



Neighborhood Legal Services
of Los Angeles County

Disaster 101

Drew Tapia, Staff Attorney

Jacob Zarefsky, Equal Justice Works Disaster Resilience Fellow

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www.nlsla.org

Poll

Do you have any personal experience of being impacted by disaster?

NLSLA Disaster Assistance Project

- 1971 Sylmar Earthquake
- 1994 Northridge Earthquake
- 2005 Hurricane Katrina
- 2018 Woolsey Fire
- Recent LA fires



NLSLA Disaster Assistance Project

- No “Disaster Season”
- COVID-19
- Climate Change
- LAPD Fireworks Explosion
- Cathay Manor



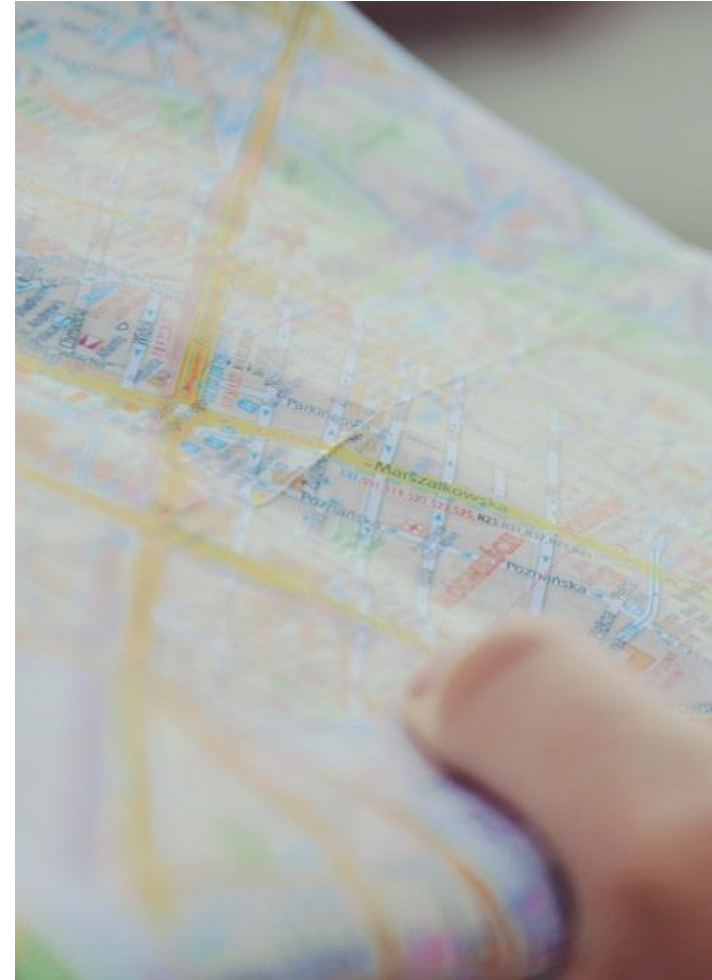
NLSLA Disaster Assistance Project

- Regional Collaboration
- Disaster Legal Assistance Collaborative (DLAC)



