

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

STATE OF WASHINGTON, et al.,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY, et al.,

Defendants.

No. 1:25-cv-12006-RGS

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs¹ hereby move for summary judgment. The Defendants² have unlawfully terminated the Building Resilient Infrastructure and Communities program (BRIC), which is the Federal Emergency Management Agency's (FEMA) flagship predisaster mitigation grant program. BRIC protects lives, property, and money by proactively fortifying our communities against disasters before they strike. Defendants' termination of the BRIC program has had devastating impacts on communities across the country, threatening to delay, scale back, or shut down mitigation projects in which communities have invested millions of dollars for planning, permitting, and environmental review.

¹ Plaintiffs are the State of Washington, the Commonwealth of Massachusetts, the State of Arizona, the State of California, the State of Colorado, the State of Connecticut, the State of Delaware, the District of Columbia, the State of Illinois, Office of the Governor *ex rel.* Andy Beshear in his official capacity as the Governor of the Commonwealth of Kentucky, the State of Maine, the State of Maryland, the State of Michigan, the State of Minnesota, the State of New Jersey, the State of New Mexico, the State of New York, the State of North Carolina, the State of Oregon, Josh Shapiro in his official capacity as Governor of the Commonwealth of Pennsylvania, the State of Rhode Island, the State of Vermont, and the State of Wisconsin.

² Defendants are the Federal Emergency Management Agency, David Richardson in his official capacity as acting FEMA Administrator under the title "Senior Official Performing the Duties of the Administrator," the Department of Homeland Security (DHS), Kristi Noem in her official capacity as the Secretary of Homeland Security, and the United States.

Defendants have violated the Constitution and the Administrative Procedure Act (APA) by terminating BRIC. The termination violates Congress's statutory mandate that FEMA cannot substantially reduce its mitigation functions—a mandate that Congress put into place after reductions in FEMA's preparedness function contributed to the devastation following Hurricane Katrina. The termination also violates Congress's statutory directives governing FEMA's use of BRIC funds, including strict statutory limitations on when and how FEMA can use BRIC funds. Further, Cameron Hamilton, the official who ordered and implemented the shutdown, was not lawfully appointed to act as FEMA Administrator and therefore lacked authority to shut down the BRIC program.

The Plaintiffs are entitled to permanent injunctive relief based on the irreparable harm they face, the balance of the equities, and the public interest. Over the past four years, FEMA has selected nearly 2,000 projects to receive roughly \$4.5 billion in BRIC funding. Absent injunctive relief, Plaintiffs will be unable to carry out the projects that depend on these funds—losing the time, effort, and millions of dollars they have already invested in these projects, as well as the trust and goodwill they have built with stakeholders and industry partners. Plaintiffs will also lose out on the economic benefits from the projects, face more damage from natural disasters, and pay much more in post-disaster costs. The balance of the equities and the public interest demand that the Defendants follow the law, reinstate the BRIC program, and avoid placing members of the public at increased risk of harm from natural disasters.

Wherefore, for the reasons described more fully in the Plaintiffs' accompanying memorandum of law, Plaintiffs respectfully request that the Court grant this motion and order the requested relief described in the attached Proposed Order, including setting aside Defendants' unlawful action and issuing declaratory and injunctive relief.

Respectfully submitted this 15th day of October 2025.

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CERTIFICATE OF SERVICE

I certify that this document was filed through the CM/ECF system and will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF).

/s/ Tyler Roberts

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I certify that I sent an email on October 10, 2025 regarding the foregoing motion to counsel for Defendants, Nicole O'Connor, in a good-faith effort to narrow the issues presented by this motion. The parties were unable to narrow the issues in dispute.

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