2018

EMERGENCY LEGAL AID FINAL REPORT

PREPARED BY

FUNDACION FONDO DE ACCESO A LA JUSTICIA, INC.

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FOREWORD

It is difficult to describe the gratitude that is due to those who really recognized the urgent need of legal aid that the people of Puerto Rico faced after the disasters of hurricanes Irma and María. OXFAM was the FIRST organization to do so, and it has been an essential collaborator of our Emergency Legal Aid Fund. With OXFAM´s donation, the FFAJ was able to fund services to assist thousands of victims that had lost whole or part of their homes, and had been denied help by FEMA. Now, after much advocacy together with OXFAM and other entities, local and federal governments are finally owning-up to the importance of accessible recovery money for home repairs as one of the most pressing needs after a disaster. The work is certainly not done yet, but the force of our claim attained with OXFAM´s help is invaluable. With this report, we hope to illustrate the impact that OXFAM´s donation had on thousands of lives. Again, we are very grateful.

ADI MARTÍNEZ ROMÁN
Executive Director

After hurricane María struck Puerto Rico on September 2017, thousands of people died and many lost their homes and personal property. Surviving this dire situation, many sought help from the Federal Emergency Management Agency (FEMA). Unfortunately, FEMA denied thousands of applications in Puerto Rico and legal aid became essential. On November 2017, I started coordinating the Emergency Legal Aid Fund. Thanks to Oxfam America´s donation, we helped thousands of people in Puerto Rico with their FEMA applications and appeals. For many, legal aid represented an opportunity to obtain funds from FEMA to repair or rebuild their home. Certainly, this project was fundamental for access to justice after a disaster, and in defense of housing as a human right, specially for communities living in poverty and vulnerability.

AMARIS TORRES RIVERA
Emergency Legal Aid Fund Coordinator
Final Report

INTRODUCTION

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.

The first project that jumpstarted the Emergency Legal Aid Fund was funded by Oxfam America and provided legal aid through community clinics across Puerto Rico. The legal aid centered on FEMA applications and appeals. The total grant received from Oxfam was $187,867.00.

ACTIVITIES, RESULTS AND INDICATORS

ACTIVITIES CARRIED OUT

A total of 184 community legal clinics were held in 65 municipalities in Puerto Rico in a two-phase project. The first clinics started on December 2017 and the last clinic was held on November 9, 2018.

With a focus on accessibility and effective outreach, the clinics were held at a local-community level. For example, many clinics were held at community centers, schools, churches, as well as municipal government facilities and FEMA Centers.
Before a clinic was held, it was announced and publicly promoted through community leaders, organizations in charge of providing the direct legal service, municipalities, community-based organizations and different media platforms.

The clinics started with 2 lawyers. They would interview the person and determine what legal aid was necessary in the FEMA process: orientation, application, appeal and/or notary service. Nevertheless, there was such a significant amount of people requesting legal aid for FEMA processes after hurricane María, that 2 lawyers were not enough. Later on, each clinic would have 5 lawyers to serve people, specially in appeal processes which took more time.

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.

With this new change in FEMA procedures for Puerto Rico, we were able to coordinate 54 additional clinics during the month of October and one week of November 2018. These clinics, mainly held in FEMA Centers, were essential in helping hundreds of people complete the new Sworn Declaration and have a real opportunity of reopening their FEMA cases denied by ownership issues.
ACTUAL RESULTS

3,420 people received direct legal aid at the clinics. According to the data gathered from all the clinics, a close approximate of 6,841 people benefited from this project. This amount of people represents the family unit living on the household where the person is applying for FEMA. From the people that received direct legal aid, the majority were women and people over 50 years old. On the first phase of the project 51% were over 60 years of age and 71% were over 50 years of age in the second phase.

INDICATOR DATA

On each clinic, lawyers would compile data on each person receiving legal aid and the type of services provided.

For FEMA applications, lawyers used their computers or phones. For appeals, they wrote the Letter of Appeal by hand or computer. Affidavits were notarized frequently for different FEMA processes, including appeals.

43% of the documents that lawyers worked with were Letters of Appeals.

On the second-phase of the project, lawyers helped complete 353 new Declarative Statements approved by FEMA and 587 appeals, including FEMA, SBA and Tu Hogar Renace (Shelter In Place Program).
CHANGES IN LIVES OF PRIMARY CHANGE AGENTS

There are many stories and testimonies of how important this project was for people that participated on the legal clinics. One of them was a 49 year old woman from Punta Santiago, Humacao, who had a total loss of her home and FEMA only awarded her with $5,858. She went to one of the legal clinics and received help to appeal FEMA’s decision. As a result, FEMA reconsidered and awarded an additional $25,000 to rebuild her home.

Another resident from Humacao, a 73 year old woman, received a letter from FEMA denying assistance. She went to a legal clinic were the lawyers helped her with an appeal. Later, FEMA awarded her with $11,800 to repair her home.

A 51 year old men, resident from Naguabo, was denied FEMA benefits for losses of personal property. At the legal clinic, lawyers helped him appeal and FEMA awarded him with $4,000.

