

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

NATIONAL ALLIANCE TO END
HOMELESSNESS, *et al.*,

Plaintiffs,

v.

Case No. 25-cv-636

U.S. DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT, *et al.*,

Defendants.

**PLAINTIFFS' MOTION FOR RELIEF UNDER 5 U.S.C. § 705 AND
FOR PRELIMINARY INJUNCTION**

For the reasons provided in the attached memorandum, Plaintiffs hereby move for expedited preliminary relief under 5 U.S.C. § 705 and for a preliminary injunction, as set forth more fully below. As explained in that memorandum and attached declarations, while Plaintiffs are already experiencing irreparable harm from Defendants' actions in the form of changes to their programs and loss of goodwill with their communities and partners, Plaintiffs respectfully request relief by December 12, 2025, to protect against additional irreparable harm to the service provider plaintiffs, including local plaintiffs Crossroads Rhode Island and Youth Pride, Inc. Such relief is necessary to prevent them from the additional injury of having to choose between withdrawing from the program for the next fiscal year or

submitting their project proposals, along with certain mandatory certifications, to their local CoC competitions to be considered for FY 2025 funding.

Plaintiffs move for the Court to stay and/or preliminarily set aside, under 5 U.S.C. § 705, the Department of Housing and Urban Development (HUD)'s rescission and replacement of the notice of funding opportunity entitled "FY 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program" ("FY24-25 NOFO"). As set forth in the attached memorandum, Defendants rescinded and replaced the FY24-25 NOFO in contravention of the three-month statutory deadline for Notices of Funding Opportunity set out in 42 U.S.C. § 11382(b) and mere weeks before awards would have gone out for fiscal year 2025. They do so with minimal notice and no explanation or consideration of important aspects of the problem or applicants' reliance interests.

Plaintiffs further move the Court to stay and/or preliminarily set aside, under 5 U.S.C. § 705, the HUD FY 2025 Continuum of Care Competition and Youth Homeless Demonstration Program Grants NOFO (the "FY25 NOFO").

In addition, Plaintiffs seek additional relief to protect them from the further irreparable harm that will begin as early as January, when funding for their grants begins to run out as a result of Defendants' belated rescission and replacement of the FY24-25 NOFO and when they will begin to be forced to shutter or scale back critical services. In particular, as set forth in the accompanying Motion for Expedited Production of the Administrative Record and Briefing Schedule for

Summary Judgment, Plaintiffs move for expedited production of the administrative record and for expedited summary judgment briefing in order to seek final judgment reinstating the FY24-25 NOFO that Defendants unlawfully rescinded and requiring Defendants to make awards under that NOFO.

To preserve the Court's ability to grant effective relief—and prevent Plaintiffs from suffering additional irreparable harm when their funding runs out—Plaintiffs further move for a preliminary injunction under Federal Rule of Civil Procedure 65 requiring Defendants to prepare to issue awards so that they can make those awards promptly in the event the Court orders the relief sought. In particular, Plaintiffs seek a preliminary injunction providing as follows:

- 1) Order Defendants to expeditiously take all steps necessary to stay the FY25 NOFO, and to process eligible grant renewals of FY 2025 funding under the FY24-25 NOFO, excluding obligation of funding.
- 2) Order Defendants within 24 hours of entry of an Order, to file a notice confirming they have informed all relevant federal officials of the Order.
- 3) Order Defendants, within four days of entry of an Order, to file a report that sets forth any steps necessary to process renewals under the FY24-25 NOFO. Plaintiffs take the position that, in accordance with the FY24-25 NOFO, they need not take further steps in order to qualify for and obtain FY 2025 renewals. However, to the extent Defendants require information or actions from recipients in order to renew grants under the FY24-25

NOFO, such required information or actions should be set forth in the report filed with the Court.

- 4) Order Defendants, within seven days of the Order, to inform recipients of the steps they must take in order for renewals to be processed, up to but not including the obligation of funding. Defendants should file a notice confirming such communications were made within 24 hours of making such communications.

December 1, 2025

Respectfully submitted,

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+ Pro hac vice motion forthcoming

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CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2025, I electronically filed the within motion and it is available for viewing and downloading from the Court's CM/ECF System, and that the participants in the case that are registered CM/ECF users will be served electronically by the CM/ECF system, and that I provided the same documents by email to: Kevin Bolan (kevin.bolan@usdoj.gov), Civil Chief of the U.S. Attorney's Office for the District of Rhode Island.

/s/ Amy Romero
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