

Exhibit C

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

HARVEST FAMILY CHURCH,
HI-WAY TABERNACLE, and
ROCKPORT FIRST ASSEMBLY OF
GOD,

Plaintiffs,

v.

FEDERAL EMERGENCY
MANAGEMENT AGENCY, WILLIAM
B. LONG, Administrator of the Federal
Emergency Management Agency,

Defendants.

Civil No. 4:17-cv-2662
Jury Demanded

DECLARATION OF PASTOR BRUCE FRAZIER

1. My name is Pastor Bruce Frazier. I am over the age of 21 and am capable of making this unsworn declaration pursuant to 28 U.S.C. § 1746. I have not been convicted of a felony or crime involving dishonesty, and the facts contained herein are either within my personal knowledge, are based upon teachings of my church with which I am familiar and which I believe to be true and correct, or based on publicly available information.

2. I am the pastor of Rockport First Assembly of God (“First Assembly”). First Assembly is a member congregation of the Assemblies of God.

3. In the last several years, First Assembly has grown from a congregation of 25 people to 125 people who attend Sunday worship services.

4. First Assembly regularly serves its community in a variety of ways. For instance, this summer alone, First Assembly held “Freedom Feast” to celebrate Independence Day, hosted a vacation Bible school camp for children in the community, coordinated and provided food for family beach nights, supported a community walk-a-ton, and—most recently—held a back-to-school event with games, BMX attractions, and distributed free food and school supplies. All of these events are conducted from our religious perspective and for a religious purpose. Most of them were held at First Assembly’s church building.

5. First Assembly is located in Rockport, Texas.

6. On August 26, 2017, Hurricane Harvey made landfall near Rockport as a Category 4 hurricane, with winds of up to 130 miles per hour.

7. First Assembly’s buildings were significantly damaged by the hurricane.

8. The driving wind and rain destroyed First Assembly’s roof. Exhibit 1 contains true and correct pictures of the damage to First Assembly’s roof and accurately depicts a portion of the damage.

9. The wind and rain also blew off the church’s steeple. Exhibit 2 contains a true and correct picture of the steeple on the ground beside the church building and accurately depicts the steeple’s current condition.

10. Because of the damage to the roof, all of the sanctuary’s interior ceiling, lighting, and insulation were irreparably damaged. The church’s sound system may have also been destroyed. The bathroom ceiling in the church caved in.

11. The damage is so extensive that almost every part of the building but the sanctuary is irreparable. The church fellowship hall (where we held religious events, meals, and meetings), the church kitchen, and the church's offices were all extensively damaged. When the wind destroyed the roof over those areas, the resulting water damage from the rain destroyed everything from the ceiling to the floors.

12. We believe that we will have to demolish about 5,500 square feet of space due to the wind and water damage. We have already begun some of the emergency demolition. Exhibit 3 contains true and correct pictures of a portion of the demolition and accurately depicts how it appeared.

13. The church parsonage's roof sustained severe damage.

14. The church van was destroyed, with all of the windows blown out. Exhibit 4 contains a true and accurate picture of the van and accurately depicts damage that the van sustained.

15. The wind and rain also uprooted and destroyed several trees on First Assembly's property. Exhibit 5 contains true and correct pictures of the uprooted trees and accurately depicts how they appeared.

16. First Assembly has started work on repairing the church's buildings.

17. Our congregation has been working to fix the roof, and tearing out damaged drywall, insulation, electrical gear, and ceiling tiles. Exhibit 1 contains true and correct pictures of some of the repair work and accurately depicts that work.

18. I would provide more pictures of the damage, but electricity and cell phone coverage have continued to be intermittent in Rockport, limiting my ability to provide pictures to this Court.

19. The damage to First Assembly is extensive and there is a huge amount of debris in and around the church facility that requires immediate removal to prevent further damage to the facility and health and safety risks to church's members. A substantial portion of the church's building will have to be demolished. Some emergency repairs may be necessary to fix structural damage to the buildings.

20. Further, water removal will be necessary to prevent property damage and health and safety risks caused by sitting water, mildew, and mold. Parts of the building are already beginning to mildew.

21. Unless these emergency repairs are performed promptly, First Assembly's facilities could suffer even more damage.

22. I estimate that emergency repairs and debris removal alone will cost tens of thousands of dollars, and perhaps over a hundred thousand dollars. Performing the emergency re-roofing work on the church's main building, which is necessary to avoid further damage to the structure, will alone cost approximately \$40,000.

