

APPLESEED HURRICANE KATRINA PROJECT
HOUSTON CITY REPORT

AUGUST 2, 2006

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Immediate Reponses	2
III. Housing Issues	16
IV. Health Care Issues.....	34
V. Employment Issues	54
VI. Education Issues.....	61
VII. Legal Services/Other Issues.....	76
VIII. Other Relevant Information	79

I. Introduction

In the early hours of August 31, 2005, cell phones, beepers, and telephones began ringing all over the city of Houston and Harris County, causing a chain reaction that ultimately transformed the semi-mothballed Astrodome into a home for thousands. The citizens of Houston and Harris County, their elected officials and local service organizations were about to embark upon a humanitarian journey that continues to this day.

Houston is the largest city in the state of Texas and the fourth-largest in the United States. The city of Houston covers more than 600 square miles, and it is the county seat for Harris County—the third-most populous county in the country. As of the 2005 United States Census estimate, Houston had a population of more than two million. Harris County has a population of 3.4 million, although a 2005 estimate placed the population at almost 3.7 million. Harris County covers 1,779 square miles, an area more than twice the size of Rhode Island. The FBI has identified Harris County as the only region in the United States that possesses all nine assets vulnerable to terrorism: energy, a major seaport, a major airport, manufacturers of substances that have a potential for misuse, aerospace, computer manufacturing, computer software, media, and telecommunications. Bill White serves as mayor of the city of Houston; the County Judge of Harris County is Robert Eckels.

In the twenty days following those early morning calls, over 65,000 traumatized, beleaguered residents of New Orleans were transported to Houston, provided food, sheltered in the first ever megashelters, given medical treatment, and assisted in obtaining permanent housing. Eventually, 250,000 evacuees came to Houston, and estimates are that as many as 150,000 remain. This report documents those early days and the continuing saga of evacuees as they attempt to recover in Houston, Texas.

II. Immediate Responses

A. Joint Unified Command¹

1. Organization Structure

On August 31, 2006, officials representing the state and local government, private sector, and non-governmental organizations assembled at Transtar² to begin planning the opening of the Astrodome as a shelter. FEMA was not on-site until three to five days into the shelter operation. The participants reported they were comfortable working together because of their experience responding to Tropical Storm Allison³ and the National Incident Management System (“NIMS”)⁴ training they received. The response team was told to be operational within six to twelve hours, and that the first buses would arrive between 2 a.m. and 5 a.m. on September 1, 2005. Judge Eckels opened the semi-retired Astrodome, located at the 350-acre Reliant Park⁵ as a megashelter. Even though the megashelter at the Astrodome was largely a Harris County operation, the city of Houston was integrated into the planning process from the beginning, and eventually took primary responsibility for managing the megashelter at the George R. Brown (“GRB”). At the time of the first meeting, the response team thought the shelter would be open for three days, housing 2,000 evacuees.

¹ Joint Unified Command and Incident Command are used interchangeably in this report.

² Houston TranStar is a consortium partnership formed by transportation and emergency management agencies in the greater Houston region.

³ Tropical Storm Allison (“Allison”) occurred in June 2001, leaving 30,000 homeless, destroying 2,744 homes and causing twenty-three deaths.

⁴ After the September 11, 2001 attacks on the World Trade Center and Pentagon, the federal government required all government officials to receive NIMS training. The training is tied to the receipt of national funds at the local level. NIMS is designed to facilitate a collaborative environment for first responders from different jurisdictions and disciplines.

⁵ Reliant Park, owned by SMG-Reliant, is North America’s largest campus of event venues, housing Reliant Stadium, Reliant Center, which is used for auto shows or conferences, Reliant Arena, which is used for rodeo events, and the Astrodome. It was necessary for SMG-Reliant to cancel twenty-five public events that were scheduled during the month of September 2005.

At first, the Incident Command believed they would only receive evacuees from the Superdome arriving on the FEMA-coordinated buses. This limit would allow the Incident Command to better predict the arrival time, as well as the number of buses. Originally, Incident Command planned to utilize Texas Department of Public Safety (“DPS”), the Louisiana DPS, and sheriffs to notify them when the buses crossed the Texas-Louisiana state lines. That communication proved unreliable because other buses arrived that were not part of the Dome-to-Dome transfer. Incident Command eventually asked media helicopters to fly to the state-line and radio back information. Evacuees arrived in buses that did not originate at the Superdome. In fact, the first bus arrived at 10:00 p.m. on August 31, more than seven hours earlier than expected. Despite the unpredictability, when the first bus arrived, interviewees report volunteers were ready with cots, water, some basic services, and a triage unit. The first bus was a so-called “rogue bus,” stolen by a twenty-year-old man transporting his family and others that he rescued as he left New Orleans.

The Incident Command allowed the “rogue bus” and other buses not affiliated with FEMA to enter Reliant Park. Interviewees reported that Incident Command allowed buses not affiliated with FEMA to enter because of a concern that the evacuees on the non-FEMA-coordinated buses would simply be dropped off in the greater Houston area. The Incident Command quickly determined that they would rather manage more people than predicted inside Reliant Park than have hungry, sick, traumatized people roaming the streets of Houston and Harris County.

Incident Command expected twenty-three buses the first day. Harris County Fire Marshall Montgomery realized early on September 1 that far more evacuees than originally planned would be arriving. At 1:30 a.m. on September 1, there were twenty-four buses inside

the Reliant Park gates, with ten buses waiting outside the gates and in line on the freeway. Montgomery and other Incident Command members quickly concluded that the Astrodome was not big enough to meet the need. Plans were initiated to open Reliant Arena, Reliant Center and eventually the GRB,⁶ collectively known as Reliant City.⁷ More than eighty buses arrived the first day.⁸ There were newspaper reports that evacuees slept in the Astrodome seats, on the floor, and in the grass outside on the first night; however, county officials, strongly dispute that this occurred.⁹ The buses continued to arrive for seven days, and according to Mark Sloan, Harris County Citizen Corps Coordinator, no bus was turned away.

2. Funding

The City, County, and federal government worked through the issues of getting a disaster declaration even though no disaster occurred in Harris County. FEMA required a declaration of disaster in order to obtain federal resources. On September 2, 2005, President Bush declared a state of emergency for all Texas counties under the Robert T. Stafford Disaster Relief and Emergency Assistance Act due to by the influx of Hurricane Katrina evacuees. The declaration was retroactive to August 29, 2005.¹⁰ It authorized all counties in the State of Texas to provide appropriate assistance for the required emergency measures to save lives and to protect public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas.¹¹

⁶ GRB is located in downtown Houston, not at Reliant Park.

⁷ Reliant City was more than a shelter. Residents had access to a medical center, police, emergency medical and fire service, a post office, a banking center, social service agencies, and federal services.

⁸ Salathia Bryant, *Weary Refugees Grateful to Arrive at Resting Place*, HOUSTON CHRON., Sept. 2, 2005, at A10.

⁹ Jason Spencer, *Evacuees' Sense of Calm Grows After Thousands Turn Out to Help*, HOUSTON CHRON., Sept. 3, 2005, <http://www.chron.com/disp/story.mpl/special/05/katrina/3337672.html>.

¹⁰ Texas, Emergency and Related Determinations, 70 Fed. Reg. 54066 (Sept. 13, 2005).

¹¹ *Id.*

The Harris County Commissioners Court held a hearing at 3 p.m. on August 31 to approve the use of Reliant Park as an emergency shelter. Houston City Council held a Special Emergency meeting on September 5, 2005 to create the city of Houston Hurricane Katrina Aid and Recovery Fund and to appropriate funding.¹² The council voted unanimously to appropriate \$10 million from the Street and Bridge Construction Fund and to deposit these funds in the city of Houston Hurricane Katrina Aid and Recovery Fund.¹³ Mayor White stated during the meeting that “there may be some extraordinary needs [before the City received] FEMA reimbursement or private contributions,” so he wanted fund designated to respond to those needs.¹⁴ He told the council members that his goal was for Houston to evolve from a community providing comfort and shelter to a place where people had hope and opportunity to move on with the rest of their lives with dignity and independence.¹⁵ Officials reported the attitude was get the job done, document it, and get reimbursed. The city of Houston and Harris County are still seeking reimbursement from FEMA.

B. The Megashelters—Reliant City

Reliant City reached its peak population on September 4, 2005. The Astrodome housed 17,500 residents, Reliant Center housed 2,300 residents, Reliant Arena housed 4,500 residents, and the GRB housed 2,800 residents.¹⁶ A total of 60,003 volunteers assisted evacuee recovery efforts. Teams installed plumbing, built showers, collected toiletries and towels, set up an IT network, and prepared cots and air mattresses.

¹² City of Houston City Council, Notice of Special Emergency Meeting, Sept. 5, 2005 (on file with author).

¹³ City of Houston City Council, Emergency City Council Meeting, Sept. 5, 2005 (on file with author).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Fact Sheet, Reliant Center Joint Information Center (Sept. 20, 2005) (on file with author).

Interviewees commented that because communication is a common failure point in response to a disaster, Incident Command met three times a day to brainstorm, troubleshoot, and problem-solve. Interviewees reported that the command staff walked the floor once a day individually to see what was happening on the floor and avoid tunnel vision. Interviewees from both Reliant Park and GRB concurred that the megashelters worked in coordination with each other. If one shelter solved a problem, they telephoned the other shelters.

1. In-Processing

Initially Red Cross managed the procedure for processing evacuees as they arrived at Reliant Park. Interviewees reported that they determined that Red Cross needed support because the Red Cross had never managed a shelter the size of Reliant City. There were reports that the Red Cross was never able to document who was at Reliant Park. In-processing was moved from the shelter to a parking lot in Reliant Park. When a bus arrived, law enforcement and medical personnel boarded the bus and welcomed the evacuees to Texas. Medical personnel quickly assessed the medical needs of those on board. The seriously ill were sent directly to local hospitals. All other evacuees requiring medical care remained on the bus and were driven to the medical clinic. Arriving evacuees were advised that they were each subject to a search, as well as a search of their personal effects. Evacuees were given a one-time only opportunity to discard weapons, drugs, or contraband on the bus before unloading—no questions asked. Security personnel then searched evacuees in the presence of police officers after the evacuees were off the bus or out of their vehicle. Once past security, evacuees and bus drivers were provided with food, water, restrooms and other services.

Evacuee registration evolved over the course of the disaster response. Before the computer-registration system was installed, it was necessary to record information on paper.¹⁷ By September 6, 2005, a color-coded wrist band system was implemented to identify residents.¹⁸ The GRB used tags. No one was allowed to enter the megashelter without a wristband or tag. If someone claimed that he lost his wristband or tag, he was directed back to the in-processing center for evaluation. On September 5, new access rules, including closing admission to the shelters at 11:00 p.m., began.

Officials comment that perhaps one of the greatest challenges was controlling who entered the shelters. They reported that Incident Command wanted to control who entered the facilities, both for the safety of the residents and to ensure that the limited resources were used to aid those most in need. Based on the interviews conducted, it does not appear that this was entirely successful. There were daily reports of volunteers selling drugs to evacuees, carrying firearms into the shelters, and posing as medical personnel without proper licensing.¹⁹ There were also daily reports of unregistered people attempting to enter the shelter posing as residents.²⁰ In addition, some evacuees reported that they resented the arm bands and felt stigmatized wearing them.

Some aid processing for assistance was set up outside the air conditioned shelters. Unfortunately, it is very hot in Houston, Texas in September, and there were sixteen heat-related

¹⁷ *Building a City*, HOUSTON CHRON., Sept. 11, 2005, at A25.

¹⁸ News Release, Reliant Center Joint Information Center (Sept. 5, 2005) (on file with author).

¹⁹ HOUSTON POLICE DEPT., PROTECTING HURRICANE KATRINA SURVIVORS, 8 (draft report) (on file with author).

²⁰ *See Id.*

complaints due to standing in the processing lines.²¹ According to officials, when Reliant City closed, 65,000 evacuees had been processed through the system, although not all those processed stayed at the shelters.

2. Transportation

Evacuees were free to leave Reliant City. Houston has the METRO light rail, which travels between Reliant Park and downtown Houston. They also had access to METRO bus lines, which enabled them to travel throughout the city. METRO also created a bus system for Reliant City. Trolleys transported people between the shelters, medical facilities, and the amusement park. The bus system was supplemented by buses provided by Harris County Precincts 1 and 2. Buses were donated by the County Precincts to move evacuees around Reliant City for medical treatment; while people that needed to go to the hospital were transported in an ambulance. The donated Precinct buses also transported people between Reliant Park and the GRB.

Continental Airlines, based in Houston, offered free transportation for evacuees to travel anywhere in the forty-eight contiguous states.²² A joint state-federal program called Operation New Beginning was created to move evacuees from shelters or residences in Texas to any destination in the country.²³ As of September 16, 2005, 5,000 evacuees were moved.²⁴ The program was not limited to evacuees located in the shelters; it was also available to evacuees

²¹ Fact Sheet, Reliant Center Joint Information Center (Sept. 9, 2005) (on file with author).

²² News Release, Reliant Center Joint Information Center, Hurricane Evacuees Moving Out Into New Homes (Sept. 10, 2005) (on file with author).

²³ News Release, Reliant Center Joint Information Center, 'Operation New Beginning' Aids 5,000 Evacuees (Sept. 16, 2005) (on file with author).

²⁴ *Id.*

living in hotels, motels, and private residences.²⁵ FEMA funded the program and the Texas Building and Procurement Commission oversaw the program logistics.²⁶ Evacuees who wanted to relocate by air, rail, or bus had to be registered with a FEMA identification number.²⁷ As of September 17, 2005, more than 2,000 Houston-area evacuees accepted free tickets from Continental Airlines.²⁸

3. Security

The Houston Police Department (“HPD”) was the lead law enforcement agency at Reliant Park and the GRB. The Harris County Sheriff’s Department (“HCSD”), and METRO police department (“MPD”) also supported the HPD.²⁹ The Command Center required twenty-four hour law enforcement staffing, as did the city of Houston’s Office of Emergency Management. HPD had as many as 200 officers, and there were 75 to 100 officers from the HCSD’s office and METRO police at Reliant Park at once. The number of daily arrests averaged eight to ten, although law enforcement officials report that the arrests were rarely for serious offenses.³⁰

Law enforcement officers expressed concern about the inability to access information about the criminal history of evacuees entering Reliant City.³¹ The criminal history information

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ Smaller local law enforcement agencies provided assistance, along with personnel from the Texas Department of Public Safety, the National Guard, the Texas Alcoholic Beverage Commission, and a privately contracted security company provided support.

³⁰ News Release, Reliant Center Joint Information Center, Hurricane Evacuees Moving Out into New Homes (Sept. 10, 2005) (on file with author).

³¹ HOUSTON POLICE DEPT., PROTECTING HURRICANE KATRINA SURVIVORS, 9 (draft report) (on file with author).

from Louisiana was limited.³² In addition, the Red Cross either refused or did not perform database checks for registered sex offenders.³³ Child Protective Services requested a background check of volunteers working in the nurseries or day care centers, but this did not occur either.³⁴

Interviewees reported that the HPD was challenged to maintain its customer services for Houstonians while simultaneously addressing the service demands of the evacuees.³⁵ Interviewees stated the HPD had to make adjustments through the rest of the department to staff all evacuee-related sites. The HPD went into “full mobilization” status in order to properly staff Reliant City, resulting in personnel working 12-hour shifts from 6 a.m. to 6 p.m. and 6 p.m. to 6 a.m. A combination of non-patrol on-duty personnel, i.e., personnel from investigative divisions, off-duty personnel, and personnel in administrative and support assignments were required to work in order to fill approximately 200 positions each day.³⁶ Despite best efforts, some of the law enforcement personnel came close to exhaustion.³⁷

There were “numerous incidents” in which FEMA, Housing, Social Security, and the Red Cross caused crowd control problems for law enforcement.³⁸ Thousands of evacuees needed services from FEMA, housing, Social Security, and the Red Cross, but there was not sufficient personnel to process the evacuees as they applied. Thousands had to wait in line for hours, which caused anger, fear, and desperation.³⁹ Interviewees reported for example, debit cards were

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 10.

³⁶ *Id.* at 11.

³⁷ *Id.* at 13.

³⁸ *Id.* at 16.

³⁹ *Id.* at 17.

brought to Reliant Park, but there were not enough for all the evacuees. One individual likened the experience to a near riot. Another organization, it was reported, set up an off-site location, against police advice, that did not provide sufficient parking for the thousands of people that were expected. This further strained the limited police resources. It was the opinion of many interviewed that the debit cards distribution was ill-planned and needed restrictions on use. For example, the city of Houston had its own debit card program with Kroger and HEB grocery stores, but the cards could not be used for tobacco, alcohol, or cash redemption. Interviewees reported that the visits by celebrities to Reliant City were a nice morale boosters for evacuees, but they also caused crowd control problems. Site commanders were forced to bring in squads of “react officers” to control crowds.⁴⁰ Each of these are examples of circumstances in which limited law enforcement resources were removed from the main police mission of providing traffic control and a safe environment for the evacuees.

HPD was also responsible for security at the Disaster Recovery Center (“DRC”) once it opened. The DRC attempted to service 5,000 to 7,000 evacuees on a daily basis. Maintaining order among the evacuees was a challenge given the lengthy wait time before being served and evacuees’ desire to spend the night to avoid losing their place when the DRC reopened.

