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EMERGENCY LEGAL SERVICES FOR 50+

FINAL REPORT

PREPARED BY

FUNDACION FONDO DE ACCESO A LA JUSTICIA, INC.

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FOREWORD

The road to recovery after the disaster caused by Hurricanes Irma and María in Puerto Rico has been a long and hard one. For our elder adults, the road has been even more steep, with obstacles that blocked almost every step of the way of getting the help they needed to fix their homes. Having to fill FEMA forms by internet or calling by phone, when there is no electricity or phone signal, is hideously impossible. Having to look for long lost documents or trying to understand complicated legal jargon, or even trying to write properly a letter explaining their occupancy, are most times impossible tasks. Imagine then how emotional for our AARP funded lawyers to see many of their elder clients crying and worrying horribly of falling and hurting themselves badly every time it rained, and the leaks would wet their floors. This is what the donation of AARP Foundation helped solve for over 800 elder adults in Puerto Rico. It is this type of investment what brought back hope. Thank you so much!

ADI MARTÍNEZ ROMÁN
Executive Director

Before hurricane María, elders in Puerto Rico had one of the highest poverty rates. Imagine the impact of this -already vulnerable- population after hurricane María struck Puerto Rico on September 2017. Death, hunger, physical and mental illnesses, and an overall lack to satisfy basic needs became the reality of many elders. Losing their homes and personal property was a constant concern and a serious issue. Unfortunately, FEMA denied thousands of applications in Puerto Rico and legal aid became essential. With enormous difficulty seeking help and resources to survive and rebuild their homes, there was an urgent need to implement projects focused on aiding the elderly population. Thanks to AARP Foundation, the Emergency Legal Services for 50+ Project was born. As coordinator of the project, I can honestly say that this project truly made justice for many elders in Puerto Rico. It was a unique and necessary project that confirms how fundamental is access to justice for 50+ population in Puerto Rico.

AMARIS TORRES RIVERA
Emergency Legal Aid Fund Coordinator
The Access to Justice Fund Foundation, a non-profit organization in Puerto Rico that funds civil legal services in Puerto Rico for people with limited economic resources, created the Emergency Legal Aid Fund shortly after the passage of hurricane María on September 20, 2017.

One of the Emergency Legal Aid Fund projects was funded by AARP Foundation and provided legal aid for 50+ population through direct service and a hotline. The total grant received was $100,000.00. Originally a 6-month project, its extension allowed it to be a 9-month project, ending on December 2018. This project integrated lawyers from 4 organizations that were selected through an RFP process.

The project was divided in 2 components: (1) direct legal services, where lawyers would go to the person’s home, community or nearby place to receive legal aid in 5 judicial regions, which includes 35 municipalities, and (2) a legal help line available to people 50+ in all 78 municipalities of Puerto Rico. The legal aid focused on disaster-related legal issues, which at the moment, were mainly requests for legal aid related to applications or appeals for FEMA’s assistance and documents for SBA (Small Business Administration).

It is important to highlight that from 1.3 million FEMA applications in Puerto Rico, over 600,000 were denied. Only 45,000 appealed their FEMA decision, from which 75% were denied. As we have seen during this project, the 50+ population was directly affected.
The first component of this project allowed people 50+ to receive legal aid directly at their home, community or municipality. This promoted accessibility to legal services for a very vulnerable population. The legal services on this component of the project were only provided in 5 judicial regions. Each organization had one or more judicial regions assigned. The organization would designate a lawyer to work on the municipalities inside the judicial region. The judicial regions and municipalities where the legal services were provided are:

- **Humacao region**: Humacao, Las Piedras, Maunabo, Naguabo, Yabucoa
- **Caguas region**: Aguas Buenas, Caguas, Cidra, Gurabo, Juncos, San Lorenzo
- **Aibonito region**: Comerío, Orocovis, Aibonito, Barranquitas, Coamo
- **Bayamón region**: Bayamón, Cataño, Corozal, Dorado, Guaynabo, Naranjito, Toa Alta, Toa Baja, Vega Alta, Vega Baja
- **Arecibo region**: Arecibo, Barceloneta, Camuy, Ciales, Hatillo, Manatí, Morovis, Quebradillas, Florida

Map of Puerto Rico with the judicial regions as designated by the Judicial Branch of Puerto Rico. The 5 judicial regions served in the project are the ones inside the white lines.

