

BY SARAH HOLLAND BACOT



DISASTER, DISABILITY AND CHANGES FROM FEMA: INFORMATION FOR ATTORNEYS NAVIGATING DISASTER PREPAREDNESS AND RECOVERY

FOCUS ON ACCESSIBILITY TO LEGAL SERVICES

Attorneys are in a unique position to provide disaster-related assistance, whether lending aid in the creation or understanding of important personal documents, such as healthcare directives and estate planning documents, or representing disaster survivors in civil matters related to recovery. As attorneys practicing in a state that is especially vulnerable to natural disasters, Louisiana attorneys have even more of an opportunity to use their professional skills in service to their communities. This could occur through the formal mechanisms mentioned above or as trained volunteers post-disaster. This article offers some insight into the unique challenges faced by a particular group in disaster preparation and recovery — those with disabilities — as well as information about new federal policies related to aid with the hope that this knowledge will be useful to those who find themselves in a position to provide disaster-related assistance to those in need.

Unfortunately, many Louisiana residents have a deeply personal understanding and experience of disaster preparation and recovery, both on a community and individual level. For Louisiana residents with disabilities, the difficulties and dangers of disaster can be compounded. In fact, those with disabilities are two to four times more likely to die due to natural disaster than those without disabilities.

Elevated risk for people with disabilities begins before a disaster strikes and runs through recovery. During preparation and evacuation, many disabled people do not have access to accessible vehicles, do not receive effective communication about evacuation options, and do not have any guarantee that a shelter will be able to accommodate their needs. During recovery, shelters may lack accessible showers, deny access to those who use service animals, or have no means of communicating with those who are deaf or use assistive technologies. Moreover, applications for aid may fail to take into consideration the needs of people with disabilities, making it difficult or impossible for people with disabilities to complete requests for assistance.

Advocates have been working for a long time to address these disparities and to ensure that individuals with disabilities are incorporated into disaster planning at

the local, state and federal level. The refrain of “nothing about us without us” is as relevant in disaster spaces as everywhere else, and advocates regularly remind those responsible for disaster planning to include meaningfully those with disabilities in that process. While mutual aid and community work have always been and remain essential, advocates have also focused on the law, bringing suit and working to change policy across the country.

Recently, thanks in no small part to the persistent work of disabled advocates, FEMA has made significant changes to its Individual Assistance (IA) programs. These changes will be helpful to everyone seeking assistance after a disaster, and some will have an especially positive impact on those with disabilities. Because the changes only began to apply to disasters on March 22, 2024, these new policies have not been tested in a widespread way. However, as Louisiana navigates another hurricane season, having a clear understanding of some of these new policies and what they mean for disaster survivors is one way to be prepared.

Some of the major changes in the process include:

► **Immediate Assistance.** Replacing FEMA’s previous Critical Needs Assistance (CNA), Serious Needs Assistance (SNA) will be available in all disasters where IA is granted. Survivors with serious needs after a storm will receive \$750 to address immediate expenses. Similarly, Displacement Assistance will now be available to help survivors who cannot return home with up-front expenses related to housing.

► **U.S. Small Business Administration (SBA) Loan.** Previously, to be considered for certain types of assistance, FEMA required applicants to apply for an SBA loan at the same time that they applied for aid.

This is no longer the case. While the option to apply for a low-interest SBA loan remains, it is not mandatory to be considered for other assistance.

► **Underinsured Survivors.** FEMA is no longer disqualifying from aid anyone who receives \$42,500 in insurance reimbursement. Now, if a survivor receives an insurance payout but has needs not covered by that amount, they may qualify for additional aid up to that \$42,500.

► **Home Repairs and Habitability.** Previously, assistance for home repairs was limited based on the condition of the home or status of the damage prior to the storm. Now, FEMA may grant assistance to repair damage regardless of pre-existing condition, allowing homeowners to ensure their homes are habitable and better prepared for any future disaster. Additionally, individuals with disabilities are now able to use FEMA assistance to increase accessibility in their homes. Previously, FEMA assistance could only be used to repair storm-damaged features or if accessibility additions were necessary due to a storm-caused disability.

► **Procedural Barriers.** FEMA has removed some documentation requirements for late applicants, those seeking temporary housing assistance, and those seeking to appeal a FEMA award decision. The new regulations also formally include the alternate documentation that FEMA will accept as evidence of homeownership when formal title is not available.

All of these improvements will make a major difference for those seeking aid after a disaster. While the hope is that these new policies will not be needed soon, having an understanding of them and what they mean for survivors puts everyone in a better position to navigate, and advocate, after a storm.

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