

# California Commission on Access to Justice

## **Disasters in Rural California: The Impact on Access to Justice**

July 2019

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The California Commission on Access to Justice wishes to thank the Rural Task Force for their many hours of work on this document. The Commission also thanks Zach Newman of the Legal Aid Association of California for research and drafting assistance, along with UC Davis law students Jaclyn Feenstra Kawagoe, Alison Corn, Amelia Evard and Diana Flores.

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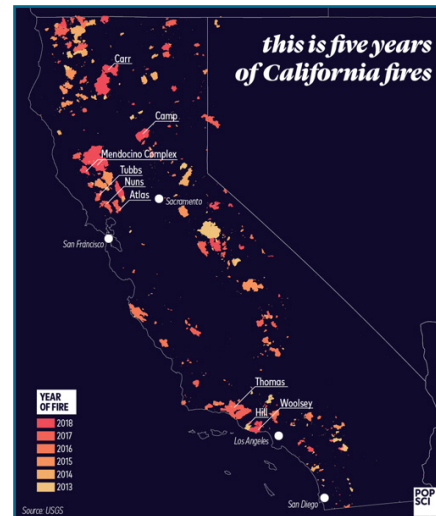
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## WILDFIRES GREATEST IMPACT IS ON RURAL COMMUNITIES

California faced ten federally-declared disasters in 2018, and then-Governor Brown declared an additional two.<sup>1</sup> These disasters disproportionately struck rural parts of the state, including the November 2018 Camp Fire that decimated the town of Paradise in Butte County.<sup>2</sup> 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> (See Map 1 and Table 1). 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>

**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.

1 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 Sabalaw, *California wildfires start in the woods. Why do cities keep burning?*, Sac. Bee (Nov. 10, 2018), <https://www.sacbee.com/news/state/california/fires/article221385910.html>.

2 Ideally, this policy brief would provide data solely by “Medical Service Study Area” (MSSAs), as we do in the section on The Rural Lawyer Shortage 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. MSSAs instead divide 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. 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.

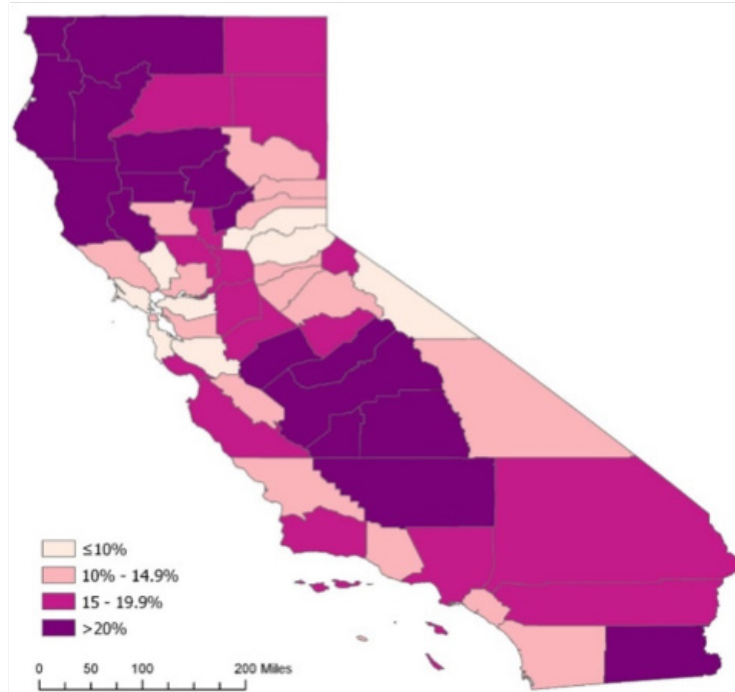
3 California Department of Forestry and Fire-Protection, *Incident Information*; Sarah Ruiz-Grossman, *California’s Camp Fire Was The Most Expensive Natural Disaster Worldwide In 2018*, HUFF POST (Jan. 10, 2019), [https://www.huffpost.com/entry/california-camp-fire-costliest-disaster-2018\\_n\\_5c37b1b4e4b045f6768a484f](https://www.huffpost.com/entry/california-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

4 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/>.

5 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>.

Low-income neighborhoods and communities of color are typically the slowest to recover from disasters, in part due to income-based differences in FEMA assistance.<sup>6</sup> Ten million people with incomes below 125% of the federal poverty level live in rural places in the United States.<sup>7</sup> Indeed, rural areas often have higher poverty rates than urban ones, and Map 2 illustrates this phenomenon in California. (See Map 2).

