

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

GREATER NEW ORLEANS FAIR HOUSING ACTION CENTER, 228 St. Charles Avenue, Suite 1035, New Orleans, Louisiana, 70130; **NATIONAL FAIR HOUSING ALLIANCE**, 1101 Vermont Avenue NW, Suite 710, Washington, D.C., 20005; and **GLORIA BURNS, RHONDA DENTS, ALMARIE FORD, DAPHNE JONES, and EDWARD RANDOLPH**, on behalf of themselves and all others similarly situated;

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, 451 Seventh Street SW, Washington, D.C., 20410; and **PAUL RAINWATER, IN HIS OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF THE LOUISIANA RECOVERY AUTHORITY**, 150 Third Street, Suite 200, Baton Rouge, Louisiana, 70801;

Defendants.

Civil Action No. _____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTORY STATEMENT

1. This is a civil rights case brought by fair housing organizations and African American homeowners in New Orleans, Louisiana, on behalf of themselves and more than 20,000 similarly situated families, to redress the harm caused by Defendants' discriminatory design and operation of the Road Home program, the largest housing redevelopment program in United States history. This case is brought to enforce the Fair Housing Act of 1968, as amended

(42 U.S.C. § 3601 *et seq.*), and Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. § 5301 *et seq.*).

2. This action arises out of Defendants' design and operation of the Road Home program, an \$11 billion housing redevelopment program that provides grants to homeowners in Louisiana who were affected by Hurricanes Katrina and Rita in 2005. The purpose of the Road Home program is to restore communities by helping families rebuild and return to their homes.

3. Road Home grants are calculated using the lower of two baseline values: the pre-storm value of the home, or the cost of damage to the home. The Road Home formula has a discriminatory disparate impact on African American homeowners because home values in predominantly African American communities are generally lower than home values for similar homes in predominantly white communities.

4. As a result, African American homeowners are more likely to receive Road Home grants based on the pre-storm value of their home than are white homeowners, and African American families therefore face larger gaps than white families between the grant amount and the cost to rebuild. Because of this disparity, an African American family is less likely to be able to rebuild its home and remain in its community than a white family with a comparable home that suffered similar damage.

5. The Road Home program is funded by the CDBG Disaster Recovery Grant program, a \$19.7 billion Community Development Block Grant program allocated by Congress for necessary expenses related to disaster relief, long-term recovery, and rebuilding expenses in those areas most affected by Hurricanes Katrina and Rita.

6. Defendant United States Department of Housing and Urban Development administers the CDBG Disaster Recovery Grant program. Defendant Paul Rainwater, Executive Director of the Louisiana Recovery Authority, administers the Road Home program.

7. Plaintiffs seek a judgment declaring that Defendants have violated the Fair Housing Act of 1968 and Title I of the Housing and Community Development Act of 1974, and an injunction ordering Defendants to recalculate Road Home homeowner grants in a nondiscriminatory manner.

JURISDICTION AND VENUE

8. Jurisdiction is conferred on this Court by 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States; by 28 U.S.C. § 1343(a)(3) because Plaintiffs seek to redress the deprivation of rights secured by the Constitution and Acts of Congress providing for equal rights; by 28 U.S.C. § 1343(a)(4) because Plaintiffs seek to secure equitable and other relief under Acts of Congress protecting civil rights; and by 42 U.S.C. § 3613(a) because Plaintiffs seek relief with respect to discriminatory housing practices in violation of the Fair Housing Act.

9. Declaratory and injunctive relief is sought as authorized by 28 U.S.C. §§ 2201 and 2202.

10. Venue is proper in the United States District Court for the District of Columbia under 28 U.S.C. §§ 1391(b) and 1391(e).

PARTIES

11. Plaintiff Greater New Orleans Fair Housing Action Center, Inc. (GNOFHAC) is a non-profit fair housing organization incorporated under the laws of the State of Louisiana and located at 228 St. Charles Avenue, Suite 1035, New Orleans, Louisiana, 70130. GNOFHAC's

mission is to eradicate housing discrimination and segregation throughout the New Orleans metropolitan area. It engages in education, investigation, and enforcement activities with respect to fair housing laws.