4. Volunteers

Interviewees reported that the Joint Unified Command realized within the first twenty-hours that the Red Cross could not provide the number of volunteers necessary to run the shelters, so the Harris County Citizen Corps (“Citizen Corps”) became more involved.⁴¹ Red Cross required their volunteers to be “Red Cross trained,” which limited the number of qualified

⁴⁰ *Id.*

⁴¹ Citizen Corps is a component of USA Freedom Corps, which was created in response to President George W. Bush’s call to service in his 2002 State of the Union Address.

volunteers. Mark Sloan, Coordinator for the Harris County Citizen Corps, sent an email, asking for help building a shelter to house 23,000 to 25,000 people. He had no idea what level of response to expect. Sloan received over 1,000 emails in one hour, crashing the email system. Interviewees reported that volunteers were a critical component in the operation of the megashelters, and concluded that Incident Command could not operate without volunteers because the city of Houston and Harris County while simultaneously providing services to more than three million Harris County residents. Fifteen to twenty volunteers even filled command positions.

5. Identification

A significant issue for many evacuees was the loss of identification. DPS established guidelines for the issuance of driver licenses, identification cards, and temporary identification cards to people who evacuated their home states because of Katrina.⁴² The processing occurred offsite at a DPS office.⁴³ The DPS also developed a system for individuals who wished to establish residency in Texas.⁴⁴

6. Closing Reliant City

The Incident Command had two critical goals that were somewhat counterintuitive—create a city and dismantle it as soon as possible. The Incident Command strove to provide residents with “typical neighborhood amenities” such as a welcome center, banking center, town square, medical center, a transit center with METRO Transit Authority, and Houston Independent School District (“HISD”) school bus stops.⁴⁵ By September 2, 2005, Incident

⁴² News Release, Reliant Center Joint Information Center, Information for Evacuees on Driver’s License Applications and Post Office Registration (Sept. 12, 2005) (on file with author).

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ News Release, Reliant Center Joint Information Center (Sept. 5, 2005) (on file with author).

Command had launched a lost children's center, created a phone bank, established Internet connections, provided cellular phone chargers, and created a donation warehouse.⁴⁶ Because mail was not easily delivered to New Orleans, it was re-routed to Houston. The United States Postal Service assigned Reliant Park its own ZIP code of 77230,⁴⁷ and the new zip code for the GRB was 77247.⁴⁸ Even a wellness clinic for evacuees' pets was created on September 12, 2005.⁴⁹

Despite the energy put into building Reliant City, on September 11, 2005, the officials began alerting evacuees that the facilities would close. The target date for placing all Reliant Park residents in permanent housing was September 18. The Astrodome was empty on September 16, 2005. On September 17, 2005, the last sixty-one residents in Reliant Center were relocated to Reliant Arena.⁵⁰ On September 19, 2005, because of the Hurricane Rita evacuation, the Joint Unified Command announced plans to transfer the remaining evacuees still in Reliant Arena and the GRB to shelters in Ft. Chafee, Arkansas.⁵¹ Ultimately only 236 Reliant City residents were flown to Arkansas. The others found alternative ways to leave the megashelters. It was the impression of several interviewees that many of the remaining evacuees did not want

⁴⁶ *Building a City*, HOUSTON CHRON., Sept. 11, 2005, at A25.

⁴⁷ News Release, Reliant Center Joint Information Center, Stars Shine Over Houston (Sept. 6, 2005) (on file with author).

⁴⁸ *Id.*

⁴⁹ News Release, Reliant Center Joint Information Center, Hurricane Evacuees Moving Out into New Homes (Sept. 10, 2005) (on file with author).

⁵⁰ News Release, Reliant Center Joint Information Center, Residents Complete Transition to Reliant Arena Today (Sept. 17, 2005) (on file with author).

⁵¹ News Release, Reliant Center Joint Information Center, Katrina Evacuees in Houston Shelters to be Transferred in Preparation for Hurricane Rita (Sept. 19, 2005) (on file with author).

to be transported again and thus located their own transportation and shelter. At approximately 7:00 p.m. on Tuesday, September 20, the Joint Unified Command ceased operation.⁵²

C. The Long Road to Recovery

1. The Disaster Recovery Center

On September 20, 2005, FEMA and the State of Texas Governor's Division of Emergency Management planned to open the Greater Houston Area Disaster Recovery Center ("DRC"). The city of Houston took the lead with regard to the setting up the DRC. The DRC was located in a former Auchan supermarket, a so-called "big-box" retailer. Interviewees reported that the City was unhampered by some of the bureaucratic red tape that seemed to hinder FEMA's ability to get the DRC functioning. Using City resources and personnel, the closed Auchan building was fully operational, that is, rewired, set up with computers, tables, chairs, file cabinets, and telephones, fewer than twenty-five days after Hurricane Katrina made landfall. The DRC building was approximately the size of four football fields and could accommodate to 2,500 people.⁵³ It allowed evacuees to meet face-to-face with representatives from more than ninety different federal, state, local, and volunteer agencies.⁵⁴

Evacuees were first directed to an assembly area, where a counselor briefed them as a group on services available and the processes for each service.⁵⁵ Evacuees registered individually with FEMA before proceeding to the Housing Choice Center ("HCC").⁵⁶ Incoming evacuees

⁵² News Release, Reliant Center Joint Information Center, Mission Fulfilled, Command Stands Down (Sept. 20, 2005) (on file with author).

⁵³ News Release, Reliant Center Joint Information Center (Sept. 18, 2005) (on file with author).

⁵⁴ *Id.*

⁵⁵ JOINT HURRICANE HOUSING TASK FORCE, OPEN DOORS, 11 (2006).

⁵⁶ *Id.*

received a sheet listing available services at the DRC.⁵⁷ Once processed, evacuees could review maps and lists of complexes, search online for apartment descriptions, and view information on nearby schools and public transportation with a HCC counselor.⁵⁸ The information available to the evacuees included details on disaster housing assistance, low-interest federal loans, and grants for those who were ineligible for loans.⁵⁹ Individuals could also talk with state and federal representatives about health and social services issues as well as education and employment services.⁶⁰ The Small Business Administration (“SBA”) was available to help evacuees with low-interest disaster loan applications.⁶¹ In total, seventy agencies participated.⁶² In addition, the DRC provided crisis counseling, one-way transportation tickets for those wishing to relocate to another city, courtesy phone banks, and assistance for the elderly and disabled.⁶³ No debit cards or direct financial assistance were provided.⁶⁴

Interviewees reported that FEMA wanted medical services provided for evacuees similar to the clinics at the megashelters. FEMA asked the city of Houston and Harris County to staff

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ News Release, Reliant Center Joint Information Center, Mission Fulfilled, Command Stands Down (Sept. 20, 2005)(on file with author).

⁶¹ *Id.*

⁶² News Release, Reliant Center Joint Information Center (Sept. 19, 2005) (on file with author). Some of the participating federal agencies included the Veterans Administration, Social Security Administration, Environmental Protection Agency, Citizenship and Immigration Services (“CIS”), Housing and Urban Development, National Flood Insurance Program (“NFIP”), Internal Revenue Service, Federal Deposit Insurance Corporation (“FDIC”), Health and Human Services (“HHS”), United States Department of Commerce, and CDC. The State of Texas agencies were Health and Human Services (food stamps), Texas Workforce Commission, Emergency Medical Services, Department of Public Safety, Texas Education Agency, Texas Department of Insurance, Department of State Health Services, Office of the Attorney General. The local agencies were METRO, Houston Housing, Harris County Housing, and Harris County Hospital District. *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

these DRC medical clinics with volunteers and donate supplies through the hospitals. Interviewees reported the city of Houston and Harris County refused due to strains on scarce medical resources and the belief that it was time for evacuees to begin to fold into the community. Several interviewees said it was no longer appropriate for the evacuees to go to the front of the line for medical services; they needed to join their fellow residents of Houston and Harris County.

The DRC temporarily closed its doors at 3:00 p.m. on September 20, 2005 due to Hurricane Rita, but reopened September 28, 2005. The DRC remained in operation until April 15, 2006.

III. Housing Issues

A. Introduction

Hurricane Katrina evacuees posed unique housing challenges that have never been faced during previous disasters. The sheer volume of evacuees that arrived in Houston created logistical challenges in meeting the short-term sheltering needs. Moreover, Hurricane Katrina evacuees, especially those from New Orleans, faced not only the destruction of their homes, but also their communities. As a result, it was clear that most of the evacuee population would not return home for months, if ever, and long-term housing solutions in Houston needed to be addressed as quickly as possible. As a result, Houston faced not only challenges associated with temporarily sheltering tens of thousands of evacuees, but also with coordinating and overseeing the transition of 150,000 evacuees into longer-term housing.

The housing challenges faced by Houston were further complicated by the arrival of Hurricane Rita to the Texas Coast. Interviewees reported that the temporary megashelters established at Reliant Park and the GRB were not built to withstand a hurricane above a Category 3. Efforts to notify the evacuees that the shelters would close began as early as

September 11, 2005, but the arrival of Hurricane Rita meant these shelters had to be closed by September 20, 2005. Hurricane Rita forced the city of Houston and Harris County to expedite moving evacuees into longer-term housing. Over 65,000 evacuees passed through Reliant City. Many of the evacuees were re-located outside of the Houston area, but over 23,000 evacuees were placed in long-term housing before the megashelters were closed on September 20.

B. Harris County Housing Authority

The Harris County Housing Authority ("HCHA") began efforts to locate long-term housing options for evacuees from the moment the evacuees began arriving at the Astrodome. Guy Rankin, CEO and Executive Director of the HCHA, and his staff were able to secure the first commitments from property owners within twenty-four hours of the evacuees' arrival. Rankin focused first on moving the most needy individuals into long-term housing. He recognized that the megashelter environment was not suited to meet the needs of the elderly and the disabled. Within two days, the HCHA was able to place over 600 senior families into senior-citizen apartment complexes, and another 600 individuals into the Northland Woods apartment complex. HCHA's staff adopted a full-service approach, and coordinated not only housing for the evacuees, but also transportation, furniture, utilities, and other basic essentials.

The earliest property owners, such as Southwest Housing and Robinson Capital & Investments, Inc., allowed evacuees to move into their properties with no more than a promise from Rankin that they would be paid. In fact, more than a week passed before the first Housing Assistance Payment ("HAP") contract was signed.⁶⁵

During the first two weeks of September, HCHA expanded its housing stock by contacting additional Houston-area apartment operators and developers with whom it had

⁶⁵ Joint Hurricane Housing Task Force Timeline of Major Events (May 31, 2006) (on file with author).

previous relationships. A team of HCHA experts, along with officials from CenterPoint Energy, worked around the clock to locate available apartments and coordinate inspections. HCHA also worked with corporate partners to provide furniture, household goods, and food bank deliveries.

On September 8, the HCHA formed the HCC to coordinate its housing placement efforts for the evacuees residing at the Astrodome and other facilities located within Reliant Park. The HCC acted as a clearinghouse for residency offers from out-of-state agencies and faith-based communities.⁶⁶ As a result, the HCHA was able to coordinate the re-location of evacuees outside of Houston. Continental Airlines provided representatives to the HCC and agreed to supply one-way tickets to anywhere in the United States for Reliant Park evacuees. The State of Texas also provided bus travel to a variety of locations inside and outside of Texas.⁶⁷

Through the HCC, the HCHA helped more than 23,000 evacuees find housing solutions by September 25.⁶⁸ Before the megashelters at Reliant Park and the GRB were closed due to the impending arrival of Hurricane Rita, the HCHA was able to directly place over 7,000 evacuees into Houston area apartments.⁶⁹ On average, the HCHA was able to fill 300-400 units per day. Almost all of the evacuees were either placed in long term housing, such as apartments, or they found housing on their own. There were 300 evacuees in the megashelters when they closed on September 21, 2005. Those remaining were flown from Houston to Ft. Chaffee, Arkansas. After September 25, the HCHA was no longer involved in directly assisting evacuees with housing.

⁶⁶ HARRIS COUNTY HOUSING AUTHORITY, 2005 ANNUAL REPORT.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

The City had taken responsibility for housing and HCHA's involvement was limited to providing assistance and advice to the Joint Hurricane Housing Task Force ("JHHTF").

C. City of Houston

While the HCHA continued its efforts locating available housing units, inspecting them, and coordinating the placement of evacuees into the units, the city of Houston handled the contractual portion of the effort. The city of Houston created a contract modeled after the HAP contract used for Section 8 tenant-based assistance under the housing choice voucher program of the United States Department of Housing and Urban Development. In an effort to expedite the placement of evacuees into housing units, the city of Houston required all property owners waive security deposits and credit checks of evacuees. The city of Houston also committed to pay utilities for the apartment units. On September 7, 2005, the city of Houston hosted the first meeting with landlords where Letters of Intent were signed. By the following week, over 200 apartment owners had signed HAP contracts with the city of Houston.⁷⁰

By signing HAP contracts with property owners, the city of Houston became the largest housing authority in the country in fewer than 120 days. Previously, the city of Houston had no experience as a housing authority. Although the city of Houston signed a record number of HAP contracts, some sources were critical of the city of Houston for failing to draw from the housing expertise of HUD, the Houston Housing Authority, or the Harris County Housing Authority when it established databases, vouchers, and procedures for its housing program. As a result, interviewees stated the city of Houston faced significant recordkeeping problems that resulted in repeated frustrations in the FEMA documentation and reimbursement processes and delayed

⁷⁰ Letter from Bill White, Mayor, city of Houston, to City Controller & All City Council Members, city of Houston (Sept. 27, 2005) (on file with author).

payments to landlords.⁷¹ Officials readily admitted the city of Houston's tardy payments to landlords, while also recognizing the immensity of the task. Officials remarked that although efforts were made by the city of Houston to incorporate software specifically designed to assist a “housing authority” and improve processing, according to vendors, the software could not manage such a large applicant pool, various rents and properties. Officials report that consideration was given to switching the software, but it would have required downtime at a critical juncture in the housing effort. The judgment had to be made that it would do greater harm to retool than to work with the software that was in place. The city of Houston used its own account-payable processes, which sources acknowledge did not translate well to timely rent payments. For example, the city of Houston Controller must certify that there are funds to pay before payment can be made, which creates delay. In addition, FEMA required that landlords submit invoices in order to be paid, which further created delay. To avoid some of these delays, officials recommend creating a database at the outset that manages information for about 50,000 individuals instead of 5,000. In addition, officials recommend hiring a firm to become the payment agent. That procedure would allow the city of Houston to write one check instead of 5,000.

D. Joint Hurricane Housing Task Force

Officials were aware from the outset that placement of large numbers of evacuees into long-term housing would require the collaboration and cooperation of multiple agencies and governmental bodies. Within the first week of the arrival of the evacuees, the JHHTF, headed by John Walsh,⁷² was formed. The JHHTF is a collaboration between the city of Houston, Harris

⁷¹ E-mail from Dennis Lee, Senior FEMA Official, FEMA, to Gary Gray, Assistant Director, Finance & Accounting Department, city of Houston (Feb. 27, 2006) (on file with author).

⁷² Walsh is deputy chief of staff for neighborhoods and housing for Mayor White.

County, Houston Housing Authority, Harris County Housing Authority, Houston Apartment Association, Housing Authority of New Orleans, United States Department of Housing and Urban Development, and FEMA. Eventually, it became an organization of over 600 people, who worked around the clock for over two months at the outset. As in other circumstances, the housing response was organic. They did not know at the outset whether they were housing 1,000, 10,000, or 35,000 families.

According to interviewees, the JHHTF determined in mid-September that the continued use of the full-service, direct-placement approach implemented by Harris County was not practical in light of the increased volume of evacuees and the arrival of Hurricane Rita, which was expected to hit the Texas coast on September 23. In addition, officials reported that they discovered that the evacuees were more self-reliant than originally thought. They preferred to choose their homes, rather than have them pre-selected.

Therefore, the JHHTF shifted to a voucher program that allowed evacuees to find suitable housing on their own. Under this program, the JHHTF issued vouchers to evacuees and helped evacuees locate available approved housing. An evacuee presented his voucher to the landlord, who confirmed the validity of the voucher with the JHHTF. A lease was signed between the evacuee and landlord, based on the duration of the issued voucher. Originally, vouchers were issued for three to six months, but in an effort to increase available housing stock, the JHHTF began issuing twelve-month vouchers after receiving approval from FEMA to do so.⁷³ Prior to the closure of the facilities at Reliant Park and the GRB, an additional 500 units were filled using the newly-formed voucher program. At its peak in early December, the JHHTF was issuing an

⁷³ Memorandum of Telephone Conversation, Texas Department of Public Safety (Sept. 10, 2005) (on file with author).

average of 446 vouchers, inspecting an average of 517 units and signing an average of 761 contracts per day.⁷⁴ Then, Mayor White announced that “Houston is full” on December 13, and the JHHTF stopped issuing vouchers on December 14.⁷⁵

Immediately after Hurricane Rita, vouchers were distributed only at the DRC. Beginning in early October, Mobile Assistance Teams (“MAT”) from the JHHTF visited temporary shelters and hotels in the Houston area and set up housing fairs in an effort to ensure that all eligible people received housing vouchers.⁷⁶ The MAT groups consisted of a team leader, a social worker, a contract specialist who examined the leasing details, and two caseworkers who specialized in voucher eligibility requirements and the prompt processing of applicants.⁷⁷ The MAT groups were capable of servicing more than 600 families per day.⁷⁸ Through the efforts at the DRC and by the MAT groups, the JHHTF issued over 45,000 housing vouchers before the end of the program on December 15, 2005.

