2018 National Celebration of Pro Bono: A Focus on Disaster Resiliency
Emergency Preparedness and Response in the 21st Century: Legal Lessons Learned

Tuesday, September 25, 2018 | 1:00 P.M.- 2:30 P.M. Eastern
Presented by:

Moderator:
- Chauntis Jenkins Floyd, JD, Porteous, Hainkel & Johnson, LLP
  Chair, ABA Committee on Disaster Preparedness and Response

Speakers:
- Tracy Figueroa, JD, Disaster Assistance Group Coordinator &
  Linley Boone-Almaguer, JD, Disaster Assistance Team Manager,
  Texas Rio Grande Legal Aid (Co-Presenters)
- Jessie Campbell, JD, Pro Bono and Outreach Director &
  Michael Hofrichter, JD, Operations & Compliance Director,
  Houston Volunteer Lawyers (Co-Presenters)
- Keri Brown, JD, Baker Botts, LLP, Houston, TX
POST-DISASTER LEGAL NEEDS

2018 ABA Celebration of Pro Bono: Focus on Disaster Resiliency

Tracy Figueroa & Linley Boone-Almaguer
Texas RioGrande Legal Aid
September 25, 2018
Attorneys have an important role in disaster recovery.

- Many problems have a legal solution.

- Your legal training, skills and talents could be especially helpful to disaster survivors struggling with the recovery process.
Disaster-related legal work: It’s never really over.

- We cycle through:
  - Response
  - Recovery
  - Preparation (which would ideally be your starting point)
  - Mitigation

- Next disaster: not if, but when
Three Phases of Legal Needs After Disaster

- Short-term – about 2 to 6 weeks out

- Mid-term – within 1 to 6 months, sometimes up to a year

- Long-term - can last for years
Maslow’s Needs Pyramid

- **Physiological needs:** food, water, warmth, rest
- **Safety needs:** security, safety
- **Belongingness and love needs:** intimate relationships, friends
- **Esteem needs:** prestige and feeling of accomplishment
- **Self-actualization:** achieving one’s full potential, including creative activities

Levels:
- Basic needs
- Psychological needs
- Self-fulfillment needs
Needs pyramid helps us understand:

- **When** people are likely to seek legal help.
  - Access to food and water, securing emergency shelter, etc., generally take precedence over legal concerns in the immediate aftermath.

  **AND**

- **What** legal issues are likely to arise first.
  - Issues tied closely to meeting basic needs.
SHORT-TERM LEGAL NEEDS
Short-Term Legal Needs: LL-T

- Immediate Landlord-Tenant Questions
  - Right to terminate lease
  - Obligations when unit unsafe to occupy
  - Requirements for notice to vacate
  - Repair requests
  - Return of security deposit
  - More requirements when federally subsidized housing
More Short-Term Legal Needs

- Replacing Important Documents – ID, Immigration
  - *May need these to pursue new housing or employment, financial assistance*

- Financial Assistance **Information and Advice**
  - *Categories and amounts of assistance*
    - Grants versus loans
  - *Eligibility Requirements*
  - *Deadlines*
  - *How to apply*
  - *What to expect - inspections, timing of decisions, notices, appeal processes*
  - *How to protect interests – photograph damage, keep receipts*
Hierarchy of Financial Assistance after Disaster

- Red Cross
- Other Voluntary Relief Efforts
  - Local networks help you stay in the loop
- Insurance Proceeds
- SBA Disaster Loans - Personal and Business
- FEMA IHP
- Welfare/Public Benefits
  - Unemployment/Disaster Unemployment Assistance
  - D-SNAP and other state benefits
  - Social Security Administration
FEMA Individuals & Households Program (IHP)

Housing Assistance

- Temporary Housing Assistance
- Home Repair
- Home Replacement
- Permanent Housing Construction

Other Needs Assistance

- NOT for housing
- Includes:
  - Personal property
  - Transportation
  - Medical
  - Dental
  - Funeral
  - Child Care
  - Other

Financial assistance – maximum $34,000 (FY 2018)
MID-TERM LEGAL NEEDS
Mid-Term Legal Needs: Housing

- Renters: LL-T questions continue, plus evictions

- Owners:
  - Clearing title to homes to seek repair or replacement benefits
    - Manufactured Housing or RVs
    - Real Estate transactions
    - Heirships or will probate

- Mortgage relief - preventing foreclosures

- Mortgage allocation - application of insurance proceeds when home subject to mortgage
Mid-Term Legal Needs: Financial Assistance

- **FEMA Administrative Cases**
  - investigate status
  - seek extensions of hotel vouchers
  - seek continued rental assistance
  - appeal denials and/or amounts of assistance

- And . . .FEMA eligibility isn’t just for FEMA!
  - Other privately and publicly funded programs rely on FEMA’s loss verification as part of their own eligibility criteria.
Mid-Term Legal Needs: Consumer

- Insurance
  - Homeowners/Windstorm/Flood (NFIP)/Automobile

- SBA Disaster Loans
  - advice on relationship between SBA loans and other assistance
  - request reconsideration of denial

- Identity Theft

- Contractor Fraud
More Mid-Term Legal Needs

■ Employment
  - Unemployment/DUA
  - Wage Theft

■ Immigration
  - Status impact ability to seek some forms of financial assistance
  - Human trafficking