12. Plaintiff National Fair Housing Alliance, Inc. (NFHA) is a national non-profit public service organization incorporated under the laws of the Commonwealth of Virginia with its principal place of business at 1101 Vermont Avenue NW, Suite 710, Washington, D.C., 20005. NFHA is a nationwide alliance of private, non-profit fair housing organizations. NFHA works to eliminate housing discrimination and to ensure equal opportunity for all people through leadership, education and outreach, membership services, public policy initiatives, advocacy, and enforcement. NFHA established GNOFHAC in 1995, and GNOFHAC is now a NFHA member and receives a variety of training and technical assistance from NFHA. Following Hurricanes Katrina and Rita, NFHA raised funds to promote fair housing in the redevelopment and reconstruction of New Orleans, and diverted resources to staff that effort.

13. Plaintiff Gloria Burns is African American and currently resides temporarily in Baton Rouge, Louisiana. Ms. Burns has lived in New Orleans her entire life, and has owned a home in the St. Roch neighborhood in New Orleans since 1993. Her home was catastrophically damaged by Hurricane Katrina and the subsequent flooding.

14. Plaintiff Rhonda Dents is African American and resides in New Orleans, Louisiana. Ms. Dents has lived in New Orleans since 1985, and has owned a home in the Gentilly neighborhood in New Orleans since 1993. Her home was catastrophically damaged by Hurricane Katrina and the subsequent flooding.

15. Plaintiff Almarie Ford is African American and resides in New Orleans, Louisiana. Ms. Ford has lived in New Orleans since 1971, and has owned a home in the New

Orleans East neighborhood of New Orleans since 1988. Her home was catastrophically damaged by Hurricane Katrina and the subsequent flooding.

16. Plaintiff Daphne Jones is African American and resides in New Orleans, Louisiana. Ms. Jones has lived in New Orleans her entire life, and has owned a home in the Lower Ninth Ward in New Orleans since approximately 1999. Her home was catastrophically damaged by Hurricane Katrina and the subsequent flooding.

17. Plaintiff Edward Randolph is African American and currently resides temporarily in Luling, Louisiana. Mr. Randolph has lived in New Orleans his entire life, and has owned a home in the New Orleans East neighborhood of New Orleans since 2000. His home was catastrophically damaged by Hurricane Katrina and the subsequent flooding.

18. Defendant United States Department of Housing and Urban Development (HUD) is a Department of the Executive Branch of the United States Government. HUD was created by Congress pursuant to 42 U.S.C. § 3532. HUD is responsible for the administration, funding, and supervision of federal low-income housing programs, including the Community Development Block Grant program.

19. Defendant Paul Rainwater is the Executive Director of the Louisiana Recovery Authority (LRA). The LRA is a Louisiana state agency created to coordinate and administer programs and funds from federal, state, local, and private sources for recovery from Hurricanes Katrina and Rita, including CDBG Disaster Recovery Grant funds. *See* La. Rev. Stat. §§ 36:4(H), 49:220.1 – 49:220.7.

CLASS ACTION ALLEGATIONS

20. The individual Plaintiffs bring this action on behalf of themselves and all others similarly situated pursuant to Rule 23 of the Federal Rules of Civil Procedure.

21. The class consists of all African American homeowners in New Orleans who have participated in the Road Home program or who will participate by the first day of trial, whose grant amount was calculated or will be calculated based on the pre-storm value of their homes, and who have selected or will select the program's option of using the funds to repair or rebuild their homes. The challenged formula was applied to each member of the proposed class.

22. This action is properly maintainable as a class action because the requirements of Rule 23(a) and Rule 23(b) of the Federal Rules of Civil Procedure are met.

23. The class is so numerous that joinder of all members is impracticable. Upon information and belief, more than 20,000 African American homeowners in New Orleans are members of the proposed class.

24. The claims alleged on behalf of the named Plaintiffs as class representatives raise questions of law or fact common to the class. These common questions include, but are not limited to, whether the decision to consider the pre-storm value of the home in determining the grant amount has had an adverse impact upon the class; whether the decision to use the pre-storm value of the home can be justified in terms of the program's goals; whether HUD acted lawfully in approving the Road Home grant formula; and whether the class may obtain injunctive relief and other equitable remedies.

25. The claims of the class representatives are typical of the class they seek to represent.

26. The class representatives will fairly and adequately protect the interests of other class members. Plaintiffs' counsel are experienced in federal court class-action litigation, including fair housing and civil rights litigation.