**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 in Lake County (25%); Mendocino County (20%); and Shasta County (17.5%).<sup>8</sup> Disasters aggravate poverty, as those who already have few resources face loss of homes, personal possessions, and livelihoods.<sup>9</sup> Those who can afford to leave a wildfire-impacted area often do, while low-income residents are more likely to remain.<sup>10</sup> Major disasters typically increase a county’s poverty rate by an average of 1%.<sup>11</sup>

6 See Sara Viner, *Fires are Indiscriminate. Recovery Isn’t*, High Country News (May 17, 2019), <https://www.hcn.org/articles/wildfire-fires-are-indiscriminate-recovery-isnt>; 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>; 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>.

7 Legal Services Corporation, *The Justice Gap 48*, 2018, <https://www.lsc.gov/sites/default/files/images/TheJusticeGap-FullReport.pdf>.

8 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-wildf>. These poverty rates are from U.S. Census data and reflect the Official Poverty Measure (OPM). See <https://datausa.io/>.

9 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>.

10 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>.

11 *Id.* See *supra* note 8.

**Table 1: Wildfire Impact**

| Fire           | Date           | County              | Acres   | Structures | Deaths |
|----------------|----------------|---------------------|---------|------------|--------|
| Camp           | November 2018  | Butte               | 153,336 | 18,804     | 86     |
| Carr           | July 2018      | Shasta & Trinity    | 229,651 | 1,604      | 8      |
| Nuns           | October 2017   | Sonoma              | 54,382  | 1,355      | 3      |
| Redwood Valley | October 2017   | Mendocino           | 36,523  | 546        | 9      |
| Tubbs          | October 2017   | Napa & Sonoma       | 36,807  | 5,636      | 22     |
| Atlas          | October 2017   | Napa & Sonoma       | 51,624  | 783        | 6      |
| Valley         | September 2015 | Lake, Napa & Sonoma | 76,067  | 1,955      | 4      |
| Butte          | 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 Measure of nearly 20% (7.5 million people).<sup>12</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>13</sup> Disasters dramatically reduce housing stock, exacerbating shortages.<sup>14</sup> For instance, Butte County had a mere 2% vacancy rate before the Camp Fire destroyed thousands of residences. The loss of housing in an area already suffering a housing shortage further undermines housing affordability and renders many homeless.<sup>15</sup> Disasters also intensify the vulnerability of the elderly, people with disabilities, domestic violence survivors, and migrant and seasonal farmworkers, among others.<sup>16</sup>

12 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, including housing, while the Official Poverty Measure (OPM) does not. California’s OPM is 13.4%.

13 *Id.*

14 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>.

15 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>; 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>.

16 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>; 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); 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-elderly-evacuation-disabilities>; 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>.

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 attorneys work in coordination with attorneys offering pro bono services to assist low-income and modest means rural populations with the many civil legal issues that arise in the wake of a disaster.<sup>17</sup> These include housing, employment, and consumer fraud, as well as securing FEMA assistance and other public benefits.

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>18</sup> Additionally, LSNC 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 rural low-income and modest-means 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.<sup>19</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 assistance.<sup>20</sup>

The particular vulnerability low-income and modest-means 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 gouging and accessing Federal Emergency 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.

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17 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. See Amy Yarbrough, *Lending Legal Aid After the Valley Fire Devastation*, California Bar Journal, <http://www.calbarjournal.com/November2015/Top-Headlines/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).

18 Data provided by Legal Services of Northern California.

19 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>.

20 *Id.* 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.



## HOW LEGAL AID AND PRO BONO ASSISTANCE HELP RESIDENTS AFTER DISASTERS

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

### HOUSING: HOMEOWNERS, RENTERS, AND PEOPLE EXPERIENCING HOMELESSNESS

Legal aid and pro bono counsel are effective agents to 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, displaced rural residents are lucky to end up in temporary FEMA trailers; too many will end up homeless, sheltered only by a tent.<sup>21</sup> When 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>22</sup> Six months out from those wildfires, tens of thousands of people remained displaced.<sup>23</sup> The 1,200 beds in area homeless shelters had already been at capacity before the fires.<sup>24</sup>

The aftermath of the Sonoma County fire illustrates the severe shortage of affordable rental housing facing rural California.<sup>25</sup> Thirty-six percent of rural Californians are cost-burdened, which means 30% of their income goes to pay for housing.<sup>26</sup> Far northern Siskiyou County, which was struck by the 2018 Klamathon Fire, 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>27</sup> Urban San Francisco's cost-burden rate, by comparison, is somewhat higher (38%), but the poverty and unemployment rates there are just 10% and 2.2%, respectively.<sup>28</sup>

#### i. Temporary Housing

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), but lower-income families are often stuck at an evacuation center or seeking housing assistance from FEMA.<sup>29</sup>

21 Lizzie Johnson & Kevin Fagan, *Signs of Life amid scars and loss: Sonoma County: Six months after 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>; see, e.g., Housing Assistance Council, *Picking Up The Pieces: Restoring Rural Housing and Communities After a Disaster* (2018).

