

**California Commission on Access to Justice**  
**Rural Disaster Policy Brief**  
**DRAFT**  
April 2019

[Notes from Lisa Pruitt and Zach Newman, primary drafters: we have some ideas for more appealing formatting for this policy brief once the content is finalized. For example, we think it would be visually appealing for many (or all) of the anecdotes from legal aid organizations to be featured in text boxes/side bars. Some of the other data, now embedded in text/sentences, might also work well in charts or text boxes. Finally, this policy brief can be formatted to look more like the California Atty Deserts brief, if the Commission likes that format].

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## Wildfires Greatest Impact Is on Rural Communities

California faced ten federally-declared disasters in 2018, and then-Governor Brown declared an additional two.<sup>1</sup> These disasters disproportionately struck rural<sup>2</sup> parts of the state, including the November 2018 Camp Fire that decimated the town of Paradise in Butte County. That fire was the deadliest and most destructive wildfire in California history, claiming 86 lives, destroying or damaging some 18,000 structures, and causing \$16.5 billion in damage.<sup>3</sup> Map 1 illustrates the rural impact of the Camp Fire and other recent wildfires, including the Klamathon Fire in Siskiyou County, the Ferguson Fire in Mariposa County, and the Ranch and River fires in Mendocino County.<sup>4</sup> The 2015 Valley Fire in Lake, Sonoma, and Napa counties caused \$1.5 billion in damage, while that from the Butte fire in Calaveras and Amador counties tallied \$450 million.<sup>5</sup>

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<sup>1</sup> FEMA, *Disaster Declarations by Year*, [https://www.fema.gov/disasters/year/2018?field\\_dv2\\_declaration\\_type\\_value=All](https://www.fema.gov/disasters/year/2018?field_dv2_declaration_type_value=All); Akira Olivia Kumamoto, Hector Amezcua & Ryan Sabalow, *California wildfires start in the woods. Why do cities keep burning?*, THE SAC. BEE (Nov. 10, 2018), <https://www.sacbee.com/news/state/california/fires/article221385910.html>.

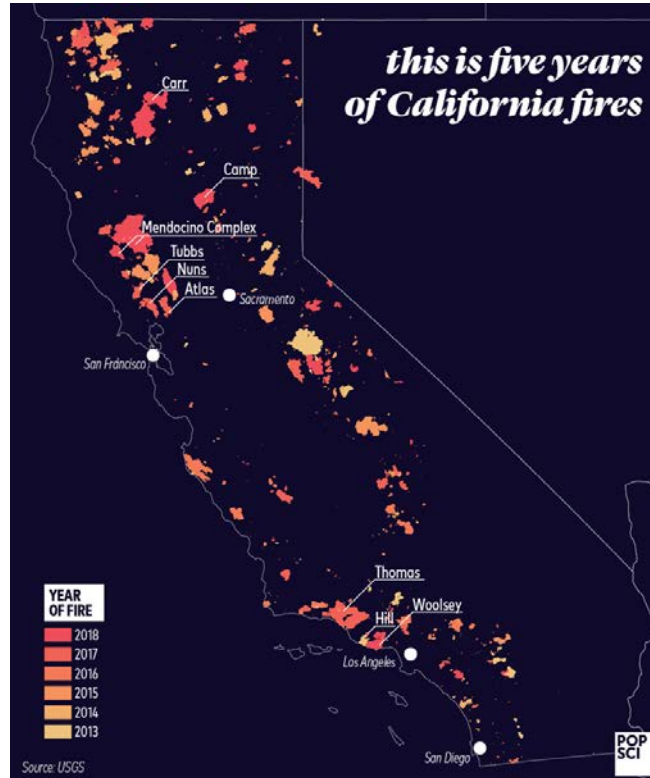
<sup>2</sup> Ideally, this policy brief would solely provide data by “Medical Service Study Area” (MSSAs) as we do in the section on “attorney deserts” because the MSSA model serves as an important analytical tool for understanding California’s geographical poverty, providing more nuance than a simple county versus county analysis, instead dividing the state into “urban” (75,000 to 125,000 residents), “rural” (50,000 or fewer residents), and “frontier” locales (fewer than 11 residents per square mile). See *Medical Service Study Areas*, State of California: Office of State Health Planning & Dev., <https://oshpd.ca.gov/MSSA/>. However, due to current data limitations, some data we rely on is on the county level, but we note here that this data is limited by the fact that many ostensibly “rural” counties can have an “urban” area within them and vice versa, thus complicating a county-level analysis of poverty and access to legal services. See, e.g., *Eviction Lab*, PRINCETON, <https://evictionlab.org/map/#/2016?geography=counties&bounds=-126.751,32.636,-109.334,39.727&type=er&locations=06047,-120.637,37.226%2B06019,-119.443,36.916>. Overall, we rely on a commonsense definition of “rural” that acknowledges the fact that disasters cut across large regions and impact rural population pockets in urban and mixed counties, allowing us to avoid the exclusion of these rural populations in non-rural counties.

<sup>3</sup> California Department of Forestry and Fire-Protection, *Incident Information*, [http://cdfdata.fire.ca.gov/incidents/incidents\\_statsevents](http://cdfdata.fire.ca.gov/incidents/incidents_statsevents); Sarah Ruiz-Grossman, *California’s Camp Fire Was The Most Expensive Natural Disaster Worldwide In 2018*, HUFF POST (Jan. 10, 2019), [https://www.huffpost.com/entry/california-camp-fire-costliest-disaster-2018\\_n\\_5c37b1b4e4b045f6768a484f](https://www.huffpost.com/entry/california-camp-fire-costliest-disaster-2018_n_5c37b1b4e4b045f6768a484f).

<sup>4</sup> Phil Haigh, *Where are the California Fires? Map Areas Affected by the Carr Fire in Redding and Elsewhere*, METRO (July 30, 2018), <https://metro.co.uk/2018/07/30/california-fires-map-areas-affected-carr-fire-redding-elsewhere-7775750/>.

<sup>5</sup> Dale Kasler, *Valley, Butte Fires Among Costliest Ever at \$2 Billion in Damages*, SAC BEE (Oct. 14, 2015), <https://www.sacbee.com/news/state/california/fires/article39167664.html>.

## MAP 1: GEOGRAPHY OF CALIFORNIA WILDFIRES



**Source:** <https://www.popsci.com/california-five-year-wildfire#page-2> using data from the United States Geological Survey.

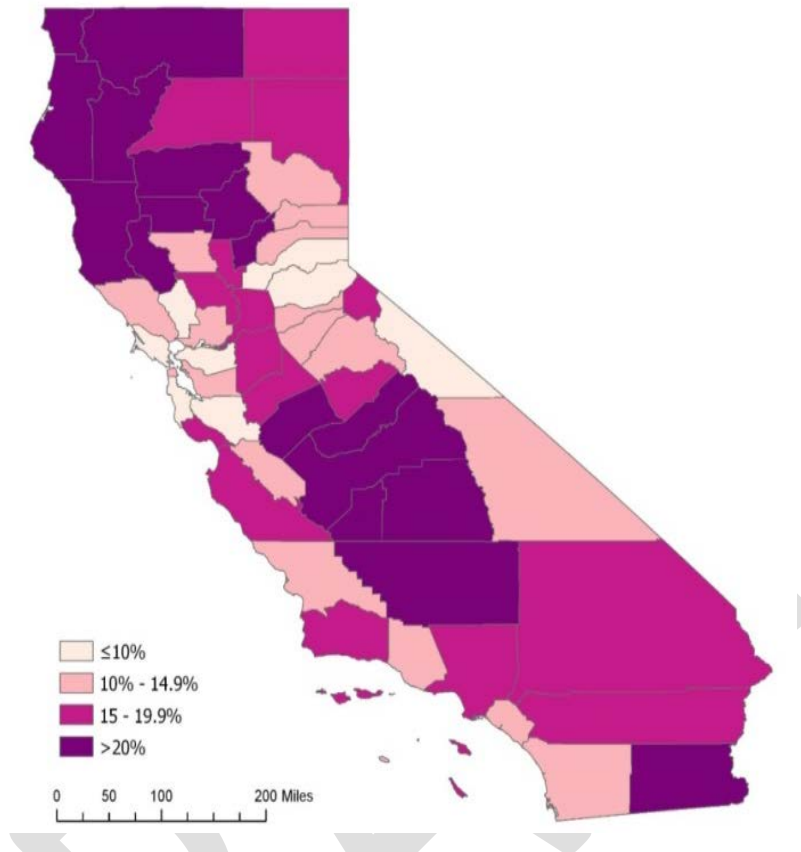
Impoverished places are often the hardest hit by disasters, and low-income neighborhoods and communities of color are typically the slowest to recover,<sup>6</sup> potentially in part due to differences in FEMA assistance based on income.<sup>7</sup> Ten million people with incomes below 125% of the federal poverty level live in rural places in the United States.<sup>8</sup> Rural areas often have higher poverty rates than urban ones, and Map 2 illustrates this phenomenon in California.

