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CLEAR Report Recognizes the Importance of Non-Profits in Disaster Relief and Calls for Improved Coordination in Disaster Response and Recovery

February 14, 2011

“All disasters start and end locally.” This is a truth regularly noted by the Federal Emergency Management Agency (“FEMA”)¹ and one that is explored in a report prepared for CLEAR titled, “Non-Profit Involvement in Disaster Response and Recovery.” Non-profits are the most local of all response and recovery organizations, and thus their role is critical to effective disaster relief. Indeed, “[f]ollowing disasters, victims and community officials regularly expound on the beneficial role of non-profits while expressing frustration with members of the public and private sectors.”² The report, written by Jeffrey J. Stys of Strategic Decision Associates, gives a detailed review of the non-profit sector’s role in disaster response and recovery and makes several recommendations for improved coordination and response by non-profit organizations. Although the importance of the non-profit sector in disaster response

¹ JEFFREY J. STYS, NON-PROFIT INVOLVEMENT IN DISASTER RESPONSE AND RECOVERY 7 (2011).

² Gavin Smith, Chapter __, Addressing the Challenges of the Disaster Recovery Assistance Framework: Creating the Disaster Recovery Act, at 33, (forthcoming, June 2011), working draft on file with CLEAR.

and recovery has previously been noted,³ this report is one of the first to focus solely on the unique role played by non-profits and to offer concrete prescriptions for increased coordination and leadership.

When an area is struck by a major natural disaster, non-profit organizations face short-term stress in meeting the needs of an often severely affected client population. Additionally, these organizations are expected to expand their traditional roles in order to assist with the long-term recovery of disaster stricken areas. The report notes that the role played by non-profits in short and long-term recovery efforts is unique. Non-profits frequently “provide up-to-date information pre and post disaster; assist with FEMA forms for those with limited literacy or English proficiency; distribute donations; and monitor vulnerable clients and notify authorities if there is a dangerous situation.”⁴ Non-profits also frequently provide services in the areas of child care, after school/youth programs, food insecurity, medical care, disability assistance, mental health care, homelessness, and senior services.⁵ Other commentators have also noted the important part played by non-profits, noting the “high levels of trust engendered by non-profit organizations among community residents, as well as their inherent flexibility.”⁶ These commentators have also noted the important role that local non-profits can play as a source of empowerment for residents of a disaster-stricken area.⁷

Although there is general agreement as to the importance of non-profits in disaster response and recovery, the report argues that non-profits have not always been properly utilized and that a lack of planning and collaboration has caused them to fall short of reaching their

³ See, Smith, Chapter ____, Planning for Disaster Recovery at 1 (“While many experts argue that the public sector should lead the larger recovery effort, non-profit relief organizations, quasi-governmental organizations, the private sector, and emergent groups can and do assume leadership roles in recovery.”).

⁴ STYS, *supra* note 1, at 6.

⁵ *Id.* at 7.

⁶ Smith, *Supra* n. 3, at 2.

⁷ *Id.*

fullest potential. The report argues that currently non-profits provide services in an uncoordinated fashion that often results in duplication and inefficiency. Further, the report notes the ambiguity of non-profits' long-term role, stating, "[a]fter an initial disaster, non-profits react to support the needs of the clients and other vulnerable citizens. However, their presumed roles and responsibilities for long term disasters often lead to confusion and sometimes hostility since no clear definition of 'long term recovery' exists."⁸ Additionally, because non-profits often are not provided full and accurate information regarding potential government resources, many of the organizations that know how to best serve the most severely affected individuals are not the ones receiving government funds to effectuate their missions.⁹ The report's recommendations aim to plug these gaps in communication and to provide for a more integrated, coordinated response by the non-profit sector.

Not all non-profit organizations are created equal. While the majority of all non-profits are small—more than 73 percent of reporting public charities had less than \$500,000 in annual expenses in 2005¹⁰—there are also several much larger, national organizations with expertise in disaster response and recovery. (These groups include the American Red Cross, Salvation Army, and United Methodist Committee on Relief (UMCOR), among others.¹¹) However, even these larger and resource rich organizations are hampered when they do not effectively coordinate with local non-profits and local, state, and federal government entities.