Since its inception in September 2005, the JHHTF has placed approximately 150,000 evacuees into more than 35,000 units in Harris County and eight neighboring counties.⁷⁹ Beginning on December 8, 2005, FEMA authorized \$51 million for a basic furniture package for evacuees with activated vouchers.⁸⁰ Prior to December 8, free furniture was offered for special needs evacuees and on a case-by-case basis.⁸¹ By mid-December, through its furniture program,

⁷⁴ JOINT HURRICANE HOUSING TASK FORCE, OPEN DOORS, 39 (2006).

⁷⁵ *Id.*

⁷⁶ Press Release, Joint Hurricane Housing Task Force, Task Force Goes On the Road (Oct. 11, 2006) (on file with author).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Summary of Daily Report, Joint Hurricane Housing Task Force (Nov. 28, 2005) (on file with author).

⁸⁰ JOINT HURRICANE HOUSING TASK FORCE, OPEN DOORS, 18 (2006).

⁸¹ *Id.*

the JHHTF delivered 450 furniture packages a day. The furniture orders were filled within two weeks of the request.⁸² Eventually, the JHHTF provided furniture for over 20,000 units. At the writing of this report, the JHHTF continues to provide rental assistance in coordination with FEMA under its Emergency Housing Assistance program, also known as Section 403 of the Stafford Act, for 8,370 households.

E. Assistance Provided by the Robert T. Stafford Act of 1974

1. Emergency Housing Assistance Program

The FEMA Public Assistance sheltering program is funded by Section 403 of the Stafford Act. Under Section 403, state agencies and local governments are eligible to apply for reimbursement of the costs associated with providing emergency shelter for evacuees. Section 403 does not allow direct assistance to individuals. Section 403 includes reimbursement for leases, furniture, and other essential items that are necessary to provide interim housing for evacuees.

Under FEMA guidelines, eligible lease expenses may not exceed HUD's fair market rent rate for the applicable county.⁸³ Additional guidelines prevent evacuees from paying any portion of their rent directly to the landlord. By late October, the JHHTF was running out of available units that satisfied the HUD fair market rent caps required under Section 403. The Houston Apartment Association determined that an additional 10,000 units would become available if evacuee-tenants were allowed to pay the excess over HUD fair market rent caps. On October 26, 2005, the JHHTF formally requested FEMA to modify its guidelines. On November 15, FEMA

⁸² *Id.*

⁸³ FEDERAL EMERGENCY MANAGEMENT AGENCY, HURRICANE KATRINA FACT SHEET: SECTION 403 SHELTERING (Sept. 29, 2005) (on file with author).

approved the JHHTF's request, allowing it to secure additional properties to meet the enormous housing needs of the evacuees in the Houston area.

The expenses incurred by the city of Houston under its HAP contracts were reimbursable under Section 403. FEMA encouraged governmental agencies to enter into short-term leases, but the JHHTF was unable to secure enough approved housing with short-term leases. FEMA agreed that the city of Houston could enter into twelve-month leases.⁸⁴ On November 15, however, FEMA reversed its position and announced that it would stop reimbursing cities for voucher lease payments as of March 1, 2006, when evacuees were to transition into FEMA's Section 408 Temporary Housing Assistance Program.⁸⁵ FEMA's change in position was a source of frustration because the city of Houston was forced to spend time and resources trying to encourage FEMA to honor its original approval of the twelve-month leases. By January 30, 2006, FEMA agreed that the twelve-month leases would continue to be honored, with lease payments being made by FEMA under Section 408.

2. Temporary Housing Assistance Program

Section 408, FEMA's Temporary Housing Assistance program, is the standard program of assistance for individuals affected by disasters. Section 408 applicants must meet specific eligibility requirements, which include proving prior residency in the disaster area and the inability to return to their disaster area home. Under Section 408, eligible families and individuals may receive rental assistance for up to eighteen months.

⁸⁴ Memorandum of Telephone Conversation, Texas Department of Public Safety (Sept. 10, 2005) (on file with author).

⁸⁵ Letter from R. David Paulison, Acting Director, FEMA, to Bill White, Mayor, city of Houston (Nov. 15, 2005) (on file with author).

By March 1, 2006, the date FEMA's Section 403 benefits were to end, over 34,000 evacuee households were receiving housing assistance under the JHHTF's Section 403 emergency housing program. FEMA initially deemed 12,000 of those households ineligible for the transition to Section 408 benefits. According to interviewees, many evacuees were informed of their ineligible status with no explanation from FEMA. Others were told to call FEMA, but their inquiries were often met with inconsistent or inaccurate information.⁸⁶ Still other evacuees received no notice from FEMA of their eligibility for Section 408 benefits.

Evacuees reported a number of irregularities in FEMA's ineligibility determinations. Eligibility for Section 408 requires an inspection to determine the damage to the home. Evacuees are supposed to be given notice of the inspection, but numerous evacuees reported that they received no notice or inadequate notice of the inspections. One evacuee learned of her FEMA inspection on the day of the inspection. After being unable to attend the inspection, her home was found to be undamaged. Other evacuees were denied Section 408 assistance for lack of significant damage, although flooding maps clearly demonstrate that their homes were under as much as nine feet of water.

Other ineligibility determinations were a result inflexibility in the statute and regulations. Section 408 assistance is limited to one head of household to prevent duplication and fraud. In New Orleans, evacuees that lived as an extended family in one home were forced to split apart

⁸⁶ One interviewee reported a situation that occurred during a meeting between city of Houston and Harris County officials and local FEMA representatives. As the FEMA representative was apologizing for the difficulties surrounding information on the Section 408 ineligibility determinations and promising improvement, the interviewee stepped out to call the FEMA information line with the Section 408 denial letter in hand. The person that answered the FEMA information line disputed that the person had been denied Section 408 assistance despite being told that the interviewee was reading directly from the denial letter.

during their evacuation.⁸⁷ Under FEMA's guidelines, separated family members would be denied Section 408 assistance.

In April 2006, Mayor White personally visited New Orleans to inquire into the ineligible status of evacuees living in Houston. Mayor White met with nine inspectors and toured New Orleans. His team found that three out of four homes were uninhabitable. The remaining homes had no basic services, such as power and water. After these findings were relayed to FEMA, FEMA began a reexamination of the 12,000 households that were previously deemed ineligible for Section 408 benefits. To date, Mayor White and his team's efforts caused FEMA to reverse its Section 408 ineligibility determination in over half of the households.

The households that have not received a final eligibility status determination from FEMA are permitted to remain on the JHHTF Section 403 voucher program until their eligibility is determined. As of July 14, 2006, 4,021 households were deemed ineligible for Section 408 benefits.⁸⁸ These households are allowed to continue under the JHHTF's Section 403 interim housing program until July 31, 2006, when their benefits will cease. On August 31, 2006, an additional 1,826 households will lose Section 403 assistance and on September 30, 2006, the remaining 2,100 will lose their Section 403 assistance. At that point, all of the ineligible households will be responsible for their own rent.

⁸⁷ One man, a former Marine, reported that he lived with his mother in New Orleans. They fled to Port Arthur, Texas to live with an aunt and uncle to escape Hurricane Katrina. Then, he, his mother, aunt and uncle left Port Arthur, Texas to escape Hurricane Rita. He relocated to the city of Houston. He had recently been hired by a utility company, had gotten clothes from the Dollar Store and furniture from Red Cross donations. His mother returned to New Orleans to rebuild her home. His aunt and uncle returned to Port Arthur, Texas to rebuild their homes. His family received Section 408 assistance, but he was denied because he was not the head of either household. He was extremely positive about his future, but he feared he could not meet all his obligations without Section 408 assistance.

⁸⁸ Sources report that it is difficult to track the exact number of evacuees who are ineligible for Section 403 assistance because the information changes daily. FEMA typically provides the city of Houston the eligibility numbers one time per month.

By mid-July, FEMA found 24,574 households formally in the JHHTF Section 403 interim household program to be eligible for individual housing assistance under Section 408. On May 31, 2006, those households were transitioned out of JHHTF's Section 403 program and into the Section 408 program. Under Section 408, the eligible households that do not have a current lease will receive three months rent from FEMA, to be paid by the evacuees to their landlords. For eligible households with existing leases, FEMA's contractor, CLC, will pay the rent directly to the evacuees' landlord. To continue their Section 408 benefits, FEMA requires households to re-certify their eligibility every three months by providing FEMA with documentation of their continuing need for benefits and their efforts to establish a housing plan.

Although thousands of households were deemed eligible for Section 408 benefits, many of those households are now losing their Section 408 benefits due to their failure to re-certify. Officials estimate that 1,100 households will lose Section 408 assistance as of July 31, 2006. Another 16,000 households who transitioned to Section 408 on June 1 were notified that their Section 408 assistance will end on August 31 for failure to re-certify. On July 28, 2006, FEMA agreed to extend the re-certification process to October 31, 2006.

FEMA is planning to provide "re-certification strike teams" to assist evacuees with the re-certification process. The city of Houston asked FEMA to suspend the lease terminations and allow the strike teams to do their work. The city of Houston also asked to partner with FEMA in the re-certification efforts and serve as the first re-certification strike team.

Although FEMA guidelines provide that re-certification must occur every three months, in actuality, evacuees in Houston are being required to re-certify their eligibility on a monthly basis. Some officials dispute that there is any three month re-certification requirement in the statute or the regulations. Evacuees and interviewees explained that the monthly re-certification

creates an unstable and anxiety-ridden environment as they continue to face uncertainty about their future housing situation. From their perspective, the circumstances that had qualified them for Section 408 assistance in the first instance were unchanged.

3. Utility Expenses

Under the terms of its HAP contracts, the city of Houston agreed to pay utilities for the length of the lease contract. According to FEMA, the Section 408 temporary housing assistance program does not allow for the payment of utilities. However, at the request of the JHHTF, FEMA allowed the city of Houston to continue payment of utilities until July 31, 2006 for the 22,000 households who transitioned to the Section 408 program on June 1, 2006. On June 15, the President signed an Emergency Supplemental Spending bill, which included a provision allowing FEMA to continue to fund utility payments for households in FEMA's Section 408 program. It is unclear how this bill will affect future utility payments for households that transitioned to FEMA's 408 program.

On July 13, 2006, Judge David Hittner, the district judge for the federal district court for the Southern District of Texas, issued a temporary injunction ordering FEMA to begin reimbursing any temporary housing assistance recipient for the full amount of HUD's fair market rental value during the time that individual or family remains in the Section 408 program. He concluded that utility costs were included within the meaning of "fair market rent." Therefore, evacuees receiving temporary housing assistance can use a portion of Section 408 benefits to pay for utility costs when their utilities are separately metered.

F. The Red Cross Special Transient Accommodations Program

Many evacuees checked into Houston-area hotels, with the intention of returning home a few days later. Once they understood they would not be returning home in the foreseeable

future, most could not afford to remain in hotels, traditional shelters were at capacity, and there were limited housing options.

The Red Cross recognized that evacuees in hotels, who lacked alternative housing options, had an urgent need for financial assistance. The Red Cross worked with CLC to establish the Special Transient Accommodations Program. Under this program, the Red Cross paid hotel and motel expenses for evacuees.⁸⁹ FEMA assumed responsibility for the program and re-named it the FEMA Short-Term Lodging Program beginning October 25, 2005.⁹⁰ At the time FEMA began managing the Short-Term Lodging Program, there were 195,000 evacuees occupying 82,000 hotel rooms in the State of Texas, with 40,000 hotel rooms occupied by evacuees in the city of Houston. FEMA extended the program to February 7, 2006, but allowed extensions on a case-by-case basis.⁹¹ As of February 8, 2006, over 3,000 hotel rooms in the Houston area remained occupied by evacuees. As of May 29, 2006, only one hotel room in Texas was occupied by evacuees.⁹² On June 5, one week later, that last evacuee-occupied hotel room was vacated.⁹³

⁸⁹ Roxana Hegeman, *Red Cross Turns Katrina Hotel Bookings Nationwide to Wichita Firm*, WICHITA EAGLE, Sept. 15, 2005, at 1A.

⁹⁰ Press Release, FEMA, FEMA Continues Short-Term Lodging Program for Evacuees (Oct. 24, 2005) (available at <http://www.chron.com/disp/story.mpl/metropolitan/3857443.html>).

⁹¹ Eric Berger, *Evacuees to Leave Hotels this Month*, HOUSTON CHRON., Feb. 2, 2006, at B1.

⁹² DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY WEEKLY DISASTER RELIEF FUND REPORT, May 31, 2006, 11 (available at http://appropriations.house.gov/_files/HurricaneKatrinaLink.htm).

⁹³ DEPARTMENT OF HOMELAND SECURITY, FEDERAL EMERGENCY MANAGEMENT AGENCY WEEKLY DISASTER RELIEF FUND REPORT June 7, 2006, 11 (available at http://appropriations.house.gov/_files/HurricaneKatrinaLink.htm).

The JHHTF and its MAT groups made significant efforts to move evacuees from hotels into more economical and stable long-term housing.⁹⁴ They found, however, that many evacuees refused to leave the hotels while FEMA continued to pay their hotel bills. The Red Cross's Special Transient Accommodations Program was established to provide very short-term shelter solutions for evacuees who lacked other alternatives immediately after the hurricane. FEMA expanded that program to allow evacuees to remain in hotels and motels long after alternative housing options were available. Some interviewed were critical of FEMA for allowing evacuees to remain in hotels for months at an average rate of \$72 per day, instead of encouraging evacuees to find long-term housing solutions, such as those offered by the JHHTF's voucher program.

G. HUD Housing Issues

1. The Katrina Disaster Housing Assistance Program

Through HUD's Katrina Disaster Housing Assistance Program ("KDHAP"), which was established on October 1, 2005, eligible evacuees are entitled to voucher rental assistance for 100% of the local fair market rent for up to eighteen months. Eligible evacuees include those households that were 1) previously enrolled in a Section 8 housing choice voucher program prior to the hurricane; or 2) living in public housing prior to the hurricane; or 3) homeless prior to the hurricane. The KDHAP program is intended to assist some of the individuals who do not qualify for Section 408 assistance.

The Houston Housing Authority worked with the New Orleans Housing Authority to identify eligible evacuees for the KDHAP program. By the end of November 2005, the Houston Housing Authority was able to place all eligible evacuee applicants. In total, 201 HUD Public

⁹⁴ Press Release, Joint Hurricane Housing Task Force, Hotel Evacuees Urged to Obtain Vouchers (Nov. 3, 2005) (on file with author).

Housing families and 2,130 families previously receiving HUD Section 8 assistance were placed into public housing units the Houston area.

2. Houston Shortage of HUD Housing Vouchers

With the influx of evacuees into the Houston area, and their subsequent need for affordable housing, city of Houston officials were concerned that all available multi-family units would be filled with evacuees. Prior to Hurricane Katrina and the arrival of the evacuees into the city of Houston, more than 16,000 people were on a waiting list for public housing vouchers. The list for Section 8 subsidized housing vouchers had been closed since 2001, with 19,753 Houstonians without vouchers who are otherwise eligible for Section 8 housing. Officials report none of the 201 HUD Public Housing families or the 2,130 families previously receiving HUD Section 8 assistance received preferential treatment over native Houstonians that qualify for housing assistance. The HUD Section 8 evacuee families already had HUD vouchers. According to officials, no evacuee received a HUD Section 8 voucher ahead of a family on the Harris County subsidized housing voucher waiting list.

Although evacuees did not receive preferential treatment in Houston under the HUD assistance programs, affordable housing for the evacuee and native Houstonian population remains a problem. A study commissioned by the Texas Department of Housing and Community Affairs (“TDHCA”) found an existing shortage of almost 14,000 apartments that are affordable to families earning up to \$26,360 per year—the income category thought to apply to most evacuees living in the city of Houston. Even before the arrival of evacuees, the affordable housing shortage was expected to grow to almost 24,000 units by 2009, according to the TDHCA study.⁹⁵

⁹⁵ Mike Synder, *Housing Shortage Could Leave Evacuees Homeless*, HOUSTON CHRON., March 29, 2006, <http://www.chron.com/dispatch/story.mpl/metropolitan/3758134.html>.

3. Homeless Evacuees

Evacuees who were homeless prior to Hurricane Katrina are entitled to rental assistance under the KDHAP. The program, administered by HUD, provides housing vouchers for pre-disaster homeless individuals directly affected by the hurricane. The program provides up to 18 months of assistance. At the end of the program, there are no additional resources offered to previously homeless individuals.⁹⁶ Unless they are able to pay their own rent by the end of the program, they will once again face homelessness.

The number of homeless individuals in need of shelter far exceeds the number of available beds in the city of Houston. There are 12,000 to 14,000 homeless persons residing in Harris County.⁹⁷ Approximately half do not have access to temporary shelter, and fifty-six percent reported severe mental illness.⁹⁸ Hurricane Katrina and the influx of evacuees will further impact limited resources.

Of urgent concern to interviewees is the evacuee population that may be rendered homeless once FEMA's Section 403 emergency assistance program ends and evacuees are denied Section 408 assistance. In Houston, Section 403 assistance did not end until July 31, 2006. Efforts are under way to delay the Section 408 termination process while FEMA and the city of Houston attempt to determine why so few evacuees are seeking re-certification for Section 408. Once Section 403 assistance ends and evacuees fail to qualify for Section 408 assistance, thousands of evacuees will be forced to assume payment of their rent.