<sup>6</sup> Manny Fernandez, *A Year After Hurricane Harvey, Houston's Poorest Neighborhoods Are Slowest to Recover*, N.Y. TIMES (Sept. 3, 2018), <https://www.nytimes.com/2018/09/03/us/hurricane-harvey-houston.html>.

<sup>7</sup> Rebecca Hersher & Robert Benincasa, *How Federal Disaster Money Favors the Rich*, NPR (Mar. 5, 2019), <https://www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich>.

<sup>8</sup> LSC, *The Justice Gap* 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

MAP 2: POVERTY RATE BY COUNTY



This means that areas most affected by wildfires are often burdened by poverty even before disaster strikes, as illustrated by the poverty rates<sup>9</sup> in Lake County (25%); Mendocino County (20%); and Shasta County (17.5%).<sup>10</sup> Disasters aggravate poverty, as those with already few resources face loss of homes, personal possessions, and livelihoods.<sup>11</sup> Those who can afford to leave a wildfire-impacted area often do, while low-income residents are more likely to remain.<sup>12</sup> Major disasters typically increase a county's poverty rate by an average of 1%.<sup>13</sup>

<sup>9</sup> Based on US Census data and the Official Poverty Measure (OPM). See <https://datausa.io/>.

<sup>10</sup> Sam Harnett, 'Humbled to Ask for Help'—Low-Income Communities Struggle to Recover After a Wildfire, NPR (Sept. 19, 2018), <https://www.npr.org/2018/09/19/647606049/humbled-to-ask-for-help-low-income-communities-struggle-to-recover-after-a-wildfire>.

<sup>11</sup> Sam Harnett, *String of Fires in Northern California May Worsen Poverty for Years to Come*, KQED (Sept. 7, 2018), <https://www.kqed.org/news/11691065/string-of-fires-in-northern-california-may-worsen-poverty-for-years-to-come>.

<sup>12</sup> Leah Blatt Boustan et al., *New Data Set Explores 90 Years of Natural Disasters in the US*, THE CONVERSATION (Jun 28, 2017), <https://theconversation.com/new-data-set-explores-90-years-of-natural-disasters-in-the-us-78382?sa=pg2&sq=natural+disasters&sr=1>.

<sup>13</sup> Leah Blatt Boustan et al., *New Data Set Explores 90 Years of Natural Disasters in the US*, THE CONVERSATION (Jun 28, 2017), <https://theconversation.com/new-data-set-explores-90-years-of-natural-disasters-in-the-us-78382?sa=pg2&sq=natural+disasters&sr=1> (while the authors do not clarify, it appears they are using the federal poverty rate and the Official Poverty Measure (OPM)); Sam Harnett, *String of Fires in Northern California May Worsen Poverty for Years to Come*, KQED (Sept. 7, 2018), <https://www.kqed.org/news/11691065/string-of-fires-in-northern-california-may-worsen-poverty-for-years-to-come>.

CHART 1: WILDFIRE IMPACT

Fire	Date	County	Acres	Structures	Deaths
<b>Camp</b>	November 2018	Butte	153,336	18,804	86
<b>Carr</b>	July 2018	Shasta & Trinity	229,651	1,604	8
<b>Nuns</b>	October 2017	Sonoma	54,382	1,355	3
<b>Redwood Valley</b>	October 2017	Mendocino	36,523	546	9
<b>Tubbs</b>	October 2017	Napa & Sonoma	36,807	5,636	22
<b>Atlas</b>	October 2017	Napa & Sonoma	51,624	783	6

<b>Valley</b>	September 2015	Lake, Napa & Sonoma	76,067	1,955	4
<b>Butte</b>	September 2015	Amador & Calaveras	70,868	921	2

**Source:** California Department of Forestry and Fire-Protection, [http://cdfdata.fire.ca.gov/incidents/incidents\\_statsevents](http://cdfdata.fire.ca.gov/incidents/incidents_statsevents) (last visited April 9, 2019).

High housing costs aggravate poverty across California and contribute to the state's Supplemental Poverty Rate of nearly 20% (7.5 million people).<sup>14</sup> More than 50% of California renters are cost-burdened, meaning the household spends 30% or more of income on housing costs, and nearly a third of the state's renters are *severely* cost-burdened, which means the household spends at least 50% of income on housing.<sup>15</sup> Disasters dramatically reduce housing stock, exacerbating shortages.<sup>16</sup> For instance, Butte County had a mere 2% vacancy rate before the Camp Fire, which destroyed thousands of residences, decreasing housing affordability<sup>17</sup> and rendering many homeless.<sup>18</sup> Disasters also intensify the vulnerability of the elderly,<sup>19</sup> people with disabilities,<sup>20</sup> domestic violence survivors,<sup>21</sup> and migrant and seasonal farmworkers,<sup>22</sup> among others.

The intensity and frequency of such disasters demand unparalleled levels of resources and support for affected communities, and those resources must include legal assistance. Legal aid

<sup>14</sup> Sara Kimberlin & Esi Hutchful, *New Census Figures Show that California Has 7.5 Million Residents Living in Poverty—More Than Any Other State*, CALIFORNIA BUDGET AND POLICY CENTER (Sept. 2018), <https://calbudgetcenter.org/resources/new-census-figures-show-that-california-has-7-5-million-residents-living-in-poverty-more-than-any-other-state/>. The Supplemental Poverty Measure takes into account cost of living, while the Official Poverty Measure (OPM) does not. California's OPM is 13.4%.

<sup>15</sup> Sara Kimberlin & Esi Hutchful, *New Census Figures Show that California Has 7.5 Million Residents Living in Poverty—More Than Any Other State*, CALIFORNIA BUDGET AND POLICY CENTER (Sept. 2018), <https://calbudgetcenter.org/resources/new-census-figures-show-that-california-has-7-5-million-residents-living-in-poverty-more-than-any-other-state/>.

<sup>16</sup> Diane Yentel, *Disaster housing recovery: Time for Congress to act*, THE HILL (Nov. 26, 2018), <https://thehill.com/opinion/civil-rights/418175-disaster-housing-recovery-time-for-congress-to-act>.

<sup>17</sup> Michael Finch II, *Housing Affordability Drops Steeply in Butte County After Camp Fire*, SAC. BEE (Apr. 2, 2019), <https://www.sacbee.com/news/state/california/article228583644.html>.

<sup>18</sup> Ryan Sabalow et al., *Refugee Camps for Fire Survivors? Butte County on 'edge' of Humanitarian Crisis after Camp Fire*, SAC. BEE (Nov. 14, 2018), <https://www.sacbee.com/news/state/california/fires/article221594715.html>; Umair Irfan, *California's newly homeless fire victims face the state's severe housing shortage*, VOX (Nov. 16, 2018), <https://www.vox.com/energy-and-environment/2018/11/16/18098441/paradise-california-wildfire-housing>.

<sup>19</sup> Maria L. La Ganga et al., *Many Victims of California's Worst Wildfire Were Elderly and Died in or Near Their Homes*, *New Data Show*, LA TIMES (Dec. 13, 2018), <https://www.latimes.com/local/lanow/la-me-ln-paradise-fire-dead-map-20181213-story.html#nws=mcnewsletter>.

<sup>20</sup> See, e.g., Alice Wong, *In California wildfires, disabled people may be left behind*, CURBED SF (NOV. 13, 2018), <https://sf.curbed.com/2018/11/13/18087964/california-wildfires-disabled-people-eldery-evacuation-disabilities>.

<sup>21</sup> See, e.g., Sarah Friedman, *Natural Disasters & Domestic Violence May Have An Alarming Connection*, BUSTLE (Aug. 29, 2017), <https://www.bustle.com/p/natural-disasters-domestic-violence-may-have-alarming-connection-79673>.

