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NEWS - NEWS UPDATES

Tuesday, Jun. 02, 2009

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Advocates fight to keep Katrina lawsuit on track

By SHELIA BYRD - Associated Press Writer

JACKSON, Miss. -- The Mississippi NAACP and other plaintiffs are asking a federal judge not to toss out a lawsuit they filed over the state's plan to divert \$570 million from Hurricane Katrina recovery housing to a Gulf Coast port project.

The U.S. Department of Housing and Urban Development had approved the state's plan to use money for the port.

HUD wanted the lawsuit thrown out, arguing the Mississippi NAACP and the Gulf Coast Fair Housing Center hadn't established the right to sue on behalf of their clients or members. The government also contended the plaintiffs couldn't show that setting aside HUD's approval of the port plan would remedy the housing situation.

But attorney Larry Schoen with Mintz Levin, a Boston law firm representing the plaintiffs, said Tuesday the Mississippi NAACP could bring the litigation because some of its members "were injured by HUD's conduct."

"It is very troubling for HUD to come forward and say the plaintiffs in this case and the members of the NAACP don't have a personal stake when they are the very people who were supposed to benefit from this disaster relief money and they are forced continue to live in these dire conditions," Schoen said.

The government has until June 25 to file a response. Schoen said the motion should be heard this summer.

Mississippi received \$5.4 billion in federal Community Development and Block Grant funding to assist in the state's recovery after Katrina devastated the Gulf Coast in 2005, destroying much of its housing stock.

Last year, then-HUD Secretary Alphonso Jackson reluctantly approved the state's proposal to steer some of the money earmarked for coastal housing to an expansion of the State Port at Gulfport.

At the time, Jackson said he was concerned about the move because thousands of residents were still living in federally subsidized housing, including FEMA trailers.

The CBDG program is designed to provide federal money to communities to benefit low to moderate-income residents. But Congress provided waivers to Mississippi, which freed the state from meeting all the low- to moderate-income criteria for many of its recovery projects.

The state never sought or obtained a waiver for the port project, said Noah Shaw, another Mintz Levin attorney.

"The port project has been a gleam in the eye of Mississippi's development authorities for years prior to Katrina, but they had previously been unable to obtain funding for it," plaintiffs said in court documents filed

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last week. "This port project will do nothing to address the severe low-income crisis caused by the storm."

The court documents also give examples of low-income residents who are still in need of permanent housing. As of Friday, there were 1,108 Mississippi households in FEMA trailers or mobile homes and 1,865 in Mississippi cottages, the state's version of temporary housing.

James Johnson, a 74-year-old NAACP member, was ineligible to receive a grant through the state's homeowners assistance program because his house was destroyed by wind. The federal funding only covered damage caused by storm surge. The Federal Emergency Management Agency provided Johnson with a trailer and \$2,000 for the contents of his home.

"Mr. Johnson still resides in that trailer today, and FEMA has told him that it will remove his trailer in the near future," plaintiffs said in court documents. "Mr. Johnson has nowhere else to go. He says he will have to pitch a tent in his yard."

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