**LEGAL HELP LINE**

The second component of the project was a legal help line. With the launch of the project, a telephone number was announced. People 50+ called asking for orientation on disaster-related legal issues, mainly with FEMA or SBA processes. The help line was answered by lawyers and it was available from Monday to Friday from 8:30am to 4:30pm. People from any municipality could call. The line operated for 6 months and received 436 calls from people in 69 of 78 municipalities in Puerto Rico. The line also received a few calls from the United States, such as people that recently moved and needed to finish the FEMA process or a relative seeking legal orientation to help a sibling in Puerto Rico.

If someone 50+ called seeking legal aid and lived inside the 5 judicial regions of the first component of the project, a referral was immediately made to the lawyer that worked on that judicial region. There was a greater number of calls from residents of San Juan, Carolina, Trujillo Alto, Canóvanas and Loíza. These municipalities belong to the judicial regions of San Juan and Carolina, which were not part of the first component of the project. Nevertheless, we referred the person to other services, including legal service providers, totaling 438 referrals. We strongly urge AARP Foundation to consider funding future projects in Puerto Rico that include the judicial regions that were not served in this project.
The Access to Justice Foundation selected 4 non-profit organizations to work on the Project. Different criteria was taken into consideration when selecting each one and the result was a richness in their diversity and interdisciplinary approach.

One of the organizations was One Stop Career Center of Puerto Rico, Inc. The organization integrates services in areas such as employment and education, but mainly they are a housing counseling agency for at-risk and elder population. One Stop lawyers provided direct legal services in Aibonito, Bayamón and Arecibo judicial regions, for a total of 24 municipalities.

Another organization was Universidad del Turabo, a private higher education institution. Through the School of Communications and Social Sciences, this university designed a project called Help to the Older Adult, which mainly offered counseling and social work. With this platform, they were able to incorporate and provide emergency legal services. Their lawyers provided direct legal services in Caguas judicial region, a total of 6 municipalities.

The last organization was Centro Integral de Apoyo a Víctimas (CIAV), a multidisciplinary center that provides services to victims of crime, specially women and older adults. The center is part of the University of Puerto Rico Law School. CIAV administered the legal help line, which received calls from all the municipalities in Puerto Rico and was not limited to 5 judicial regions.
PROMOTION OF SERVICES

From the beginning and throughout the duration of the project, our Foundation and the selected organizations actively promoted the project through radio announcements and interviews, social media, distributing flyers, visiting local businesses and churches, participating in social services fairs, contacting community leaders, NGOs that work with elder population and municipality offices. Also, lawyers visited FEMA´s Disaster Recovery Centers (DRC) notifying FEMA officials of the availability of legal aid for people 50+.

Shortly after hurricane María, our Foundation became one of the top organizations in Puerto Rico to coordinate legal aid for hurricane survivors. Weekly, our Foundation would receive hundreds of calls, emails, and social media messages from people seeking legal aid, principally to appeal FEMA´s decision. A very effective way to help people 50+ that lived within the 5 judicial regions was through a fast and structured referral mechanism to the Emergency Legal Aid 50+ Project.
Providing Tools for Lawyers

As general coordinators of the project, the Foundation identified the need to provide the lawyers working in the project with tools and information that would help them when assisting elders. On June 2018, a workshop was offered at the Foundation on specialized areas of elder law.

Also, we constantly provided all the lawyers with updated materials on FEMA and disaster-related legal issues or assistance programs.

On July 31, 2018, after months advocating for a fair treatment from FEMA in Puerto Rico, specifically in the decision-making process and knowledge of local legislation on property and land tenure, FEMA approved a new Sworn Declaration for people that were denied funds to repair or rebuild their homes because of difficulties presenting evidence of ownership or property title.

Many of our elders suffered the consequences of FEMA denying assistance because of ownership issues that were not supposed to be an obstacle in the first place. Unfortunately, FEMA never formally notified the thousands of applicants that could have completed this new Sworn Statement and receive FEMA assistance to rebuild their homes.

With this new change in FEMA procedures for Puerto Rico in the middle of the project, we immediately notified our project lawyers and provided them a webinar on how to complete the new document. Lawyers in the project were able to help older adults complete the new Sworn Declaration and gave them a real opportunity of reopening their FEMA cases denied by ownership issues.
RESULTS

680 older adults received direct legal aid at their homes, communities, FEMA Centers, etc. 436 received legal orientation through the legal helpline. According to the data gathered from the helpline and the household of each person that received direct legal service, approximately 1,494 people benefited from this project. This amount of people represents the family unit living on the household where the person is applying or appealing FEMA. From the people that received legal aid, the majority were women and people between the ages of 61 and 70.