<sup>22</sup> Danielle Paquette, *During California wildfires, farmworkers say they felt pressure to keep working or lose their jobs*, WASH. POST (Nov. 20, 2018), [https://www.washingtonpost.com/business/economy/during-california-wildfires-farm-workers-felt-pressured-to-keep-working-or-lose-their-jobs/2018/11/20/757f92a0-ec06-11e8-baac-2a674e91502b\\_story.html?noredirect=on&utm\\_term=.4046496c8a0f](https://www.washingtonpost.com/business/economy/during-california-wildfires-farm-workers-felt-pressured-to-keep-working-or-lose-their-jobs/2018/11/20/757f92a0-ec06-11e8-baac-2a674e91502b_story.html?noredirect=on&utm_term=.4046496c8a0f).

attorneys working in coordination with attorneys providing pro bono services<sup>23</sup> can assist low-income rural populations with the many civil legal issues that arise in the wake of a disaster, including housing, employment, and consumer fraud, in addition to securing FEMA assistance and other public benefits. Entities such as local bar associations can mobilize attorneys to provide legal services on a pro bono basis to those impacted by disasters,<sup>24</sup> working in tandem with legal aid organizations already on the ground to deliver much needed legal services to low-income communities.

After the Camp Fire, for example, Legal Services of Northern California (LSNC) was able to assist more than 1,200 people at the FEMA Disaster Recovery Center (DRC) in Chico; the legal aid organization opened more than 250 cases for survivors. During November and December 2018, LSNC collaborated with the private bar to log more than 115 attorney hours and 43 law student hours, all serving those impacted by the wildfire. LSNC also facilitated case referrals to lawyers offering assistance on a pro bono basis.<sup>25</sup> Additionally, LSNC has coordinated with law firms to provide support through clinics in Chico, including for insurance claims and estate planning. This is just one example of a recovery strategy that combines pro bono and legal aid to deliver to low-income, rural clients the assistance they need in the wake of a disaster.

While the issues facing those affected by a disaster may not at first appear to be legal issues, many do implicate law and legal processes: Housing (habitability, eviction, and foreclosure), insurance, wills and trusts, family law, access to government benefits, employment (unlawful job termination, unsafe working conditions), consumer issues (price-gouging, contractor fraud), and FEMA claim denial all involve the law.<sup>26</sup> The role of legal aid is to address the civil manifestations of poverty by providing legal services to low-income people. Legal aid is thus pivotal to the disaster recovery process because the high degree of damage and disruption creates an enormous need for legal help.<sup>27</sup>

The particular vulnerability low-income communities experience during disaster and recovery may lead them to confront myriad issues for which they otherwise would not seek legal remediation: challenging a boss's exploitative conduct, ensuring receipt of public benefits to which they are entitled, or defending against an illegal eviction. The particular disaster context means survivors may need advice regarding price gauging and accessing Federal Emergency

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<sup>23</sup> Following the wildfires in 2017 and 2018, the State Bar of California collected information from more than 600 lawyers who wished to provide pro bono service in response to the wildfires.

<sup>24</sup> See Amy Yarbrough, *Lending Legal Aid After the Valley Fire Devastation*, CALIFORNIA BAR JOURNAL, <http://www.calbarjournal.com/November2015/TopHeadlines/TH1.aspx> (last visited Apr. 9, 2019); Lorelei Laird & Terry Carter, *Lessons From Katrina*, ABA JOURNAL (Feb. 2018), [http://www.abajournal.com/magazine/article/lessons\\_from\\_katrina](http://www.abajournal.com/magazine/article/lessons_from_katrina).

<sup>25</sup> Data provided by Legal Services of Northern California.

<sup>26</sup> See Vann R. Newkirk II, *The Legal Crises to Follow in Hurricane Harvey's Wake*, THE ATLANTIC (Aug. 30, 2017), <https://www.theatlantic.com/politics/archive/2017/08/seeking-legal-help-in-the-middle-of-hurricane-harvey/538488/>; URBAN INSTITUTE, DELIVERING LEGAL AID AFTER KATRINA: THE EQUAL JUSTICE WORKS KATRINA LEGAL INITIATIVE iv (2009), <http://www.urban.org/sites/default/files/publication/30591/411946-Delivering-Legal-Aid-after-Katrina.PDF>.

<sup>27</sup> This phenomenon was well-documented after Hurricane Katrina, when legal aid and pro bono lawyers assisted victims in navigating and remedying a range of problems arising directly from the disaster. URBAN INSTITUTE, DELIVERING LEGAL AID AFTER KATRINA: THE EQUAL JUSTICE WORKS KATRINA LEGAL INITIATIVE iv (2009), <http://www.urban.org/sites/default/files/publication/30591/411946-Delivering-Legal-Aid-after-Katrina.PDF>.

Management (FEMA) benefits. Disasters do not discriminate, but the recovery process is likely to be uneven if only some have access to legal assistance. Ensuring that low-income communities have the resources they need—including legal services—is integral to a fair and equitable recovery.

## **How Legal Aid and Pro Bono Assistance Help Residents After a Disaster**

This section highlights specific ways in which legal aid attorneys as well as those providing pro bono legal services assist low-income rural Californians after a disaster.

### Housing: Homeowners, Renters, and People Experiencing Homelessness

Legal aid and pro bono counsel help homeowners and renters remain housed after a disaster. Low-income rural residents have insufficient access to affordable housing even before wildfires destroy housing stock. In the aftermath of disaster,<sup>28</sup> rural residents are lucky to end up in temporary FEMA trailers; too many will end up homeless, sheltered only by a tent.<sup>29</sup> After 2017's wildfires hit Sonoma County, the median rent there increased by 35% in the weeks after the fire was extinguished, having destroyed 5% of the housing stock.<sup>30</sup> Six months out, 10,000 people were still displaced.<sup>31</sup> The 1,200 beds in area homeless shelters had already been at capacity before the fire as well.<sup>32</sup>

The aftermath of the Sonoma County fire illustrates the severe shortage of affordable rental housing facing rural California.<sup>33</sup> Thirty-six percent of rural Californians are cost-burdened, which means 30% of their income goes to pay for housing.<sup>34</sup> Siskiyou County, in the far north, has a housing cost-burden rate of 30%, which is intertwined with high poverty (23%) and unemployment (14%) rates. The metrics for Imperial County in the southeastern corner of the state are similarly alarming: a housing cost-burden rate of 25%, a poverty rate of 23%, and an unemployment rate of 18%.<sup>35</sup> Urban San Francisco's cost-burden rate, by comparison, is

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<sup>28</sup> See, e.g., HOUSING ASSISTANCE COUNCIL, *PICKING UP THE PIECES: RESTORING RURAL HOUSING AND COMMUNITIES AFTER A DISASTER* (2018).

<sup>29</sup> Lizzie Johnson & Kevin Fagan, *Signs of Life amid scars and loss: Sonoma County: Six months are the wildfires*, SF CHRON., <https://www.sfchronicle.com/bayarea/article/north-bay-wildfires-rebuilding-12804162.php>; Ryan Sabalow, *Refugee camps for fire survivors? Butte County on 'edge' of humanitarian crisis after Camp Fire*, SAC. BEE (Nov. 14, 2018), <https://www.sacbee.com/news/state/california/fires/article221594715.html>.

<sup>30</sup> Gaby Del Valle, *The fires in California highlight — and worsen — the state's income divide*, VOX (Nov. 15, 2018), <https://www.vox.com/the-goods/2018/11/15/18097092/california-fires>.

<sup>31</sup> Gaby Del Valle, *The fires in California highlight — and worsen — the state's income divide*, VOX (Nov. 15, 2018), <https://www.vox.com/the-goods/2018/11/15/18097092/california-fires>.

<sup>32</sup> Lizzie Johnson & Kevin Fagan, *Signs of Life amid scars and loss: Sonoma County: Six months are the wildfires*, SF CHRON., <https://www.sfchronicle.com/bayarea/article/north-bay-wildfires-rebuilding-12804162.php>.

<sup>33</sup> Corianne Scally & Brandi Gilbert, *Rural communities need more affordable rental housing*, URBAN INSTITUTE (Oct. 2, 2018), <https://www.urban.org/urban-wire/rural-communities-need-more-affordable-rental-housing>; Ben Bergman, *Housing is Now Unaffordable in Many Rural Parts of California Too*, SCPR (Oct. 25, 2016), <https://www.scpr.org/news/2016/10/25/65768/housing-is-now-unaffordable-in-many-rural-parts-of/>.