22 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>.

23 *Id.*

24 Johnson & Fagan, *supra* note 21.

25 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/>.

26 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).

27 Scally & Gilbert, *supra* note 25.

28 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>; *City Performance Scorecards*, SF Gov, <https://sfgov.org/scorecards/safety-net/poverty-san-francisco>; *Unemployment Rate in San Francisco County/City*, FRED Economic Data (Jan. 30, 2019), <https://fred.stlouisfed.org/series/CASANFOURN>.

29 Del Valle, *supra* note 22.



FEMA provides both Disaster Housing Assistance and FEMA Direct Housing.<sup>30</sup> The latter includes supplying Manufactured Housing Units (MHUs) and recreational vehicles (RVs) to affected residents.<sup>31</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, with a large group camping in a Walmart parking lot.<sup>32</sup> Attorney assistance is critical to helping these 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>33</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.

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 pro bono attorneys have been essential to helping communities affected by recent wildfires. Following the 2017 Sonoma County wildfires, legal aid organizations partnered with United Policyholders and pro bono attorneys based in the San Francisco Bay Area to provide legal education and assistance at clinics.<sup>34</sup> Rural-urban partnerships like this one have become models for other areas of the state.

## iii. Renters

Ninety percent of tenants in the United States face the eviction process without representation.<sup>35</sup> Under California law, evictions can be extremely swift: 60% of cases are resolved within a month and 75% within 45 days.<sup>36</sup> Compounding this quick timeline, rural places

30 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>.

31 *FAQ: All About Housing*, *supra* note 30.

32 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/>; 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-html-story.html>.

33 Bay Area Legal Aid, *CA Fire Legal Issues FAQ Flyer*, [https://drive.google.com/file/d/0B\\_DZs-JMd0cjUVV5ajhKUI-NmTEFvY294TGnRcnBBZUpZV2Q4/view](https://drive.google.com/file/d/0B_DZs-JMd0cjUVV5ajhKUI-NmTEFvY294TGnRcnBBZUpZV2Q4/view).

34 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 Policy Holders, <https://www.uphelp.org/resources/claim-help>.

35 *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>.

36 Aimee Inglis & Dean Preston, *California Evictions are Fast and Frequent*, *Tenants Together* (2018), [https://anti-evictionmap.squarespace.com/s/CA\\_Evictions\\_are\\_Fast\\_and\\_Frequent.pdf](https://anti-evictionmap.squarespace.com/s/CA_Evictions_are_Fast_and_Frequent.pdf).

in California tend not to have the sorts of tenant protections associated with metropolitan areas, including rent control and just cause ordinances, and some rural locales' eviction rates are among the highest in the state.<sup>37</sup> Access to counsel is necessary to help rural renters navigate this legal landscape and achieve more equitable outcomes.

The Sargent Shriver Civil Counsel 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>38</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>39</sup> Fewer Shriver-represented clients had their cases end in default, just 8%, compared to 26% of those without representation.<sup>40</sup>

Finally, representation also provided other benefits that helped clients find new housing. Just 6% of those with an attorney were formally evicted.<sup>41</sup> Some 65% of Shriver-represented clients obtained a reduction in back-owed rent, if not a full waiver of it; 53% did not have the case reported to credit agencies and 74% did not have their case put in the public record; and 39% received a neutral reference from the landlord.<sup>42</sup> Further, many Shriver clients received credit-based positive outcomes from representation (45% compared to 17% of those without representation), such as the return of a security deposit or payment of relocation costs.<sup>43</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>44</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, but landlords may nevertheless seek to unlawfully evict tenants.<sup>45</sup> 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

37 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.caprado.org/articles/2018/06/20/rent-control-is-coming-to-californias-november-ballot-heres-whats-at-stake/>; 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](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.

38 Judicial Council of California, Report to the Judicial Council (2017), <https://www.courts.ca.gov/documents/lr-2017-JC-Shriver-civil-right-to-counsel.pdf>.