Agenda

- Emergency Response
- Role of Pro Bono
- Waves of Legal Issues
- Practical Tips

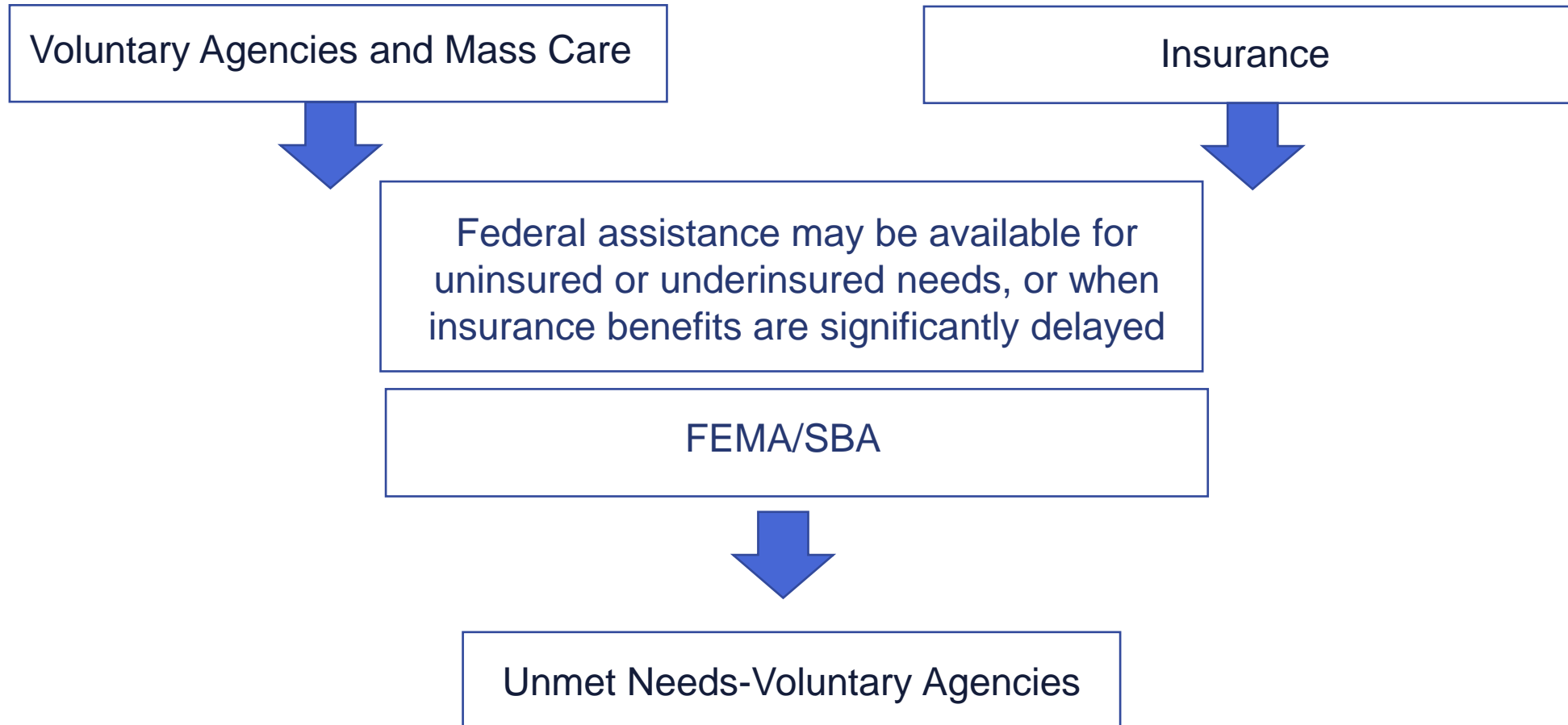


Emergency Response

Overview- Players and Resources

- Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 – Stafford Act
 - Statutory authority for most Federal disaster response activities especially as they pertain to FEMA/FEMA programs
- Federal Emergency Management Agency (FEMA) - IAPPG
- Small Business Administration (SBA) – SOP
 - Provides low-interest disaster loans to help businesses and homeowners recover from declared disasters

Overview- Sequence of Delivery (IAPPG, pg. 10)



Immediate Help



- ✓ Shelter, food, clothing
- ✓ Medical supplies
- ✓ Reunification services
- ✓ Local Assistance Centers

Individuals who are undocumented can get emergency help and will not be asked about their immigration status.

Local Assistance Centers

- One-stop shop with critical government services for community members who have been impacted by disaster
- Coordination between local, state, and federal agencies as well as non-profit and voluntary agencies
- Connects survivors with support services
 - Replace lost/destroyed vital documents

Disaster Recovery Centers- FEMA Involvement

- President approves federal Major Disaster Declaration
- Major Disaster Declaration includes Individual Assistance
 - FEMA Individuals and Households Program
 - FEMA may provide disaster assistance as financial or direct assistance to individuals and families whose property has been damaged or destroyed as a result of the federally-declared disaster, and whose losses are not covered by insurance
 - Housing Assistance + Other Needs Assistance
 - SBA Loans
- Disaster Recovery Centers – FEMA

Role of Pro Bono

Why is pro bono help needed?