23. The long-term repairs to the infrastructure of First Assembly's facilities will cost much more.

24. On August 25, 2017, President Trump issued a declaration that Hurricane Harvey had caused a major disaster in Texas. *See* FEMA Release No. HQ017-060, <https://www.fema.gov/news-release/2017/08/25/president-donald-j-trump-approves->

[major-disaster-declaration-texas](#). On August 27, 2017, the President amended the notice of a major disaster declaration to include Aransas County, where the Tabernacle is located. See <https://www.fema.gov/disaster/notices/amendment-no-1-4>.

25. It is my understanding that these declarations made federal funds available to disaster victims under the Public Assistance Program (“PA Program”) administered by the Federal Emergency Management Agency (“FEMA”). These grants help with debris removal and emergency protective measures.

26. It is my understanding that nonprofits which meet certain criteria can apply for grants under FEMA’s PA Program.

27. It is my understanding that First Assembly fits all of those criteria but one:

- a. First Assembly owns the facility that we meet in, which is located at 813 E. Laurel St., Rockport, TX 78382.
- b. First Assembly is within a location, Aransas County, identified in the President’s disaster proclamation.
- c. The Internal Revenue Service has issued a determination letter recognizing First Assembly’s I.R.C. Section 501(c)(3) nonprofit status.
- d. First Assembly is open to the general public and does not charge membership or access fees of any type. While church members may choose to tithe, that is not required to access First Assembly’s facilities.
- e. First Assembly provides important services to the community.

28. It is my understanding that other nonprofits that are eligible for FEMA’s disaster relief grants include community centers that provide services which are

similar to those provided by First Assembly, including community enrichment activities and general social welfare activities.

29. FEMA specifically allows disaster relief grants for community centers that provide activities like art classes, sewing and stamp-collecting clubs, neighborhood barbeques, and “various social functions.” Other eligible private nonprofit recipients include zoos and museums.

30. However, it is my understanding that FEMA policy categorically discriminates against religious organizations. Specifically, FEMA policy bars grants from going to otherwise eligible recipients if more than 50% of the use of a disaster-damaged facility is for religious purposes.

31. It is my understanding that this exclusionary FEMA policy is not required by either statute or federal regulation.

32. The facilities for which First Assembly needs immediate disaster assistance are used primarily—i.e., over 50%—for religious purposes. Our facilities are primarily used to perform religious teaching, training, singing, artistic endeavors, social events, and outreach to youth, seniors, singles, and families. All of these services are provided from our religious perspective and for a religious purpose.

33. FEMA’s eligibility guide includes a table categorically declaring that facilities which are primarily used for “religious activities, such as worship . . . religious instruction,” or “religious education” are “ineligible.”

Table 3. PNP Ineligible Services

PNP INELIGIBLE SERVICES	
COMMUNITY CENTER SERVICES • Religious activities, such as worship, proselytizing, religious instruction, or fundraising activities that benefit a religious institution and not the community at large • Training individuals to pursue the same activities as full-time paying careers (for example, vocational, academic, or professional training) • Meetings or activities for only a brief period, or at irregular intervals	OTHER COMMUNITY SERVICES • Advocacy or lobbying groups not directly providing health services • Cemeteries • Conferences • Day care services not included in previous table of eligible services • Irrigation solely for agricultural purposes⁶⁴ • Job counseling • Property owner associations with facilities such as roads and recreational facilities (except those facilities that could be classified as utilities or emergency facilities) • Public housing, other than low-income housing • Recreation • Religious services • Parking not in direct support of eligible facility
EDUCATION • Athletic, vocational, academic training, or similar activities • Political education • Religious education⁶⁵	

See Public Assistance Program and Policy Guide at 15, FP 104-009-02 (April 2017)

<https://www.fema.gov/media-library-data/1496435662672->

[d79ba9e1edb16e60b51634af00f490ae/2017_PAPPG_2.0_508_FINAL\(2\).pdf](https://www.fema.gov/media-library-data/1496435662672-d79ba9e1edb16e60b51634af00f490ae/2017_PAPPG_2.0_508_FINAL(2).pdf)

34. Thus, it is my understanding that FEMA's policy categorically bars First Assembly from having equal access to emergency relief grants because First Assembly's use of its facilities is primarily religious. It is my understanding that, but for our primarily religious use of the facilities, First Assembly would be eligible to apply for the grants.

