

Dear Friends of CHAT,

Why do I have to go to court (hearing pending) to get public records documents from the LRA (Louisiana Recovery Authority) that, by law, are supposed to have been made available to me in answer to my official requests in July, Oct., and Dec.? What is LRA hiding and why?

Why has Paul Rainwater, the Executive Director of LRA and Custodian of Records, reversed policy posted at the LRA website (not the Road Home website) and quoted in a newspaper article about letting applicants apply for appeals now if they think they had not **"received fair treatment"** or **"believe their Road Home appeal was lost in the shuffle, or that they were never able to exercise their right to appeal because their case was stuck in the "resolutions" process (see Item 1)?"**

How could Ty Larkins, Housing Policy Advisor, tell an applicant that there are no exceptions to the **"30 day rule"** when, in fact, it is a 90-day rule (see green road2la.org faq below)?

How could Mr. Rainwater reverse his promised extension of the appeals deadline that was:

- stated publicly at the last Housing Task Force Meeting on Feb. 6,
- written about in a newspaper article about this meeting,
- and posted at the LRA website after this meeting?

Mr. Rainwater told me and CHAT Co-Chairman Frank Silvestri at a meeting in Frank's office in early 2008 that he wished he could extend appeals to applicants who thought they had uncorrected shortchanging mistakes **but "there just was not enough money."**

The LRA Board of Directors passed a motion in Nov. 2008 about asking Congress for permission to spend an **anticipated surplus in RH funds** on other recovery programs, which was discussed at that meeting to be about \$200 - 300 million.

- <http://www.lra.louisiana.gov/assets/docs/searchable/meetings/2008/11/111808AppropriationResolution.pdf>
- **Excerpts of Draft Minutes, LRA Board Meeting Nov. 18, 2008: see chatushome.com**

Walter Leger, who presided at that meeting of the Board said at a Feb. 2009 Housing Task Force Meeting that "some nonsense" was being spread about spending RH money not on applicants and asked for suggestions as to how "surplus" RH funds should be spent. I urged that it be spent on opening up appeals to correct mistakes for applicants who did not have a fair appeal. This "surplus" is at least partly due to shortchanging applicants against RH rules, making ever more applicant-hostile rules (for example, no money to repair mold damage, new rule in Summer, 2008), hidden rules unfavorable to applicants, and violations by RH of their own rules to applicants disadvantage.

What will "surplus" RH money be spent on?

If it is not used to fix extremely many ICF shortchanging mistakes that have deprived so many hurricane victim homeowners of needed funds to repair their homes, will it be funneled to RH land issues or to contractors or state employees for checking up on applicants for paybacks?

This "surplus" should go to shortchanged applicants, who never got a fair appeal and tried to appeal in the past (or only got to the first step of dispute resolution and were left in limbo.)

Item 1. The promise to allow applicants to bypass appeals deadlines if they were shortchanged in their grants came at this meeting of the LRA Housing Task Force.

http://www.nola.com/news/index.ssf/2009/02/louisiana_recovery_authority_h.html

LRA task force discusses future of Road Home
by David Hammer, The Times-Picayune

Friday February 06, 2009, 12:37 PM

At today's meeting, Ehrlich pressured Rainwater to do something to help an unknown number of homeowner applicants who apparently fell prey to multiple changes in the program, particularly those who complained to ICF about allegedly undervalued grants in an informal process known as dispute resolution that has since been eliminated. Ehrlich says she still hears from applicants who never filed formal appeals because they were "stuck" in dispute resolution.

After a testy response, Rainwater eventually agreed to post on the LRA's Web site, www.lra.louisiana.gov, a message encouraging Road Home applicants who feel they were trapped by old rules to contact the state agency so they might be given a new right to appeal.

Here is what was posted at the LRA website (which is unknown to almost all applicants), and not at the moderately well-known Road Home website, soon after that LRA Housing Task Force meeting.

<http://lra.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=106>

For many months we have heard of people who believe their Road Home appeal was lost in the shuffle, or that they were never able to exercise their right to appeal because their case was stuck in the "resolutions" process, which ended earlier this year.

In order to ensure that all applicants received fair treatment under the Road Home, the Louisiana Recovery Authority and the Office of Community Development will review these cases to ensure that homeowners received due process under the Road Home and that cases did not fall through the cracks.

