

Hurricane Harvey: Three Lawsuits Filed after Reservoirs Flood Texas Homes

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Residential areas were flooded because of Hurricane Harvey. Photo courtesy of Food and Wine.[/caption]

Summary: Three lawsuits were filed after reservoirs allegedly flooded homes following the storms of Hurricane Harvey.

On Tuesday, a group of homeowners from Harris County, Texas sued the federal government. According to *The Houston Chronicle*, the plaintiffs said that the U.S. Army Corps of Engineers knowingly flooded their properties by releasing water from the Barker and Addicks reservoirs after Hurricane Harvey.

Attorney Bryant Banes told *The Houston Chronicle* that he hoped that his lawsuit, one of three, could reach class-action status and that the lawsuit had the potential to win billions of dollars for home and business owners whose properties were flooded.

Banes' home in Heathwood and his wife's business were deluged after Hurricane Harvey. He said that the Army released water from the reservoirs after the storm and that the water flooded his area.

"When they opened up the dams full blast, several hundred homes that were dry and not yet directly impacted by the storm — including mine — got flooded by the Corps' action," Banes said.

Banes said that the army was not guilty of wrongdoing but that the government was responsible for repairing the damage it caused.

"When they make a choice to flood one area to save another, it's their responsibility to pay for the consequences," Banes said.

Two other lawsuits were filed on Tuesday, demanding that the government be liable for the flooding and controlled releases. One of the lawsuits was directed at the City of Houston and Harris County Flood Control District.

Robert Soard of the Harris County Attorney's Office said he would file a response on behalf of the Flood Control District in District Court. Other local officials refused to comment on the pending lawsuits.

Justin Hodge of Johns Marrs Ellis & Hodge LLP said that these cases hinge on knowledge and intent. If the government knew what it was doing then the flooding could be viewed as "taking" other people's properties.

"The government can't accidentally take your property," Hodge said to *The Houston Chronicle*. "If they accidentally opened the lever to the dam or the gates, that would not be a taking — that would be negligence. But if the government intentionally floods someone's property there would be real merit."

Hodge added that individuals can not sue the government for an accident but that they can file a claim for actions that are intentional and knowing.

"A lot of folks may be directly damaged by the dam releases but an investigation has to be made into each person's claim," Hodge said. "I would caution property owners ... not to try to jump in and file something without doing an appropriate investigation."

The third lawsuit filed was brought on by a couple who said their townhouse was damaged. Two of the lawyers involved, Avram Blair and Jeff Meyer, said that they plan to take out a newspaper ad and rent a hotel conference room to meet with potential clients interested in joining the claim.

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- [Lawyers Urge Hurricane Harvey Victims To File Insurance Claims Before September 1](#)

What do you think of these lawsuits? Let us know in the comments below.

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