39 *Id.*

40 *Id.*

41 *Id.*

42 *Id.*

43 *Id.*

44 *Id.*

45 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).

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.



Aftermath of Camp Fire, Butte County, November 2018. Source: Legal Services of Northern California

or low-income.<sup>46</sup> Not only may their manufactured home be damaged or destroyed, so may the mobile home park, rendering 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; it can also result in disputes 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.

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 advised 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 Fire. 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 document, 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 often elderly, living with a disability, and/or low-income.<sup>46</sup> Not only may their manufactured home be damaged or destroyed, so may the mobile home park, rendering 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; it can also result in disputes with FEMA and other disaster assistance providers. California legal aid organizations help residents understand the rules and confront these complicated issues.

<sup>46</sup> See La Ganga, *supra* note 16.

#### iv. Homelessness

Rural homelessness is a burgeoning problem in California, and disasters exacerbate that problem by destroying housing stock.<sup>47</sup>

Alpine County, for example, saw a 128% rise in homelessness since 2015; in El Dorado County, the rise was 122% during that period.<sup>48</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>49</sup>

Youth homelessness is of particular concern.<sup>50</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>51</sup> By 2016, more than 1,124 Calaveras County children and youth were living in motels, cars, or even outdoors.<sup>52</sup>

Legal aid organizations play a vital role in mitigating spikes in homelessness following a disaster. Legal Aid of Sonoma (LAS), for example, was able to secure temporary housing support for a client who was facing homelessness after FEMA suspended a program that was enabling her to stay in a hotel. LAS 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. LAS 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, LAS notified the client's landlord that the service animal must be permitted in her housing. Rather than face homelessness, this client was able to secure affordable housing and get an emotional support animal to ease her trauma.

#### CONSUMER ISSUES: FRAUD, IDENTITY THEFT, SCAMS

Legal aid organizations are critical to helping vulnerable disaster victims protect their rights as consumers.<sup>53</sup> Predatory companies and individuals engaging in scams, price-gouging, and fraud often target disaster survivors.<sup>54</sup> Predatory companies sometimes try to draw a consumer into a

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47 Carolyn Jones, *Why California's Rural Areas are Seeing a Surge in Homeless Youth*, EdSource (June 12, 2018), <https://edsources.org/2018/why-californias-rural-areas-are-seeing-a-surge-in-homeless-youth/598983>; Grace Guarneri, *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>; 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>.

48 Fagan, *supra* note 47.

49 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/>.

50 Jones, *supra* note 47.

51 *Id.*

52 *Id.*

53 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>; see National Center for Disaster Fraud, US DOJ, <https://www.justice.gov/disaster-fraud>.

54 See *Price gouging laws are essential for helping low-income rural residents*, Legal Ruralism Blog (Sept. 16, 2018), <http://legalruralism.blogspot.com/2018/09/price-gouging-laws-are-essential-for.html>.



“debt settlement,” in which the consumer begins to pay the company rather than the creditors to whom the consumer owes debt(s).<sup>55</sup> Companies engaged in rebuilding efforts may commit home repair fraud.<sup>56</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>57</sup>

Price-gouging, an increase in cost of a consumer good by more than 10% within 30 days of an emergency disaster declaration, is another significant issue facing consumers in the post-disaster landscape.<sup>58</sup> Although price-gouging for necessities—from housing to food to supplies—is illegal in California, those selling goods and services may nonetheless try to take advantage of disaster survivors.<sup>59</sup> 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>60</sup>

Price gouging is rarely prosecuted, but 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 LAS 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.

## EMPLOYMENT

Just as disasters undermine survivors’ housing situations, disasters may also undermine their employment.<sup>61</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.

The disruption caused by disaster may lead employers to refuse wages to workers for labor already completed; some terminate workers. Legal aid and pro bono counsel can help enforce laws like the Fair Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), and the Occupational Safety and Health Act (OSHA).<sup>62</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. If employees do not have the advice and assistance of attorneys

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55 National Consumer Law Center, *supra* note 53.

56 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).

57 MOFO, *supra* note 45.

58 State of California Department of Justice, *FAQs on Price Gouging*, <https://www.oag.ca.gov/consumers/price-gougingduringdisasters#1C>.

59 *Id.*

60 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/>.

61 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>.

62 *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>.

to protect their rights, employers might take advantage of workers, aggravating the difficult situation in which the disaster has already left workers.