<sup>34</sup> Joint Center for Housing Studies of Harvard University, *The State of the Nation's Housing 2018*, 32, [http://www.jchs.harvard.edu/sites/default/files/Harvard\\_JCHS\\_State\\_of\\_the\\_Nations\\_Housing\\_2018.pdf](http://www.jchs.harvard.edu/sites/default/files/Harvard_JCHS_State_of_the_Nations_Housing_2018.pdf).

<sup>35</sup> Corianne Scally & Brandi Gilbert, *Rural communities need more affordable rental housing*, URBAN INSTITUTE (Oct. 2, 2018), <https://www.urban.org/urban-wire/rural-communities-need-more-affordable-rental-housing>.



somewhat higher (38%),<sup>36</sup> but the poverty and unemployment rates are just 10%<sup>37</sup> and 2.2%, respectively.<sup>38</sup>

### *i. Temporary Housing*

While people with more financial resources and flexibility might be able to afford a place to live or stay during the early days of recovery (especially if a wildfire still rages nearby), lower-income families are often stuck at an evacuation center or seeking housing assistance from FEMA.<sup>39</sup> FEMA provides both Disaster Housing Assistance and FEMA Direct Housing.<sup>40</sup> The latter includes supplying Manufactured Housing Units (MHUs) and recreational vehicles (RVs) to affected residents.<sup>41</sup> The 2018 Camp Fire led to the evacuation of nearly 50,000 people, about 1,000 of whom stayed in evacuation and emergency shelters,<sup>42</sup> with a large group camping in a Walmart parking lot.<sup>43</sup> Attorneys can help displaced residents secure the FEMA assistance they need to transition to more stable housing.

### *ii. Homeowners*

Homeowners are vulnerable to losing their homes to a disaster, of course, but even those whose homes are not destroyed by the disaster are vulnerable to a different culprit: foreclosure during recovery. Generally, a homeowner must continue to make mortgage payments through a disaster-and-recovery cycle.<sup>44</sup> Legal aid and pro bono counsel can help homeowners navigate this process, thus keeping disaster victims housed.

Legal Services of Northern California (LSNC), for example, assisted an elderly woman, living alone, who lost her home in the 2018 Carr Fire. The woman, who had been negotiating a deed in lieu of foreclosure with her lender before the fire, was unable to make her mortgage payments after the fire. She was also under-insured. The client sought to use her insurance settlement to pay arrears to the lender, but the lender refused. LSNC provided the client with advice and assistance to negotiate a deed in lieu of foreclosure, thus easing her path on the long recovery process.

<sup>36</sup> Adam Brinklow, *Cost-burdened renters are low in SF, because high-income renters have increased*, CURBED SF (Nov. 13, 2017), <https://sf.curbed.com/2017/11/13/16640936/san-francisco-rent-burden-2017>.

<sup>37</sup> *City Performance Scorecards*, SF Gov, <https://sfgov.org/scorecards/safety-net/poverty-san-francisco>.

<sup>38</sup> *Unemployment Rate in San Francisco County/City*, FRED ECONOMIC DATA (Jan. 30, 2019), <https://fred.stlouisfed.org/series/CASANF0URN>.

<sup>39</sup> Gaby Del Valle, *The fires in California highlight — and worsen — the state's income divide*, VOX (Nov. 15, 2018), <https://www.vox.com/the-goods/2018/11/15/18097092/california-fires>.

<sup>40</sup> MOFO, 2018 NORTHERN CALIFORNIA WILDFIRES HELPING HANDBOOK 22, <https://media2.mofo.com/documents/fall-2018-ca-wildfires-helping-handbook.pdf>; *FAQ: All About Housing*, FEMA (Dec. 6, 2018), <https://www.fema.gov/news-release/2018/12/06/4407/faq-all-about-housing>.

<sup>41</sup> *FAQ: All About Housing*, FEMA (Dec. 6, 2018), <https://www.fema.gov/news-release/2018/12/06/4407/faq-all-about-housing>.

<sup>42</sup> Robert Salonga & Ethan Baron, *Camp Fire death toll rises to 76, those unaccounted for nears 1,300*, THE MERCURY NEWS (Nov. 16, 2018), <https://www.mercurynews.com/2018/11/16/camp-fire-tent-city-will-be-broken-up-as-cold-and-rain-approach/>.

<sup>43</sup> Nicole Santa Cruz, *In a Walmart parking lot, a tent city of Camp fire refugees takes shelter*, LA TIMES (Nov. 15, 2018), <https://www.latimes.com/local/lanow/la-me-paradise-tent-city-20181115-htmllstory.html>.

<sup>44</sup> Bay Area Legal Aid, *CA Fire Legal Issues FAQ Flyer*, [https://drive.google.com/file/d/0B\\_DZs-JM0cjUVV5ajhKUINmTEFvY294TGNRcnBBZUpZV2Q4/view](https://drive.google.com/file/d/0B_DZs-JM0cjUVV5ajhKUINmTEFvY294TGNRcnBBZUpZV2Q4/view).

The legal aid community has also partnered with United Policyholders to support homeowners regarding insurance matters. Because insurance issues are not traditionally within legal aid's areas of practice, the expertise of United Policyholders and private attorneys has been essential to helping communities affected by recent wildfires. Following the 2017 Sonoma County wildfires, legal aid organizations partnered with United Policyholders and private attorneys based in the San Francisco Bay area to provide legal education and assistance at clinics. Rural-urban partnerships like this one have become models for other areas of the state.<sup>45</sup>

### *iii. Renters*

Ninety percent of tenants in the United States face the eviction process without representation.<sup>46</sup> Under California law, evictions can be extremely swift: 60% of cases are resolved within a month and 75% within 45 days.<sup>47</sup> Compounding this quick timeline, rural places in California tend not to have the sorts of tenant protections associated with metropolitan areas, including rent control and just cause ordinances,<sup>48</sup> and some rural locales' eviction rates are among the highest in the state.<sup>49</sup> Access to counsel is necessary to help rural renters navigate this legal landscape and achieve more equitable outcomes.

The Sargent Shriver Civil Council Act funds legal services for low-income people facing a variety of issues, including housing. Data gathered pursuant to that law illustrate how critical legal aid can be in the context of eviction.<sup>50</sup> These data show that clients represented by an attorney are more likely to file an answer (91% versus 73% of those without representation); more likely to reach a settlement (70% of clients reached a settlement) and more likely to avoid trial (just 3% of clients with representation went to trial, compared to 14% of those without representation).<sup>51</sup> Fewer Shriver-represented clients had their cases end in default, just 8%, compared to 26% of those without representation.<sup>52</sup>

Finally, representation also provided other benefits that kept people housed, or helped them find new housing: Just 6% of those with an attorney were formally evicted, and 46% were permitted

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<sup>45</sup> United Policyholders also offers a "Claim Guidance Library" where policyholders can access information to equip them as they navigate the insurance claim settlement process *Claim Guidance Library*, UNITED POLICYHOLDERS, <https://www.uphelp.org/resources/claim-help>.

<sup>46</sup> *LSC Briefing to Highlight Legal Aid's Importance to Americans Facing Eviction*, LSC (Sept. 4, 2018), <https://www.lsc.gov/media-center/press-releases/2018/lsc-briefing-highlight-legal-aids-importance-americans-facing>.

<sup>47</sup> Aimee Inglis & Dean Preston, *California Evictions are Fast and Frequent*, TENANTS TOGETHER (2018), [https://antievictionmap.squarespace.com/s/CA\\_Evictions\\_are\\_Fast\\_and\\_Frequent.pdf](https://antievictionmap.squarespace.com/s/CA_Evictions_are_Fast_and_Frequent.pdf).

<sup>48</sup> Kacey Gardner, *Rent Control is Coming to California's November Ballot. Here's What's at Stake*, CAPITAL PUBLIC RADIO (June 20, 2018), <http://www.capradio.org/articles/2018/06/20/rent-control-is-coming-to-californias-november-ballot-heres-whats-at-stake/>.

<sup>49</sup> See Eviction Lab, PRINCETON, <https://evictionlab.org/map/#/2016?geography=counties&bounds=-126.751,32.636,-109.334,39.727&type=er&locations=06047,-120.637,37.226%2B06019,-119.443,36.916>. However, while many states rely on the Eviction Lab data, those working on that project only had access to unsealed evictions, which means that, due to a recent California law resulting in the sealing of most eviction cases, they have an unrepresentative sample of evictions in California.

<sup>50</sup> Judicial Council of California, Report to the Judicial Council (2017).

<sup>51</sup> Judicial Council of California, Report to the Judicial Council (2017).

