

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

LA UNION DEL PUEBLO ENTERO, <i>et al.</i> ,	§	
Plaintiffs,	§	
	§	Civil Action No.
v.	§	
	§	1:08-cv-_____
FEDERAL EMERGENCY MANAGEMENT	§	
AGENCY (FEMA),	§	
Defendant.	§	

[PROPOSED] PRELIMINARY INJUNCTION

The Court has considered all authorities, argument, and evidence submitted by all parties concerning Plaintiffs’ motion for preliminary injunction.

The Court finds that Defendant Federal Emergency Management Agency has not yet published ascertainable standards that are necessary to “insure that the distribution of ... relief” — namely housing repair assistance under 42 U.S.C. § 5174(c)(2) — “is accomplished in an equitable and impartial manner, without discrimination on the grounds of ... economic status” as required by 42 U.S.C. § 5151(a). Consequently in the wake of Hurricane Dolly Plaintiffs and their families — including children, elderly, and disabled people — are threatened with injury and displacement, which are irreparable harms. Congress declared the public interest when it enacted 42 U.S.C. § 5151(a), and this injunction serves that public interest. FEMA risks no undue harm by stating the legal standards that it applies to decide home repair applications, and applying those standards to decide what home repair assistance to make available after Hurricane Dolly.

The Court therefore ORDERS Defendant Federal Emergency Management Agency to take the following actions:

- (a) publish ascertainable standards for the distribution of housing repair assistance under § 5174(c)(2);

(b) reconsider all applications for housing repair assistance in Disaster No. 1780 using the standards published in paragraph (a) above; and

(c) for each denial of housing repair assistance, notify applicants of the specific facts and legal standard that FEMA relied upon to deny assistance, and allow applicants time to appeal after receiving adequate notice.

Within five days after the date this order is signed, FEMA must file its proposed plan for compliance with this order, including what specific actions it plans, and its proposed dates for completing each action. Within five days after FEMA files its proposed plan, Plaintiffs may respond with any objections they wish the Court to consider.

SO ORDERED this _____ day of _____, 2008.

United States District Judge