Legal Aid of Sonoma (LAS) 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 inadequate or non-existent safety gear. The employer was also illegally withholding earned wages. LAS 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. After extensive settlement negotiations, the contractor ultimately paid the client a sizeable settlement for 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. For instance, after the wildfires, farmworkers have remained in the fields, performing their jobs in unhealthy, smoky conditions with inappropriate protective gear, such as a makeshift cloth instead of a proper facemask.<sup>63</sup> Similarly, Worksafe—a legal aid support center—helped the Graton Day Laborer Center file a Cal/OSHA complaint in 2018 when a worker was hired to perform a deep cleaning inside of a house without proper protective equipment. Such laborers need the professional advocacy of legal aid or pro bono counsel.<sup>64</sup>

## INSURANCE

Many types of insurance are implicated in the disaster context, including homeowners', renters', and car insurance.<sup>65</sup> Surveys conducted by United Policyholders, the leading resource for disaster survivors on navigating insurance claims and loss recovery, confirm that collecting benefits in full and on time remains a formidable challenge.<sup>66</sup> Legal aid organizations and pro bono attorneys play a vital role in advocating for low-income clients regarding these issues. Legal Aid of Sonoma (LAS), 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, LAS 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 left him unable to work. When his apartment

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63 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/>

64 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>.

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

66 United Policyholders, *Data Collection Surveys*, <https://www.uphelp.org/roadmap-recovery-surveys>.



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 connected him to an SSDI attorney who secured his federal disability insurance.

## REPLACING VITAL RECORDS AND DOCUMENTS

Legal aid and pro bono counsel 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>67</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 Fire. LSNC assisted her in completing and submitting the U.S. Citizenship and Immigration Service form for a replacement card. In addition, LSNC has operated "pop-up" mobile legal clinics to assist those replacing lost and destroyed 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>68</sup> Fewer than 8,000 of those claims have been approved, however.<sup>69</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.

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>70</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



Disaster Relief Center, Chico, California, in the aftermath of the Camp Fire, November, 2018. Source: Legal Services of Northern California

<sup>67</sup> *Replace Your Vital Records*, USA.gov, <https://www.usa.gov/replace-vital-documents>.

<sup>68</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>69</sup> *Id.*

<sup>70</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>.

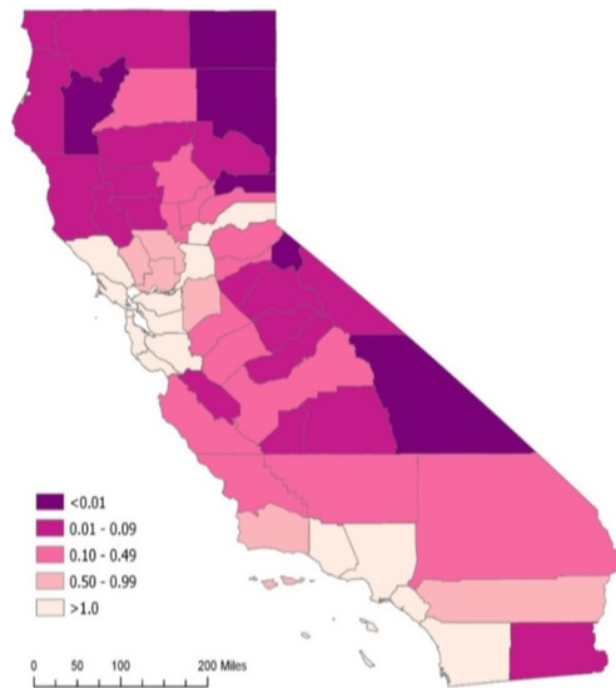
destroyed the cabin, the landowner claimed that the use of the cabin was not part of the client’s formal employment contract. As a consequence, the client could not access FEMA housing benefits. With nowhere else to go, no savings, and living paycheck-to-paycheck, the client turned to legal aid. They 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 LAWYER SHORTAGE: DISASTER EXACERBATES OTHER BARRIERS TO REPRESENTATION AND ASSISTANCE**

California, like much of the nation, suffers from a rural lawyer shortage. Disaster aggravates this shortage because disaster increases demand, including the need for attorneys to serve low-income and modest-means residents.

Just 3% of California lawyers work in the state’s rural and frontier regions.<sup>71</sup> This translates to a ratio of one attorney for every 626 residents, while in urban areas, the ratio of attorneys to residents is much more robust, at 1:175.<sup>72</sup> The spatial distribution of California lawyers is illustrated in Map 3.<sup>73</sup> (See map 3). In addition to this general scarcity of rural attorneys and the often-prohibitive cost of hiring a private attorney, access to legal assistance may be undermined when private attorneys are unable to take on disaster-related representation because doing so on a contingency fee is not economically viable.