⁹⁶ Nat'l Low Income Housing Coal., FEMA and HUD Post-Katrina Rental Assistance Programs (Dec. 12, 2005), <http://www.nlihc.org/news/093005.html>.

⁹⁷ HARRIS COUNTY PUBLIC HEALTH & ENVIRONMENTAL SERVICES, 2005 ANNUAL REPORT, 15.

⁹⁸ *Id.*

For numerous reasons, most evacuees have not been able to become self-sufficient to date. Evacuees reported that despite their best efforts, they have not been able to find employment, child care, and transportation that would enable them to become self-sufficient. Others have reported suffering from medical or mental impairments that prevent them from working. One interviewee's story poignantly captures the true challenges evacuees face rebuilding their lives. Initially, the interviewee appeared to be far more fortunate, but as she reported at a Section 403 assistance clinic, her prospects eventually became less positive. She had worked at an oil company in New Orleans. The company graciously transferred her to work in the city of Houston after Hurricane Katrina. Unfortunately, due to her experiences during the storm, the anxiety and separation from family and friends, she developed clinical depression and PTSD. She eventually stopped working, and was dependent on FEMA Section 403 assistance to survive. At the time of the interview, her assistance was scheduled to end on June 30, 2006, although the termination date was later extended for all evacuees to July 31, 2006.

H. Houston Association of Realtors

Soon after Hurricane Katrina devastated the Gulf Coast region, the Houston Association of Realtors ("HAR") partnered with organizations like the Houston Area Urban League, KPRC-TV Channel 2, the Houston Bar Association, and others to help with the evacuees' housing needs. HAR provided the necessary technology to achieve their goal. The HAR technology team developed a website for evacuees to find housing and for Houstonians to donate housing. Through the website, more than 4,400 Hurricane Katrina evacuees applied for housing and almost 2,400 properties were donated.

To manage this process, HAR designed a "Home Matching System" that allowed phone bank operators to match donors with families in need of shelters. The system matches evacuees based on home criteria and needs as indicated on the evacuees' application. Over 1,800 people

were placed in homes through the HAR website. The HHA noted that HAR's website was the easiest to navigate and helped evacuees locate a variety of housing possibilities.

IV. Health Care Issues

A. Health Care Providers Hurricane Response Efforts

1. The Megashelter Clinics

(a) Reliant Park

While the Astrodome was being prepared to house the arriving evacuees, a fully-functional medical clinic was being built at the nearby Reliant Arena. Harris County Hospital District's ("HCHD") engineers built make-shift walls, installed plumbing, and computers, telephones, and established satellite linkages. The Reliant Clinic was organized and staffed primarily by medical personnel affiliated with BCM, Ben Taub Hospital, and the HCHD. BCM's Dr. Herminia Palacio, who is also the Director of Public Health for Harris County, served as medical director for the Reliant Clinic.

The Reliant Clinic was divided into several departmental areas including psychiatry, pediatrics, internal medicine, family medicine, radiology, obstetrics and gynecology, orthopedics, and surgery.⁹⁹ The clinic was also equipped with a working laboratory and pharmacy. Pharmaceutical supplies were initially provided by HCHD and Memorial Hermann Hospitals. Later, CVS and Walgreens set up onsite facilities for prescriptions.¹⁰⁰ X-ray and ultrasound machines and other equipment, much of which was donated by Siemens, were also located onsite, and enabled radiologists at Ben Taub Hospital to remotely evaluate images of

⁹⁹ Kimberlee Barbour, Claire Bassett, Ron Gilmore, April Sutton, Ross Tomlin, *From Despair to Hope*, 1 SOLUTIONS FROM BAYLOR C. OF MED., Fall 2005, at 5.

¹⁰⁰ *Id.*

Reliant Park evacuees.¹⁰¹ St. Luke's Episcopal Healthcare also established a diabetes center at the Reliant Clinic, which provided blood glucose testing strips and insulin to diabetic evacuees.¹⁰²

Eighty-four county health department staff members worked at Reliant Park each day.¹⁰³ County health department staffers inspected food, oversaw sanitation, controlled environmental hazards and conducted surveillance of disease patterns.¹⁰⁴ The CDC monitored the air at the shelters to ensure that there were no unhealthy levels of pollutants from the ambulances and buses.

A total of 1,200 physicians and 1,500 nurses from all 50 states volunteered their time to work in the Reliant Clinic.¹⁰⁵ In addition, the night before the Astrodome opened its doors to hurricane evacuees, Mark Sloan, contacted the Harris County Medical Reserve Corps ("HMRC") for help. Many out-of-state physicians and other medical personnel began volunteering at shelters around Houston. Several evacuees were also hired to work at the megashelters' medical clinics.¹⁰⁶ This influx of out-of-state volunteers posed another challenge for Houston officials—screening out-of-state medical personnel to ensure that they were actually licensed in the area for which they claimed to practice. To address this issue, HCHD set up a credentialing office in the Reliant Arena.¹⁰⁷ Interviewees reported that at times, there were between thirty to forty people

¹⁰¹ *Id.*

¹⁰² *In Depth: 2005 Business Philanthropy, Hurricanes Katrina and Rita—A Sampling of Houston's Generosity*, HOUSTON BUS. J., Nov. 11-17, 2005, at 30B-31B.

¹⁰³ Fact Sheet, Reliant Center Joint Information Center (Sept. 13, 2005) (on file with author).

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ News Release, Reliant Center Joint Information Center (Sept. 4, 2005) (on file with author).

¹⁰⁷ *Id.*

standing in line to volunteer their medical services. According officials, there were so many volunteers that some were actually turned away. Despite this, some medical personnel from HCHD and BCM worked thirty-six hours during the first days that the clinic was open.

(b) GRB

Just as at Reliant Park, a fully-functional medical clinic and pharmacy were essential parts of the GRB shelter. University of Texas Health Science Center (“UT”) and Memorial Hermann hospitals were primarily responsible for the medical clinic at the GRB. UT’s Dr. Michael McKinney served as medical director for the 100,000 square foot medical clinic, which had been created in only twelve hours. Clinic services included mental health, pediatrics, obstetrics/gynecology, and trauma. Dental and eye care facilities were also onsite to treat evacuees.

(c) Patients at Megashelter Medical Clinics

Dr. David Perse, EMS Director for the city of Houston and Public Health Authority for the city of Houston, noted that one-fifth of the evacuees required medical attention.¹⁰⁸ The Reliant Clinic saw an average of 1,400 patients per day and treated 5,100 patients only four days into the relief effort.¹⁰⁹ Initially, the doctors and nurses at the Reliant Clinic were treating patients at a rate of 150 per hour.¹¹⁰ By September 5, 2005, however, the rate had dropped to forty to fifty patients per hour and only five per hour overnight.¹¹¹ Approximately 900 people were transported to hospital emergency rooms from Reliant Park.¹¹² All told, the Reliant Clinic

¹⁰⁸ NATIONAL ASSOCIATION OF COUNTY & CITY HEALTH OFFICIALS, SHELTER FROM THE STORM, 8, Feb. 2006.

¹⁰⁹ News Release, Reliant Center Joint Information Center (Sept. 15, 2006) (on file with author).

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² Leigh Hopper, *A Safety Net That Held Strong, Breaking the Fall of 15,000*, HOUSTON CHRON., Sept. 18, 2005, at A1; Fact Sheet, Reliant Center Joint Information Center, (Sept. 14, 2005) (on file with author).

saw more than 15,000 patients during its 15 days in operation—2,000 on the first full day alone—gave out 10,000 tetanus shots, and filled more than 15,000 prescriptions.¹¹³ The GRB Clinic was also busy. The GRB Clinic began seeing 500 to 700 patients a day, reaching a total of 9,000 patients by the third week in September.¹¹⁴ In total, the GRB Clinic served 23,000 evacuees during its nearly three weeks of operation.

Despite their best efforts, Houston officials acknowledge that the evacuees at both Reliant Park and the GRB required a heightened degree of care that had not been, and could not have been, fully anticipated. Specifically, many of the evacuees were in astonishingly poor physical and financial condition. Most of these evacuees were from Louisiana, which statewide had one of the unhealthiest populations in the country prior to Hurricane Katrina.¹¹⁵ According to the Center for American Progress, forty-four percent of Astrodome evacuees reported chronic health problems and thirty-three percent of the evacuees became sick or injured as a result of Hurricane Katrina.¹¹⁶ Doctors saw patients with asthma, broken bones, chest pain, uncontrolled diabetes, high blood pressure, and, in one case, a gunshot wound.¹¹⁷ There were also a number of patients in the withdrawal stage from narcotic addiction.¹¹⁸ A gastroenteritis outbreak, which was quickly detected and contained, also occurred at the Reliant Clinic.

¹¹³ See Leigh Hopper, *Medical Needs Swamp System: A Call Goes Out for More Doctors and Nurses to Help*, HOUSTON CHRON., Sept. 3, 2005, at A16. According to the same Houston Chronicle article, at least five evacuees died after arriving in Houston, including a ninety-year-old New Orleans woman who died in the Astrodome parking lot. *Id.*

¹¹⁴ *Id.*

¹¹⁵ See UNITED HEALTH FOUNDATION, AMERICA'S HEALTH RANKINGS 50 (2005); see also CENTER FOR AMERICAN PROGRESS, KATRINA BY THE NUMBERS: NEED FOR HEALTH CARE ASSISTANCE IN LOUISIANA (on file with author).

¹¹⁶ CENTER FOR AMERICAN PROGRESS, KATRINA BY THE NUMBERS: NEED FOR HEALTH CARE ASSISTANCE IN LOUISIANA (on file with author).

¹¹⁷ Leigh Hopper, *A Safety Net That Held Strong, Breaking the Fall of 15,000*, HOUSTON CHRON., Sept. 18, 2005, at A1.

¹¹⁸ *Id.*

(d) Funding

The HCHD funded the initial medical operation at Reliant Park. FEMA is expected to reimburse the estimated cost of \$4.1 million. However, nearly one year after Hurricane Katrina made landfall, HCHD is still seeking reimbursement from FEMA. The corporate community did donate money and supplies.

2. Impact on Local Medical Services

The influx of over 250,000 evacuees, many needing medical care, understandably placed a strain on Houston's already strained resources. For instance, interviewees reported at that time, 1.2 million people in the Houston area were uninsured, and over half a million were underinsured. There are over twenty-two medically underserved areas. As of 2005, the city of Houston had only eleven Federally Qualified Healthcare Centers ("FQHC"). FQHCs are community-based health organizations, each receiving an annual \$650,000 federal grant. Among other benefits, these centers also receive access to federal grants to support costs of uncompensated care, enhanced revenue due to the Prospective Payment System reimbursement for services to Medicaid and Medicare patients, access to medical malpractice coverage under Federal Tort Claims Act, and PHS Drug Pricing Discounts for pharmaceutical products.

Of these 150,000 evacuees that permanently relocated to Houston, approximately thirty-six percent lacked health insurance. Personnel from both the HCHD and Ben Taub Hospital, Houston's largest charity hospital, staffed the Reliant Clinic. It was reported that HCHD had to close a few clinics while the Reliant Clinic was open and Ben Taub experienced some patient backup. Through planning, some local hospitals reserved beds for evacuees arriving from the Reliant Clinic, while others reserved their available bed capacity for non-evacuees to avoid disruption to the hospital districts' service area.

3. Catastrophic Medical Operations Center

In 1997, Houston was one of the first cities in the United States to get a Catastrophic Medical Operations Center (“CMOC”). CMOC maintains a database for information sharing. When activated, CMOC coordinates hospitals that need to place people because of a disaster with hospitals that have space to accept them. CMOC only places individuals with hospitals that have available capacity and the services necessary for those patients’ needs. Hospitals seek CMOC assistance only after they exhaust their internal resources. CMOC is responsible for medical placement in thirty-four counties and two states. All Houston hospitals have an Emergency Management System in place, and a memorandum of agreement exists between all Houston-area hospitals to share their patients, data, and assets.

The need for CMOC was highlighted for Houston officials by Tropical Storm Allison. Although CMOC was conceptualized prior to Allison, it was not in place when the storm hit. Allison devastated the medical infrastructure of Houston. A number of Houston’s major hospitals, including Memorial Hermann, and St. Joseph were badly damaged by the flooding caused by the storm. This led to a massive evacuation of thousands of hospital patients across the Houston area. A total of six hospitals were closed. Interviewees commented that the ability to place patients was neither coordinated nor systematic during Allison.

In contrast, during Hurricane Katrina, CMOC coordinated with hospitals in New Orleans and Houston without forcing Houston hospitals to exceed their capacity. Furthermore, CMOC functioned as a single point of contact for hospitals and nursing homes and reduced duplicate reporting. CMOC was activated as soon as Harris County implemented its emergency operation, and it was operational within four to six hours of activation. CMOC staff worked twelve to eighteen hour shifts, every day, for thirty days during Hurricanes Katrina and Rita. During this time, twenty-nine facilities were evacuated and 3,300 patients were placed in alternative medical

centers. Only two out of the 3,300 patients required re-transfer, which equated to an inappropriate transfer rate of 0.08%. Interviewees believe that it is a testament to their success that CMOC did not misplace any patients evacuated as a result of these hurricanes. Currently, the database is running continuously to prepare for the next emergency.

4. Transportation and Communication

Evacuees were arriving in Houston by practically every transportation source imaginable. Thousands of evacuees arrived by bus and private automobile. Hundreds of others were flown in, some on military cargo planes.

(a) Ambulances and Buses

METRO Buses and ambulances were stationed at the megashelters to transport patients and their families to local hospitals. At Reliant Park, officials brought in fuel tanks for the bus drivers to refuel on-site before driving back to New Orleans because they were making round trips. Thirty-six ambulances were stationed at Reliant Park to transport people to the area hospitals.

(b) Evacuation of New Orleans Hospitals

At the request of Ed Tucker, CEO of the Houston Veteran's Administration ("VA") hospital, Dr. David Persse initiated the National Disaster Medical System ("NDMS") which allowed for patients to be flown in by military planes from New Orleans. Assisted by CMOC, the Michael E. DeBakey Veterans Administration Center headed a Patient Reception Team at Ellington Field, a former Air Force Base.

Initially, the plan was to transport patients from VA hospitals in New Orleans to VA hospitals in Houston under NDMS. The operation, however, soon expanded to non-VA patients. Dozens of patients not associated with the VA were also ferried to Houston aboard the nearly

two dozen military flights arriving at all hours from Louisiana.¹¹⁹ The sickest New Orleans patients came to Houston on these military flights. In total, over 700 evacuees were flown into Ellington Field.¹²⁰ Over 100 of these evacuees were admitted to the VA hospitals.¹²¹ In addition to the patients evacuated to Houston under NDMS, local Houston hospitals also voluntarily evacuated many New Orleans patients.

Beginning on August 30th, officials with Memorial Hermann Healthcare, in collaboration with the Ochsner Health System, planned launched a large scale operation to evacuate critical patients from Ochsner Hospital located just outside New Orleans.¹²² Memorial Hermann officials used two helicopters, six ground ambulances, and two medical jet aircrafts. The helicopters and ambulances evacuated the Ochsner Hospital patients to Baton Rouge.

5. Medical Care—Post Hurricanes Katrina and Rita

Texas has the highest rate of uninsured persons in the nation.¹²³ Though Medicaid and Children's Health Insurance Program ("CHIP") are intended to minimize the number of children without health insurance, 26% of children in Harris County had no health insurance in 2002. Due to State budget cuts in CHIP, the number of children enrolled in CHIP in 2005 decreased 20% from the number of enrollees at the end of 2003.¹²⁴ Despite these limitations, the evacuees

¹¹⁹ Kimberlee Barbour, Claire Bassett, Ron Gilmore, April Sutton, Ross Tomlin, *From Despair to Hope*, 1 SOLUTIONS FROM BAYLOR C. OF MED., Fall 2005, at 6.

¹²⁰ *See id.*

¹²¹ *Id.*

¹²² News Release, Memorial Hermann Hospital, Memorial Hermann Responds to the Hurricane Katrina Tragedy (Sept. 9, 2005) (on file with author).

¹²³ HARRIS COUNTY PUBLIC HEALTH & ENVIRONMENTAL SERVICES, 2005 ANNUAL REPORT, 16.

¹²⁴ *Id.*

who relocate to Houston and Harris County will be handled by traditional medical resources available in the city of Houston and Harris County.¹²⁵

The United States Department of Health and Human Services approved a medical waiver that lifted the normal limitations and was designed to ensure that Katrina evacuees in Texas would continue to have access to medical services. Both Medicaid-eligible and non-Medicaid-eligible individuals displaced by Katrina were included in the waiver program. Between August 24, 2005 and September 30, 2005, Phase I provided medical services with no income limits. Evacuees did not need to complete an application or have a Texas Medicaid Identification card. Registration for Phase II occurred from October 1, 2005 to January 31, 2006. Applicants were required to meet traditional income eligibility requirements but self-reporting was allowed unlike traditional Medicaid programs. Applicants received Medicaid under Phase II for five months after the date of their enrollment.

By mid-September the Incident Command believed the immediate needs of evacuees had been met, the megashelter clinics would be phased out, and evacuees would begin using the medical services available to any Houston and Harris County resident. After the Reliant Clinic was closed, the Red Cross set up a first aid station in Reliant Arena.¹²⁶ The HCHD also opened an evening clinic at Ben Taub Hospital from 5 p.m. to 10 p.m. weekdays. HCHD estimates that seven months after Katrina made landfall, the HCHD treats an additional 800 patients per

¹²⁵ News Release, Reliant Center Joint Information Center (Sept. 11, 2005) (on file with author).