27. This action is properly maintainable as a class action under Rule 23(b)(2) of the Federal Rules of Civil Procedure because the Defendants have acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole.

28. This action is also properly maintainable as a class action under Rule 23(b)(3) of the Federal Rules of Civil Procedure because the questions of law and fact common to members of the class predominate over questions affecting only individual members and a class action is superior to other available methods for the fair and efficient resolution of this controversy.

FACTS

I. Hurricanes Katrina and Rita.

29. Hurricane Katrina made landfall in southeast Louisiana on the morning of August 29, 2005. As the eye of the storm passed over the city of New Orleans, high rainfall amounts and the intense storm surge from the Gulf of Mexico and Lake Pontchartrain compromised the city's flood protection levees along canals and other bodies of water. Within hours, approximately 80% of the city was flooded.

30. Hurricane Rita made landfall near the Texas-Louisiana border on September 24, 2005, causing additional flooding and damage to the city of New Orleans.

31. As a result of Hurricanes Katrina and Rita, more than half a million New Orleans residents were displaced and more than 53,000 homes in New Orleans were damaged or destroyed. In total, approximately 71% of occupied housing units in New Orleans were damaged by the storms. Hurricane Katrina alone caused an estimated \$81.2 billion in damage, making it the costliest hurricane in United States history.

32. Many families that left New Orleans because of Hurricanes Katrina and Rita have not yet been able to return; more than three years after the storms, New Orleans has recovered only 72% of its pre-Katrina population.

II. The CDBG Disaster Recovery Grant program.

33. In response to the historic damage caused by Hurricanes Katrina and Rita, Congress created the CDBG Disaster Recovery Grant program and funded it through three appropriations statutes. *See* Pub. L. No. 109-148, 119 Stat. 2680, 2779-81 (Dec. 30, 2005) (the 2005 Act); Pub. L. No. 109-234, 120 Stat. 418, 472-73 (June 15, 2006) (the 2006 Act); Pub. L. No. 110-116, 121 Stat. 1295, 1343-44 (Nov. 13, 2007) (the 2007 Act).

34. Congress passed the first two appropriations statutes to address disaster relief, long-term recovery, and rebuilding expenses in those areas in the Gulf of Mexico that were most impacted by Hurricanes Katrina and Rita in 2005. *See* 2005 Act, 119 Stat. at 2779-81 (appropriating \$11.5 billion to Louisiana, Mississippi, Texas, Florida, and Alabama); 2006 Act, 120 Stat. at 472-73 (appropriating an additional \$5.2 billion to the same states).

35. Of the total \$16.7 billion appropriation in the 2005 and 2006 Acts, HUD allocated \$10.41 billion to Louisiana for disaster recovery expenses. *See* 71 Fed. Reg. 7666, 7666 (Feb. 13, 2006); 71 Fed. Reg. 63,337, 63,338 (Oct. 30, 2006).

36. Congress passed the third appropriations statute in 2007, authorizing an additional \$3 billion for supplemental CDBG grants to Louisiana specifically to cover costs associated with eligible Road Home claims. *See* 2007 Act, 121 Stat. at 1343-44. Louisiana's total disaster recovery allocation from the three appropriations statutes is \$13.41 billion.

37. The appropriations statutes creating the CDBG Disaster Recovery Grant program adopt the general framework that governs the regular CDBG program, although HUD may waive

standard CDBG requirements – except for those relating to fair housing, nondiscrimination, labor standards, and the environment – when requested by a state. *See* 2005 Act, 119 Stat. at 2779-80; 2006 Act, 120 Stat. at 472-73.

38. The appropriations statutes also require each state to submit an action plan in advance of the receipt of grant funds that details the state’s intended uses of those funds, and to submit a quarterly report to the Senate and House Committees on Appropriations reporting on all awards and uses of funds. *See* 119 Stat. at 2780; 120 Stat. at 473.

39. Pursuant to these statutory requirements, the LRA draws down Disaster Recovery Grant funds from HUD as the state’s plans for the use of those funds are approved.

