

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HARVEST FAMILY CHURCH,
HI-WAY TABERNACLE, and
ROCKPORT FIRST ASSEMBLY OF
GOD,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
B. LONG, Administrator of the Federal
Emergency Management Agency,

Defendants.

Civil No. 4:17-cv-2662

**Plaintiffs' Emergency Renewed
Motion for Preliminary
Injunction**

Pursuant to Federal Rule of Civil Procedure 65 and for the reasons set forth in the accompanying memorandum of law and on the basis of the testimony in the accompanying declarations, Plaintiffs hereby move on an emergency basis for a preliminary injunction enjoining Defendants, their agents, officers, and employees, and others working in concert with them from any application or enforcement of:

- The policy on page 12 of FEMA's Public Assistance Program and Policy Guide that "Facilities established or primarily used for . . . religious . . . activities are not eligible" for Public Assistance Program funds;
- The policies on Page 15 of FEMA's Public Assistance Program and Policy Guide that "Religious activities, such as worship, proselytizing, religious instruction, or fundraising activities that benefit a religious institution and

not the community at large,” “Religious education,” and “Religious services” are ineligible services under the Public Assistance Program; and

- Any other policy or regulation that prohibits houses of worship from being considered for grants under 42 U.S.C. § 5172 because of their religious status or the religious nature of the activities that occur in their facilities.

In addition, Plaintiffs move the Court to order Defendants, their agents, officers, and employees, and others working in concert with them to treat Plaintiffs on the same terms as non-religious nonprofit organizations and to process Plaintiffs’ FEMA grant applications without regard to their religion or religious activity, and on the same basis as non-religious nonprofit organizations. *See* 44 CFR 206.221(e)(7).

Due to the time-sensitive nature of the demolition, repairs, and rehabilitation efforts, along with the upcoming reduction in FEMA cost-shares for Public Assistance grants for emergency protective measures, Plaintiffs respectfully request that the Court grant this motion by September 30, 2017.

Pursuant to Local Civil Rule 7.1D, Plaintiffs’ counsel conferred with counsel for Defendants and Defendants continue to oppose the motion.

Pursuant to Local Civil Rule 7.5A, Plaintiff hereby requests oral argument on this motion.

Respectfully submitted this 12th day of September, 2017.

s/ Eric Rassbach

Eric C. Rassbach

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CERTIFICATE OF SERVICE

I certify that on September 12, 2017, the foregoing document was served on all counsel of record by means of the Court's ECF system.

/s/ Eric C. Rassbach

Eric C. Rassbach

CERTIFICATE OF CONFERENCE

I certify that undersigned counsel conferred with counsel for Defendants Kari D'Ottavio regarding the foregoing motion and that Defendants oppose the motion.

/s/ Eric C. Rassbach

Eric C. Rassbach