CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS

STATE OF LOUISIANA

NO: 2015-7382 DIVISION: A-15

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

VS.

AUDREY TAYLOR ANDERSON AND JAMES PARKER ANDERSON

FILED
2015 AUG -3 A 10: 01
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 Audrey Taylor Anderson and James Parker Anderson, major domiciliaries of 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 executed a Voluntary Participation Agreement (hereinafter "VPA") on July 23, 2010 to participate in HMGP and to receive an HMGP grant. Defendants also agreed to comply with all HMGP guidelines, which includes using HMGP funds for their intended purpose. *Exhibit A.*

4.

FEMA Grant Funds in the amount $7,490.00 were paid to Defendants by HMGP on or about November 9, 2010 for the specific purpose of Individual Mitigation Measures (hereinafter "IMM") at their home located at 1700 St. Maurice Avenue, New Orleans, LA 70117. As of this date Defendants have a balance due HMGP of $7,490.00 (hereinafter "FEMA Grant Funds"). *Exhibit B.*

5.

Photographs dated February 11, 2015 show that although the FEMA Grant Funds were received, Defendants' home was not mitigated. *Exhibit C.*

6.

Four (4) separate collection letters were mailed to Defendants. The first letter Certified Mail 7012 3050 0001 2085 2206 dated April 26, 2013 informed Defendants that the FEMA Grant Funds in the amount of $7,490.00 had to be returned to the State of Louisiana. The Return Receipt was signed May 1, 2013. *Exhibit D (in globo).*

7.

The second letter dated April 26, 2013 was sent Certified Mail 7012 3050 0001 2085 2213. The envelope was returned marked "Unclaimed". *Exhibit E (in globo).*

8.

The third letter dated June 5, 2013 was sent Certified Mail 7012 3460 0000 1290 4221. The envelope was returned marked "Unclaimed". *Exhibit F (in globo).*

9.

The fourth letter dated March 21, 2014 was mailed. *Exhibit G (in globo).*

10.

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

11.

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

12.

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 being required by the State of Louisiana.

14.

HMGP requests that the debt of $7,490.00, owed by Audrey Taylor Anderson and James Parker Anderson 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, Audrey Taylor Anderson and James Parker Anderson, are non-compliant with the Voluntary Participation Agreement signed by them;

b. That this Honorable Court declare that Defendants, Audrey Taylor Anderson and James Parker Anderson, are indebted to HMGP in the amount of $7,490.00 because of their failure to mitigate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;

c. That Defendants, Audrey Taylor Anderson and James Parker Anderson, be ordered to return the $7,490.00 HMGP grant to HMGP, in full;

d. That there be judgment rendered herein in favor of HMGP and against Defendants, Audrey Taylor Anderson and James Parker Anderson, in the full sum of $7,490.00;

e. That Defendants, Audrey Taylor Anderson and James Parker Anderson, 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:

La Koshia R. Roberts
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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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STATE OF LOUISIANA

NO:_____ **DIVISION: _____**

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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 30th **DAY OF** July **2015 IN NEW ORLEANS, LOUISIANA.**

Craig P. Taffaro, Jr.

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

PLEASE SERVE:

AUDREY TAYLOR ANDERSON
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NEW ORLEANS, LA 70117

AND

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