1,116
elder adults received legal services

63%
of the older adults that received legal aid were WOMEN

INDICATOR DATA AND CASE-MANAGEMENT

Lawyers would compile data on each person receiving legal aid and the type of service provided. Monthly, the organization would present a report to our Foundation on a specific form.

70% of the legal aid provided was related to FEMA or SBA processes. Also, affidavits were notarized frequently for different FEMA processes, including appeals. The other 30% was related mainly to property titles or deeds, and complaints about the program Tu Hogar Renace (Shelter In Place Program), a FEMA-funded program administered by the Puerto Rico Department of Housing.

70%
of the legal aid provided was related to FEMA or SBA processes

Other legal issues were insurance claims, mortgage problems, consumer rights, family law, and public notary service.

To assure the effectiveness of the project, the Foundation constantly monitored the service provided by the lawyers, through a case-management report, in which the lawyers had to inform the status and/or progress of their service with the participants. The objective was not leave anyone unattended.
SUCCESS STORIES

There are many stories and testimonies of how important this project was for older adults. One of them was an 80 year old man from the municipality of Naranjito, who almost had a total loss of his home and FEMA denied his application for assistance. A lawyer from the project helped him appeal FEMA’s decision and awarded him with $24,000 to start rebuilding his home.

A women resident from Cataño received a letter from FEMA denying assistance because she had difficulty proving she was the owner of the home. Thanks to the lawyer who helped her appeal with the new Declarative Statement approved by FEMA, she was able to demonstrate ownership through heirship and was awarded $7,000 to repair her home.

A resident from Toa Baja, after appealing to FEMA and receiving 4 letters denying assistance, received help from the lawyer to complete the new Declarative Statement and as a result, was awarded a little over $7,000.

“I’VE HAD THE OPPORTUNITY TO SEE MANY THINGS AND IDENTIFY THE MOST URGENT NEEDS OF THE 50+ POPULATION I HAVE BEEN SERVING. THE PRINCIPAL NEED IS A ROOF. THERE IS NO OTHER THING THAT STANDS OUT MORE FROM THE NEEDS THAT OUR CLIENTS PRESENT US. THE MOST URGENT CONCERN IS THAT THEIR BEDS DON’T GET WET FROM THE RAIN. THE FEAR OF SLIPPING, FALLING AND ENDING UP IN A HOSPITAL IS A REAL FRUSTRATION THAT TORMENTS ELDERS.”

- Nicole Cosme, lawyer working on Arecibo judicial region
LAWYERS AS CHANGE AGENTS

One of the most important aspects of this project was the strengthening of community lawyering. A total of 11 lawyers collaborated in this project. Their commitment, empathy and solidarity transcended their legal service. Since many people requesting legal aid had lost their homes and personal property, their mental health was adversely affected. Sadly, the lawyer working on Humacao judicial region found out that one of the elders she aided committed suicide. That moment was devastating for all of us working in the Project. It became so evident, how deteriorated is mental health in Puerto Rico after the hurricane and how much it affected the 50+ population.

All the reports from the lawyers indicated the population they are helping is distressed, frustrated, tired of the processes with FEMA, depressed, dealing with separation of siblings that moved to the United States, dealing with relatives and neighbors that died, etc.

In many situations, lawyers became counselors. They felt the need to help hurricane survivors, not only with legal aid, but also obtaining other types of help. Also, lawyers played a key role on citizen and community empowerment. They educated people on their rights before FEMA and other situations after disasters to avoid possible violation of rights. Many group orientations and educational talks were held throughout the Project.

María Elena Ortiz Collazo, lawyer from Universidad del Turabo, offering a group orientation in community center Tomás de Castro, Caguas (June, 2018)

“MY WORK AS A LAWYER RECOGNIZED THOSE EMOTIONS AND, ON MANY OCCASIONS, I HAD TO ENCOURAGE PEOPLE TO SEEK HELP OR LISTEN TO THEM CRY OR WITH RAGE. SOLIDARITY IS THE TENDERNESS OF HUMANITY…”

-Rosaelena Suárez Sierra, lawyer working in Humacao judicial region

“THE LEGAL PROBLEMS FACED BY ELDERS ARE SO MANY THAT THE LAWYERS WERE REALLY WORRIED ABOUT THE END OF THE PROJECT AND THE UNMET NEEDS.”
RESULTS FROM LEGAL EDUCATION

In addition to providing direct legal services to 1,116 elder adults, the lawyers on this project were committed to educate 50+ population through workshops and group orientations. Throughout the 5 judicial regions, legal education was fundamental as a way to promote access to justice after a disaster.