40. The most recent data show that as of June 30, 2008, the LRA has drawn down approximately \$4.4 billion of the \$6.2 appropriated to HUD and allocated to the state pursuant to the 2005 Act. *See* Second Quarter 2008 Performance Report (First Appropriation), *at* <http://www.doa.louisiana.gov/cdbg/DR/2ndQuarterOf2008Grant1.htm>. As of the same date, the LRA had drawn down approximately \$3 billion of the \$4.21 appropriated to HUD and allocated to the state pursuant to the 2006 Act. *See* Second Quarter 2008 Performance Report (Second Appropriation), *at* <http://www.doa.louisiana.gov/cdbg/DR/2ndQuarterOf2008Grant2.htm>.

III. The Road Home program.

41. Of the \$13.41 billion in CDBG Disaster Recovery Grant funds allocated by HUD to Louisiana pursuant to the three appropriations statutes, the state has designated approximately \$11 billion for housing programs known collectively as the Road Home program.

42. With an \$11 billion budget, the Road Home program is the largest housing recovery program in United States history. *See* The Road Home Program, “About Us,” *at* <http://www.road2la.org/about-us>.

43. The Road Home Homeowner Assistance Program offers relief to the approximately 150,000 owner-occupied homes that were destroyed or suffered major damage as a result of Hurricanes Katrina and Rita. Eligible homeowners are those who owned and occupied a home in a single-unit or double-unit structure at the time of the hurricanes, registered for FEMA Individual Assistance, and had FEMA categorize their home as destroyed or having suffered major damage.

44. The stated purpose of the Road Home program is to rebuild communities in Louisiana affected by Hurricanes Katrina and Rita. *See Louisiana Recovery Authority, Action Plan Amendment 14 (First Allocation) – Road Home Homeowner Compensation Plan 2 (2007); Louisiana Recovery Authority, The Road Home Housing Programs, Action Plan Amendment for Disaster Recovery Funds 5 (2006).*

45. Homeowners who receive Road Home grants are given a choice of promising to use the funds to rebuild or repair their homes or of receiving a reduced grant that may be used to obtain housing outside of their home parish or outside the state of Louisiana.

46. The maximum Road Home grant that a homeowner may receive is \$150,000.

47. Road Home grants are calculated using the lower of two baseline values: the pre-storm value of the home, or the cost of damage to the home.

48. Low- and moderate-income families (those whose income is 80% or less of the area median income) that intend to remain homeowners in Louisiana may be eligible for an “Additional Compensation Grant” of up to \$50,000, although in no case may the total Road Home grant exceed the \$150,000 limit.

49. The LRA, in consultation with HUD, proposed and developed the Road Home grant formula and the details of the Road Home program.

50. HUD approved the Road Home grant formula and the details of the Road Home program as a condition of the distribution of CDBG Disaster Recovery Grant funds.

51. The LRA administers the Road Home program subject to ongoing oversight and continuing approval by HUD.

IV. The effect of the Road Home grant formula on African American homeowners and the refusal to adopt less discriminatory alternatives.

52. The requirement that Road Home grant awards not exceed the pre-storm value of the home (where pre-storm value is less than the cost of damage) has a discriminatory disparate impact on African Americans living in historically segregated communities.

53. Comparable homes have lower values in predominantly African American communities than in predominantly white communities.

54. Census data demonstrate that African American homeowners in New Orleans are more likely than white homeowners in New Orleans to own homes with lower values. Data from the 2000 census show that nearly 80% of homes owned by African Americans in New Orleans were valued at less than \$100,000, while only about 33% of homes owned by white homeowners in New Orleans were valued at less than \$100,000. Data from the 2000 census further show that approximately 93% of homes owned by African Americans in New Orleans were valued at less than \$150,000, compared to 55% of homes owned by white homeowners.

55. African Americans whose property received substantial damage and who qualify for Road Home grants are more likely than white applicants to receive a grant that is based on the pre-storm value of their home.

56. Because the Road Home formula limits grant awards to the pre-storm value of the home where that amount is less than the cost of damage, African American recipients of Road

57. Among all applicants who have a gap between their rebuilding resources and the cost to rebuild, the average gap for African American applicants is far larger than the average gap for white applicants.

58. The Road Home formula design disproportionately burdens African American homeowners and hinders their ability to return to their homes compared to white families.

59. The Additional Compensation Grant available for certain eligible low- and moderate-income families does not eliminate the discriminatory disparities in grant amounts between African American and white homeowners.