For your case to be considered, you can do one of three things:

- **Email** info@louisianarecoveryauthority.org with "Road Home Appeal" in the subject line,
- **Call** us at (225) 342-1700 to find out how to request an appeal or
- **Mail** a letter to the Louisiana Recovery Authority, ATTN: Ty Larkins, 150 Third Street, Suite 200, Baton Rouge, LA, 70801.

And here is an email forwarded to me by an applicant who received it on Apr. 27, 2009.

Dear Ms. XXX,

Unfortunately, there are no exceptions to the **30 day rule**, as Mr. Rainwater did not say he was opening appeals to applicants who have gone past the deadline. His comments were directed at serving persons who were in appeals who "fell through the cracks" and therefore, never had their matters resolved.

If you have any additional questions, please don't hesitate to contact us.

Ty
Ty Larkins
Housing Policy Advisor
Louisiana Recovery Authority
225-342-1948 (p)
225-342-1884 (f)
ty.larkins@la.gov

Question: What could it possibly mean (in real terms and not just empty words) for the LRA website to state that they will offer appeals to applicants "were never able to exercise their right to appeal" and then to tell applicants that they cannot appeal past "the 30 day deadline." In fact, LRA misstated its own rule in this email to an applicant because applicants have 90 days to appeal.

<http://road2la.org/homeowner/faqs.htm#11>

What conditions must take place before an appeal will be accepted?

Homeowners have the option to work with their PAL to resolve any issues with their award or they can file a formal appeal in writing.

If the applicant has already closed on their award, they must appeal any issues with their award within 90 days of closing. After 90 days, the award is considered final and may not be appealed.

But then, the rules are so changeable by LRA, and so frequently incorrectly applied so as to shortchange applicants. Moreover, some of the important rules have a layer of secrecy. For example, I have not yet been able to get the full copy of the rule changes for the last year (the "change policy" or "CCB" documents) even though I filed a public records request for them months ago and have a hearing pending.

Item 2. Two survey comments from this week (made anonymous), just a tiny fraction of the arbitrary and capricious dealings of RH that is still causing so much grief for hurricane victims.

Applicant #1

I live in a commercial building that was converted into a home... in the early 1970's before I owned the property which I purchased and have been residing in. The City [in which I live] recognizes this to be my residence. I have numerous witnesses including multiple neighbors, family, friends and [city] officials who can prove that I've been living here full time since [years before the hurricane]. The Road Home was designed to bring us back to the homes we chose to be our homes and live in that were flooded and damaged by Hurricane Katrina. There are multiple commercial buildings converted into homes throughout my subdivision just as mine had been. Most of the other conversions have been done on the second floor. Mine was done on the first floor; therefore, I received 100% flood and wind damage to my home - not damage to a business of any sort. All of the converted buildings referenced still have the commercial facade just like mine but in fact are homes once you walk through the door - some are apartments and some are homes. I feel that I should receive financial assistance just as equal to everyone else that received financial assistance that also owned their homes at the time of the storm. I cannot afford to make these expensive repairs on my own due to the fact that I had very minimal flood insurance and no wind coverage. If you want me to continue living, working and paying taxes in the state of Louisiana then please give me financial assistance to aid me in the road to MY home. I feel I've been unfairly judged as if they are trying to weed out applicants to save funds that were provided for by our government to make us whole again. I'm still living in my flooded, moldy home with pre-Katrina furnishings awaiting the Road Home to come to my assistance.

I am living in post-katrina, flooded, moldy, untouched-since-Katrina condition. My respiratory condition and allergies are being exacerbated by living in these conditions ... waiting for the Road Home to come through.

CHAT comment: LRA made mold and mildew no longer covered by RH in a changed policy in the summer of 2008! Such is the regard for the health of hurricane victims.