35. I am aware that FEMA has repeatedly denied grants to other houses of worship because the use of their disaster-damaged facilities or materials was primarily religious. Further, it is my understanding that these denials came after extended appeals processes and were not finally decided until months or years after the disaster occurred.

36. It is further my understanding that, to be eligible to receive FEMA grants, nonprofits must apply within 30 days of the presidential disaster declaration affecting their community.

37. Thus, it was my understanding that First Assembly must apply for a FEMA grant by September 26, 2017, in order to be considered.

38. I have since been informed that FEMA has extended the deadline for applications by 60 days to November 22, 2017.

39. First Assembly has a number of decisions that we must make right now, including how much of the church building must be demolished due to the severe damage sustained by the facilities, how that demolition should take place, and how the repairs should be documented to ensure we can have a fair opportunity to obtain FEMA relief.

40. Further, it is my understanding that FEMA says that it is a necessity for FEMA to review applications early in the PA Program implementation process and as soon as possible after a disaster.

41. Accordingly, First Assembly has submitted an application for a PA grant as of September 12, 2017. Exhibit 6 contains a true and correct copy of the executed FEMA facility questionnaire form.

42. To be able to make plans for its recovery efforts, and to ensure that it has a fair opportunity to maximize assistance from FEMA, First Assembly needs FEMA to immediately accept and process its application without regard to religion.

43. First Assembly is facing a disaster right now and needs to make long-term decisions right now about how we will recover from Hurricane Harvey. We cannot afford to wait months or years to find out that FEMA will follow its policy to deny us equal access to and equal consideration for emergency disaster relief grants.

44. In my view, FEMA's policy discriminates on the basis of the religious status of First Assembly's motivation and purpose for its services to the community. I think that it is discriminatory and demeaning for the government to discriminate against our church because of our religious status.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 12, 2017.