¹²⁶ News Release, Reliant Center Joint Information Center (Sept. 17, 2005) (on file with author).

month.¹²⁷ HCHD has spent over \$11.6 million treating evacuees, but as of March 29, 2006, the hospital district received \$1.6 million in reimbursement from FEMA.¹²⁸

When the GRB Clinic closed, medical volunteers were sent to other clinics, including the Hope Clinic which went from seeing fifteen patients per day before Hurricane Katrina to over 100 patients per day. Evacuees were also given the phone number for the “Ask Your Nurse” hotline as well as information for the eleven health care centers in the area. Both “Ask Your Nurse” and the 9-1-1 system experienced a significant increase in calls in the months following the closure of the megashelter clinics. “Ask Your Nurse” received over 5,000 additional calls per month for the month of October and September.

The Harris County Public Healthcare System Council created an online reporting system for the eleven health care centers. Participating centers log in daily, posting the number of patients seen, and the supplies and personnel needed by 3 p.m. each day. All centers were linked with a hospital for emergency supplies. Nearly a year after Hurricanes Katrina and Rita, the database is still updated by the centers, now on a monthly basis. Nine percent of patients seen by the health care centers a year later are identified as Hurricane Katrina evacuees; however, as evacuees obtain a Houston or Harris County address or a Texas drivers license, they may not be identified as evacuees. In addition, many evacuees reported that they no longer identify themselves as “Katrina evacuees” because of the stigma, so it is difficult to track the numbers of Katrina evacuees seeking medical services.

¹²⁷ Assoc. Press, *Katrina Evacuees' Welcome Wearing Thin in Houston*, March 29, 2006, <http://www.foxnews.com/story/0,2933,189554,00.html>.

¹²⁸ *Id.*

B. Services for Evacuees with Mental Health Issues or Special Needs

The Reliant Clinic and the GRB Clinic were designed to meet the evacuees immediate health needs, including some mental health problems and other special needs issues. Interviewees reported that the clinics adapted to address many of the unexpected issues presented by arriving evacuees.

1. Mental Health and Substance Abuse Issues

(a) Emergency Shelters and Clinics—Meeting the Immediate Need

Beginning September 1, 2005, Reliant Park’s mental health clinic was open twenty-four hours a day, seven days a week for two weeks and served nearly 4,000 patients. Doctors from Ben Taub Hospital, Baylor College of Medicine (“BCM”), the Mental Health and Mental Retardation Association of Harris County (“MHMRA”), and the Children’s Assessment Center took the lead in establishing the mental health clinic. The mental health clinic was not only an integral part of both facilities, it was one of the busiest areas of the medical clinic.¹²⁹

Interviewees commented that funding for the mental health clinic was not a major obstacle. Officials were given wide latitude to establish a fully-functional mental health clinic for the evacuees. Those in charge understood that there were already thousands of evacuees on their way to Houston, and they did not have time to wait for funding. Instead, county resources and other local funds were used to get the clinic operational in a very short period of time. Reimbursement from FEMA and other organizations was later sought.¹³⁰

¹²⁹ See Kimberlee Barbour, Claire Bassett, Ron Gilmore, April Sutton, Ross Tomlin, *From Despair to Hope*, 1 SOLUTIONS FROM BAYLOR C. OF MED., Fall 2005, at 5.

¹³⁰ As of June 2006, however, the funding issue had still not been entirely resolved. According to one source, this will likely affect the HCHD budgets for the next several years. The extent of the effect, however, is uncertain. Sources also indicate that some of the funding may be reimbursed by Louisiana and Texas Medicaid, with FEMA as a secondary funding source.

The two main tasks of Reliant Park's mental health clinic were dispensing medication and crisis counseling. Psychiatrists on staff at the clinic treated the worst cases and evaluated every evacuee seeking medication. Therapists were also on hand to talk with many troubled, but non-psychotic, evacuees.

Evacuees sought and received treatment and medication for a wide variety of mental health problems. A large number of evacuees who showed up at the Reliant Park and GRB mental health clinics were suffering from ongoing psychiatric problems. Many of these individuals lost their medication during the storm and ensuing evacuation, and they required immediate assistance upon arriving in Houston. Having survived unimaginable conditions in New Orleans, and in many cases, having been separated from family and friends, many otherwise healthy evacuees had to be treated and counseled for a wide-range of symptoms, including depression, grief, anger, and paranoia. One elderly man, claiming that the levees had been dynamited, refused to accept water from a Reliant Park volunteer because he thought the water had been poisoned. A few evacuees required hospitalization upon arrival at the shelter or for psychotic episodes occurring during their stay at the shelter. One physician recalled an incident where an evacuee, with no history of psychosis, set his bed on fire and had to be hospitalized. One clinic official reported that several days after the initial arrival of evacuees, they realized that there were more acute psychological issues than initially anticipated. Standard grief counseling was not adequate for someone experiencing a psychotic episode or dementia, so more volunteer psychiatrists were sought. Clinic officials reported that they then began circulating through the general population at the GRB and Reliant Park to identify these individuals.

The initial medical and pharmaceutical supplies at Reliant Park and the GRB were provided by the HCHD and local hospitals. National pharmacies, such as CVS and Walgreens, subsequently became involved in the response effort. Reports are that none of these pharmacies were fully prepared to meet the immense medical needs of the evacuees. They lacked sufficient inventories to fill the astonishingly high number of prescriptions. Some reported that they resorted to contacting local hospitals and psychiatrists' offices to request medication samples to dispense to evacuees.

In addition to caring for the mental health needs of evacuees, the clinics also worked with methadone maintenance program patients and other substance abusers. Officials had not anticipated the large number of methadone patients. Fortunately, the Louisiana public health agency was operational. Mental health clinic officials were able to coordinate with the public health agency located in Baton Rouge to ensure that evacuees who sought methadone maintenance were properly cared for.

(b) Services for Special Needs Evacuees

The amount of care each special needs evacuee required and the type of evacuees transferred to these special needs shelters varied significantly. This was likely due in part to the fact that when Hurricanes Katrina and Rita made landfall, there was no established definition of "special needs." Instead, the definition was left up to the subjective opinion of the individual making the determination.

Medical professionals at Reliant Park tried to separate the elderly and infirm evacuees from the general population early in the sheltering process. City officials at the GRB followed Harris County's lead on this issue and designed separate sleeping and housing facilities for distinct groups, such as families with young children or the elderly. Partitions were created and every effort was made to move special needs evacuees out of shelters and place them in the type

of specialized facilities they needed. Some organizations offered long-term housing and care facilities for evacuees with special needs, including Primrose Del Sol, a senior citizen apartment complex.

2. Mental Health and Special Needs Care in the Aftermath of the 2005 Hurricane Season

The need for mental health and other special needs care did not end with the closing of the shelters and emergency care clinics. Texas Department of State Health Services (“TDSHS”) estimates that in 2005, 518,594 Harris County adults, or 19.6% of the adult population suffered from some form of mental illness.¹³¹ Of these, 110,903 suffer from severe and persistent mental illness, including schizophrenia, major depression and bipolar disorder.¹³² While the immediate health needs of the evacuee community were being met in the days and weeks following Hurricanes Katrina and Rita, interviewees reported that local Houston officials and organizations also began preparing for the necessary longer term care many of the evacuees would need in the following months. When the shelters and DRC finally closed their doors, evacuees were directed to community clinics and other local services.

Many of these services were available to every citizen of Harris County, but other organizations and programs had also been developed to meet some of the evacuees’ specialized needs. Notable programs and organizations that continue to provide services specifically to Katrina evacuees include Focused Care, Project Resiliency, the Katrina Crisis Counseling Program, and Advocacy, Inc. Although some mental health officials interviewed reported

¹³¹ HARRIS COUNTY PUBLIC HEALTH & ENVIRONMENTAL SERVICES, 2005 ANNUAL REPORT, 51.

¹³² *Id.*

Houston's large and sophisticated mental health care network was able to absorb the new clients with little overall impact, others interviewed forecast that there were going to be unmet needs.

(a) Post-Traumatic Stress Disorder and Other Conditions

Post-traumatic stress disorder ("PTSD") is an often debilitating mental health condition that affects both adults and children and is characterized by a number of symptoms, including nightmares, flashbacks, dissociation, and sleeplessness. An unknown percentage of individuals exposed to extremely traumatic events, such as the events surrounding Hurricane Katrina, are likely to develop PTSD as well as other harmful conditions, including depression and substance abuse.¹³³

According to interviewees in the psychology and psychiatry fields, most disaster victims will not experience PTSD until at least six months after the event. This is because when a disaster first strikes, survival is the most important goal. It is only after a disaster victim has a chance to settle into his new life that he has time to think about what has happened. Although estimates vary as to the number of Hurricane Katrina evacuees experiencing PTSD, most mental health experts agree that early intervention is critical to the successful treatment of the disorder.

(b) Specialized Programs and Organizations

(i) Focused Care

Interviewees explained that distrust and fear of stigmatization are two major barriers to mental health care access. The Focused Care project was created as part of the city of Houston's effort to ensure psychological services continued to reach the area's evacuee population in the months after the disaster. Focused Care's social workers provided immediate mental health

¹³³ Increased substance abuse, a common response to a traumatic event such as Hurricane Katrina, is also a significant problem among Katrina survivors.

screenings and referrals to evacuees. In some instances, they also provided on the spot counseling.

Focused Care's staff included sixteen well-trained and credentialed Katrina evacuees, five of whom hold Masters Degrees in Social Work. Officials believed that staffing Focused Care with evacuees would help the project's social workers establish trust with their evacuee-clients. In light of their common experiences, the Focused Care workers were thought to be uniquely qualified to identify and relate to the needs of their displaced clients.

Sources reported that the organization recognized that before Focused Care workers needed to help others, however, they first had to come to terms with their own traumas. BCM's Dr. Steve Pierrel led the group in a forty-hour debriefing presentation to help them deal with the recent traumatic events that had happened in their lives. Dr. Pierrel is an Assistant Professor of Mental Health at the BCM and a veteran disaster counselor for the Houston Fire Department. His professional focus is on disaster psychology. Dr. Pierrel has served on various Houston area committees and foundations concerning mental health and emotional issues in the wake of disasters.

The Focused Care project concentrated on mental health outreach. The project was originally funded for only six months and received additional funding to continue operating. The grant funding the project, provided by WorkSource-Gulf Coast Workforce Board ("WorkSource"), allowed Focused Care to hire six Reintegration Counselors. They were hired to provide in-depth counseling and employment assistance. Interviewees report that due to the unpredictable housing situation, many of the evacuees needed mental health services and noted an increase in the numbers of evacuees contacting the agency. There have been a number of deadlines for the termination of FEMA assistance that have then been repealed and extended.

While grateful for the extension, these changes necessarily result in increased anxiety. According to an interviewee, Focused Care, in combination with WorkSource, reached the greatest number of evacuees of any organization in Houston.

(ii) Katrina Crisis Counseling Program

The MHMRA's Katrina Crisis Counseling Program ("KCCP") was created in October 2005 in response to the on-going mental health care needs of Hurricane Katrina evacuees remaining in the Houston area. MHMRA was involved with the hurricane recovery response at Reliant Park from the very beginning. Over two dozen people work exclusively for KCCP. Most of them have backgrounds in counseling, social work, and psychology. KCCP staffers travel around Harris County and parts of Chambers County, mainly Baytown, Texas, to schools, apartment complexes, and shelters, to discuss the mental health care needs of Hurricane Katrina evacuees and to provide crisis counseling. As of May 2006, a source estimated the number evacuees visited by KCCP to be between 2,400 and 3,000 evacuees per month.

(iii) Project Resiliency

Mayor White and Judge Eckels directed the formation of an ad hoc group of behavioral health professionals to coordinate the community's response to and identify needed services and potential funding sources for these services. The Project Resiliency Collaboration is a newly formed consortium of nine mental health and substance abuse groups in the Houston area that are working together to create a long-term plan for mental health care for Hurricane Katrina evacuees and other victims of natural disasters.¹³⁴ Although the Project Resiliency Collaboration

¹³⁴ Members of the Project Resiliency Collaboration include: BCM, Behavioral Health Providers Network, city of Houston Department of Health and Human Services, the Council of Alcohol and Drugs Houston, Gateway to Care, Houston Mental Retardation Authority of Harris County, and People in Partnership. Each participates in formal networks of other service providers that potentially extend the reach of their activities across hundreds of non profits, community-based organizations, healthcare providers, schools, and other agencies.

was scheduled to begin in January 2006, it was not operational until four months later. The consortium, funded in part by the United Way, is working on an ongoing overall plan for mental health intervention to be implemented in the wake of another disaster.

Project Resiliency has a number of components. The group intends to focus on the areas of “capacity building,” “community resiliency services,” and “clinical services.” The various roles and responsibilities for the project are divided among the consortium’s many different organizations. The Mental Health Association of Greater Houston ("MHA") is in charge of several of Project Resiliency’s programs—for example, training clergy to deal with mental health and substance abuse problems; advertising the group’s effort in the media and to the community; creating a pro bono unit of mental health workers, such as social workers and psychologists who will provide short-term counseling; and creating support groups throughout Houston. As of June 2006, MHA was still hiring consultants, recruiting new staff, and researching the mental health care issues surrounding disasters in order to get the MHA’s section of Project Resiliency underway. The Behavioral Health Providers Network ("BHPN") is another component of Project Resiliency. BHPN provides counseling and referrals to those in need.

(iv) Other Organizations Serving Special Needs Evacuees

A number of agencies and organizations already servicing the Houston area, including Advocacy, Inc., came to the aid of disabled evacuees and other displaced special needs individuals. Advocacy, Inc. is a federally funded nonprofit corporation created to protect and advocate for the legal rights of people with disabilities in Texas. Advocacy Inc.’s sister organization in Louisiana is the Advocacy Center. Members of Advocacy, Inc.’s staff volunteered in shelters throughout the State of Texas to assist in identifying individuals with disabilities to ensure their specialized needs were met. Advocacy, Inc. was involved with Hurricane Katrina evacuees almost from the very beginning. The organization served in its

everyday capacity, responding to calls and doing legal advocacy work for people with disabilities until February 2006. A three-month grant from the Texas Equal Access to Justice Foundation helped to ensure individuals with disabilities received things they needed, including housing, medications, therapy, medical supplies or equipment, interpreters, and personal assistance. A separate grant from the Texas Bar Association allowed Advocacy, Inc. to hire an attorney to work with evacuees with disabilities in the East Texas area.

In February 2006, Katrina Aid Today was established through additional grants from the United Methodist Council on Relief (“UMCOR”) and the National Disability Rights Network. Seven nonprofit agencies with expertise in long-term disaster recovery are on the ground in Texas and working under the “Katrina Aid Today” umbrella. These organizations, which are helping some of the most vulnerable survivors and evacuees recover from the impact of Hurricane Katrina, include: Boat People SOS, Catholic Charities, Episcopal Relief and Development, Lutheran Disaster Response, Refugee Services of Texas, Inc., an affiliate of Episcopal Relief and Development, The Society of St. Vincent de Paul, and the Salvation Army Territorial Headquarters. The grant stipulated that the aid could only assist Hurricane Katrina evacuees.

(v) Special Needs Registry

The city of Houston and the State of Texas are continuing to implement the special needs registries that they were working on before the 2005 hurricane season. Sources believe that registering with either the City or the State should streamline the evacuation process and allow those who need help to get it. Registration with the city of Houston can be completed over the telephone or online. Although the Houston registry is new, over 1,500 people have already signed up. Texas residents can register with the State of Texas by dialing “2-1-1.”

Officials interviewed expressed some concerns over the long-term success of the registries. These concerns largely arose from an understanding that a program is only as good as its information. Some officials spoke of a general reluctance on the part of individuals to register. Many elderly and homebound people eligible to sign up expressed apprehension at the idea of being on a list for people with “special needs.”

3. Tracking Evacuees Seeking Assistance

The number of evacuees seeking assistance from local Houston healthcare resources might appear low. However, city of Houston and Harris County officials caution that these numbers may be misleading due to the increasing difficulty in identifying evacuees. One source estimates that approximately sixty to eighty evacuees per day are treated at Ben Taub Hospital. Nevertheless, this number is small in comparison to the hospital’s overall annual statistics. According to another source, MHA only receives about four calls per day from Hurricane Katrina evacuees seeking help.

Local officials agree that it is becoming increasingly difficult to identify the evacuees. Many evacuees consider themselves to be city of Houston or Harris County residents now. Others have deliberately distanced themselves from the perceived stigma of being an evacuee and do not identify themselves as such when seeking community resources. The inability to identify evacuees is cause for concern among some in Houston’s mental health community. Some experts believe that many evacuees are untreated because no one can identify them in order to tell them where to seek assistance. Evacuees may also be less likely to seek out the services of Hurricane Katrina-specific organizations, such as Katrina Aid Now.

V. Employment Issues

A. Discussion

Following Hurricane Katrina, the United States Department of Labor directed National Emergency Grants ("NEG") to states receiving large numbers of evacuees. The Texas Workforce Commission received a \$75 million NEG, of which \$23.5 million was released immediately for distribution among the twenty-eight regional workforce boards in Texas. The WorkSource, the regional entity covering the Houston-Galveston area, received \$14 million from the NEG immediately following Hurricane Katrina.