Applicant #2

This process of almost 2 years has been a nightmare for both me & my children. >From the beginning, I knew something was wrong. Other Road Home applicants said their evaluator was out within a week. After waiting 6 weeks, I tried contacting my advisor. I left messages on her voicemail daily, but she never returned any of my calls. Then came a letter of a new advisor to contact, left messages again on a daily basis, to no avail. He was located [in a different parish], which I thought was odd After weeks of being ignored, I again called the main Road Home line. They then informed me that I was given to a N.O. East advisor because they had my property in something called a "Superfund Zone". I had heard about this area around Almonaster Ave. in N.O. East and that these properties could not qualify for Road Home. I told her I'm ..., nowhere around this area. And if that is

the case, then how did my daughter who lived on the same street receive her Road Home Grant. She said she could correct this error, but not the error of sold home. We have spent hundreds of hours talking to representatives that know nothing. I'm told my file is being reviewed by a supervisor, then months later it is back on the desk to be reviewed by another supervisor, and so on and so on!! How can an error so simple be so difficult to rectify. Perhaps they look at my age and figure I won't be around to much longer. My choice to rebuild my home that I have so loved of 44 years would have been rethought If not for the promise of the Road Home Program. Please help if you can!!!!

CHAT comment: We have heard details of so many applicants with obvious errors in the processing of their application (wrong house, wrong name, etc.) who have been put in similar mind-boggling and Kafkaesque limbo.

Applicant #3

If Road Home sent you a copy of your file, was it a complete copy (all house valuations or all information about the estimated cost of damage to your house, all insurance and FEMA deductions, phone call record)?

No, my copy was missing information

We were under water over 1 1/2 months. Every neighbors tree was on my lot fence shed and garage. ... I could not come back until 2 weeks after Rita. The they stole from my upstairs and downstairs.

Every home 4 doors next to me left and right and across the street got all of their road home money .they can't beleive we got nothing. Our first evaluator ...who interviewed us said our home was liveable. We gave him the address , we told him we lived with this friend who took us in and we gave her a donation every month who passed in october 2008. We told him we did not live there but he turned it in that this was our address in batonrouge. In hurrying or oversight we signed not noticing onthe other page the wrong address was on the paper. That was the beginning of our hell.

According to road home personal property ,fences trees detachable garages shed and landscape were not included. well the total was included in the whole insurance package and they deducted it. They told me to send the proof that these things were seperate ... and itemized. I sent the copy and they did not use it. Plus the CAD they did was wrong with the square footage for floors doors walls for sheet rock square feet were all wrong.

In order to get [a building] permit we were told to take clean picture to show nicer areas if possible ... so we did. We were desperate because we knew we could not keep paying rent 570 + per month me not working lost my job because my [workplace] closed down. Ms. xxx on poydras took our application. We told her about our problems and she promised she would take care of every thing correctly. We got the permit and started coming to the house to do a little work daily. Trying to save what we could , then the next day we came back to find that the things we salvaged were stolen. We filed a police/insurance report. Mold was everywhere even in the ceiling in a 2 story home. we were out of our home a long time. While working one day 2 men came to inspect and thank God they said this home is NOT LIVEABLE. Well in March 1 2006 the trailer came But we could not move in because it was locked, waiting on keys. Finally the keys arrived in late May and we spent our first Friday night there. I told him something smells strange .. I coughed all night, eyes ran water ,my eyes burned and turned red. I became dizzy. My husband woke up with his nose bleeding. we went out side for air. I said to him I have smelled this before then i remembered the name i said this smells like formaldehyde. I worked with preserved plants and animals which were in containers so i was used to it, but we wore gas mask at all times. As soon as we get back to the apartment for a few days later the eyes would not burn and he had no nose bleed nor headaches. When we go back to the trailer the same things started again. I still suffer with my throat hoarseness and drip. My doctor is constantly giving me medicine for this plus i had styes after styes.

41. If you decided not to elevate your house even though you are eligible for an elevation grant, please

check your reason below.

I decided not to elevate my house because of the delay in getting an elevation grant. and i decided the money was not enough to elevate and since i did not get the road home money and i had already used my savings with the insurance how could i elevate with that small amount.

CHAT comment: So very many applicants tell of large mistakes in the reports made by ICF of damage estimates (CAD reports) including wrong square footage and of deductions for insurance benefits for lost personal items, which is against RH rules.

Item 3. Last Housing Task Force Meeting was on Feb. 6, 2008.

Walter Leger, Chairman of the Housing Task Force (I am on that Task Force) said at the meeting that there would no longer be long gaps between meetings. There had been a gap of almost ¾ year despite requests from me and another member of the Task Force for more frequent meetings. He said that the Task Force would meet at least once every 3 months. The clock is ticking and I heard nothing about another meeting.