“THANK YOU SO MUCH FOR WHAT YOU DO. DEALING WITH THESE PEOPLE (FEMA) HAS NOT BEEN EASY AND YOU HAVE GIVEN ME HOPE.”

- an elderly woman at a Legal Clinic in Comerío
LAWYERS AS CHANGE AGENTS

One of the most significant aspects of this project was the development and strengthening of community lawyering. Approximately 65 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. Unintendedly, lawyers became counselors. They felt the need to help hurricane survivors, not only with legal aid, but also getting 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.

Another positive aspect of the project was the integration of law school students. They collaborated on many clinics and were very helpful. Their exposure to these legal clinics was fundamental in their development as future lawyers. This project promoted students to rethink their role as future law professionals and to understand how the law and the knowledge of rights can be a powerful tool for our communities.

"THE EXPERIENCE HAS BEEN ENRICHING IN MANY ASPECTS, BOTH PROFESSIONALLY AND PERSONALLY. THE CONSTANT HAS BEEN THE DISCOURAGEMENT, SKEPTICISM, RESIGNATION AND SADNESS OF THE PEOPLE WHO HAVE COME TO SEEK HELP AND GUIDANCE. MORE THAN ONE HAS BURST INTO TEARS DURING THE INTERVIEW. THERE IS SO MUCH PAIN AND HELPlessness, BUT ALSO A LOT OF GRATITUDE AND RECIPROCITY ON THEIR PART FOR THE HELP RECEIVED. NO MATTER THE OUTCOME IN Fema, MORE THAN A LAWYER I HAVE FELT TO BE A HELPING HAND, A SHOULDER TO LIE ON, A GUIDE ON THE WAY. AS FOR THE LEGAL ASPECTS, THERE ARE MANY ISSUES OF OWNERSHIP MORE THAN ANYTHING."

-Lcda. Evelyn Rodríguez, lawyer and notary for the organization Proyecto Matria

Proyecto Matria´s community legal group

Legal Clinic at a community in Caño Martín Peña, San Juan. Colegio de Notarios de Puerto Rico, together with students from the University of Puerto Rico Law School, provided the legal services.
In this project, lawyers received special training on FEMA processes. Trained lawyers became essential for an effective disaster-related legal service. Now, our Foundation has a trained lawyer database, which can be used on future disasters.

This project was fundamental in providing employment for lawyers in Puerto Rico. Before hurricane María, many lawyers were unemployed. After the hurricane, the unemployment increased dramatically, mainly because courts and administrative legal forums were closed for several months. Therefore, this project represented not only an excellent way of using legal knowledge to help the community, but also an much needed income.

Throughout the project, community leaders had a central role in the coordination of legal clinics. The majority of community leaders were women. Thanks to their collaboration, legal aid was accessible to many communities. Their leadership was key in identifying community spaces where the clinics could be held, specific of cases in the community were FEMA unjustly denied assistance, publicly announcing the clinics, and facilitating communication between residents of the community and the lawyers.

64% of people who received legal aid at the clinics were women. Although struggling with vulnerability at different levels, women in the clinics had an incredible strength to fight for rebuild their homes and their families.

Also, the majority of lawyers that provided service in the clinics were women. It became a project were women empowered other women and together created bonds of solidarity.

Modesta Irizarry, community leader from Loiza. She helped coordinate the legal clinics held in Loiza and Canóvanas by Taller Salud.
METHODOLOGY

The implementation of the project started when the Access to Justice Fund Foundation published a Request for Proposal addressed for non-profit organizations who had the capacity to provide legal aid through community clinics. A total of 13 organizations were selected to participate in the project.

Once selected, each organization signed a contract with our Foundation, allowing us to closely monitor the compliance of the organizations according to the proposal approved by Oxfam America.

Our Foundation provided support to the organizations throughout the entire project. For example, we designed a unified template for the organizations to gather data, we provided contacts of community leaders and recommended legal resources for trainings and direct service.

We managed to oversight the legal clinics, as well as the correct use of funds.

Any documentation or information we received from FEMA was provided to the organizations and their lawyers. For example, any deadline extensions, FEMA Unified Guidance for the IHP and the Disaster Legal Reference were shared with the organizations.

Interdisciplinary and Community Engagement Approach

The Foundation selected a diverse and socially committed group of organizations for this project with local-grassroots work in economic and community development, feminism, reproductive and sexual rights, environmental justice, rights of children with disabilities, reduction of poverty, integral development of high-risk youth, low-income housing counseling and legal services.

Having such a diverse group of organizations providing legal aid was key for people in the communities who benefited of this methodology by receiving other types of aid from the organizations. Also, the attorneys working in the project were benefited from this diversity focusing on a community lawyering approach.

Integration and collaboration of community leaders was the principal focus of the methodology of the project.