60. The discriminatory disparities in the application of the Road Home formula are not justified by legitimate interests of the Defendants, and alternative courses of action are available to accomplish the goals of the program without imposing a disproportionate burden on African American homeowners. In particular, Road Home grants could be calculated based on the cost of damage to the home, which would permit the program to achieve its goal of restoring communities and permitting homeowners to rebuild their homes.

V. Injury to the individual Plaintiffs.

61. Plaintiff Gloria Burns applied for a Road Home grant to help finance repairs to her home, which was heavily damaged by Hurricane Katrina and the subsequent flooding. Ms. Burns has been approved for a Road Home grant of \$106,500 based on the pre-storm value of her home, including the Additional Compensation Grant. She has been unable to complete repairs to her home because the total amount she received from all sources, including the Road Home program, fell short of her home's cost of damage by \$89,000. Had her Road Home grant

been calculated based on the cost of damage to her home, she would have received a grant of \$150,000.

62. Plaintiff Rhonda Dents applied for a Road Home grant to help finance repairs to her home, which was heavily damaged by Hurricane Katrina and the subsequent flooding. She has been approved for a Road Home grant of \$88,534 based on the pre-storm value of her home. Because her Road Home grant fell short of her home's cost of damage by \$58,730, she is now living in a modular home of lesser quality, construction, and size on the same property. Had her Road Home grant been calculated based on the cost of damage to her home, she would have received a grant of \$147,264.33.

63. Plaintiff Almarie Ford applied for a Road Home grant to help finance repairs to her home, which was heavily damaged by Hurricane Katrina and the subsequent flooding. She received a Road Home grant of \$3,468 based on the pre-storm value of her home. She has been unable to complete repairs to her home because the total amount she received from all sources, including the Road Home program, fell short of her home's cost of damage by \$156,073. Had her Road Home grant been calculated based on the cost of damage to her home, she would have received a grant of \$150,000.

64. Plaintiff Daphne Jones applied for a Road Home grant to help finance repairs to her home, which was destroyed by Hurricane Katrina and the subsequent flooding. She received a Road Home grant of \$61,000 based on the pre-storm value of her home, including the Additional Compensation Grant. The total rebuilding assistance she received from all sources, including the Road Home program, fell short of her home's cost of damage by \$45,261.65. She has not been able to complete all needed repairs to her home, and has had to utilize personal savings and volunteer labor to make the home livable. Had her Road Home grant been

calculated based on the cost of damage to her home, she would have received a grant of \$106,261.65.

65. Plaintiff Edward Randolph applied for a Road Home grant to help finance repairs to his home, which was heavily damaged by Hurricane Katrina and the subsequent flooding. He received a Road Home grant of \$16,649.92 based on the pre-storm value of his home. He has been unable to complete repairs to his home because the total amount he received from all sources, including the Road Home program, fell short of his home's cost of damage by \$173,193. Had his Road Home grant been calculated based on the cost of damage to his home, he would have received a grant of \$150,000.

VI. Injury to the organizational Plaintiffs.

66. Plaintiffs GNOFHAC and NFHA established a collaborative program known as the Hurricane Relief Project after Hurricanes Katrina and Rita. GNOFHAC and NFHA have raised funds from charitable sources to support the Hurricane Relief Project. NFHA has provided financial and technical support and training to GNOFHAC and others of its members in the Gulf Coast region.

67. The goals of the Hurricane Relief Project include increasing residential integration and eliminating residential segregation in New Orleans and other communities in the Gulf by facilitating rebuilding and promoting a broad range of housing options to past and future residents of the region. The Hurricane Relief Project also assists hurricane-affected homeowners in negotiating equitable settlements with their mortgage servicers and insurance companies, to ensure their ability to remain in their homes and their communities.

68. Since the Road Home program began operating in the fall of 2006, Hurricane Relief Project staff have expended a substantial amount of time and resources representing the

interests of homeowners, home seekers, and other parties who need assistance enforcing their rights to equal housing. In the course of this work, Hurricane Relief Project staff have found it more difficult to ensure that homeowners could remain in their homes and in their communities because of the Road Home program's rule that grants may not exceed the pre-storm value of the home.

69. As a result of Defendants' discriminatory policies and practices, as alleged above, GNOFHAC has been directly and substantially injured and frustrated in its mission to promote fair housing throughout the greater New Orleans area by guaranteeing all people equal access to housing opportunities and by creating and maintaining integrated housing patterns.