Subject: RE: Request for agenda shortened RE: Questions RE: March 18th Housing Task Force Meeting

Date: Thu, 13 Mar 2008 09:25:49 -0500

Melanie,

As you know, I do not type well and anything other than short e-mail is too time consuming for me to respond to your or any one else's often lengthy messages. However because of the very curious tone of this one I have labored to respond. I DO NOT INTEND TO GET INTO ONGING ELECTONIC DISCUSSIONS. I prefer direct human contact. The following is a paragraph by paragraph response.

Paragraph One: As to those who you can identify, I suggest you invite them to the meeting on Tuesday. They do not have to give public testimony. Advisors will be there to work on individual cases privately while we meet. Let them decide if they cannot or do not want to come. We will arrange at some other time for an "after hours" meeting for those who cannot get off work.

I am interested in solving the systemic problems. But helping solve individual problems is just as or more important. If we don't try to solve both at the same time it is difficult to identify what is systemic and what is isolated.

Paragraph Two: You may send any data to me. Nearly everyone else does, it seems anyway.

Paragraph Three: The suggestion that Road Home discussion has been "demoted" is absurd. Many of us have spent now two years with Road Home issues as the highest of priorities, some without pay neglecting entirely our real jobs and with great personal sacrifice. But there are other issues which others consider as important of attention. Place on agenda does not indicate rank, but is governed by other factors. Now that you mention it maybe it does make sense to put Road directly before the Public Comment aspect of the agenda since they are largely related.

Paragraph Four: The implications therein are also absurd. HTF members have always been allowed to ask any questions they have, and you know it.

Paragraph Five: Not only Paul, but I and LRA staff have been using individual applicant problems from the early stages of the program to diagnose systemic problems. I don't get your point.

Paragraph Six: This must be solved. How many? Who are they? Let's see the facts. Do you truly think HTF has provided "cover" for ICF. I humbly think that is a truly silly assertion.

Paragraph Seven: I don't know what you are requesting.

Paragraph Eight: Below are the only two I could identify and ask that staff arrange for Road Home officials to provide this information at the meeting.

*How many applicants have received a full copy of their files?

*How many applicants who have ever won their appeal had their second closing?

Walter J. Leger, Jr.

Leger & Shaw

600 Carondelet Street

New Orleans, Louisiana 70130

504-588-9043

wleger@legershaw.com

From: Melanie Ehrlich [mailto:mehrlch8@yahoo.com]

Sent: Tuesday, March 11, 2008 1:24 PM

To: Walter Leger

Cc: knappa@la.gov; Melanie Ehrlich

Subject: Request for agenda shortened RE: Questions RE: March 18th Housing Task Force Meeting

Walter,

Clearly, not all applicants who have the below-mentioned problems have contacted CHAT. Many who have cannot take off from work or live far away. Many are afraid of repercussions if they give public testimony. Many are shy or intimidated by the HTF setting. It should not be necessary for applicants to show their faces and plead their cases for systemic problems that are tormenting applicants to be solved.

Numerous application numbers and ID's plus individual descriptions of problems from applicants with very similar problems have been provided by me to RH officials over many months without solutions to the general problems yet. You were included in some of those messages, but because you have your own sources of applicant essays about their real and unfair woes, you are not included in most of them. I would be glad to add your email address to those messages if you like.

It is most appropriate for HTF to discuss major problems for the RHP that have not been solved in order to seek solutions. This discussion of what is wrong with program and should have been fixed is not deserving of demotion to the tail-end public comments section of the meeting, when applicants are baring their distress in public in an emotional atmosphere.

You have often said that you are no apologist for ICF so please do not rely on implicit acceptance of ICF's need for minimal arithmetic and hold them accountable to answer questions of HTF members about important ongoing problems, which ICF reported at the last meeting were fixed in contradistinction to the facts available to us.

Moreover, Paul Rainwater agreed that individual applicant problems should be used to look for root issues.

Some applicants who have presented public comments with name, serial number, etc. and been told by ICF that their problem was solved but found out later, sometimes only when they went to closing, that the same old, obvious mistakes were still being used to calculate their award. Cover is not what the HTF should be providing for ICF.

I still request that the agenda include the critical issue of written notification of grant processing milestones, sharing applicant documentation, and advising applicants of the three new policies referred to below. These can be subsumed under the heading of New Policies: notification.

In addition, at previous HTF meetings there have been large handouts for the members of the Task Force.

I request the data items below (* added) be part of that handout.

