

LOYOLA LAW CLINIC SUCCESSFULLY RESOLVES LOUISIANA ROAD HOME CASES

By Clinical Professor of Law Emerita Cheryl Buchert and Student Practitioner Joshua Johnson

Fifteen years ago in 2005, Hurricanes Katrina and Rita left unprecedented tragedy, death, destruction, and devastation on coastal Louisiana. Over 1,500 lives were lost and more than 200,000 homes were destroyed. The Louisiana Road Home program was a means to rebuild Louisiana offering funds to residents with three options: (1) Stay in their home; (2) Sell their home but remain in Louisiana; or (3) Sell their home and either move out of Louisiana or remain in the state as a renter. The intention behind the Louisiana Road Home grant was one of noble desire but in practice left many people in seas of red tape and complicated hurdles and penalties. Years later, these issues left many homeowners owing money back to the Office of Community Development - Disaster Recovery Unit. The Loyola Law Clinic represented two such residents and successfully resolved their Post Katrina Road Home issues years later, in 2020.

In August 2013, a client who chose option one, began receiving letters and notices from the State of Louisiana stating that he was overpaid \$ 23,000 and must repay the money. The Family Law Section of Loyola Law Clinic, supervised by Clinical Professor Emerita, Cheryl Buchert, agreed to represent him. Subsequent letters from a debt collection legal firm suggested legal action would be taken. For years, the student practitioners corresponded with the recovery unit and law firm and diligently researched and reviewed hundreds of pages of documents. A year ago, a student noticed discrepancies with the original FEMA documents that used inaccurate building and contents coverage dollar amounts and reported the misinformation. Finally, in 2020, the law firm handling the collection of overpayments acknowledged the error and closed the recovery file, thus ending the Road Home nightmare for our client.

In our second Louisiana Road Home case, the Family Law Section, in early 2018, collaborated with Clinical Professor Davida Finger and the Community Justice Section in the representation of our client. This case involved a proof of ownership issue for our client who originally chose option one. However, the funds she received were not enough to rebuild her home and the State of Louisiana wanted \$ 86,000.00 back, due to her option one non-compliance. In her pursuit to convert to option two and sell the property back to the State in 2017, the title attorneys retained by the Office of Community Development-Disaster Recovery Unit, concluded the conveyance language in her 2008 Consent Judgment of Partition of Community Property was open to interpretation. This began a 3-year struggle to prove ownership of a house that our client and her husband purchased in 1975. The parties divorced in 1985 and our client solely owned the property since 2008. To add further complications, the ex-spouse of our client died in 2016. Therefore, to amend the controversial four words in the partition judgment, the clinic filed court pleadings to amend the partition judgment and went to trial after serving the eight children. The student practitioners were successful at trial and amended the partition judgment to the satisfaction of the attorneys representing Louisiana. Finally, in 2020, all paperwork is completed and the Road Home nightmare for our client ended.