The WorkSource is a publicly funded, nonprofit community employment and job training resource for individuals and businesses in the Houston-Galveston Gulf Coast region. Serving thirteen counties, it is the largest board in the State of Texas and one of the largest regional boards in the United States. The WorkSource operates thirty-six community-based career offices where job placement, career counseling, and financial aid services are provided. The WorkSource is funded solely by state and federal tax dollars and does not charge fees for its services. Together with the Texas Workforce Commission and other workforce boards in the state, the WorkSource participates in an online job-matching database found at www.WorkInTexas.com. In the months following Hurricane Katrina, the WorkSource registered 10,969 evacuees in the WorkInTexas.com database, which is almost one-third of the 32,441 evacuees registered in the entire State of Texas.

In total, the WorkSource assisted approximately 27,300 evacuees from Hurricanes Katrina and Rita during 2005. At the request of the Texas Workforce Commission, the WorkSource opened two temporary offices, one at Reliant Park and the other at the GRB to register people for employment services in the days immediately following Hurricane Katrina. At Reliant Park, a tent and mobile vans were set up with laptops and satellite internet capability

within twenty-seven hours of the first bus arrival. The WorkSource provided personnel to assist the evacuees with the registration process for receiving disaster unemployment insurance and job search assistance. Reliant Park and the GRB locations were open for two weeks and registered almost 10,000 people.

The WorkSource also assisted evacuees at its thirty-six local offices. Across the region, the WorkSource saw significant increases in the number of people visiting their offices almost immediately after Hurricane Katrina landed. Some offices extended hours during the week and opened on Saturdays to accommodate the unprecedented level of activity. By mid-September, some offices had triple the daily number of people requesting assistance than prior to Hurricane Katrina. For September, total WorkSource registrations exceeded 22,000. Hurricane Katrina also impacted the service needs of the WorkSource's business customers, with over 12,000 job orders placed by employers at the WorkSource during the same time period.

Through a nationwide program funded by the Department of Labor, sixteen re-integration counselors, with master degrees, were hired to provide intensive outreach to those needing counseling after Hurricane Katrina in the Houston-Galveston area. Sources believe these counselors proved to be an invaluable resource. They worked one-on-one with evacuees to identify those in need of mental health and social services prior to re-joining the workforce. The re-integration counselors also accompanied the WorkSource staff on outreach projects.

The WorkSource also used an RV equipped with office equipment donated by neighboring workforce board to visit apartment complexes housing large numbers of evacuees. To advertise an upcoming visit, the WorkSource staff distributed flyers at apartments and partnered with T-Mobile to provide 300 free minutes to people who visited the WorkSource RV. Outreach counselors accompanied the WorkSource staff to provide referrals and counseling.

The WorkSource RV visited thirty-six apartment properties in nine weeks and registered 936 individuals. The RV was also utilized at four resource fairs hosted by the HISD for outreach to evacuee parents. It was necessary to hire temporary staff were hired to assist with data entry during RV outreach activities.

At the request of Mayor White and Judge Eckels, the WorkSource hosted a job fair on October 6, 2005 called “Destination Occupation” at the GRB. The job fair was geared toward helping evacuees from Hurricanes Katrina and Rita, as well as Gulf Coast area residents. To participate, employers could sign up online but were required to provide least ten job openings. Over 212 local, state, and national employers participated, and some employers offered over 100 jobs. Sponsors included HR Houston, the Houston Chronicle, the Houston Area Urban League, BP, WalMart Stores, Talent Tree, and Walt Disney World Resort. At the fair, the WorkSource conducted seminars on job searching, resume writing, interviewing, and proper job attire. Resources were provided on-site for attendees to prepare and distribute their resumes to potential employers.

Generally, the WorkSource provided the same services it normally provides, but did so for a larger number of people in a shorter time frame. The WorkSource staff had to learn the application processes for Louisiana unemployment insurance and disaster unemployment assistance for people ineligible for Louisiana unemployment insurance. In addition the staff had to learn the procedures for processing bids for NEG program contracts. The \$14 million NEG received through the Texas Workforce Commission was used to provide a full range of WorkSource services, as well as temporary employment in public service jobs for evacuees in the first six months following Katrina. The WorkSource representatives explained that the biggest need identified for evacuees was income-limited financial aid for child care so that

parents could attend job interviews and work. A percentage of NEG funding was allocated to child care, with approximately 1,000 children served.

A variety of other programs were also funded by the NEG. These grants funded a \$1.7 million Communities in Schools project to employ qualified evacuees as tutors in area school districts. The region's schools initially saw more than 25,000 evacuee student enrollments for the fall of 2005. The tutors provided academic support, advocacy, and remediation for youth relocated to the area. The 147 tutors placed through this program were from hurricane-affected areas of Louisiana. The tutoring program was important from an employment perspective because Louisiana teachers have experienced difficulty receiving certification to teach in Texas due to differences in Louisiana and Texas teaching credentials.

NEG funding allowed the city of Houston-Health and Human Services Department to employ qualified persons as outreach mental health counselors to help screen evacuees for mental health needs and refer people for counseling support and health-related services. It also funded the Harris County Social Services Department, the Houston Area Urban League, Family Services of Greater Houston case management, and related services program for evacuees who remained in Houston long-term.

The grants were used by United Way organizations, including Career and Recovery Resources, which placed evacuees in jobs with a number of other United Way organizations, including Big Brothers and Sisters, the Boy Scouts, and the Girl Scouts. Neighborhood Centers, Inc. ("NCI") received a grant that they used to employ evacuees as case managers and as delivery service providers for NCI's Harbach-Ripley House and other centers, as well as NCI's Charter School and Head Start classroom. Four community agencies—Alliance of Multicultural Community Services, Interfaith of the Woodlands, Families under Urban and Social Attack, and

The Chinese Community Center—used funded their service networks to identify evacuees who had not yet received assistance in finding employment or financial aid and connected them with the local WorkSource career offices.

Finally the NEG funding was used by the WorkSource to contract with area schools to prepare evacuees for employment in the clean-up and rebuilding activities in storm-damaged areas of Texas, Louisiana, and metropolitan New Orleans.

Sources report it has been difficult for some evacuees to find jobs. Some report they are too emotionally traumatized by their experiences during Hurricane Katrina to consider working. Others have delayed looking for work because they did not realize when FEMA housing assistance would cease. A significant number of evacuees were employed in the service industry at Louisiana hotels, restaurants, and casinos. For some of those individuals, their job skills were transferable and they were hired quickly. For others, the job search has been a slow process and job skills training is needed. Some evacuees have no prior job experience. Many are severely limited by a lack of public transportation to areas where jobs are available.

Adding to the obstacles, media reports and focus groups suggest that evacuees are not given equal access and consideration for job openings. Evacuees are concerned that employers deny job applications that list a Louisiana area code or address. Some resist hiring evacuees from Louisiana because they fear the employee “might go back home in six months.”¹³⁵ At the same time, the employment services provided by the WorkSource were not fully utilized by approximately half of the evacuees registered in the months following Hurricane Katrina.

¹³⁵ Paul J. Weber, *Evacuees Encounter Obstacles in Job Hunt*, WASHINGTON POST, July 7, 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/07/07/AR2006070700731.html?referrer=emailarticle>.

Although the WorkSource successfully placed half of its Katrina registrants with employers, “the other half abandoned [job] training, or lost touch.”¹³⁶

As time passes, an emerging view in the Houston community is that any evacuee who wants a job in Houston should be able to find one. U.S. Representative John Culberson, whose district adjoins the southwest corner of Houston where many evacuees live, commented, “[y]ou have to make an effort not to have a job in Houston.”¹³⁷ “Time has long since passed for the able-bodied people from Louisiana to either find a job, return to somewhere in Louisiana or become Houstonians.”¹³⁸ In a public appearance with New Orleans Mayor Nagin, Houston Mayor White expressed that evacuees could return home to Louisiana or were welcome to stay in Houston—if they got jobs.¹³⁹

However, Zogby International reports that for evacuees interviewed as of March of 2006 who intend to remain in Houston, an “overwhelming[]” percentage are minority women who are currently either unemployed or underemployed. Also half or more are women looking for work with school-aged children, and half of the respondents have incomes of \$15,000 or less.¹⁴⁰ Despite their current unemployment status, the report finds “[t]hese are working men and women...65% of them were employed before the hurricanes, and so presumably they are still employable....Seventy-two percent of them were receiving no federal assistance before the

¹³⁶ *Id.*

¹³⁷ *Id.*

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ Zogby International, *A Second Survey Of Hurricane Evacuees Living In Houston* (Mar. 2006) at 5 (on file with author). The Zogby Report finds that fifty-eight percent of evacuees interviewed as of March 2006 intend to remain in Houston. *Id.*

hurricanes....The job search is proving arduous, as a quarter of them report having applied for [ten] or more jobs since they began looking.”¹⁴¹

In a focus group of evacuees, one of the interviewees remarked her suspicion that because her cell phone had a New Orleans area code, employers were not returning her calls. Another evacuee, previously a twenty-seven year employee with the water company, described her desperation to locate a job. In order to get food stamps she explained that she was required to attend fourteen job interviews a week. Because she was the sole caregiver for her disabled adult brother, she was having difficulty meeting the requirements. She found it extremely difficult to manage the paperwork attend the required number of job interviews, and manage her brother’s medication and eating schedule.

The vast majority of evacuees have been grateful for the services provided by the WorkSource. Given the circumstances, the WorkSource emphasized that most evacuees have done an extraordinary job overcoming the devastation of Hurricane Katrina to actively pursue new employment and job skills training. However, the WorkSource stated that a small percentage of individuals are not actively seeking work. In the past year, the reintegration counselors have occasionally encountered individuals who stated they were uninterested in seeking employment. Others had no work experience or have been dependent for years on public assistance.

One of the biggest difficulties identified by the WorkSource was the need to identify evacuees intending to relocate permanently to Houston from those desiring to return to Louisiana for employment. Those wishing to return to Louisiana were faced with a separate set of challenges, the biggest of which was finding available housing. To address the housing issue,

¹⁴¹ *Id.*

the re-integration counselors in Houston contacted their counterparts in Louisiana and initiated monthly conference calls to discuss housing and other issues in New Orleans and Louisiana. It has been a challenge for evacuees to return to Louisiana because repaired residential properties often become occupied the same day they become available, leaving no opportunity for evacuees in Houston to find housing. The monthly conference calls created a direct link for counselors in Houston to obtain Louisiana housing information.

The WorkSource continues to provide evacuees with training and employment opportunities for the Houston-Galveston area. The WorkSource is also providing training in Houston for jobs in Louisiana, including clean-up and construction training, and providing evacuees with information on available jobs in Louisiana. A WorkSource representative estimates that the WorkSource will continue its assistance to Hurricane Katrina evacuees for at least another six months, if not longer. Sources conclude that getting individuals trained and assimilated into the Texas workforce and community will take years. The level of assistance needed from the WorkSource will depend, in part, on when FEMA discontinues its housing voucher program.

VI. Education Issues

A. Introduction

Hurricane Katrina displaced 158,000 students. Thirty-six thousand of these students enrolled in Texas schools, of which about 21,000 enrolled in Houston-area schools. The Houston school districts incurred about \$6,500 per student, totaling more than \$136 million. To date, the State of Texas has received federal funding in the form of Emergency Impact Aid to reimburse the schools at a rate of \$1,000 per student and \$1,250 per special education student.

The Texas Education Agency (“TEA”) is in the process of distributing this money directly to the school districts impacted.¹⁴²

B. Public Schools

1. Houston Independent School District

HISD, with more than 210,000 students, is the largest public school system in Texas and the seventh-largest in the United States. It operates 306 campuses and educational programs covering a 300-square-mile area. The district employs 29,000 full- and part-time professional and support personnel, making it the largest employer in the Houston metropolitan area.¹⁴³ When Hurricane Katrina bore down on the Louisiana and Mississippi coast, HISD officials decided to respond. Among other responses by HISD, more than 300 district employees traveled to southern Louisiana to assist in the transportation of evacuees.¹⁴⁴

After buses of evacuees began arriving at Reliant Park and the GRB, another need arose. HISD sent teams of nearly 200 registrars, counselors, nurses, and other employee volunteers to screen, advise, comfort, and enroll the evacuees. The students were assigned to various schools within HISD, including two recently closed elementary schools, Douglass and Ryan Elementary Schools, to accommodate the large number of younger children whose families were evacuated to Houston. At the same time, HISD developed plans to hire as many as 400 teachers, many of

¹⁴² Juan A. Lozano, *Spellings Hopeful Funds to Education Evacuees on the Way*, HOUSTON CHRON., May 11, 2006, <http://www.chron.com/disp/story.mpl/metropolitan/3857443.html>

¹⁴³ HISD Facts & Figures 2005-06, http://www.houstonisd.org/2301/images/2256038_Facts%20&%20Figures%202006.pdf (last visited July 14, 2006).

¹⁴⁴ HISD Rallies to Meet the Unprecedented Challenges of Hurricanes Katrina and Rita, http://www.houstonisd.org/HISD/portal/article/front/0,2731,20856_149895649_156511232,00.html (last visited July 14, 2006).

whom were hurricane evacuees themselves, on an as-needed basis. Ultimately, it was estimated that the total number of displaced students enrolled in HISD was 5,500-6,000.¹⁴⁵

In May 2006, more than 100 Hurricane Katrina evacuees graduated from HISD high schools.¹⁴⁶ HISD cannot estimate the number of evacuees that will re-enroll for the 2006-2007 school year.

2. Cypress-Fairbanks Independent School District

Cypress-Fairbanks Independent School District (“Cy-Fair ISD”) is a mostly-suburban district on Houston’s northwest side. With 186 square miles of land and more than 84,000 students enrolled during the 2005-2006 school year, it is the second largest school system in Harris County. More than 780 subdivisions and apartment complexes are located within the district. It employees more than 11,000 teachers, administrators, professionals, and other staff.¹⁴⁷

Cy-Fair ISD began enrolling evacuees prior to Hurricane Katrina hitting New Orleans. These early evacuees were primarily individuals who left before the storm and moved in with friends or family in the district. The day after Hurricane Katrina hit New Orleans, the Cy-Fair ISD homeless liaison, David Schrandt, formed a team of district employees to go to shelters and churches. After locating and enrolling the evacuees, the team also arranged transportation to and from the schools and provided school supplies.

The team continued to operate in the centrally located Exhibit Center. Many additional students came to the Exhibit Center from Reliant Park or the GRB. Sources believe that many

¹⁴⁵ *Id.*

¹⁴⁶ Hurricane Evacuees Overcome Challenges, Will Graduate This Weekend (May 26, 2006), http://www.houstonisd.org/HISD/portal/article/front/0,2731,20856_142973398_168235133,00.html.

¹⁴⁷ Cypress-Fairbanks ISD Profile, pp. 5, 16, <http://www.cfsd.net/aboutour/profile01.pdf> (last visited July 14, 2006).

parents learned of Cy-Fair ISD's good reputation and sought housing in the area, and many of the hotels and apartments in the area accepted housing vouchers.

Cy-Fair ISD held a separate orientation for the evacuees, welcoming them into the schools. The district also arranged counseling for these students. The students faced various emotional challenges, from losing all their possessions to not knowing how to locate their parents. The evacuees expressed concerns about how to "fit in" with the other students and were often worried about the size of the Texas schools, which are historically larger than schools in Louisiana. Evacuees were also concerned about falling behind academically. Many seniors worried about graduating. The academic standards in Louisiana are very different from those in Texas, and many of the students were behind their Texas counterparts. Because many of the seniors were unable to meet the Texas academic standards, the students were allowed to graduate if they met the Louisiana academic standards. Cy-Fair ISD arranged for teachers to conduct after-school tutoring in an effort to help the displaced students catch-up academically. Further, many of the students faced challenges because they were not placed in the correct classes or academic level. Since Louisiana was unable to send the student's records to the district, the district was uncertain about the students' proper academic placement.

Cy-Fair ISD has received state and federal aid for education and grants to assist with homelessness. They have also received assistance from local ministries. At its peak, Cy-Fair ISD had 2,300 evacuees enrolled. At the end of the school year, Cy-Fair ISD still had 1,300 evacuees throughout the district. To date, many families have reported that they intend to stay in the district. The students have been pleased with the acceptance by other students and the families have been pleased with the students' levels of achievement.

3. Katy Independent School District

Katy Independent School District (“Katy ISD”) is a suburban school district on the west side of Houston that encompasses 181 square miles. In the 2005-2006 school year, it was home to more than 47,800 students, 2,913 teachers, 408 professional support personnel, 184 administrators and 1,709 support staff.¹⁴⁸

On Wednesday, September 7, 2005, students began enrolling throughout the district, with 578 enrolling on the first day. Katy ISD arranged for all enrollment to occur within individual schools. They equipped their attendance clerks in each school with the Natural Disaster Enrollment forms, allowing the students to enroll without records. The district allowed families to use the Katy ISD Athletic Center showers and immediately instituted a free lunch program.

The evacuees were very well distributed throughout the Katy ISD. No school in the district enrolled more than fifty evacuees. Although distribution of the evacuee students was not planned, it occurred due to an even distribution of shelters and apartments throughout the area. Because the students were evenly distributed throughout the district and because the district was not initially facing an overcrowding problem, Katy ISD did not have to exceed the mandated student-teacher ratios.

The district was inundated with donated school supplies, backpacks, clothing, and toys. School supplies were donated by other schools, universities from other state, individuals, corporations such as BP and Expedient, and organizations such as the Boy Scouts of America. The district received so many donated items that they were able to donate some of the items to Nederland ISD, a Texas school district that was seriously affected by Hurricane Rita. The district also held a fund-raiser in its administration office to help local charities.

