands of families who were devastated by the disaster and who are still in desperate need of assistance." said Adam Strochak of Weil, Gotshal & Manges LLP who represents the plaintiffs along with lawyers from the Public Interest Law Project, the National Center For Law And Economic Justice, the National Law Center on Homelessness & Poverty, Texas Applesseed, the Mississippi Center for Justice, the Legal Clinic at the Loyola University New Orleans College of Law, and Steptoe & Johnson LLP.

"We are gratified that Judge Berrigan acted swiftly and decisively to bring some order to FEMA s chaotic continuing rental assistance and repayment procedures." Ridgley v.

FEMA is a class action lawsuit filed April 19, 2007 in the Eastern District of Louisiana.

Plaintiffs are individuals who were displaced from their homes by hurricanes Katrina and Rita, who received financial housing assistance, and have been (or may be) terminated from continued housing assistance, as well as individuals who have received notice that FEMA believes they have been overpaid disaster benefits. More specifically, the lawsuit contends that FEMA operates an unresponsive system of administrative review and fails to adequately inform people of the reasons that they are being cut off from housing assistance, and that FEMA has failed to publish standards setting forth the eligibility requirements.

In her decision Judge Berrigan noted: The FEMA appellate process, if it can be navigated at all, takes months.

In the meantime, the defendants appear to treat the plaintiffs and their prospects of homelessness and the despair and stress of such added worries as if it were gnats to be brushed away while the defendants busy themselves with creating more bureaucratic regulations.

To brush off the correction of errors to the appellate process under these circumstances of real human suffering is simply unacceptable.

Also challenged in the suit are FEMA s practices regarding recovery of alleged overpayments to aid recipients.

The lawsuit alleges FEMA violates the Constitution by failing to provide aid recipients with clear notice of the reasons why it is seeking repayment of assistance and by terminating or withholding continued rental assistance before recipients are given an opportunity to dispute FEMA s demands for repayment.

Persons displaced by Hurricanes Katrina or Rita who have been denied continued rental assistance by FEMA may call a hotline established at the Loyola University New Orleans College of Law to speak with local counsel about the lawsuit.

The number is (504) 861-5600.

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