<sup>52</sup> Judicial Council of California, Report to the Judicial Council (2017).

more time to find new housing with an adjusted move-out date.<sup>53</sup> Further, 65% of Shriver-represented clients obtained a reduction in back-owed rent, if not a full waiver of it.<sup>54</sup> Tenants with Shriver counsel more often secured a neutral reference from the evicting landlord, sealed the record of the eviction action, and prevented the case from being reported to credit agencies.<sup>55</sup> A year after their representation 71% of clients were living in a new rental unit, compared to just 43% of those who were self-represented.<sup>56</sup>

Disasters make the eviction process even more challenging for low-income, rural Californians trying to stay housed. All renters have legally-enforceable rights during and after a disaster,<sup>57</sup> but landlords may nevertheless seek to unlawfully evict tenants. From advising on tenants' rights to providing form letters clients can give their landlords, legal representation from legal aid and pro bono counsel can be critically important to helping keep renters stay housed after a disaster by defending against unwarranted evictions.

Legal Services of Northern California (LSNC) assisted many clients with housing matters in the aftermath of the 2015 Valley Fire. One such client had a one-year lease on a house that suffered smoke damage during the fire. Though the house remained habitable and the client had eight months remaining on the lease, the landlord told the client he must vacate the house. LSNC attorneys advised the tenant of his right to remain in the unit for the remainder of the lease, and they also advised the tenant to register for FEMA individual assistance, which he received.

Another client of LSNC was a substitute teacher who was evacuated for more than two weeks from the home she was renting. Although the home was habitable, the landlord nevertheless served the tenant with a 30-day eviction notice, which led the tenant to seek LSNC's advice. LSNC provided the client with a form letter that he could give to his landlord attesting to the tenant's right to a 60-day notice prior to eviction, thus giving the tenant more time to find housing. Because LSNC was able to advise the client on California law, his living situation was effectively stabilized in the wake of the disaster.

A disaster can damage not just a house itself but also features that make it habitable. LSNC assisted a client whose water pipe was broken as a result of the 2015 Valley wildfire. Instead of repairing the water pipe, the landlord tried to get the client to sign a new contract that would have made the client responsible for getting her own water. In advising her not to sign this contract, LSNC informed the client of her right to a habitable rental property and assured her that the landlord was responsible for that habitability.

Mobile-home park residents have special needs when disaster strikes, in part because they are often vulnerable to exploitative or illegal conduct. Individuals living in mobile home parks are

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<sup>53</sup> Judicial Council of California, Report to the Judicial Council (2017).

<sup>54</sup> Judicial Council of California, Report to the Judicial Council (2017).

<sup>55</sup> Judicial Council of California, Report to the Judicial Council (2017).

<sup>56</sup> Judicial Council of California, Report to the Judicial Council (2017).

<sup>57</sup> See, e.g., MOFO, 2018 NORTHERN CALIFORNIA WILDFIRES HELPING HANDBOOK 3, <https://media2.mofo.com/documents/fall-2018-ca-wildfires-helping-handbook.pdf>; Bay Area Legal Aid, *CA Fire Legal Issues FAQ Flyer*, [https://drive.google.com/file/d/0B\\_DZs-JMd0cjUVV5ajhKUINmTEFvY294TGNRcnBBZUpZV2Q4/view](https://drive.google.com/file/d/0B_DZs-JMd0cjUVV5ajhKUINmTEFvY294TGNRcnBBZUpZV2Q4/view).

often elderly, living with a disability, and/or low-income.<sup>58</sup> Not only may their mobile home be damaged or destroyed, so may the manufactured home park, making both their space and the common areas uninhabitable. Mobile-home owners often face title and registration difficulties, and they may not have documents demonstrating their ownership. This can lead to disputes with insurance carriers, if the mobile home is insured, as well as with FEMA and other disaster assistance providers. California legal aid organizations help residents understand the rules and confront these complicated issues.

When the Carr Fire destroyed a Shasta County mobile home park, for example, the park owner chose not to participate in the county's debris removal process and instead sought to have tenants pay for the removal. LSNC informed their client, an elderly tenant of the park, that he did not have to pay for debris removal and that the county would not hold him responsible for it. LSNC further advised the client to seek FEMA and Small Business Assistance benefits, avenues for relief about which the client had not been aware.

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<sup>58</sup> See Maria L. La Ganga et al., *Many Victims of California's Worst Wildfire Were Elderly and Died in or Near Their Homes, New Data Show*, LA TIMES (Dec. 13, 2018), <https://www.latimes.com/local/lanow/la-me-ln-paradise-fire-dead-map-20181213-story.html#nws=mcnewsletter>.

#### iv. Homelessness

Rural homelessness is a burgeoning problem in California,<sup>59</sup> and disasters exacerbate that problem by destroying housing stock.<sup>60</sup>

Alpine County, for example, saw a 128% rise in homelessness since 2015; in El Dorado County, it was 122% during that period.<sup>61</sup> The 2015 Butte fire in Calaveras and Amador counties destroyed some 500 homes; the 2017 Tubbs fire in Sonoma and Napa counties destroyed nearly 5,000 homes; and the 2018 Camp Fire destroyed more than 18,000 structures. Even before the Camp Fire, homelessness in Butte County was hitting record highs.<sup>62</sup> Youth homelessness is of particular concern as well.<sup>63</sup> For instance, homelessness among Calaveras County public school children reached 20% in 2016, having quadrupled since 2014 (4.7%) in the wake of the 2015 Butte Fire.<sup>64</sup> By 2016, more than 1,124 Calaveras County children and youth were living in motels, cars, or even outdoors.<sup>65</sup>

Legal aid organizations play a vital role in mitigating spikes in homelessness following a disaster. Legal Aid of Sonoma, for example, was able to secure temporary housing support for a client who was facing homelessness after FEMA, without notice, suspended a program that was enabling her to stay in a hotel. Legal Aid of Sonoma appealed, securing FEMA benefits for loss of personal property and temporary housing for the client. The legal aid lawyers also placed the client on affordable housing lists, through which she eventually secured a place to live. Legal Aid of Sonoma also recognized that the client might be eligible for a support animal because of the traumatic effects of the disaster and connected her with a therapist to assist with that process. Finally, Legal Aid of Sonoma notified the client's landlord that the service animal must be permitted in her housing. Rather than face homeless, this client was able to secure affordable housing and get an emotional support animal to ease her trauma.

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<sup>59</sup> Carolyn Jones, *Why California's Rural Areas are Seeing a Surge in Homeless Youth*, EDSOURCE (June 12, 2018), <https://edsource.org/2018/why-californias-rural-areas-are-seeing-a-surge-in-homeless-youth/598983>; Grace Guarnieri, *Natural Disasters, Homelessness, and the Affordability Crisis Defined U.S. Housing in 2017*, NEWSWEEK (Dec. 31, 2017), <https://www.newsweek.com/affordable-housing-homeless-natural-disasters-767129>; Kevin Fagan, *California's Homelessness Crisis Expands to Country*, SF CHRON. (Sept. 8, 2017), <https://www.sfchronicle.com/news/article/California-s-homelessness-crisis-moves-to-the-12182026.php>.

<sup>60</sup> Thomas Fuller et al., *California Fires Only Add to Acute Housing Crisis*, NY TIMES (Nov. 15, 2018), <https://www.nytimes.com/2018/11/15/us/homeless-california-wildfires-evacuees.html>.

<sup>61</sup> Kevin Fagan, *California's Homelessness Crisis Expands to Country*, SF CHRON. (Sept. 8, 2017), <https://www.sfchronicle.com/news/article/California-s-homelessness-crisis-moves-to-the-12182026.php>.

<sup>62</sup> Ashiah Scharaga & The Associated Press, *Butte County reaches record number of homeless, according to point-in-time count*, ENTERPRISE-RECORD (Apr. 20, 2018), <https://www.chicoer.com/2017/05/25/butte-county-reaches-record-number-of-homeless-according-to-point-in-time-count/>.

<sup>63</sup> Carolyn Jones, *Why California's Rural Areas are Seeing a Surge in Homeless Youth*, EDSOURCE (June 12, 2018), <https://edsource.org/2018/why-californias-rural-areas-are-seeing-a-surge-in-homeless-youth/598983>.

<sup>64</sup> Carolyn Jones, *Why California's Rural Areas are Seeing a Surge in Homeless Youth*, EDSOURCE (June 12, 2018), <https://edsource.org/2018/why-californias-rural-areas-are-seeing-a-surge-in-homeless-youth/598983>.