■ Family Law
  - Custody modification or enforcement
  - Domestic violence issues
Snowball Effect

One legal setback can lead to more.
LONG-TERM LEGAL NEEDS
A Few Long-Term Legal Needs

■ Foreclosures

■ Debt collection, Bankruptcies

■ FEMA Recoupment
  - Seek to demonstrate eligibility on appeal
  - Seek to compromise debts even if ineligible
  - Minimize harm from debt collection efforts

■ Some legal needs that arose in earlier stages continue for months or years
  - Some spike again, i.e., title-clearing for privately and publicly funded home repair and replacement programs
A Few Helpful Resources

■ ABA YLD Disaster Legal Services

https://www.americanbar.org/groups/young_lawyers/disaster_legal_services.html

■ ABA Standing Committee on Disaster Response Preparedness:

https://www.americanbar.org/groups/committees/disaster/resources/post_disaster_resources_assistance.html

■ ABA and Legal Aid partners: disasterlegalaid.org
Questions?

Texas RioGrande Legal Aid
Disaster Assistance Group

Tracy Figueroa
Attorney – Group Coordinator
tfigueroa@trla.org

Linley Boone-Almaguer
Attorney – Team Manager
lboone@trla.org
2018 National Celebration of Pro Bono: A Focus on Disaster Resiliency

Michael Hofrichter, Operations & Compliance Director
Jessie Campbell, Pro Bono & Outreach Director
Be Prepared

- Know the Clients
- Know the Needs
- Know the Players
- Know the Law
Different Needs

Rural

Urban

This Photo by Unknown Author is licensed under CC BY-ND

This Photo by Unknown Author is licensed under CC BY-SA-NC
Types of Assistance

Legal
- Legal Information and/or Advice
- Direct Representation
  - Disaster Case
  - Non-Disaster Case

Non-Legal
- Printing & Delivering Flyers
- Translations / Interpretation
- Handing Out Flyers
- Equipment
The Clients

- Shelters / Disaster Recovery Centers
  - Legal Needs are **NOT** the priority.
  - Goal – Information and How to Reach Assistance
- After the Disaster
  - Focus is on the Recovery
  - Lack of Legal Knowledge
Barriers

- Communication
  - Limited English Proficiency
  - Limited Literacy
  - Hearing / Visual Impairments
- Mental Health
I’ve Got 99 Problems

....

No Really, I’ve Got 99 Problems
Holistic & Practical Problem Solving
The Players
Coordination
Know the Law
Be Patient

No, it's fine. I'll wait.

This Photo by Unknown Author is licensed under CC BY-NC-ND
Lessons Learned from Hurricane Harvey

Keri D. Brown

September 25, 2018
Hurricane Harvey – 51 inches of rain in Harris County

Photo illustration: BuzzFeed
Hurricane Harvey – 51 inches of rain in Harris County

Pretend this is water.
Poor Hayden Panettiere.
Y’all don’t worry about Taylor. She’s good.
View of Buffalo Bayou from Downtown Houston
Meanwhile...
Lesson 1. Expect the Unexpected

Lone Star Legal Aid’s office

Source: Twitter
Lesson 2. Find the Resources

UPDATE: We're good for today. Thursday post to come.

Colleagues in the Houston area: Lone Star Legal Aid has set up a booth in GRB and they are setting up a booth inside Toyota Center tomorrow (Wednesday, August 30). They need 5-6 lawyer volunteers per shift to be available to walk the centers, answer basic questions and provide basic information, and handle intake.

Shift at GRB are:
7:30a-11:30a [SHIFT IS FULL]
11:00a-3:00p [SHIFT IS FULL]
2:30p-6:30p [SHIFT IS FULL]
6:00p-10:00p [nearly full]

At Toyota Center:
12:00p-3:00p [helping get set up] [nearly full]
2:30p-6:30p [SHIFT IS FULL]
6:00p-10:00p

If you can volunteer, please comment here with the time and location.

Thanks! (I'll post general notes in the comment section.)

UPDATE: 10 a.m. – updating available shifts
Lesson 2. Find the Resources *(continued)*

- Law firm
- Facebook
- Legal services providers (e.g., HVL, TRLA)
- Other social media
Lesson 3. Collaborate

Collaboration is more than a buzzword
Lesson 3. Collaborate *(continued)*

- Consider potential other needs
  - Flyers
  - Laptops
  - Supplies (envelopes, paper clips, etc.)
  - Food/drink
Lesson 3. Collaborate (continued)

- Work with your local bar organizations
- Take on some of their burden
  - LegalLine
  - CLE webinar
Lesson 4. People Want to Help

I JUST LOVE VOLUNTEERING

VOLUNTEERING IS MY FAVORITE!
Lesson 5. Figure Out Who is Really in Charge

... not just who says they are in charge
  o Who are the players?
  o Who has decision-making authority?
  o How far does that authority extend?
  o Who is running the shelter?
Lesson 6. Take Care of Your Mental Health

• Know your resources
  o State/local lawyers assistance programs
  o Employee Assistance Program
Lesson 7. It’s Not Over Yet

- Ongoing legal needs
  - Landlord/tenant
  - FEMA Appeals
  - SBA matters
  - ...and the list goes on