

United States District Court

District of Massachusetts

**Notice of Electronic Filing**

The following transaction was entered on 6/30/2018 at 9:42 PM EDT and filed on 6/30/2018

**Case Name:** Asencio et al v. Federal Emergency Management Agency et al

**Case Number:** [4:18-cv-40111](#)

**Filer:**

**Document Number:** 10(No document attached)

**Docket Text:**

**District Judge Leo T. Sorokin: ELECTRONIC ORDER entered With Regard to [2] Motion for TRO. Plaintiffs filed a complaint today along with an emergency motion for a TRO. The Court has provided counsel for the United States copies of the pleadings and held a telephone hearing this evening with counsel for the government and the plaintiffs. The standard for issuance of an injunction is the familiar four part test. The irreparable harm to the plaintiffs is obvious and overwhelming tomorrow morning they will be evicted and homeless since by definition each plaintiffs home was rendered uninhabitable by the hurricane in Puerto Rico, a determination previously made by the defendants. The public interest on balance favors the plaintiffs both in terms of their personal interests and considering the specter of many sick individuals without homes of their own being rendered homeless with the resulting drain on other public resources in addition to the possible human consequences. The substantially closer question is whether Plaintiffs have established a likelihood of success on the merits of one or more of their legal claims. The Plaintiffs in their papers and at the hearing have articulated, at least, claims that they are entitled to (1) reasonable notice of the termination of the temporary housing assistance; (2) assistance as long as they remain eligible; and (3) assistance in transition to other housing. In addition, they assert that FEMA in prior roughly equivalent disasters has extended the temporary housing assistance substantially longer than in the present disaster. On the record before the Court, which is admittedly limited in that the government has had only the most limited opportunity to respond, the Plaintiffs have demonstrated a sufficient likelihood of success to warrant an limited temporary restraining order under the totality of the circumstances and the governing law. Specifically, the affidavits from counsel show deficiencies in notice and transition assistance. Whether that evidentiary showing prevails on a fuller record is not now necessary to decide. Accordingly, the Court (1) ENJOINS the Defendants and their agents from terminating the Temporary Housing Assistance program which provides the payment for shelter for the plaintiffs (including the class) until at least midnight July 3, 2018 (i.e. enabling Plaintiffs and the class to stay until checkout time on July 4, 2018); (2) ORDERS Defendants and their agents to provide notice and take whatever action is necessary to extend the assistance until the aforementioned deadline; and (3) SCHEDULES a telephone hearing on**

**this matter before Judge Hillman on Monday July 2, 2018 at 12:45 p.m. This ruling is WITHOUT PREJUDICE to any rulings by Judge Hillman. At the hearing before Judge Hillman counsel for plaintiffs ought be prepared to address with more specificity, inter alia, the specific nature and basis for the right to notice, the nature and basis of the right to ongoing housing assistance, the nature and basis for the right to transition assistance, and the legal significance, if any, of the different durations of housing assistance programs. Counsel for the government ought be prepared to address, inter alia, (on Monday or such further time as requested by the government) the lack of basis for the foregoing issues. Nothing in this outline limits or precludes the parties from raising issues fairly within the pleadings or appropriate defenses. The Clerk will provide call in information for the call on Monday. The undersigned has addressed this motion as the emergency district judge. /s/ Leo T. Sorokin, United States District Judge. (Healy, Bethaney)**