/s/ Bruce Frazier

Bruce Frazier

Exhibit 1

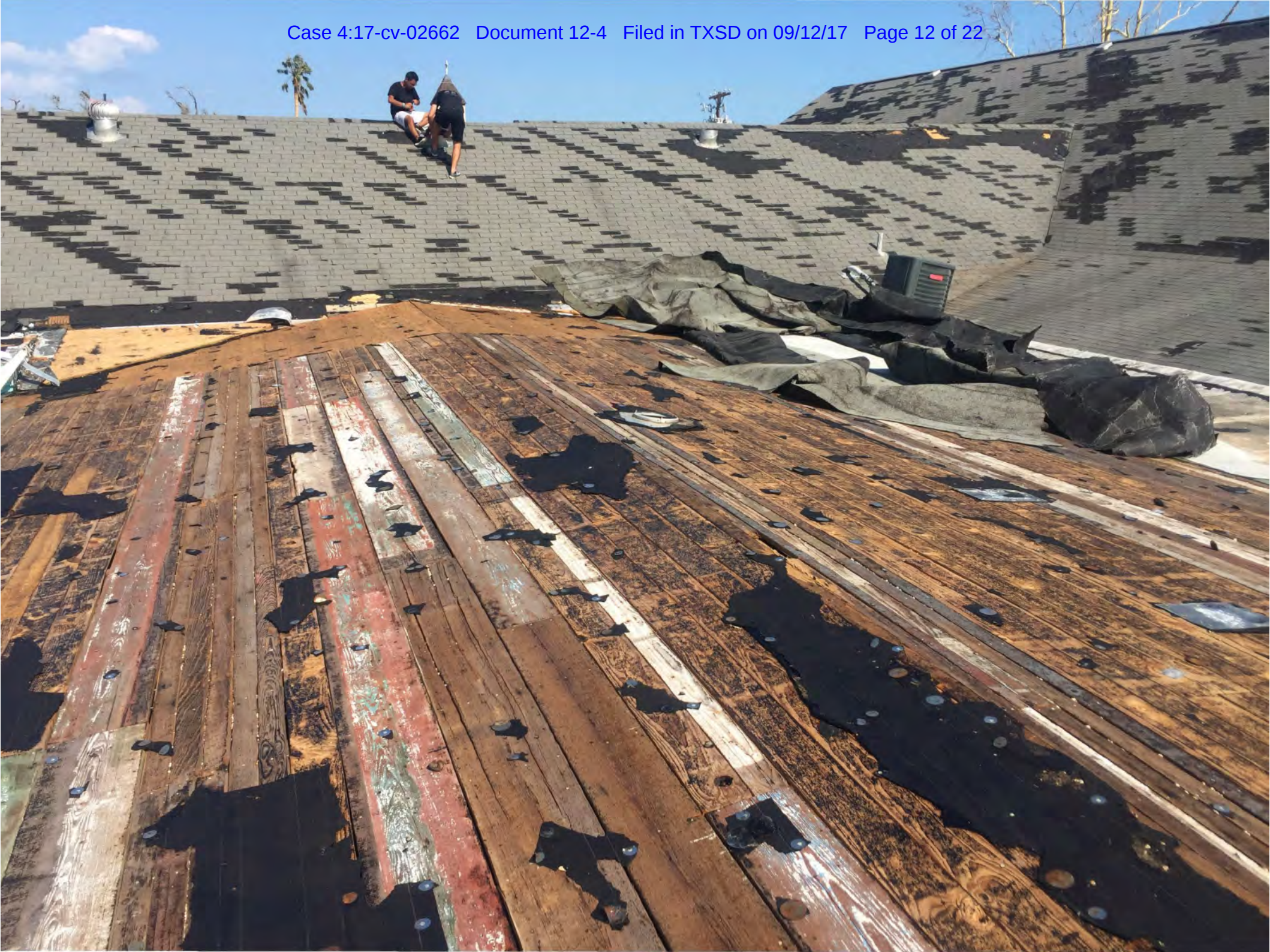


Exhibit 2



Exhibit 3



Exhibit 4



Exhibit 5



Exhibit 6

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
PNP FACILITY QUESTIONNAIRE

O.M.B. NO. 1660-0017
Expires December 31, 2011

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this form is estimated to average 30 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing, reviewing, and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing this burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC, 20472, Paperwork Reduction Project (1660-0017). **Please do not send your completed survey to the above address.**

FEMA and State personnel will use this questionnaire to determine the eligibility of specific facilities of an approved Private Non-Profit (PNP) organization (See 44 CFR 206.221). Owners of critical facilities (i.e., power, water (including providing by an irrigation organization or facility, if it is not provided solely for irrigation purposes), sewer, wastewater treatment, communications and emergency medical care) can apply directly to FEMA for assistance for emergency work (debris removal and emergency protective measures) and permanent work (repair, restore or replace a damaged facility). Owners of non-critical facilities can apply directly to FEMA for assistance for emergency work, but must first apply to the U. S. Small Business Administration (SBA) for assistance for permanent work. If the owner of a non-critical facility does not qualify for an SBA loan or the cost to repair the damaged facility exceeds the SBA loan amount, the owner may apply to FEMA for assistance.

1. Name of PNP Organization Rockport First Assembly of God
2. Name of the damaged facility and location Rockport First Assembly of God
813 E. Laurel St.
Rockport, TX 78382
3. What was the primary purpose of the damaged facility The damaged facilities were established and primarily used for religious purposes
4. Is the facility a critical facility as described above? ☐ Yes ☒ No
5. Who may use the facility General public
6. What fee, if any, is charged for the use of the facility None
7. Was the facility in use at the time of the disaster? ☒ Yes ☐ No
8. Did the facility sustain damage as a direct result of the disaster? ☒ Yes ☐ No
9. What type of assistance is being requested? Emergency work
10. Does the PNP organization own the facility? ☒ Yes ☐ No
11. If "Yes" obtain proof of ownership; check here if attached. ☒
12. Does the PNP organization have the legal responsibility to repair the facility? ☒ Yes ☐ No
13. If "Yes", provide proof of legal responsibility; check here if attached. ☐ Yes ☐ No
14. Is the facility insured? ☒ Yes ☐ No
15. If "Yes", obtain a copy of the insurance policy; check here if attached. ☒

Additional information or comments:

Rockport First Assembly of God uses its facilities as a center for the community. We primarily provide religious activities, such as religious singing and praise; religious teaching, education, and instruction; and sharing our faith with the community. Our facilities were established for a religious purpose and over 50% of our activities are religious activities.

Pictures of our insurance policy and documentation of our nonprofit status are attached. I was not able to provide electronic copies of the documents because our computers and internet access are down and we do not have access to a functioning scanner. The portion of our church building containing the offices was one of the worst damaged. For that same reason, I was limited in what documents I could provide--our files have been moved several times by volunteers during our restoration efforts, making it difficult to find some forms. While I believe that the church's deed is currently on file in a safe deposit box at our bank, which has not-reopened since Hurricane Harvey struck. I have provided every document that I can, and will provide more when I can if requested.

CONTACT PERSON
Pastor Bruce Frazier

DATE
Sep 12, 2017