<sup>65</sup> Carolyn Jones, *Why California's Rural Areas are Seeing a Surge in Homeless Youth*, EDSOURCE (June 12, 2018), <https://edsource.org/2018/why-californias-rural-areas-are-seeing-a-surge-in-homeless-youth/598983>.

## Consumer Issues: Fraud, Identity Theft, Scams

Legal aid organizations are critical to helping vulnerable disaster victims protect their rights as consumers.<sup>6667</sup> Predatory companies and individuals engaging in scams, price-gouging,<sup>68</sup> and fraud often target disaster survivors. Predatory companies sometimes try to draw a consumer into a “debt settlement,” in which the consumer begins to pay the company rather than the creditors to whom the consumer owes debt(s).<sup>69</sup> Companies engaged in rebuilding efforts may commit home repair fraud.<sup>70</sup> Further, disaster victims may fall prey to identity theft by more readily providing private information as to someone posing as a FEMA inspector.<sup>71</sup>

Price-gouging, an increase in cost of a consumer good by more than 10% within 30 days of an emergency disaster declaration,<sup>72</sup> is another significant issue facing consumers in the post-disaster landscape. Although price-gouging for necessities—from housing to food to supplies—is illegal in California,<sup>73</sup> those selling goods and services may nonetheless try to take advantage of disaster survivors. Following the 2018 Carr Fire, the District Attorney’s Office in Shasta County, for example, received 70 price-gouging complaints regarding necessities, such as hotel rooms.<sup>74</sup>

Though price gouging is rarely prosecuted, legal aid organizations help prevent the practice. Legal Aid of Sonoma, for example, assisted a client who had moved into a trailer under the pretense of an agreed-upon rent amount after a wildfire destroyed her house. After she moved in, however, the landlord attempted to increase the rent by 200%. The client came to Legal Aid of Sonoma for advice, informing the attorney that she was going to be homeless if she could not stay in the trailer with the agreed upon rent. After the legal aid lawyer sent a demand letter citing violations of law, the landlord acquiesced, allowing the client stay in the trailer for the amount originally agreed. The client was thus better able to stabilize following the disaster, not forced into homelessness by an exorbitant price increase.

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<sup>66</sup> See National Center for Disaster Fraud, US DOJ, <https://www.justice.gov/disaster-fraud>.

<sup>67</sup> National Consumer Law Center, *Need Help with Debts? Don’t Get Burned by Scammers – Know the Facts About Debt Relief* (Mar. 2018), <https://www.nclc.org/images/pdf/disaster-relief/ib-need-help-with-debts.pdf>.

<sup>68</sup> See *Price gouging laws are essential for helping low-income rural residents*, LEGAL RURALISM BLOG (Sept. 16, 2018), <http://legallruralism.blogspot.com/2018/09/price-gouging-laws-are-essential-for.html>.

<sup>69</sup> National Consumer Law Center, *Need Help with Debts? Don’t Get Burned by Scammers – Know the Facts About Debt Relief* (Mar. 2018), <https://www.nclc.org/images/pdf/disaster-relief/ib-need-help-with-debts.pdf>.

<sup>70</sup> National Consumer Law Center, *Avoiding Home Repair Fraud: Lessons from Hurricane Katrina* (2008), [https://www.nclc.org/images/pdf/pr-reports/report-katrina\\_repair\\_fraud\\_2008.pdf](https://www.nclc.org/images/pdf/pr-reports/report-katrina_repair_fraud_2008.pdf).

<sup>71</sup> MOFO, 2018 NORTHERN CALIFORNIA WILDFIRES HELPING HANDBOOK 65, <https://media2.mofo.com/documents/fall-2018-ca-wildfires-helping-handbook.pdf>.

<sup>72</sup> State of California Department of Justice, *FAQs on Price Gouging*, <https://www.oag.ca.gov/consumers/pricegougingduringdisasters#1C>.

<sup>73</sup> State of California Department of Justice, *FAQs on Price Gouging*, <https://www.oag.ca.gov/consumers/pricegougingduringdisasters#1C>.

<sup>74</sup> Michele Chandler, *Allegations of Price Gouging Are Being Filed in Shasta County in Carr Fire’s Aftermath*, REDDING RECORD (Aug. 20, 2018), <https://www.redding.com/story/news/2018/08/20/price-gouging-complaints-emerge-shasta-county-after-carr-fire/1047717002/>.

## Employment

Just as disasters undermine survivors' housing situations, they also may undermine their employment.<sup>75</sup> Legal aid attorneys help disaster survivors navigate a shifting employment landscape, addressing issues such as disaster unemployment insurance, unlawful termination, back-wages, leave from work, and health and safety violations.

Following a disaster, employers sometimes refuse to pay workers for labor already completed; some terminate workers. Legal aid is there to enforce laws like the Fair Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), and the Occupational Safety and Health Act (OSHA).<sup>76</sup> These laws ensure that employers provide a healthy, safe working environment, particularly in a disaster area. In some circumstances, the laws may also provide time off. Without the advice and assistance of legal aid attorneys to protect workers' rights, employers might take advantage of employees, aggravating the difficult situation in which the disaster has already left workers.

Legal Aid of Sonoma assisted an independent contractor working for a larger company performing debris removal after a wildfire. The worker was being exposed to an unhealthy working environment of ash, soot, and asbestos while equipped with non-existent or inadequate safety gear. The employer was also illegally withholding earned wages. Legal Aid of Sonoma filed a complaint with OSHA regarding the health and safety violations, and OSHA ordered the company to ameliorate the dangers. The legal aid organization also filed a complaint with the labor board regarding the wage violations and, after extensive settlement negotiations, the contractor ultimately paid the client a sizeable settlement for the wages owed.

Migrant and seasonal farmworkers (MSFWs) are especially vulnerable after a disaster because of the precarious nature of their employment and housing. Many issues that MSFWs face in the usual course of events are exacerbated by disaster, including workplace safety, exploitative working conditions, eligibility for government programs and immigration concerns. After the 2018 Camp Fire, farmworkers were expected to stay in the fields, performing their jobs in unhealthy, smoky conditions with inappropriate protective gear,<sup>77</sup> such as a makeshift cloth instead of a proper facemask. Such laborers need the professional advocacy of legal aid or pro bono counsel.<sup>78</sup>

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<sup>75</sup> Farida Jhabvala Romero, *California Wildfires Leave Seasonal Agricultural Workers in Limbo*, NPR (Oct. 19, 2017), <https://www.npr.org/sections/thesalt/2017/10/19/558543177/california-wildfires-leave-seasonal-agricultural-workers-without-jobs-income>.

<sup>76</sup> *Fact Sheet #72: Employment & Wages Under Federal Law During Natural Disasters & Recovery*, United States Department of Labor (May 2010), <https://www.dol.gov/whd/regs/compliance/whdfs72English.htm>; United States Department of Labor, *Wildfires*, OSHA, <https://www.osha.gov/dts/wildfires/index.html>.

<sup>77</sup> Leslie Berestein Rojas, *Farms hands worked in Ventura County despite Thomas Fire smoke*, SCPR (Dec. 11, 2017), <https://www.scpr.org/news/2017/12/11/78701/farm-hands-worked-in-ventura-county-despite-thomas/>

<sup>78</sup> Scott Simon & Sophia Boyd, *Many California Farmworkers Forced To Stay Behind During The Wildfires*, NPR (Nov. 24, 2018), <https://www.npr.org/sections/thesalt/2018/11/24/670513650/many-california-farmworkers-forced-to-stay-behind-during-the-wildfires>.

## Insurance

Many types of insurance are implicated in the disaster context, including homeowners', renters', and car insurance.<sup>79</sup> Low-income Californians trying to stabilize after a disaster often struggle to recover the insurance proceeds due to them. Legal aid organizations and pro bono attorneys play a vital role in advocating for low-income clients regarding these issues. Legal Aid of Sonoma, for example, assisted a client whose insurer argued that it did not have to compensate the client for her mobile home because it was in a mobile home park identified by code enforcement as unsafe for occupancy after a wildfire rendered utilities in the park inoperable. After extensive negotiations with the insurance provider, Legal Aid of Sonoma was able to secure substantial insurance proceeds for the client.

