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Today, the federal district court in the Eastern District of Louisiana approved a settlement in *Brou v. FEMA*, a class action lawsuit that will ensure that Hurricanes Katrina and Rita evacuees with disabilities will receive accessible FEMA trailers. The lawsuit was filed on behalf of eleven Katrina and Rita evacuees with disabilities who lived in Louisiana or Mississippi before they were displaced. Five additional plaintiffs were added later. Defendants are the Federal Emergency Management Agency (FEMA), the Department of Homeland Security, Michael Chertoff, the Director of the Department of Homeland Security, and David Paulison, the Director of FEMA. All of the named plaintiffs needed accessible trailers from FEMA, but all were provided with inaccessible trailers, no trailers, or were still waiting for simple modifications to make their trailers accessible. Plaintiffs' counsel estimates that thousands of other evacuees with disabilities may have needed, but did not get, accessible trailers from FEMA.

Plaintiffs are represented by the Advocacy Center, from Louisiana; the National Center for Law and Economic Justice, from New York; the Mississippi Justice Center; the Public Interest Law Project, from Oakland, California; and the New York City offices Kirkland and Ellis LLP, a private law firm headquartered in Chicago.

Approximately 25% of Katrina evacuees have disabilities, but at the time the suit was filed, only 1 to 2% of evacuees from Louisiana and Mississippi were provided with accessible trailers. Depending upon their needs, individuals may be entitled to a trailer with a ramp, wider doorways, more turn space for wheelchairs, lower appliances, sinks, and cabinets; accessible showers; shower chairs; grab bars near toilets, showers, and tubs; and other accessibility features.

As a result of the settlement, FEMA has created special toll-free numbers for evacuees who need accessible trailers from FEMA:

866-496-4297 (for evacuees from Louisiana)

888-294-2820 (for evacuees from Mississippi)

The phone number will be staffed from Monday to Saturday, 9:00 am to 6:00 p.m. (excluding holidays), beginning October 10, 2006.

The settlement also requires that:

- FEMA notify evacuees within 5 days after they call the toll-free number of what FEMA intends to do to meet their accessibility needs, and when it plans to do it.
- If FEMA decides that a person's FEMA trailer can be modified to make it accessible, give an estimated time frame of up to 30 to 60 days for making the modifications, depending upon whether the modifications are standard (ramps, grab bars and stair railings) or more complex.
- FEMA give an estimated time frame of up to 90 days for providing an accessible trailer, if FEMA decides to give the evacuee an accessible trailer, or replace an inaccessible trailer.
- If FEMA decides that an evacuee is not eligible for an accessible trailer or modifications, it must inform the evacuee in writing and give reasons.
- FEMA handle complaints from evacuees with accessibility issues. Evacuees can call the 800 number to complain if they disagree with what FEMA tells them it plans to do, or if they are otherwise not satisfied. Further review is available if hotline staff is unable to resolve the matter.

FEMA will send a letter to the last known address of evacuees who are eligible for temporary housing and have requested or received a FEMA trailer, informing them of the toll-free numbers, and will send press releases and public service announcements to media outlets in Louisiana, Mississippi, and other states where many evacuees live.

Under the settlement, 5% of trailers at FEMA group trailer sites, and common areas of FEMA trailer sites, must meet Uniform Federal Accessibility Standards.

“We are pleased that FEMA has decided to meet its legal obligation to give evacuees with disabilities accessible temporary housing,” said Cary LaCheen, a Senior Staff Attorney at the National Center for Law and Economic Justice, one of the attorneys for the plaintiffs. “FEMA trailers are still the only housing available to thousands of people whose homes were damaged or destroyed by the hurricanes.” said Nell Hahn, Director of Systems Advocacy and Litigation at the Advocacy Center, “Now, finally, people with disabilities will have equal access to this program.”