- Legal First Responders
- Difficult to prioritize and navigate when survivors are trying to address basic needs and may have lost all their documents, may not have utilities, etc.
- Trauma
- People of color and individuals with low-income have historically received less FEMA benefits

Equity and Racial Justice in Disaster Recovery

- In November 2020, FEMA's National Advisory Counsel concluded that:
 - FEMA does not meet the equity requirements of the Stafford Act
 - FEMA must target its programs to reach those in greatest need to achieve a certain outcome, rather than providing the same resources to everyone regardless of need

Equity and Racial Justice in Disaster Recovery

- The more aid an area receives from FEMA, the more inequality grows in that area
- Communities of color impacted by medium-sized disasters experience an average 31-point decline in credit score, compared to a 4-point decline for majority-white communities
- Counties with a significant amount of Black, Hispanic, or Native American residents often receive less money from FEMA than significantly white counties

Roles for Pro Bono

Disaster Relief
Hotline

Staffing DRC's

Legal Assistance
and
Representation

Legal Clinics

Community
Outreach and
Materials

Research and
drafting

Waves of Legal Issues

“Waves” of Legal Issues

1-6 Weeks	1-6 Months	6 Months-Years
Applications for FEMA/SBA	Appeal FEMA denials	Foreclosures & Bankruptcies
Worker's Safety and wage theft	Mobile home	Defend FEMA Recoupments
Insurance claims	Contractor disputes	Tax relief (disasters)
Landlord Tenant – habitability, RA, security deposits	LLT issues	LLT issues-mold, inadequate repairs

Waves of Legal Issues: 1-6 Weeks After a Disaster

- Applications for FEMA/SBA
 - FEMA Individual Assistance (Housing Assistance, Other Needs Assistance)
 - SBA Loans
- Worker's Safety and Wage Theft
- Insurance Claims
- Landlord Tenant
 - Habitability, Reasonable Accommodations, Security Deposits



Waves of Legal Issues: 1-6 Months After a Disaster

- Appeal FEMA denials
 - 60-day deadline from FEMA's award/denial letter
 - FEMA has 90 days to make their decision
- Mobile Home
 - Temporary Use Permits
- Contractor disputes
- Landlord-Tenant Issues



Waves of Legal Issues: 6 Months-Years After a Disaster

- Foreclosures & Bankruptcies
- Defend FEMA Recoupments
- Tax relief (disasters)
 - IRS may provide tax relief for disasters on an ad hoc basis
- Landlord-Tenant issues
 - Mold, inadequate repairs, etc.



Practical Tips

Survivors – Trauma Informed Assistance

- ✓ Survivors may be “numb”
- ✓ Memory is impacted, non-linear
- ✓ Listen, even if that is “all” you can do
- ✓ Be patient, kind, supportive



Tips for FEMA Applicants

Approved

Only spend on designated items, keep receipts, leases (3 yrs.)

FEMA is tax free, exempt from garnishment

Continue to go back to FEMA and SBA if needs not met

More General Disaster Tips...

- Online resources for trainings: Practicing Law Institute (PLI), Pro Bono Training Institute (PBTI)
- Stay prepared!
 - Disasters are not seasonal, may occur year-round. So it is imperative that attorneys be on stand by and be trained
- Do not need legal expertise to volunteer
 - Volunteering for disaster recovery group is not limited to attorneys



Resources

- Robert T. Stafford Disaster Relief and Emergency Assistance Act ("Stafford Act"), 42 U.S.C. §§ 5121-5208, 44 CFR §§ 206.141-206.191
- FEMA, 104-009-03, *Individual Assistance Program and Policy Guide (IAPPG) Version 1.1* (May 2021): https://www.fema.gov/sites/default/files/documents/fema_individual-assistance-program_policy-guide_05-26-2021.pdf
- Small Business Association, SOP 50 30 9, *Disaster Assistance Program Standard Operating Procedure* (May 31, 2018), <https://www.sba.gov/sites/default/files/2018-06/SOP%2050%2030%209-FINAL.PDF>.
- FEMA, *National Preparedness Goal*, 2nd Ed. (Sep. 2015), https://www.fema.gov/sites/default/files/2020-06/national_preparedness_goal_2nd_edition.pdf

Questions?

- Contact Skip Koenig
 - 818-834-7572
 - skipkoenig@nlsia.org
- Sign up to volunteer: www.nlsia.org