

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

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

*Plaintiffs,*

v.

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

*Defendants.*

Case No. 25-cv-636

**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 As set forth in the attached memorandum, Defendants rescinded and replaced the FY24-25 NOFO in contravention of the three-month statutory deadline for Notices of Funding Opportunity set out in 42 U.S.C. § 11382(b) and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

TONY LoPRESTI +  
(CA Bar No. 289269)  
COUNTY COUNSEL  
KAVITA NARAYAN +  
(CA Bar No. 264191)  
CHIEF ASSISTANT COUNTY COUNSEL  
MEREDITH A. JOHNSON +  
(CA Bar No. 291018)  
LEAD DEPUTY COUNTY COUNSEL  
70 West Hedding Street, East Wing  
Ninth Floor  
San José, CA 95110-1770  
(408) 299-5900  
meredith.johnson@cco.sccgov.org  
*Counsel for Plaintiff County of  
Santa Clara*

DAVID CHIU +  
(CA Bar No. 189542)  
CITY ATTORNEY  
YVONNE R. MERÉ +  
(CA Bar No. 173594)  
CHIEF DEPUTY CITY ATTORNEY  
MOLLIE M. LEE +

Respectfully submitted,

/s/ Amy R. Romero  
AMY R. ROMERO  
(RI Bar No. 8262)  
KEVIN LOVE HUBBARD +  
(MA Bar No. 704772)  
DELUCA, WEIZENBAUM,  
BARRY & REVENS, LTD.  
199 North Main Street  
Providence, RI 02903  
(401) 453-1500  
amy@dwbrlaw.com  
kevin@dwbrlaw.com  
Cooperating counsel,  
Lawyers' Committee for RI  
*Counsel for All Plaintiffs*

LYNETTE LABINGER  
(RI Bar No. 1645)  
128 Dorrance Street, Box 710  
Providence, RI 02903  
(401) 465-9565  
ll@labingerlaw.com  
Cooperating counsel,  
ACLU Foundation of RI

(CA Bar No. 251404)  
 CHIEF OF STRATEGIC ADVOCACY  
 SARA J. EISENBERG +  
 (CA Bar No. 269303)  
 CHIEF OF COMPLEX AND AFFIRMATIVE  
 LITIGATION  
 RONALD H. LEE +  
 (CA Bar No. 238720)  
 ASST. CHIEF OF COMPLEX AND  
 AFFIRMATIVE LITIGATION  
 MICHAEL LEVIN GESUNDHEIT +  
 (CA Bar No. 292930)  
 DEPUTY CITY ATTORNEY  
 Fox Plaza  
 1390 Market Street, 7th Floor  
 San Francisco, CA 94102-5402  
 (415) 554-4240  
 michael.levin@sfcityatty.org

*Counsel for Plaintiff City and County  
 of San Francisco*

WALLACE W. DIETZ +  
 (TN BPR No. 009949)  
 DIRECTOR OF LAW  
 JOHN K. WHITAKER +  
 (TN BPR No. 039207)  
 SENIOR COUNSEL  
 ABBY GREER +  
 (TN BPR No. 041470)  
 ASSISTANT METROPOLITAN ATTORNEY  
 109 Metropolitan Courthouse  
 P.O. Box 196300  
 Nashville, TN 37219  
 (615) 862-6341  
 wally.dietz@nashville.gov  
 john.whitaker@nashville.gov  
 abby.greer@nashville.gov

*Counsel for Plaintiff Metropolitan  
 Government of Nashville and Davidson  
 County*

DAVID J. HACKETT +

*Counsel for All Plaintiffs*

ANTONIA K. FASANELLI +  
 (DC Bar No. 481856)  
 KATHRYN M. SCOTT + ^  
 (WA Bar No. 38978)  
 NATIONAL HOMELESSNESS LAW CENTER  
 1400 16th Street, NW, Suite 425  
 Washington, DC 20036  
 (202) 638-2535  
 afasanelli@homelesslaw.org  
 kmeyerscott@homelesslaw.org

*Counsel for Plaintiffs National Alliance to  
 End Homelessness and National Low  
 Income Housing Coalition*

ALESHADYE GETACHEW +  
 (DC Bar No. 1007161)  
 YENISEY RODRÍGUEZ +  
 (DC Bar No 1600574)  
 KRISTIN BATEMAN +  
 (DC Bar No. 90037068)  
 MADELINE H. GITOMER +  
 (DC Bar No. 1023447)  
 AMAN T. GEORGE +  
 (DC Bar No. 1028446)  
 CARRIE Y. FLAXMAN +  
 (DC Bar No. 458681)  
 ROBIN F. THURSTON +  
 (DC Bar No. 1531399)  
 DEMOCRACY FORWARD FOUNDATION  
 P.O. Box 34553  
 Washington, DC 20043  
 (202) 448-9090  
 agetachew@democracyforward.org  
 yenisey.rodriguez@democracyforward.org  
 kbateman@democracyforward.org  
 mgitomer@democracyforward.org  
 ageorge@democracyforward.org  
 cflaxman@democracyforward.org

(WA Bar No. 21236)  
GENERAL COUNSEL TO KING COUNTY  
EXECUTIVE AND SPECIAL DEPUTY  
PROSECUTOR  
ALISON HOLCOMB +  
(WA Bar No. 23303)  
DEPUTY GENERAL COUNSEL TO KING  
COUNTY EXECUTIVE AND SPECIAL  
DEPUTY PROSECUTOR  
401 5th Avenue, Suite 800  
Seattle, WA 98104  
(206) 477-9483  
david.hackett@kingcounty.gov  
aholcomb@kingcounty.gov  
*Counsel for Plaintiff Martin Luther  
King, Jr. County*

rthurston@democracyforward.org  
*Counsel for Plaintiffs National Alliance to  
End Homelessness, National Low Income  
Housing Coalition, Crossroads RI, and  
Youth Pride, Inc.*  
TOBY MERRILL +  
(MA Bar No. 601071)  
CASSANDRA CRAWFORD +  
(NC Bar No. 45396)  
GRAHAM PROVOST +  
(DC Bar No. 1780222)  
PUBLIC RIGHTS PROJECT  
490 43rd Street, Unit #115  
Oakland, CA 94609  
(510) 738-6788  
toby@publicrightsproject.org  
cassandra@publicrightsproject.org  
graham@publicrightsproject.org  
*Counsel for Plaintiffs City of Boston, City  
of Cambridge, Martin Luther King, Jr.  
County, Metropolitan Government of  
Nashville and Davidson County, City of  
Tucson*

+ Pro hac vice motion forthcoming

^ Not admitted in the District of Columbia. Practice supervised by members of the DC  
bar.

### **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](mailto:kevin.bolan@usdoj.gov)), Civil Chief of the U.S. Attorney's Office for the District of Rhode Island.

/s/ Amy Romero  
Amy Romero