## Public Benefits

Navigating access to public benefits like CalFresh (food stamps), CalWORKS or State Disability Insurance (SDI) can be difficult under the best of circumstances, and it is particularly challenging and vitally important for those struggling to regain a semblance of stability in the wake of a disaster. For example, a client served by Legal Aid of Sonoma after the recent wildfires was living with a rare degenerative heart condition that made him unable to work. When his apartment complex burned down, he lived in a hotel temporarily and later in his car. The client faced multiple, overlapping legal issues: He simultaneously lost his housing, was unable to access either his insurance benefits or FEMA assistance, and his Social Security Disability Insurance (SSDI) was due to run out. Legal Aid of Sonoma was there to assist him with these issues by obtaining FEMA benefits for temporary housing, reimbursement to pay for a hotel, and insurance funds. They also helped connect him to an SSDI attorney who was able to secure his federal disability insurance.

## Replacing Vital Records and Documents

Legal aid can also help disaster survivors replace vital records and documents, such as driver's licenses, wills, and IDs, as well as birth, death, marriage, and divorce certificates.<sup>80</sup> When disaster strikes, survivors often do not have time to gather such vital records and documents, and replacing them is a critical aspect of recovery and stabilization. For example, one legal aid client lost her home and personal possessions, including her lawful permanent resident card, in the 2015 Valley wildfire. LSNC assisted her in completing and submitting the USCIS form for a replacement card. In addition, LSNC has operated "pop-up" mobile legal clinics that assist those replacing lost and destroyed documents.

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<sup>79</sup> United Policyholders, *A Guide to Your Insurance Legal Rights in California*, <https://www.uphelp.org/library/resource/guide-your-insurance-legal-rights>.

<sup>80</sup> *Replace Your Vital Records*, USA.gov, <https://www.usa.gov/replace-vital-documents>.



## FEMA

As of March 2019, FEMA had received almost 27,000 valid registrations by those impacted by the Camp Fire and seeking assistance.<sup>81</sup> Fewer than 8,000 of those claims have been approved, however.<sup>82</sup> In the context of an already slow process, low-income people often do not avail themselves of entitlements, including FEMA benefits, following disasters. Many survivors simply do not know what programs and benefits are available. Legal aid lawyers can apprise disaster survivors of the various relief programs and help them navigate the application process.

Holding FEMA accountable during the recovery process is essential, as studies indicate that eligibility for FEMA assistance is sometimes stratified based on income, as was the case with the response to Hurricane Harvey in Texas. There, low-income people were disproportionately denied eligibility for FEMA assistance.<sup>83</sup> This trend illustrates another reason why legal aid and pro bono advice is so important in the aftermath of a disaster.

Securing FEMA benefits sometimes intersects with other legal issues, including housing and employment. Legal Aid of Sonoma, for example, assisted a client who had been living with his two children in a cabin on the ranch where he worked for the landowner. When a wildfire destroyed the cabin, the landowner claimed that the use of the cabin was not part of the client's formal employment contract. As a consequence, the client could not access FEMA housing benefits. With nowhere else to go, no savings, and living paycheck-to-paycheck, the client turned to legal aid. They assisted him by collecting letters from co-workers to prove where he had been living. This resulted in FEMA awarding the client a substantial sum for his property losses and additional funding for housing. Legal aid assistance thus helped the family stabilize, even preventing their homelessness.

### **Rural Attorney Deserts: Disaster Exacerbates Preexisting Barriers to Representation and Assistance**

Seventy-five percent of low-income rural households across the United States encounter some type of civil legal problem in a given year, a rate slightly higher than that of the general low-income population (71%).<sup>84</sup> These civil legal problems include issues regarding health (43%), consumer or finance (40%), or employment (25%).<sup>85</sup> Twenty-three percent of rural households

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<sup>81</sup> Brianna Sacks, *California Wildfire Survivors Say They're Living in Dire Conditions and There's Little Help*, BUZZFEED NEWS (Mar. 18, 2019), <https://www.buzzfeednews.com/article/briannasacks/california-camp-fire-paradise-victims-homeless>.

<sup>82</sup> Brianna Sacks, *California Wildfire Survivors Say They're Living in Dire Conditions and There's Little Help*, BUZZFEED NEWS (Mar. 18, 2019), <https://www.buzzfeednews.com/article/briannasacks/california-camp-fire-paradise-victims-homeless>.

<sup>83</sup> Charlie Duncan, *Disaster Recovery: An Opportunity for Fair Housing Advocacy*, TEXAS HOUSERS (Nov. 2018), <https://drive.google.com/file/d/1LO8XYJWvRj5FEK3YA4NO5Mujpqf-uVKG/view>. See also Rebecca Hersher & Robert Benincasa, *How Federal Disaster Money Favors the Rich*, NPR (Mar. 5, 2019), <https://www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich>.

<sup>84</sup> LSC, *The Justice Gap* 6, 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>85</sup> LSC, *The Justice Gap* 6, 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

have six or more civil legal issues in a year.<sup>86</sup> The same person or family might face eviction, for example, while also navigating mounting medical debt or an unjustified firing.<sup>87</sup>

Eighty-six percent of civil legal issues receive inadequate or no legal assistance.<sup>88</sup> This is not surprising when you consider that only one legal aid attorney is available to assist about 7,500 Californians at 125% of poverty level, the income at which an individual is eligible for free legal aid.<sup>89</sup> Aggravating the general lack of access to legal counsel in rural California is the fact that the vast majority of the state's attorneys are based in metropolitan areas, which is consistent with national trends as well.<sup>90</sup> Lawyers are generally scarce in rural areas.<sup>91</sup> Just 2% of small law practices in the United States are located in rural places, even though about one-fifth of the nation's population lives in a rural locale.<sup>92</sup> A shortage of rural lawyers is one reason that rural residents are less likely than their urban counterparts to get legal assistance.

In California, merely 3% of lawyers are in rural and frontier regions of the state, which translates to a ratio of one attorney for every 626 people; in urban areas, the ratio of attorneys to residents is a much more robust 1:175.<sup>93</sup> The distribution of lawyers throughout California is illustrated in Map 3.<sup>94</sup> On top of the scarcity of rural attorneys generally and the cost of hiring a private attorney, access may also be undermined because private attorneys are unable to take on many disaster-related cases when doing so on a contingency fee is not financially feasible.

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<sup>86</sup> LSC, *The Justice Gap* 6, 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>87</sup> LSC, *The Justice Gap* 6, 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>88</sup> LSC, *The Justice Gap* 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>89</sup> This number is based on data from the State Bar of California and poverty data from the Census Bureau's American Community Survey. \$32,188 for a family of four is 125% of poverty in 2019. *Federal Poverty Guidelines 2019*, MASS LEGAL SERVICES (Jan. 11, 2019), <https://www.masslegalservices.org/content/federal-poverty-guidelines-2019>.

<sup>90</sup> See CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, CALIFORNIA'S ATTORNEY DESERTS (2019).

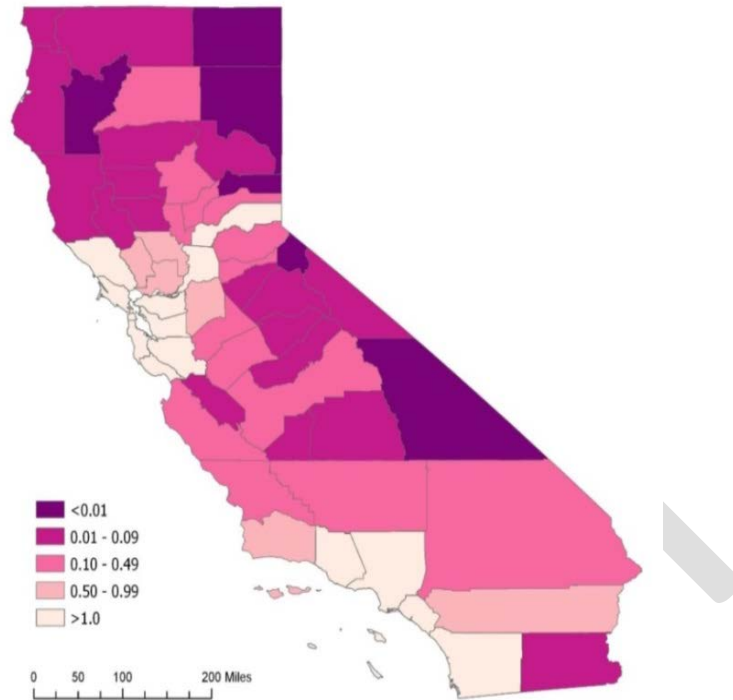
<sup>91</sup> LSC, *The Justice Gap* 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>92</sup> Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 SOUTH DAKOTA LAW REVIEW 466, 469 (2014).