¹⁴⁸ About Katy ISD, http://www.katyisd.org/about_kisd.htm (last visited July 14, 2006).

Katy ISD teachers noticed differences in the education level of their local students and the evacuees. As such, the district arranged for extra tutorials for the evacuees. However, the district did not make any long-term hires. Instead, they hired tutors, substitute teachers, and a part-time records clerk. While the district had difficulty locating many of the students' records, some of their records were retrievable online.

Katy ISD received Emergency Impact Aid money from the federal government through the TEA. At its peak on September 15, 2005, Katy ISD had 1,257 evacuees from Katrina enrolled throughout the district. Throughout the entire period, Katy ISD had a total of approximately 1,900 enrolled evacuees. At the end of the school year, approximately 600 displaced students were enrolled. At that point, the district sent out questionnaires, inquiring whether evacuees were planning to enroll in the fall semester. To date, 300 families report that they plan to re-enroll. TEA anticipates that the district will have 463 evacuees for the 2006-2007 school year, although district officials estimate that the number will be higher.

4. Spring Independent School District

Spring Independent School District ("SISD") is a suburban school district on the north side of Houston. It serves over 31,300 pre-kindergarten through twelfth-grade students in a fifty-seven square mile area located twenty miles north of downtown Houston.

After Hurricane Katrina, SISD was faced with a large number of evacuees for a number of reasons. First, even prior to Hurricane Katrina, at a ninety percent growth rate, SISD was one of the fastest growing school districts in the Gulf Coast region.¹⁴⁹ Because of its quality of education, many families are moving to the area. Second, SISD has a large number of apartments on the northeast and southwest side of the district. Finally, two major thoroughfares

¹⁴⁹ Spring ISD Profile, <http://www.springisd.org/default.aspx?name=ccr.aboutsisd> (last visited July 14, 2006).

run through the middle of the district, I-45 and FM 1960, making it a desirable location in which to live due to ease of access to these major roads.

SISD could not accommodate the evacuees within its existing structure. Instead of petitioning the State of Texas to exceed the maximum number of students per class, SISD built temporary buildings, hired substitute teachers, and added classes. SISD initially hired substitute teachers, but eventually hired full-time teachers. SISD spent \$1.1 million for portable buildings, and has requested reimbursement from FEMA. SISD has also requested reimbursement from the federal government and TEA, and like other districts has not received its full reimbursement.

Like other districts interviewed, sources report that SISD also had to accommodate the variation in the evacuees' educational levels. Officials noted student's academic level seemed to be impacted by whether they attended private or public school in New Orleans. SISD provided additional tutors for the evacuees who needed the assistance. Interviewees commented that the tutors made such a difference that many people in SISD want to continue to keep them in the district. Counselors came into the schools from Communities in Schools. Later, SISD was told that it was losing its funding for Communities in Schools, but the funding issues were resolved, and Communities in Schools continued to provide counseling throughout the district.

Officials believe that overall, the evacuees seemed to have a good school year. The district encouraged the regular students, teachers, and administration to work together to accept the evacuees into the system. SISD instituted a policy that it did not matter where the students came from, they were now SISD students.

There were a number of examples of regular students, faculty, administrators, and evacuees working well together. For example, at one of the high schools, the principal read a letter from a graduating Louisiana senior. The graduate stated that when she came to the school,

she was nervous because she was coming to a place where she knew no one, but she ultimately made friends and had a very positive experience. The letter expressed her gratitude and her family's gratitude. Another example of the evacuees' gratitude occurred in an elementary school. One principal arranged for each evacuee to be given a backpack with school supplies, a school t-shirt, and a teddy bear. One girl looked at the backpack, and despite being obviously infatuated with the teddy bear, told the principal, "Thank you very much, but I already have school supplies. Please give these to someone else who needs them." The principal told her that he would do that, if she would keep the teddy bear. Another example of a positive experience came from the Texas students in the SISD high schools. Some of the students volunteered to be ambassadors to help the evacuees integrate into the schools. Some of the students donated prom dresses and accessories for the school dances.

At its peak, SISD had over 1,400 evacuees enrolled. At the end of the school year, 1,213 evacuees were enrolled. SISD graduated twenty evacuees in the 2005-2006 school year. Thirteen graduated under Louisiana standards and seven graduated under the more difficult Texas standards. The TEA has estimated that fifty percent of the evacuees will return to SISD for the 2006-2007 school year. However, district officials estimated that the return of the evacuees will be closer to eighty percent.

5. Other School Districts in the Houston Area

Metropolitan Houston and its outlying areas consists of more than twenty-seven independent school districts. Many of those districts, other than those addressed above, faced the relocation of significant numbers of evacuees in their district. For example, on the north side of Houston, Conroe Independent School District had approximately 602 evacuees; Humble Independent School District had approximately 395 evacuees; Klein Independent School District had approximately 491 evacuees; and North Forest Independent School District had

approximately 228 evacuees. On the west side of Houston, Alief Independent School District had approximately 2,660 evacuees; Spring-Branch Independent School District had approximately 784 evacuees; and Stafford Independent School District had approximately 108 evacuees. On the south side of Houston, Alvin Independent School District had approximately 128 evacuees; Clear Creek Independent School District had approximately 1,143 evacuees; Fort Bend Independent School District had approximately 1,159 evacuees; Lamar Consolidated Independent School District had approximately 158 evacuees; Pasadena Independent School District had approximately 886 evacuees; and Pearland Independent School District had approximately 225 evacuees. On the east side of Houston, Deer Park Independent School District had approximately 95 evacuees; Galena Park Independent School District had approximately 404; evacuees; Goose Creek Independent School District had approximately 416 evacuees; and LaPorte Independent School District had approximately 166 evacuees. Many other school districts in the area were also significantly affected by the number of evacuees that came into their systems. Some of these districts were quite small. For example, while Sheldon Independent School District had approximately fifty-three evacuees, its total enrollment is only about 4,000 students.¹⁵⁰

C. Private Schools

1. Discussion

New Orleans had eleven Independent School Association of the Southwest (“ISAS”) schools, enrolling approximately 4,500 students, in addition to many other private schools. Representatives from private schools determined that the best response would be to target the

¹⁵⁰ Texas Education Agency Katrina Evacuee Map (Nov. 17, 2005), <http://www.tea.state.tx.us/hcane/KatEvaMap.pdf>.

students of the private schools, focusing primarily on the ISAS schools. The larger schools agreed not to charge tuition for the evacuees and not to require entrance exams. The reasoning behind not charging tuition was that the New Orleans schools needed the money and that the evacuees should not have to worry about tuition. They also committed to placement in the schools until the end of the school year or until their New Orleans schools were open.

The ISAS posted a link on the ISAS webpage so evacuee families could register their children for short-term placement in participating schools. At that same time, parents began to make calls directly to the Houston private schools. Each school created a list of interested families, based on contacts within the schools and in New Orleans. The private schools originally estimated that 200-300 private school students would arrive in Houston. Ultimately, approximately 1,000 private school evacuees enrolled in the Houston private schools. Episcopal High School enrolled over 100 evacuees; the Kinkaid School enrolled eighty-three evacuees; and St. John's School enrolled approximately sixty evacuees. The schools generally found that there was more demand for private schools at the upper and middle school levels.

Some schools also set up alternative programs for the evacuees. Episcopal High School set up a school for New Orleans students using New Orleans teachers. Christ Church Episcopal Cathedral set up an elementary school for evacuees in the basement. Strake Jesuit College Preparatory School accepted approximately 300 boys to participate in a separate program that ran from the afternoon into the evening.

The school officials reported that they encouraged the evacuees' parents to focus on their children's education while they were living in Houston, instead of focusing on the crisis that each family was facing. Ultimately, officials believe with the help and support of their parents and their new schools, the evacuees assimilated and performed very well. For example, at the

Kinkaid School, fifteen students completed the school year. The Kinkaid School anticipates eight to ten of the evacuees will return for the 2006-2007 school year. All of the displaced students that applied for the 2006-2007 school year were required to take the entrance exam for the Kinkaid School. Most of those were accepted.

D. Charter Schools

1. Discussion

Prior to Hurricane Katrina, the Knowledge is Power Program (“KIPP”) had several charter schools in the New Orleans area. Following Hurricane Katrina, KIPP knew there would be children needing educational assistance. KIPP negotiated with HISD for a building to house a school exclusively for New Orleans students. At the same time, KIPP contacted Teach for America to discuss staffing.

Teach for America (“TFA”) is a program that recruits students at the top universities and colleges to teach at inner-city or low-income schools. The recruited teachers work in various under-privileged and under-performing schools throughout the country for two-year periods during which time they are required to seek “significant academic gain” from their students. TFA’s funding generally comes from foundations, corporations, individuals, the Sponsor-a-Teacher annual benefit, donations from the participating school districts, and TEA.

Prior to Hurricane Katrina, TFA had 180 teachers placed in schools in the New Orleans area. Following Hurricane Katrina, TFA was in a crisis of their own. All of their teachers had evacuated New Orleans and TFA was trying to locate the teachers’ new locations. Some of the displaced teachers went home, some went to Baton Rouge, and others went elsewhere. Once the teachers were located, TFA began looking for new placements for them. TFA primarily was looking for placements for their teachers in Southern Louisiana and Houston in an effort to find

the most ideal solution to continue seeking the original goal of the displaced TFA Corps members, to assist in the education of the New Orleans children.

When HISD agreed to lease a vacant elementary school to KIPP to operate a school exclusively for displaced New Orleans students, TFA agreed to fully staff the school with TFA Corps members or TFA alumni who were still in education. The school was called KIPP NOW or KIPP New Orleans West. It provided classes from kindergarten through the eighth grade. Only one high school evacuee showed interest in the KIPP program in Houston. That student was enrolled at the KIPP Houston High School. KIPP NOW was limited to New Orleans evacuee students and was completely staffed by TFA Corps members and alumni members. Thirty-one TFA Corps members agreed to teach at KIPP NOW. Because KIPP is a state charter school, it is not required to hire teachers certified by the State of Texas. The displaced TFA Corps members, although certified to teach by the State of Louisiana, were not certified to teach by the State of Texas.¹⁵¹

The TFA Corps members were contacted by many students from their New Orleans schools. They visited shelters, including the megashelters to recruit students. Over the course of three to four weeks, a total of 350 students enrolled in KIPP NOW. Sources report among the many benefits of KIPP NOW was that many of the students knew each other and many of the students knew their teachers or other teachers in the school.

The KIPP NOW program was open approximately six weeks after Hurricane Katrina. Interviewees opine that the results of KIPP NOW were astounding. The KIPP NOW program was meant to help the evacuees transition from Louisiana education standards to Texas education

¹⁵¹ Ann Best, the Executive Director for TFA in the Houston region, noted that the TFA Corps members already teaching in Houston were certified to teach in Texas. The only reason the KIPP NOW teachers were not certified to teach in Texas was because they had been living and teaching in Louisiana and were relocated to Texas because of Hurricane Katrina.

standards. Much of this was accomplished by setting achievable goals and benchmarking the students' progress. The students were shown to achieve "significant academic gain," as TFA had defined that term. More than fifty percent of the students were able to document at least one and one-half grade levels of improvement. When they entered the school, only six percent were on grade level in math. By the end of the school year, forty-two percent were on grade level. The TFA Corps members felt that it was a transformative experience in that they truly made a difference in the students' lives.

KIPP NOW hired full-time counselors, while another program provided tutors on a weekly basis. UNICEF provided school supplies, "school in a box," and teacher supplies. TFA raised approximately \$265,000 from corporate alumnae donations for relocation expenses of the displaced TFA Corps members. KIPP NOW also received Emergency Impact Aid money from the federal government.

KIPP NOW will continue to operate in the 2006-2007 school year. However, the program will be scaled back because some students will move to other KIPP campuses in Houston and other students will return to New Orleans to participate in its KIPP program.

E. Higher Education

Many universities in the Houston area mobilized to assist the evacuees. These universities included the BCM and the Alliance of South Texas Academic Health Centers, Rice University, Texas Southern University, the University of Houston, and Houston Baptist University.

The Alliance of South Texas Academic Health Centers ("the Alliance"), consisting of the BCM, the Texas A&M University System Health Science Center College of Medicine, the University of Texas Medical Branch at Galveston, and the University of Texas Medical School Branch at Houston, completely adopted the Tulane University School of Medicine, which is

composed of approximately 580 residents and 600 medical students. The Alliance also assisted with finding housing for students, residents, fellows, faculty, and staff.¹⁵²

On August 31, 2005, Rice University announced that it would accept Tulane University enrollees from the Houston area. Its undergraduate admissions office fielded more than 1,000 inquiries and accepted 172 applicants. Rice University waived tuition for undergraduates who had already paid their Tulane tuition. For those who had not yet paid their Tulane tuition, Rice University honored any financial aid that had been awarded to them. Rice University also agreed to remit to Tulane University any net tuition collected from the Tulane students.¹⁵³

The Rice University Jones School of Business invited visiting Tulane MBA students into their program. Seven Tulane first-year business school students enrolled in the university's fall semester core courses and four second-year students enrolled in the fall semester second-year electives. Rice University again agreed to remit any tuition collected to Tulane University, charging the Tulane students only the material costs. The Tulane students were not charged student fees. The Tulane students also received clothing, books, and housing assistance from the Jones School of Business students, staff, and alumni. Each Tulane MBA student was also assigned a Rice MBA student "buddy" to ease their transition to the school. Because the Tulane MBAs started three weeks into the first module, faculty worked with them to ensure their successful integration.¹⁵⁴

Texas Southern University ("TSU") opened its doors to 700 students from regions affected by Hurricane Katrina, including students from Xavier University, Dillard University,

¹⁵² Ron Gilmore, *School Away from School*, 1 BAYLOR C. OF MED. 3, 8-10 (Fall 2005).

¹⁵³ Letter from David W. Leebron, President, Rice University, to Alumni (Sept. 5, 2005), <http://www.professor.rice.edu/professor/090505.asp>.

¹⁵⁴ Rice MBA Response to Katrina, <http://www.jonesgsm.rice.edu/jonesgsm/Katrina.asp> (last visited July 14, 2006).

Delgado Community College, Southern University New Orleans, University of New Orleans, Southern University Shreveport, Tulane University, Louisiana State University, Loyola University and Nicholls State University. The students were admitted into TSU as transient students with their application fees waived and no transcripts required. Once admitted as transient, a student was afforded tuition deferment until he could either make payment arrangements or transfer financial aid from his university. The students then registered for any available class via TSU's webpage. The State of Texas waived out-of-state fees for all evacuees. TSU also hired four faculty members from Xavier University, Southern University New Orleans, and Dillard University.¹⁵⁵

The University of Houston ("UH") system enrolled more than 850 undergraduate and graduate student evacuees into its four institutions throughout Houston. Also, the UH Law Center agreed to host the Loyola Law School's fall semester, with Loyola faculty teaching more than 100 of their students at the UH campus. UH agreed to waive the application fee and some other internal fees for the evacuees. UH also established the Katrina Student Assistance Fund, allowing members of the UH community and the general public to make donations online. This fund provided financial assistance to current UH students from affected areas whose families suffered from the hurricane and helped defray other expenses such as the cost of books, school supplies, computer equipment, and clothing.¹⁵⁶

Houston Baptist University ("HBU") worked with more than sixty evacuees. Out of that group, at least thirty-eight completed the registration process and enrolled for fall semester classes. Because HBU is on a quarter system calendar and the first day of class was Tuesday

¹⁵⁵ Press Release, Texas Southern University, Enrollment Tops 700 for Displaced Students (Sept. 14, 2005), http://www.tsu.edu/media/archives/SEPTEMBER_2005/KATRINADISPLACEDSTUDENTS_9-14-05.pdf.

¹⁵⁶ Press Release, University of Houston, Hurricane Katrina Blows Nearly 1,000 Students into the UH System (Sept. 7, 2005) (on file with author).

September 6, 2005, the number of days missed from class due to late enrollment was minimal. HBU waived application and late fees for the evacuees. A special orientation program was held September 13, 2005 to assist the evacuees with their transition to HBU. HBU also became involved in a variety of other relief efforts. For instance, HBU began a collection drive on campus for hygiene products such as shampoo and toothpaste, and held at least four Service Saturdays taking students to various agencies to help with the relief process.¹⁵⁷

VII. Legal Services/Other Issues

A. Discussion¹⁵⁸

Evacuees' legal services needs were handled primarily through the efforts of the Houston Volunteer Lawyer's Program, Inc. ("HVLP"),¹⁵⁹ the Houston Bar Association ("HBA") and Lone Star Legal Aid ("LSLA"). Within forty-eight hours of Hurricane Katrina making landfall, HVLP Executive Director David Mandell, HVLP Board Chair Barrett Reasoner, Houston Bar Association President Randall Owen Sorrels, along with representatives from the Texas Equal Access to Justice Foundation ("TEAJF")¹⁶⁰ and LSLA, and in collaboration with others, designed a relief plan consisting of a call center, a staged booth, and a mobile assistance team. Approximately 250,000 evacuees needed immediate legal assistance. Even with approximately 1,100 attorneys, staff, and volunteers, sources report it was a daunting task to determine how best to react and organize.

¹⁵⁷ Press Release, HBU, Update on HBU's Response to Hurricane Katrina, (Sept. 14, 2005) (on file with author).