64% women who received legal aid at the clinics
LESSONS LEARNED AND CHALLENGES

This project became an incredible learning experience for our Foundation, the organizations, lawyers and communities. During the entire duration of the project, the main challenge was dealing with FEMA. For our Foundation, we confronted a lack of transparency and obstacles to obtain data from FEMA. For lawyers, they constantly battled with the inconsistencies of decision-making processes and lack of knowledge of the law and administrative procedures from FEMA officials. For people and communities, they struggled with the multiple barriers set by FEMA and the thousands of unfair and unlawful letters denying assistance to repair and rebuild their homes.

At the beginning, one of the most challenging situations was to carry out legal clinics in places without electric power, phone signal or internet. Since FEMA required all the applications to be presented by phone, fax or internet, it became particularly challenging.

Though the project, some organizations were able to acquire internet hot spots and wireless equipment to improve legal service at the clinics.

Another important challenge was dealing with mental health problems. Many people that participated at the clinics were emotionally distressed or decompensated. This required lawyers to carefully address the situation with particular responsibility and sensitivity.

Lastly, a constant challenge was the accessibility of elderly population to the clinics. For many elders, trying to get to the clinic was burdensome. Many elders lack transportation, suffer different illnesses, have mobility problems or lack help to deal with their necessities.

Other lessons learned
Regarding the activities, one of the challenges we confronted was the need for more lawyers at the clinics, particularly when people started requesting legal aid for appeals. This concern was brought to Oxfam’s attention and allowed more lawyers per clinic.

On the other hand, identifying the necessary funding for announcements and other media strategies was very important. Lack of effective publicity and community engagement can have an adverse effect on the attendance of people to the clinics.

When scheduling an activity it is important not to assign dates that are too close. This would reduce the time to announce the activity and integrate other key players. Also, it was important to organize the activity taking into consideration the community’s calendar, so that previously schedule activities did not coincide with the clinic.

Some organizations thought that having FEMA personnel on the activities was beneficial, specially for people that wanted to know the status of their application or appeal. That is why several clinics had FEMA personnel available.
SUMMIT MEETING

On May 14, 2018, lawyers that provided legal aid for the project, met to discuss lessons learned, and identify challenges and solutions. The results of that meeting were presented to Oxfam America on a previous progress report.

Focus group discussion at the Summit Meeting held at the Museum of Contemporary Art in San Juan, Puerto Rico

SELF-REFLECTION ON PARTNER CAPACITY

As a result of this project, our organization was able to build capacity in the following areas: knowledge on FEMA procedures, developing a database for legal resources for training and direct legal service, connecting volunteers from Puerto Rico and the United States to disaster-related legal service, and advocacy strategies.

On the six-month mark of hurricane Maria, the Executive Director of the Foundation and the Coordinator of the Emergency Legal Aid Fund were invited by Oxfam to lobby in Congress, Washington D.C. This was an exceptional opportunity to express to congressmen, congresswomen and staff members of the issues and obstacles that hurricane survivors were facing with FEMA in Puerto Rico. After our lobbying efforts with Oxfam, a public hearing was held at Congress to discuss certain FEMA issues and we were able to provide recommendations on a proposed bill by Congressmen Espaillat addressing alternative ways people could demonstrate their ownership without being required a formal title.
The Executive Director and Emergency Legal Aid Fund Coordinator of the Access to Justice Fund Foundation lobbying in Congress with Oxfam on the six-month mark of hurricane María

ADVOCACY ACHIEVEMENT

After several months of advocacy with FEMA and the support from Oxfam and the National Low-Income Housing Coalition, our Foundation, together with Ayuda Legal Huracán María and Servicios Legales de Puerto Rico, developed a new Declarative Statement with a specific Puerto Rican legal framework that would help hurricane survivors reopen their case and appeal FEMA’s determination when it was denied by lack of property title. On July 30, 2018, the Foundation was notified that FEMA had approved the new Declarative Statement. This would enable thousands of applicants unfairly denied assistance to have another opportunity to present their case to FEMA.

Available at our Foundation’s webpage
https://fundacionfondoaccesoalajusticia.org/nuevo-formulario-aprobado-por-fema/
PARTNER OBSERVATIONS, RECOMMENDATIONS, FEEDBACK TO OXFAM AMERICA

Oxfam America has been a great partner to work with. Its staff was very supportive at different stages of the project. Since the beginning, they were empathic and in solidarity with the people of Puerto Rico after the disaster. Recognizing the importance of legal aid was fundamental for the effective implementation of the project and promote access to justice for thousands of people. One of the most positive partnership aspects was the flexibility throughout the project. For example, Oxfam did not hesitate to extend the end date of the project when FEMA announced new deadlines for IHP applications. Also, Oxfam’s respect and deference to local resources was very important. Their focus on supporting local development was essential on this project. Finally, its staff made possible for us to advocate on behalf of thousands of hurricane survivors in Puerto Rico at the US Congress, FEMA and HUD.

The Executive Director and Emergency Legal Aid Fund Coordinator of the Access to Justice Fund Foundation visit Oxfam offices at Washington DC for the six-month mark of hurricane María. (March, 2018)