70. As a result of Defendants' discriminatory policies and practices, as alleged above, NFHA has been substantially injured and frustrated in its mission to eradicate housing discrimination and eliminate segregation in housing, and in its efforts to carry out the programs and services that it provides, including but not limited to assisting hurricane-affected homeowners in New Orleans to rebuild their homes and remain in their communities.

71. GNOFHAC and NFHA have also been damaged by the Defendants' discriminatory policies and practices by being forced to devote scarce resources to identifying and counteracting Defendants' unlawful housing practices. GNOFHAC and NFHA have been required to, among other things, devote time, resources, and money to educating public officials in Louisiana, including the Governor and officials of the Louisiana Recovery Authority; educating other public officials as well as HUD regarding the racially discriminatory impact of the Road Home grant formula; and identifying, assisting, and educating local homeowners in New Orleans.

72. Further, as a result of the practices alleged above, GNOFHAC and NFHA will continue to have their resources diverted in the future, and their missions further frustrated, because of the need to continue to seek non-discriminatory and desegregative measures in the New Orleans area and the need to continue to educate the public about the discriminatory and illegal nature of the Road Home program that has the effect of limiting minorities' ability to return and rebuild.

73. Had GNOFHAC not been required by Defendants' discriminatory grant policies and practices to divert its resources and utilize continuing resources to remedy the effects of these discriminatory actions, GNOFHAC would have devoted these resources to its continuing efforts to eradicate other forms of housing discrimination.

74. Had NFHA and GNOFHAC not been required by Defendants' discriminatory grant policies and practices to divert their resources and utilize continuing resources to remedy the effects of these discriminatory actions, NFHA and GNOFHAC would have devoted their resources to their other activities and services such as expanding equal housing opportunities; furthering the Congressional purpose of eliminating segregated housing patterns throughout the United States; providing counseling and referral services to the public with respect to housing discrimination matters; educating the public about housing discrimination laws; promoting racial and ethnic integration and furthering compliance with fair housing laws; working with community groups to stabilize neighborhoods, through grant and loan programs, counseling, and education; and assisting residents of the Gulf Coast region affected by Hurricanes Katrina and Rita, including residents of New Orleans, to negotiate mortgage loan modifications and equitable insurance settlements in order to be able to rebuild their homes and remain in their communities.

CLAIMS FOR RELIEF

COUNT ONE: Violations of the Fair Housing Act of 1968.

75. Defendants have, as described above, made unavailable or denied housing to African American homeowners because of their race in violation of the Fair Housing Act, 42 U.S.C. § 3604(a).

76. Defendants have, as described above, discriminated against African Americans because of their race in the availability of, and in the terms and conditions of, real estate-related transactions in violation of the Fair Housing Act, 42 U.S.C. § 3605(a).

77. Defendants have, as described above, failed to administer housing-related programs and activities in a manner that affirmatively furthers fair housing, in violation of the Fair Housing Act, 42 U.S.C. §§ 3608(d), (e)(5).

COUNT TWO: Violations of the Housing and Community Development Act of 1974.

78. Defendants have, as described above, failed to administer the Community Development Block Grant program in a manner that affirmatively furthers fair housing, in violation of Title I of the Housing and Community Development Act of 1974, 42 U.S.C. § 5304(b)(2).

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

- a) Certify this action as a class action on behalf of the proposed class pursuant to Rules 23(a) and 23(b) of the Federal Rules of Civil Procedure;
- b) Declare that Defendants' acts, practices, policies, and omissions have deprived Plaintiffs of their rights under the Fair Housing Act of 1968 and Title I of the Housing and Community Development Act of 1974;

- c) Order all appropriate injunctive relief as warranted, including but not limited to ordering Defendants to cease immediately their violation of Plaintiffs' rights, and to remedy the invidious effects of their violations by recalculating Road Home homeowner grants in a nondiscriminatory manner;
- d) Order reasonable attorneys' fees and costs to be paid by Defendants pursuant to 28 U.S.C. § 2412 and 42 U.S.C. §§ 1988, 3613; and
- e) Grant such other and further relief as the Court deems just and equitable.

Dated: November 12, 2008

Respectfully submitted,

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