

CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO: _____

DIVISION: _____

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

VS.

PATRICE JOHNSON AND JOSEPH JOHNSON SR.

FILED
2015 AUG 31 P 4: 21
CIVIL DISTRICT COURT

**PETITION FOR DECLARATORY JUDGMENT AND FOR
JUDGMENT TO RECOVER HAZARD MITIGATION
GRANT PROGRAM FUNDS**

NOW INTO COURT, through undersigned counsel, comes Petitioner, the State of Louisiana, Office of Community Development, Disaster Recovery Unit - Hazard Mitigation Grant Program (hereinafter "HMGP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds. In support, HMGP respectfully represents:

1.

The Defendants in this case are Patrice Johnson and Joseph Johnson Sr., majors domiciled in Orleans Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

2.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana, the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. It also helps homeowners in coastal Louisiana protect their homes from damage which may occur in future natural disasters by elevating their homes, reconstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendants, Patrice Johnson and Joseph Johnson Sr., executed a Voluntary Participation Agreement (hereinafter "VPA") on January 13, 2011 to participate in HMGP and to receive an HMGP grant. Defendants also agreed to comply with all HMGP guidelines, which include using HMGP funds for their intended purpose.

4.

FEMA grant funds in the amount of \$31,580.00 (hereinafter "FEMA grant funds") were paid to Defendants by HMGP on or about March 22, 2011 for the specific purpose of Elevation Measures (hereinafter "Elevation") to their home located at 2004 Bodenger Blvd., New Orleans, Louisiana 70114.

5.

Photographs dated March 23, 2015 show that although the FEMA grant funds were received, Defendants' home was not elevated.

6.

Collection letters were mailed to Defendants.

7.

Defendants have failed to respond to the letters and have failed to return the funds to the State.

8.

Defendants' failure to return the FEMA grant funds has resulted in Defendants owing to HMGP the unearned federal funds, which must be recovered by HMGP, the State program charged with distributing FEMA funds for mitigation projects.

9.

HMGP must account to FEMA for all funds issued to homeowners. Failure of HMGP to recover the FEMA grant funds from Defendants will result in reimbursement to FEMA by the State of Louisiana.

10.

HMGP requests that the debt of \$31,580.00 owed by Patrice Johnson and Joseph Johnson Sr. to HMGP be recognized and that judgment in favor of HMGP be granted, directing Defendants to return and pay the FEMA grant funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

- a. That this Honorable Court declare that Defendants, Patrice Johnson and Joseph Johnson Sr., are non-compliant with the Voluntary Participation Agreement signed by them;
- b. That this Honorable Court declare that Defendants, Patrice Johnson and Joseph Johnson Sr., are indebted to HMGP in the amount of \$31,580.00 because of their failure to elevate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;
- c. That Defendants, Patrice Johnson and Joseph Johnson Sr., be ordered to return the \$31,580.00 HMGP grant to HMGP, in full;

- d. That there be judgment rendered herein in favor of HMGP and against Defendants, Patrice Johnson and Joseph Johnson Sr., in the full sum \$31,580.00;
- e. That Defendants, Patrice Johnson and Joseph Johnson Sr., be assessed all costs and fees associated with this matter; and
- f. That the Court grant such other relief as is just and proper.

Respectfully submitted:

FOR HMGP



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its Division of Administration
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**PUBLIC ENTITY/FEE EXEMPT
(La.R.S. 13:4521 and 13:5112)**

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PLEASE SERVE:

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**JOSEPH JOHNSON SR.
2004 BODENGER BLVD.
NEW ORLEANS, LOUISIANA 70114**

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2015 AUG 31 P 4: 22

FILED

VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR RECOVERY OF HAZARD
MITIGATION GRANT PROGRAM FUNDS:

I, CRAIG P. TAFFARO, JR., Director of the State of Louisiana's Hazard Mitigation Grant Program, declare under penalty of perjury that the representations made in the foregoing Petition are true and correct to the best of my knowledge, belief and understanding.

THUS DONE ON THIS 28th DAY OF August 2015 IN NEW ORLEANS,
LOUISIANA.



Craig P. Taffaro, Jr.



La Koshia Reonda Roberts
Notary Public
Bar Roll No. 26715
My Commission expires at death.