

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

ASSOCIATION OF COMMUNITY
ORGANIZATIONS FOR REFORM
NOW (ACORN), *et al.*

Plaintiffs,

v.

FEDERAL EMERGENCY MANAGEMENT
AGENCY (FEMA),

Defendant.

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Civil Action No. 06-1521-RJL

Exhibit 11

To Plaintiffs' Motion for a Temporary Restraining Order

DECLARATION

My name is Julie Oliver and I am a managing attorney for the disaster legal assistance hotline at Texas RioGrande Legal Aid in Austin, Texas. I work with hurricane victims who have received adverse decisions from FEMA on disaster assistance claims and I supervise the work of other advocates doing the same. Dealing with FEMA has been one of the most frustrating experiences I have had in dealing with opposing parties and government agencies during my more than 25 years as a licensed attorney. Among the most egregious actions on FEMA's part are the following.

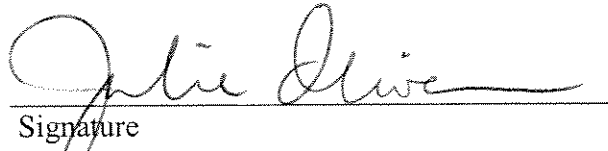
- Refusing to talk to me even though there are authorizations on file signed by the client authorizing FEMA representatives to talk to me.
- Stating that they cannot even look at the client's file without permission from the client to see if there is an authorization.
- Stating that client was denied because FEMA file did not include certain required information, when in fact the file did include the required information that was pointed out to the FEMA worker. Usually the FEMA worker would then stumble around to find another alleged reason for denial. On a few occasions, pointing out the provided information led to a change of decision in favor of our client, but unfortunately, at great delay because of FEMA's lack of due diligence in reviewing and considering evidence and information provided by the client and attorneys.
- Gross inconsistency among FEMA workers in their responses to issues such as the shared household rule and what FEMA's policy is regarding that. Several FEMA workers have told me that there are no exceptions to the shared household rule, even after being directed to FEMA's own press release announcing a relaxation of the severity of the rule and grounds for not applying the rule.
- Admissions on behalf of certain FEMA workers that the application of rules, such as the shared household rule, is left entirely to the discretion of the caseworker reviewing the case without any obligation to apply standing policies. If they are aware of the FEMA policy providing exceptions to the rule, then the caseworker probably will apply it. If not, they will apply the old policy.
- Gross inconsistency among FEMA workers on the same day regarding the same client as to what the issues are that need to be resolved and how to resolve them, indicating that the FEMA files contain no clear consistent indication of why decision makers made the decisions that they did.
- Patronizing, judgmental, and condescending attitudes toward clients, giving the impression to the clients that they are somehow responsible for what has happened to them.
- Accepting certain kinds of documentation from some clients but not accepting the same exact kind of documentation from other clients (such as Declarations of Occupancy) without any notation in the file or communicated reason for the disparate treatment.

As a result of inappropriate FEMA denials due to the failure to properly apply FEMA policies, arbitrary decisions made by FEMA workers not fully apprised of the facts or policies or law, and the other practices stated above, I have clients who are facing or have faced eviction because they cannot afford to pay their own rent. Because FEMA has denied them the rental assistance to which they are entitled, individuals and families are being evicted or otherwise losing their housing, often forced to the street.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Name: Julie Oliver
Attorney
Texas RioGrande Legal Aid

Date: August 30, 2006



Signature

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