<sup>93</sup> Lisa Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 HARVARD LAW & POLICY REVIEW (2018) (utilizing data mapped by Professor James Meeker of UC Irvine in 2016).

<sup>94</sup> Lisa Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 HARVARD LAW & POLICY REVIEW (2018).

MAP 3: ATTORNEYS PER SQUARE MILE BY COUNTY



Just as too few attorneys generally practice in rural places, legal aid attorneys also are in short supply there. This, at least in part, is due to inequitable funding schemes. Though three large sources of funding (Legal Services Corporation grants, State Bar Interest On Lawyer Trust Account grants, and Equal Access Fund grants) are distributed based on a formula that uses the same “per person in poverty” allocation, the raw numbers of people in poverty in rural counties are low, meaning fewer dollars are available for the brick-and-mortar infrastructure of permanent legal aid offices in those counties. Additionally, the lack of foundation presence in rural communities means their funding tends to be concentrated in urban areas.

Most importantly, a major source of both financial resources and pro bono resources for legal aid organizations—private attorneys—are concentrated in urban areas. Rural counties and mixed urban-rural counties do not have significant numbers of private attorney donors to provide financial support for legal aid,<sup>95</sup> nor are these counties home to numerous local attorneys to turn to for pro bono services. These spatial and fiscal barriers to legal assistance are compounded when disaster hits and needs are urgent, exacerbating existing inequalities and poverty and throwing into sharp relief the shortage of lawyers and dearth of legal assistance in rural California.

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<sup>95</sup> In the CCAJ’s last Rural Task Force report, we reported \$18.56 per poor person in rural counties, \$44.43 per poor person in urban counties, and \$26.43 in mixed urban/rural counties. However, because of a change in data collection, it is more difficult to capture the same comparison data in 2018. The California Commission on Access to Justice, *Improving Civil Justice in Rural California* 11, 2010, [http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ\\_2010\\_\\_FINAL\\_2.pdf?ver=2017-05-19-133105-073](http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010__FINAL_2.pdf?ver=2017-05-19-133105-073).

## Conclusion and Recommendations

Legal aid and pro bono assistance are vital aspects of any disaster recovery process. Legal assistance to low-income Californians is critical when they are facing illegal actions by landlords, scammers, and employers. In the aftermath of disaster, this legal assistance is critical to disaster survivors regaining a sense of normalcy and stabilizing their lives. Legal aid must have the funding and resources to provide wide-ranging services that protect low-income and vulnerable Californians after a disaster. These populations disproportionately reside in rural areas, where both legal aid layers and attorneys generally are in short supply.

Rural deficits in access to legal services are nothing new. The California Commission on Access to Justice (CCAJ) documented barriers to civil justice in the state's rural regions in the 2010 report *Improving Civil Justice in Rural California*.<sup>96</sup> The report remains highly relevant because little progress has been made in alleviating the problems identified. The report acknowledged the unique challenges regarding rural access to legal services, speaking to the "complex set of barriers" that impede the delivery of legal services for low-income rural Californians, as well as the under-resourced state of the legal aid programs tasked with serving them.<sup>97</sup>

Access to legal services remains inequitable between urban and rural places. The problem persists, and thus the recommendations offered by the 2010 report touch on perennial themes. The report called for geographic equity (in terms of the amount and type of legal assistance available); increasing funding for rural legal services (expanding funding to rural services without undermining funding for urban services, which requires increasing funding to all programs); and developing minimum access guidelines (for allocating funding).<sup>98</sup>

These preexisting spatial inequities and needs are aggravated when disaster strikes, which leads us to offer the following proposals. First, with regard to funding disaster legal services, we recommend that the California Governor's Office of Emergency Services (Cal OES) makes grant funds available for disaster-specific legal services. Just as Cal OES funds domestic and sexual violence prevention (e.g., Statewide Prevention Coordination Program<sup>99</sup>) and children's programs (e.g., Child Abduction Training Program<sup>100</sup>), it should also offer emergency grants to rural legal aid programs who must respond quickly when disaster occurs. These organizations are already on the ground providing services with limited budgets.

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<sup>96</sup> The California Commission on Access to Justice, *Improving Civil Justice in Rural California*, 2010, [http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ\\_2010\\_\\_FINAL\\_2.pdf?ver=2017-05-19-133105-073](http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010__FINAL_2.pdf?ver=2017-05-19-133105-073).

<sup>97</sup> The California Commission on Access to Justice, *Improving Civil Justice in Rural California* 17, 2010, [http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ\\_2010\\_\\_FINAL\\_2.pdf?ver=2017-05-19-133105-073](http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010__FINAL_2.pdf?ver=2017-05-19-133105-073).

<sup>98</sup> The California Commission on Access to Justice, *Improving Civil Justice in Rural California* 14-15, 2010, [http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ\\_2010\\_\\_FINAL\\_2.pdf?ver=2017-05-19-133105-073](http://www.calbar.ca.gov/Portals/0/documents/accessJustice/CCAJ_2010__FINAL_2.pdf?ver=2017-05-19-133105-073).

<sup>99</sup> *Grant: 2018-19 Statewide Prevention Coordination (PP) Program RFA*, CAL OES, [https://www.caloes.ca.gov/pages/Grant-Details.aspx?itemID=254&ItemTitle=2018-19%20Statewide%20Prevention%20Coordination%20\(PP\)%20Program%20RFA](https://www.caloes.ca.gov/pages/Grant-Details.aspx?itemID=254&ItemTitle=2018-19%20Statewide%20Prevention%20Coordination%20(PP)%20Program%20RFA).

<sup>100</sup> *Grant: 2018-19 Child Abduction Training (AC) Program RFA*, CAL OES, [https://www.caloes.ca.gov/pages/Grant-Details.aspx?itemID=264&ItemTitle=2018-19%20Child%20Abduction%20Training%20\(AC\)%20Program%20RFA](https://www.caloes.ca.gov/pages/Grant-Details.aspx?itemID=264&ItemTitle=2018-19%20Child%20Abduction%20Training%20(AC)%20Program%20RFA).

Second, in alignment with the CCAJ's recommendations earlier this decade, we believe that increased—and more equitably distributed—funding to legal services programs ensures that low-income Californians struggling to recover after a disaster do not face legal services deficits as yet another aspect of their struggle to regain equilibrium. Legal aid must be a factor in all recovery efforts, providing direct legal services and assisting people in navigating myriad legal and administrative systems. This requires increased legal aid funding overall, as well as more equitable distribution of funding to ensure that rural legal aid providers get the resources they need to provide critical services in the wake of disasters.

Third, stakeholders must take appropriate steps to alleviate the rural lawyer shortage. As outlined in the 2019 CCAJ policy brief *California's Attorney Deserts*,<sup>101</sup> Loan Repayment Assistance Programs (LRAP) and financial incentives for lawyers to practice in rural communities are critical to this effort. LRAP is an essential feature of building a more robust system of legal access for rural Californians because it enables lawyers who might not otherwise be able to afford legal aid careers to advocate for low-income clients.

Providing financial incentives can also attract lawyers to work in under-served parts of the state where they might not otherwise seriously consider living and working. The attorneys best able to respond quickly and effectively to disasters are those already living and working in the communities impacted. If programs must wait to secure funding and then hire, the delay in services delivered is significant and undermines disaster-relief efforts. Attorneys are thus needed in these communities, even before disaster strikes.

In conclusion, access to public benefits, affordable housing, consumer protection and myriad other issues are vitally important to vulnerable Californians, who need legal assistance when confronting them. Yet rural Californians often face many such issues alone,<sup>102</sup> in part because both lawyers and legal aid funding are scarce in rural areas.<sup>103</sup> When faced with disaster, low-income residents in rural places, already structurally-disadvantaged, face even more acute needs for legal assistance. Ensuring access to quality legal assistance—for both low-income and modest-means clients—builds a system of inclusion and access to justice for underserved communities, an especially urgent and critical mission following a disaster.

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<sup>101</sup> CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, CALIFORNIA'S ATTORNEY DESERTS (2019).

<sup>102</sup> LSC, *The Justice Gap* 6, 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

<sup>103</sup> See CALIFORNIA COMMISSION ON ACCESS TO JUSTICE, CALIFORNIA'S ATTORNEY DESERTS (2019). See also LSC, *The Justice Gap* 48, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>; Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 SOUTH DAKOTA LAW REVIEW 466, 469 (2014); Lisa Pruitt et al., *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 HARVARD LAW & POLICY REVIEW (2018).