**Map 3: Attorneys per Square Mile by County**



71 California Commission on Access to Justice, *California’s Attorney Deserts* (2019).

72 Lisa R. Pruitt, Amanda L. Kool, Lauren Sudeall, Michele Statz, Danielle M. Conway & Hannah Haksgaard, *Legal Deserts: A Multi-State Perspective on Rural Access to Justice*, 12 Harv. L. & Policy Rev. 15 (2018) (utilizing data mapped by Professor James Meeker of UC Irvine in 2016).

73 *Id.*

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 funding formulas that do not provide sufficient resources in rural areas. 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, private attorneys, who are a major source of both financial resources and pro bono resources for legal aid organizations, 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, nor are these counties home to numerous local attorneys who can readily provide pro bono services.<sup>74</sup> These spatial and fiscal barriers to legal assistance are compounded when disaster hits and urgent needs multiply exponentially, exacerbating existing inequalities and throwing into sharp relief the shortage of lawyers and dearth of legal assistance available in rural California.

## 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 if disaster survivors are to regain a sense of normalcy and stabilize 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 lawyers 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>75</sup> The report remains highly relevant because little, if any, 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>76</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

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<sup>74</sup> CCAJ’s 2010 *Improving Civil Justice in Rural California* 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. 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).

<sup>75</sup> *Improving Civil Justice in Rural California*, *supra* note 74.

<sup>76</sup> *Id.* at 17.

undermining funding for urban services, which requires increasing funding to all programs); and developing minimum access guidelines (for allocating funding).<sup>77</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 ) and children's programs (e.g., Child Abduction Training Program), it should also offer emergency grants to rural legal aid programs who must respond quickly when disaster occurs.<sup>78</sup> Cal OES recently stated a priority in funding rural projects in a request for proposals for legal services, which is a strong step in the right direction, but there should be specific grants to legal services organizations in response to a disaster.<sup>79</sup> These organizations are already on the ground providing services with limited budgets. Additionally, many rural legal aid organizations are already recipients of Cal OES grants, so the mechanism to increase their funding is simplified.

Second, in alignment with the CCAJ's recommendations earlier this decade, we believe that private law firms and foundations should increase their funding of rural legal aid organizations. Having an increased baseline of funding and attorneys on the ground before a disaster, 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.

Third, stakeholders must take appropriate steps to alleviate the rural lawyer shortage. As outlined in the 2019 CCAJ policy brief *California's Attorney Deserts*, Loan Repayment Assistance Programs (LRAP) and financial incentives for lawyers to practice in rural communities are critical to this effort.<sup>80</sup> 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 pursue them and advocate for low-income clients.

Providing financial incentives, including tax breaks, subsidies, and Loan Repayment Assistance Programs (LRAP) aimed at mitigating rural deficits, can also attract lawyers to work in underserved 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 rural legal aid providers can hire attorneys only after they secure funding, the delay in service delivery is significant and undermines disaster-

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<sup>77</sup> *Id.* at 14-15.

<sup>78</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); *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).

<sup>79</sup> *Grant: 2018-19 Victim Legal Assistance (KL) Program RFP*, Cal Oes, [https://www.caloes.ca.gov/pages/Grant-Details.aspx?itemID=242&ItemTitle=2018-19%20Victim%20Legal%20Assistance%20\(KL\)%20Program%20RFP](https://www.caloes.ca.gov/pages/Grant-Details.aspx?itemID=242&ItemTitle=2018-19%20Victim%20Legal%20Assistance%20(KL)%20Program%20RFP).

<sup>80</sup> *California's Attorney Deserts*, *supra* note 71.

relief efforts. When disaster strikes, legal aid providers are effectively legal first responders, and they often play coordinating roles with and among pro bono attorneys. Both private practice attorneys and legal aid lawyers are thus needed in these communities, integrated and culturally competent, so that they may respond swiftly in the wake of disaster.

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, in part because both lawyers and legal aid funding are scarce in rural areas.<sup>81</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>81</sup> The Justice Gap, *supra* note 7, at 6, 48; *see id.*; *see also* Lisa R. Pruitt & Bradley E. Showman, *Law Stretched Thin: Access to Justice in Rural America*, 59 S. D. L. Rev. 466, 469 (2014); Lisa Pruitt et al., *supra* note 72.