Some of the main issues discussed on these workshops and group orientations were: rights before a FEMA process or any other disaster-related assistance; tenancy and property title rights; identity theft; financial fraud; Rights of the Elderly Act and where to claim any violation of these rights.

1,208
50+ adults received legal education

2,324
50+ adults that received direct legal services and legal education during this project

(Up) María Elena Ortiz Collazo, lawyer who offered legal services in Caguas Judicial Region, offering a legal workshop at Universidad del Turabo in the municipality of Gurabo, Puerto Rico.

(Left) Giselle Lombardi, lawyer from One Stop Career Center of PR, Inc., who offered legal services in Bayamón Judicial Region, offering a legal workshop at a Multiple Activities Center in the municipality of Vega Baja.
One of our lawyers’ main concerns through the Project was the living conditions of many older adults in Puerto Rico, which were precarious even before the hurricane. Lawyers visited many participants that lived in extreme poverty. For example, some lacked food, medicine, clean water, a secure structure to live in, etc.

A study published after the hurricane, estimates a rise from 44% to 52% of people living below the poverty level in Puerto Rico (Centro de Investigación Censal, Universidad de Puerto Rico, Recinto de Cayey). This poverty rate is 2.5 times more than the highest rate in the US.

Concerned with this issue, lawyers report from their experience that many living on these conditions live in rural areas, live alone, do not have access to social security or retirement benefits, lack access to transportation, etc.

María Pagán, a lawyer from Universidad del Turabo, visiting a project participant in Barrio Mulitas in the the municipality of Aguas Buenas, Puerto Rico
WOMEN

participation and leadership

After the hurricane, women demonstrated they are important leaders in their households and their communities. In this project, 63% of the clients were women seeking help to recover and rebuild their homes. At the same time, many women were committed helping others in the community.

The Emergency Legal Services for 50+ Project was ran by women. Not only the directors or coordinators of each organization were women, but also 8 of 11 lawyers that worked in the project. Women in this project demonstrated a great sense of leadership, a strong capacity to collaborate, and a special commitment with the elder population.

50+ women in charge of the community kitchen in Barrio Mariana, Humacao. They were crucial in feeding thousands after hurricane María. They all received legal aid from the lawyer working for ARECMA.

NATIONAL AGING AND LAW CONFERENCE

Thanks to AARP Foundation’s invitation, the Access to Justice Fund Foundation Executive Director participated and offered a presentation on the Emergency Legal Services for 50+ Project at the National Aging and Law Conference on October, 2018 at Alexandria, Virginia.

From left to right, Iris González, legal counsel for AARP Foundation; José Acarón, director of AARP in Puerto Rico; Hadassa Santini, Executive Director of Servicios Legales de Puerto Rico and Adi Martínez Román, Executive Director of Fundación Fondo de Acceso a la Justicia.
At the end of each project, our Foundation meets with all the legal staff from each organization that provided service during the project. This final project meeting has the purpose of discussing their experiences working in the project and identifying the challenges faced, strategies and solutions that can be implemented and recommendations. On November 2018, we celebrated our final project meeting. Iris González, legal counsel for AARP Foundation, joined us.

As a result, several challenges and recommendations were identified. Some of the main challenges for the participants were: lack of technology or knowledge on how to use it, lack of transportation, difficulty understanding certain legal terms and processes, language barriers (few FEMA employees spoke Spanish), lack of support network, poverty and low level of education.

Some of the main challenges faced by lawyers were: inconsistencies in the processes and decision-making of FEMA and other agencies, lack of regulation on programs (such as Tu Hogar Renace), difficulty accessing participants files or documents, emotional state of participants, etc.

The main recommendations presented were: specific amendments to local laws, amendments to federal regulations and laws, specially related to FEMA, an investigation and possible cause of action of the discriminatory treatment by the federal government to the people of Puerto Rico, and promote constant training and courses on disaster-related laws and procedures. In future projects, our Foundation and the organizations we fund can work and strategize according to these recommendations.
An elder man in Morovis, a municipality in the judicial region of Arecibo, staring at the damages of his home after hurricane María invested in each person 50+ that received legal services in this project we were able to help 2,702 people in Puerto Rico. These legal services defended the right to a dignified recovery after the disaster. For many, legal assistance represents their only hope to rebuild their home again.

There is still much need for legal aid and we hope AARP Foundation will keep collaborating with us on these efforts.