¹⁵⁸ For more information, *see* AMERICAN BAR ASSOCIATION HURRICANE KATRINA TASK FORCE REPORT (2006), *available at* http://www.abanet.org/op/reports/aba_katrinareport.pdf.

¹⁵⁹ The Houston Volunteer Lawyers Program is an arm of the Houston Bar Foundation, which is the charitable arm of the Houston Bar Association.

¹⁶⁰ TEAJF, also known as Legal Aid, is a nonprofit corporation created by the Supreme Court of Texas that administers funds for civil legal services for low-income Texans. About TEAJF, <http://www.teajf.org/about/index.html> (last visited July 14, 2006).

HVLP and others¹⁶¹ drafted a 1,500 page legal manual relating to hurricane assistance. Less than one week after Hurricane Katrina made landfall, HVLP conducted an eight-hour training program, utilizing the newly drafted legal manual, to train over 500 volunteer lawyers.¹⁶²

Within forty-eight hours of the training program, HVLP deployed 150 staff and volunteer attorneys to the Toyota Center, the GRB, and the Astrodome. HVLP later sent attorneys and staff to Reliant Arena. HVLP staffed these locations for varying lengths of time—from two days up to one month. HVLP also staffed the DRC from opening day until closing day, which was about six months. Initially, sources report the lawyers acted more as personal counselors than as attorneys, because the people were embroiled in emotional turmoil and could not focus on legal issues. For example, one woman had seen her brother and her boyfriend swept away in the floodwaters. Also, many children were separated from one or both parents.

Interviewees commented that the attorneys gently transitioned those seeking assistance from addressing pure basic necessities to thinking about other needs, such as car notes, mortgages, creditors, and insurance settlements. A recurring issue encountered by the volunteer lawyers involved insurance companies sending checks to evacuees for less than the insured amount, with the premise that cashing the check effectuated a full and final release of all insurance claims. Other common legal issues included probate, child custody, consumer fraud, housing vouchers and landlord/tenant issues. Many of the landlords demanded large deposits or refused to turn on electricity. Consumer fraud allegedly occurred among rental car companies, storage companies, and car dealerships. HVLP referred consumer complaints to the city of

¹⁶¹ Assistance was provided by the other legal services groups previously mentioned, Houston law firms, Bill Kroger of the Texas Bar Foundation, and other Texas and Louisiana lawyers.

¹⁶² The manual and the training program are available on the State Bar of Texas and HVLP web sites. Hurricane Relief Efforts, <http://www.texasbar.com> (follow Hurricanes Rita and Katrina "Links to resources" hyperlink) (last visited July 14, 2006); Hurricane Katrina Legal Aid, <http://www.ehvlp.org/volunteers/Katrina.aspx> (last visited July 14, 2006).

Houston Consumer Fraud Department. Interstate custody and probate issues were particularly challenging because of the lack of records and the differences between Texas and Louisiana law.

A few days after the evacuees began arriving in Houston, LSLA used its existing legal aid hotline to respond to post-hurricane needs. HVLP staffed a call center with volunteer attorneys five days per week. Later, HVLP coordinated with LSLA to operate clinics to help evacuees apply for extended FEMA housing assistance. HVLP and LSLA staff and volunteer lawyers, and law students staffed the hotlines and clinics.

Both HVLP and LSLA were able to mobilize quickly largely because of immediate funding from Texas Equal Access to Justice Foundation, the State Bar of Texas, ExxonMobil Corporation, Pillsbury Winthrop Shaw Pittman, LLP, and the United Way. Neither organization sought funding from the public or from the federal government. HVLP incurred \$200,000 in costs and LSLA incurred \$250,000 in costs.

Both LSLA and HVLP provide legal services to the poor. After the hurricane, their missions remained the same, but their portal of entry to the community changed. HVLP used an old-fashioned family practitioner service model—where the lawyers went to the clients. The lawyers provided services at shelters, breakfast counters, apartment complexes, hotel lobbies, and at least in one case, on the hood of a car.

As of June 2006, evacuees continue to call the legal hotlines on a daily basis, and generate 200 to 300 new clients per month for HVLP. The LSLA Texarkana legal hotline remains devoted solely to evacuee calls. HVLP and LSLA continue operating FEMA clinics to assist evacuees with appeals for FEMA housing decisions. Many evacuees were confused about what aid they had received and what was available to them. For example, one man had been diagnosed with chronic depression and thought he had applied for Social Security Disability, but

was informed that he had applied only for Medicaid. Lawyers at the FEMA legal clinic directed him to the Social Security Administration office.

Also as of June 2006, many New Orleanians were dealing with contractor fraud as well as possible foreclosure from mortgage companies trying to convince homeowners to pay off home loans rather than rebuild. LSLA negotiated with the mortgage companies and referred the New Orleanians to the legal aid assistance program in Louisiana.

The success of the legal efforts in Houston resulted from long hours of hard work by a multitude of lawyers. Sorrels, former HBA President, noted that there were no “glory grabs” by attorneys, but rather a tremendous outpouring of generosity and hard work.

Evacuees’ legal services needs are expected to continue at least until September 2007. Houston has experienced an increase in its population that qualifies for HVLP and LSLA assistance, particularly in the family law area and other civil legal areas. The greatest concern going forward is the sufficiency of legal resources to respond to future hurricane seasons because local volunteers and financial resources have been severely taxed and potentially exhausted. Further, Hurricane Katrina specific legal issues are ongoing. If the Houston area is hit by a hurricane or is faced with a significant influx of hurricane evacuees, substantial additional resources will be needed.

VIII. Other Relevant Information

A. Non-Profit Organizations

A number of non-profit, non-governmental organizations provided significant services during the response to the Katrina evacuation and those efforts continue to the present. Many government officials commented that the response would have been impossible without the support of these organizations. Many organizations, funded to assist the citizens of the city of

Houston and Harris County, found themselves challenged to meet the needs of 150,000 new citizens. Some have experienced considerable impact to their budgets.

1. The United Way

Before evacuees arrived in Houston, the United Way coordinated with community organizations to meet the immediate need for services, volunteers, and resources. In addition to being the largest local funder for frontline responders like the Red Cross and the Salvation Army, the United Way provided \$1.2 million in emergency grants to organizations that were meeting the immediate needs of hurricane victims. The United Way also provided \$1.5 million for intermediate grants and \$4.3 million for long-term recovery grants.

The United Way Helpline 2-1-1 served as a resource to those individuals affected by the hurricanes. Call specialists fielded more than 54,000 hurricane-related calls in November and December 2005. In addition to the calls for assistance, the United Way received more than 5,000 calls from individuals eager to serve as volunteers or to donate resources. A special phone bank was set up to field those inquiries, matching rapidly changing needs with available human and material resources. A 2-1-1 call specialist was set up at the DRC and its staff remained there until early 2006. The United Way continues to offer its 2-1-1 service as a centralized source for entrance into the coordinated case management system. As of May 2006 the 2-1-1 system had referred over 1,000 individuals to agencies providing case management services.

Interviewees report that in order to direct funds where they were most needed, the United Way partnered with the Downtown Houston District to conduct an initial frontline survey of more than 5,600 evacuees, first at the megashelters and then at the DRC. This initial profile of those directly affected by the hurricane guided the development of effective responses to the evacuees' needs. Through its survey, the United Way was able to determine that prior to coming

to Houston, most evacuees were employed, housed, and independent members of their communities who intended to re-establish themselves in Houston.

The United Way spearheaded the creation of the Houston Long-Term Recovery Team. The team is a coordinated effort of case management providers in the Houston area. The United Way does not directly provide case management assistance, it coordinates available resources. The Houston Long-Term Recovery Team consists of seventeen case management services provider organizations. The Houston Long-Term Recovery Team meets on a weekly basis. The United Way gathers and distributes data from the team to track existing case management services and to identify any gaps in those services. The United Way worked with the Houston Long-Term Recovery Team to develop consistent procedures and guidelines for not-for-profit agencies when utilizing unmet need funds.

Currently, the United Way and the city of Houston are developing a business plan for a resettlement model. They are preparing projections regarding the population that will return to New Orleans, the population that will stay in Houston, the expenses associated with moving and with staying, subsidized child care, housing, job training, and job placement.

2. The Red Cross

Following Hurricane Katrina, the Red Cross opened and operated thirty-five shelters in the Houston area, which provided shelter for over 3,000 evacuees. In addition to its own shelters, the Red Cross assisted the city of Houston and Harris County with the establishment of the megashelters at Reliant Park and the GRB. Interviewees reported that initially the Red Cross was leading the volunteer effort, but due to the size of the evacuee population, the Harris County Citizen Corps became the lead volunteer agency. The Red Cross was responsible for creating the dormitories and for providing food for the evacuees. The Red Cross provided cots and blankets

at the megashelters, which were donated by companies, organizations, and Red Cross branches from around the country.

In addition to assisting with the evacuees' emergency shelter needs, the Red Cross also provided direct financial assistance to individuals for their other immediate needs. The Red Cross distributed an average of \$1,000 per evacuee family in the form of debit cards. Over 20,000 debit cards were distributed in two days. When Red Cross ran out of debit cards, the Greater Houston Area Red Cross Chapter wrote 35,000 checks to evacuees. This program received some criticism—there were allegations that the funds were not being used for necessities. However, the Red Cross found that the incidence of fraud associated with the program was low; the evacuees receiving the funds desperately required assistance in obtaining the basic necessities.

One hundred percent of the Red Cross's funding comes from private donations. Facing insufficient funds to cover its disaster relief efforts, the Red Cross acquired a one-billion dollar line of credit through various banks. The Red Cross spent \$600 million in one month. Since Hurricane Katrina, the Red Cross has been able to re-pay the loan through private donations.

3. Houston Food Bank

The Houston Food Bank ("HFB") serves an eighteen-county area with a population of more than five million people. The HFB relies on 350 partner agencies, including churches, community groups, the Red Cross, and the Salvation Army to distribute food to those in need. Through its partner agencies, the HFB serves an average of 211,144 people in the Houston area per month. In a typical year, the HFB agencies distribute approximately thirty million pounds of food to individuals in need.

Sources commented that the HFB was critical in meeting the tens of thousands of evacuees' food needs. The HFB provided meals to area Red Cross shelters, and to evacuees

located in hotels and apartment complexes throughout the city. In all, the HFB distributed over nine million pounds of food to the evacuees.

The massive influx of evacuees required the HFB to substantially increase its capacity to service those in need. The HFB turned its parking lot into an open-air distribution center that was crammed with hundreds of volunteers, a sea of loaded pallets, and giant tents for processing food donations. Eventually, the HFB established a second full-scale warehouse dedicated solely to its disaster relief efforts. In order to accommodate the increased distribution needs created by the evacuees, the HFB granted 140 additional programs an HFB temporary-agency status. These temporary agencies were in addition to the existing 350 HFB agencies. More than 5,000 volunteers responded to the call for help—some from as far away as Hawaii. The HFB also set up “Super Center” distribution sites to serve the thousands of evacuees living in more than 400 area hotels. Finally, thirteen network food banks from across the country sent staff to assist HFB with its disaster relief efforts.

One challenge for the HFB was locating evacuees in need, especially as they transitioned out of the traditional shelters. The HFB relied heavily on the Texas Gulf Coast Chapter of The Texas Gulf Coast Chapter of Volunteer Organizations Active in Disaster (“VOAD”) for that purpose, and coordinated with the JHHTF to arrange food deliveries to evacuees in apartment complexes.

The HFB faced significant challenges as evacuees moved into apartment complexes around the city. Eventually, the HFB provided food to evacuees in over 350 apartment complexes that were spread throughout the city. It experienced a substantial increase in transportation costs as a result. The HFB started the Good Neighbor program in an effort to better coordinate distribution efforts by breaking the city into zones. Despite the HFB’s efforts

to reach all of the evacuees in need, many complexes were located in areas where the HFB did not have a strong agency presence. As a result, interviewees report it continues to face challenges finding reliable organizations or agencies to distribute food in some areas.

The HFB's disaster relief efforts came at a substantial financial cost to the organization. The HFB was able to absorb the increased expenses through private donations. Monetary donations for the hurricane relief effort totaled over \$2 million. In addition, it received food donations from multiple corporations, including Aramco and Campbell's Soup. The HFB received no federal funding for its disaster efforts.

4. Catholic Charities

Catholic Charities of the Archdiocese of Galveston - Houston ("Catholic Charities") is a non-profit organization and the social services arm of the Catholic Church for that Archdiocese. Catholic Charities in Houston performs a number of services, including refugee services and legal aid; children and family services, including adoption, foster care, and counseling pregnant teenagers; and community services, including food and utilities aid and shelters for women and children. The majority of Catholic Charities funding comes from government contracts, but it also obtains funding from donations, program fees, church collections, and the United Way. Catholic Charities serves over 100,000 people.

Catholic Charities became involved in the relief effort the Friday after Hurricane Katrina made landfall when evacuees began showing up at its office building. Most of the evacuees that it assisted were staying in hotels or with friends and family. Catholic Charities assisted walk-ins until October 13, when it began helping people only by appointment.

Catholic Charities divided its relief efforts into three phases. Phase One involved providing direct relief to evacuees, such as food, clothing, and shelter. The only proof it required for handing out relief was a driver's license showing the evacuee lived at an address in an

affected area. During this time period, Catholic Charities provided \$300 to 500 in cash to each family that sought relief. It also provided evacuees with vouchers for gasoline and food, helped pay for plane tickets and medicine, and provided medical equipment and eye glasses. Catholic Charities assisted almost 14,000 evacuees, or 3,800 families. This portion of the relief effort lasted approximately thirty days and cost over \$2 million.

In Phase Two, Catholic Charities attempted to follow up with the families it initially assisted. It was a transitional, intermediate phase that involved assisting evacuees with housing, medical care, schools, and limited job assistance. Catholic Charities paid the first month rent for the evacuees that signed either a six- or twelve-month lease. In addition, Catholic Charities obtained contracts with furniture companies for discounted furniture. Catholic Charities spent between \$800,000 and \$1 million on this phase of relief. Phase Two lasted from mid-October through mid-January.

The final phase, Phase Three, focuses on long-term case management. Those efforts are continuing today. Currently, Catholic Charities has 500 to 600 open cases. The goal of this phase is to close cases either because the evacuee is self-sufficient or has moved out of the area. A case is closed once the evacuee has a place to live, the means to support himself financially, access to necessary social services, and acclimated to the neighborhood.

Sources report that Catholic Charities has been able to fund its relief efforts relatively easily. It budgeted \$2.3 million for Hurricane Katrina relief for 2006. It plans to fund this relief until the end of the first quarter of 2007, although it may extend its relief effort. Catholic Charities plans to reserve approximately \$200,000 for the next natural disaster.

5. The Salvation Army

The Salvation Army was a part of the relief efforts at the Astrodome. Initially, it coordinated religious organizations and services at the Astrodome. The Salvation Army was

responsible for providing pastoral care, as well as registering and providing badges for every minister in the Astrodome. It was also responsible for greeting evacuees, trying to diffuse frustration, and providing counseling.

The Salvation Army brought mobile feeding stations to the Astrodome to feed volunteers, six canteens from California, and mobile kitchens from Pennsylvania and Wisconsin. The smaller canteens served food, while the larger canteens prepared the food. The Salvation Army provided this service until shortly before Hurricane Rita.

The Salvation Army was charged with donations management at Reliant Park. This task was extremely difficult because there was no clearly-defined system for making donations at the Astrodome. Sources believed the result was chaotic, as well-meaning people piled donated clothes, toys, and other items outside of the fences that surrounded the Reliant Park grounds.

In addition to the services being provided on-site at Reliant Park, the Salvation Army also provided off-site assistance. The Salvation Army activated local facilities to use as shelters for about one and one-half months. The shelters served 450 to 600 evacuees, who stayed for as little as one week and as long as one month.

The Salvation Army also established a distribution center in Pasadena. At the center, volunteers helped provide furniture and locate permanent housing and jobs for the evacuees. At the center, families registered and documented their furniture needs. Approximately \$7 million in furnishings were distributed to 3,000 evacuee families. In addition, the volunteers provided entertainment at the distribution center for the children while their parents addressed their needs. The Salvation Army assisted approximately 110,000 people at the distribution center during its crisis phase of the relief effort. In November 2005, the Salvation Army shut down this phase of the operation and began to work on case management.

As its second phase of its relief effort, the Salvation Army coordinated case management services for the evacuees. The goal of its case management efforts is to help evacuees become self-sufficient. The Salvation Army hired two case managers and were provided two case managers from the United Methodist Committee on Relief (UMCOR). The funding for this program will cease soon. The hurricanes significantly impacted the Salvation Army's budget. Approximately eighty percent of the standard donations in the budget were disaster-specific. As a result, the Salvation Army is having a difficult time covering its operating expenses.

6. Neighborhood Centers

Neighborhood Centers was contacted by the city of Houston to assist in the relief effort. The Neighborhood Center team registered evacuees into a database. The database included the evacuee's name, his New Orleans address, location at the GRB, family information, and current needs. As the evacuees left the GRB, the Neighborhood Centers volunteers distributed cards containing contact information and a request to "Stay Connected." From this effort, the group, Stay Connected, was formed. Stay Connected hired twenty-seven employees, including twenty-two case managers. The case managers contact evacuees in the database and assist them in locating available resources to meet their needs. Twenty-six Stay Connected employees are Hurricane Katrina evacuees. To date, 2,092 families have been, or are being, assisted. Stay Connected has closed over 1,000 cases in the last few months, mainly because families have relocated. In addition, over 900 evacuees have found employment through the Stay Connected program.