

**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. 1:25-cv-636-MSM-AEM

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs hereby move the Court for summary judgment with respect to all claims set forth in their First Amended Complaint, for the reasons set forth in the accompanying Memorandum in Support of Motion for Summary Judgment.

Plaintiffs request that the Court:

- 1) Declare unlawful, vacate, and set aside the rescission of the FY 2024 and FY 2025 Continuum of Care Competition and Renewal or Replacement of Youth Homeless Demonstration Program Grants NOFO, FR-6900-N-25 (FY24-25 NOFO);
- 2) Enter an order requiring Defendants to make FY 2025 awards for the Continuum of Care and Youth Homeless Demonstration Programs expeditiously pursuant to the FY24-25 NOFO, including (a) by announcing conditional awards pursuant to 42 U.S.C. § 11382(c)(2)(A) by March 2, 2026, for all awards that require no new application in FY 2025 and by March 31, 2026 for all other awards, or within one week of the Court's

order, whichever is later for each category of award; and (b) by making final awards pursuant to 42 U.S.C. § 11382(d)(2) within 30 days after the recipient meets applicable requirements;<sup>1</sup>

- 3) Declare unlawful, vacate, and set aside the notices of funding opportunity for FY 2025 Continuum of Care Competition and Youth Homeless Demonstration Program Grants issued on November 13, 2025 (FR-6900-N-25), and December 19, 2025 (FR-6901-N-25) (collectively, FY25 NOFOs);
- 4) Declare unlawful, vacate, and set aside the Challenged Provisions in the FY25 NOFOs, as set forth in the Appendix of Challenged Provisions accompanying this Motion; and
- 5) Permanently enjoin Defendants, their agents, and all persons acting in concert or participation with Defendants from imposing or implementing in any manner the FY25 NOFOs' Challenged Provisions, or any substantively similar criteria or conditions, in any new NOFO for FY 2025 Continuum of Care or Youth Homelessness Demonstration Program funding, including by requiring applicants to meet the criteria to be considered for an award or to receive an award, by considering those criteria in selecting awardees, or by requiring grantees to comply with such criteria or conditions upon obtaining an award.

In support of the motion, Plaintiffs rely on the accompanying Memorandum; Excerpts of Administrative Record; the Second Supplemental Declaration of Ann Marie Oliva (National Alliance to End Homelessness); Declarations previously filed at ECF Nos. 7-1 through 7-15, and

---

<sup>1</sup> If the Court grants in full the relief requested in paragraphs 1 and 2, it need not reach the requests for relief in paragraphs 3-5.

49-1; the pleadings and papers on file in this action; and any argument and evidence presented at the hearing of this motion.

Pursuant to Local Rule 7(c), Plaintiffs request oral argument for this motion and estimate requiring 30 minutes per side.

January 14, 2026

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*

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  
STEFANIE WILSON +  
(CA Bar No. 314899)  
DEPUTY COUNTY COUNSEL  
LEILY ARZY +  
(CA Bar No. 364187)  
LITIGATION FELLOW  
70 West Hedding Street, East Wing  
Ninth Floor  
San José, CA 95110-1770

Respectfully submitted,

/s/ Aleshadye Getachew  
ALESHADYE GETACHEW +  
(DC Bar No. 1007161)  
MADELINE H. GITOMER +  
(DC Bar No. 1023447)  
KRISTIN BATEMAN +  
(DC Bar No. 90037068)  
AMAN T. GEORGE +  
(DC Bar No. 1028446)  
SIMON C. BREWER +  
(CT Bar No. 441889)\*  
CHRISTINE L. COOGLE +  
(DC Bar No. 1738913)  
YENISEY RODRÍGUEZ +  
(DC Bar No. 1600574)  
CARRIE Y. FLAXMAN +  
(DC Bar No. 458681)  
ROBIN THURSTON +  
(DC Bar No. 1531399)  
DEMOCRACY FORWARD FOUNDATION  
P.O. Box 34553  
Washington, DC 20043  
(202) 448-9090  
agetachew@democracyforward.org  
mgitomer@democracyforward.org  
kbateman@democracyforward.org  
ageorge@democracyforward.org  
sbrewer@democracyforward.org  
ccoogle@democracyforward.org  
yenisey.rodriquez@democracyforward.org  
cflaxman@democracyforward.org

(408) 299-5900  
 meredith.johnson@cco.sccgov.org  
 stefanie.wilson@cco.sccgov.org  
 leily.arzy@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 +  
 (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)

rthurston@democracyforward.org

*Counsel for Plaintiffs National Alliance to  
 End Homelessness, National Low Income  
 Housing Coalition, Crossroads RI, and Youth  
 Pride, Inc.*

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  
*Counsel for Plaintiffs National Alliance to  
 End Homelessness, National Low Income  
 Housing Coalition, Crossroads RI, and Youth  
 Pride, Inc.*

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*

TOBY MERRILL +  
 (MA Bar No. 601071)  
 CASSANDRA CRAWFORD +  
 (NC Bar No. 45396)  
 GRAHAM PROVOST +  
 (DC Bar No. 1780222)

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*

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*

DAVID J. HACKETT +

(WA Bar No. 21236)

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

*Counsel for Plaintiff Martin Luther King, Jr.  
County*

+ Admitted *pro hac vice*

\* Not admitted in the District of Columbia;  
practicing under the supervision of members  
of the D.C. Bar

**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2026, I electronically filed the within document, 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.

/s/ Aleshadye Getachew  
Aleshadye Getachew