Thank you in advance,

Melanie

From: Melanie Ehrlich [mailto:mehrlch8@yahoo.com]
Sent: Monday, March 10, 2008 11:56 PM
To: Fay Ayers; Adam Knapp; Chad Brown; Charlotte Dodie Spenser Smith; Christina Stephens; Debby Boyd; Helena Cunningham; Jason Stagg; John E. Smith; John Pearce; K.C. King; Karen Thomas; KC Colley; Kim Hamilton Jupiter; Laura Deslatte; Lindsey DeBlieux; Melanie Ehrlich; Mtumishi St. Julien; Nell Bolton; Pamela Laborde; Randy Noel; Rep. Cedric Richmond; Scarlett Duplechain; Shantelle Dunn; Suzie Elkins; Tara Hernandez; Terrel Broussard; Tim Carpenter; Valerie Keller; Walter Leger, Jr.; Wanda Acuff; Wil Jacobs
Subject: Questions RE: March 18th Housing Task Force Meeting

Walter,

Please put these questions on the agenda for the next HTF meeting. Some of these items might be answered more expeditiously with handouts at the meeting from ICF or the State.

Thank you in advance,

Melanie

Melanie Ehrlich

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

What happened to the RAND report about the RHP that was supposed to be distributed to the HTF within about a month after the last meeting?

Why is the state not prioritizing use of funds from Hazard Mitigation via FEMA (HMGP) that have amazingly finally been fast-tracked by FEMA for RH use as of Jan. 2008 so as to spare RH money for basic grants? Please see explanation below.

Now that the RHP anticipates uncommitted funds, will the State fund applicants who were invited to apply to the RHP even though they were forced to sell at a loss in 2006? This would probably cost less than \$0.2 billion.

If the State is concerned about left-over CDBG money from the \$3 billion from Congress to cover the previous shortfall that would indeed have to be returned to the fed. govt. if it is not spent on RH applicants, why not use the money in ways that would benefit the applicants who need the grant money the most? Please see explanation below.

When is RH going to send letters advising applicants of new rights and improved procedures that were supposed to be implemented last Nov., Jan., or several weeks ago so that they can know what their rights are?

*How many applicants have received a full copy of their files?

Why are many applicants still telling CHAT that they cannot get copies of their files, not even the pre-storm values (PSV's) in their files?

Will grantees be given a second chance to appeal once they have a copy of their files so that they know what they are appealing?

Why are applicants telling CHAT that they are still informed of dispute resolution, appeals, or grant notices over the phone and are denied the information in writing although the Jan. 1 policy says that they should get that information in writing?

*How many applicants who have ever won their appeal had their second closing?

Why are so many applicants reporting to CHAT that they are unable to get a returned phone call from the pre-closing and the post-closing departments?

Why are so many applicants reporting to CHAT that they have been in appeals for many months?

What will be done about this problem?

Item 4.

From: Melanie Ehrlich

To: Paul Rainwater; Mike Spletto

Cc: Frank Silvestri ; Melanie Ehrlich

Sent: Fri May 30 09:51:47 2008

Subject: ICF racing to avoid a fine and close out dispute resoln by just sending a letter closing dispute

Paul and Mike,

This is the second email that I got this week about precipitous resolution of a dispute resolution by just sending a denial letter with no explanation. Of course, there is an imminent 3-week deadline of OCD's third extension for ICF finally providing convincing data that it resolved the thousands of dispute it stated it resolved over a 3-week period in July 2007 so as to escape a fine.

Please remedy these irregularities indicating arbitrary and capricious treatment of applicants disputing ICF's mistakes so that ICF does not continue to escape its due fine for not making it 2007 benchmark for real dispute resolution. In addition, please remedy the violation of LRA-OCD policy by ICF, under your watch, of this company continuing to violate CCB 189A about detailed explanations in writing of negative outcomes of dispute resolution and appeals.

If ICF does not accept applicants' receipts for repair of homes done prior to house evaluation by subcontractors, then according to the 5/29/08 SB 740 fiscal note revision, upon appeal, OCD-LRA will not accept any documentation from the applicant because that would be against CBDG regulations. Please clarify this point.

Melanie Ehrlich

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

Best wishes and thank you for continuing to be part of our email network,

Melanie Ehrlich

Founder, Citizens' Road Home Action Team (CHAT); <http://chatushome.com>

Member, LRA Housing Task Force