

June 7, 2009

Dear FoCHAT Member,

If you are bothered when you read below:

- that LRA lawyers have recently argued that LRA can do what it wants with the RH funds because RH is a "giveaway" program
- and you had uncorrected mistakes or violation of RH rules in your application processing by RH,
- please go to near the top of our website

<http://chatushome.com>

- to learn how you can offer to possibly have your file examined during the HUD OIG audit
- in answer to our complaint about waste and abuse
- and to possibly respond to auditor requests for documents that are relevant and may not be in your file.

### **The Right of Judicial Review**

The State denies aggrieved victims any right of judicial review. The Louisiana Administrative Procedures Act allows aggrieved persons the right of review of final agency decisions, in certain circumstances, but the RHP and State Attorney General are fighting applicants who seek such reviews in court.

In several court cases, lawyers for the state have argued that the money was given to the State of Louisiana and not to the applicants and that the state is under no obligation to be fair or accountable for CDBG funds which provide the money for Road Home grants. According to the state attorney general's office, the state can do whatever it wants because the Road Home Program is a "giveaway program." The program may be unjust, inequitable and violate its own rules and no court has the power to correct it.

The appeals system started with ICF reviewing its own mistakes which was a conflict of interest.

We have not been able to get the rules for deciding these appeals despite numerous requests.

With no known or published standards for reviewing decisions, the State ran a second-tier appeal. In the early stages the reversal rate was substantial and many people were helped. As time went along, applicants usually lost these and often they were given no reasons.

After that, the State of Louisiana says applicants have no right of review in court.

A decision in a case filed under the Administrative Procedures Act last week in Baton Rouge (Dandridge v LA Div of Administration, Office of Community Development) overruled the state's exceptions of no cause of action, agreeing with the plaintiffs that there is a right of judicial review. The state will certainly appeal. If the decision stands on appeal, it is hoped this remedy will become available to others who were denied this right and were victims of a bad decision that the state did not correct. It is also hoped that this and other cases will help open the door to establishing other rights of judicial review for RHP mistakes and ICF negligence.

**CHAT Meeting from May 27, which highlights the HUD OIG complaint** will be shown on COX10 as follows:

Wed., June 10, Noon-1:30 PM; Fri., June 12, Noon-1;30 PM.

**About Accountability:** LRA outside council is still helping LRA to deal with its nonresponsiveness to many of my requests under **public records request law**. I have not yet had a hearing although this type of case is supposed to always be expedited after a petition of Mandamus is filed (on Mar. 26).

May 18, 2009 article:

<http://www.nola.com/news/t-p/metro/index.ssf?base/news-34/1242624008109530.xml&coll=1>

Best wishes,

Melanie Ehrlich  
Co-Chairman, Citizens' Road Home Action Team (CHAT)