⁸ STYS, *supra* note 1, at 7.

⁹ The "top-down" method of disaster relief that excludes non-profits from the planning stages and often results in a lack of effective information exchange has been criticized by other scholars as well. *See*, Smith, *supra*, n. 2 at 19 ("[T]he use of top-down policy formulation without the meaningful participation of state and local officials, non-profits, and individuals who are ultimately impacted by policy choices has led to the development mistrust and the creation of state and local policies that are strongly influenced by federal rules that do not always meet local needs.").

¹⁰ STYS, *supra* note 1, at 3.

¹¹ *Id.* at 5-6.

In order to increase the efficacy and efficiency of the non-profit sector's response, the report recommends that local non-profits work together to organize effective Long Term Recovery Organizations ("LTROs"). An LTRO is an "organization of organizations"¹² that "supports the overall recovery and those organizations and individuals working within the recovery."¹³ Essentially, it is the goal of an LTRO to increase cooperation of the non-profit players involved in disaster relief. Previous commentators have noted the lack of cooperation in long-term recovery,¹⁴ both horizontally among non-profits and vertically between non-profits and state and federal agencies.¹⁵ This lack of cooperation results in local non-profits duplicating some efforts while ignoring others, as well as failing to identify key sources of funding at the state and federal levels.¹⁶ This report argues that an established, formal structure is required to create a more synergistic response and recovery effort.

Ideally, an LTRO will be split up into several different sections or working groups, including operations, planning, communications, public policy, and outcomes and accountability.¹⁷ The report recommends that the operations section be split into a non-profit coordination branch and a long term recovery organization branch. The latter would serve to coordinate, for example, a home repairs group, a case management group, an unmet needs group, and a construction volunteer coordinator.¹⁸ All of these sections would be governed by designated non-profit recovery leadership, which would be in charge of resource allocation and

¹² *Id.* at 10.

¹³ *Id.*

¹⁴ *See*, Smith, *supra* n. 3, at 1 ("Cooperation is less common in long-term recovery, which can be fraught with conflict.")

¹⁵ *See*, Smith, *supra* n. 2, at 33 ("The failure to coordinate horizontally across non-profits and vertically with local, state, and federal governments can result in the ill-timed delivery of recovery assistance, the provision of aid that runs counter to the aims of other parties, or the duplication of effort that may have been more appropriately provided by others.")

¹⁶ *Id.*

¹⁷ *See* STYS, *supra* note 1, at 11.

¹⁸ *See Id.*

fundraising.¹⁹ The assumption of leadership at the top of the organization is vital, and the leadership should foster clear communication at all levels.²⁰ The report also highlights the need for a forum through which disaster-related information can be disseminated.²¹

The report concludes with six recommendations for increased coordination and effective response by non-profit organizations.²² Many of these recommendations relate to increased planning. Inadequate planning has frequently been the focus of scholarly critiques of disaster response and relief.²³ Indeed, at least one proposal for federal disaster recovery legislation argues that the “development of a planning culture” should be an explicit aim of the legislation.²⁴ This proposal also notes, however, that “[c]learly articulating the benefits of planning is a necessary precondition of long-term success but is not sufficient to establish an enduring planning culture. Building a culture of planning for recovery also requires expanding the recognized definition of the disaster assistance network, strengthening the ties across organizations, and establishing more meaningful roles for those that are left out of recovery decision making.”

The reports concluding recommendations aim to establish these pre-conditions necessary for creating a planning culture, suggesting that non-profits should increase their connectivity to Emergency Response Organizations; establish new, and strengthen old, lines of communication

¹⁹ *Id.*

²⁰ *Id.* at 14.

²¹ *Id.* at 10.

²² The six recommendations are: (1) additional disaster planning for non-profits, including planning for the continuity of operations and community planning for recovery operations; (2) additional connectivity to Emergency Response Organizations; (3) official communication networks among non-profits; between non-profits and emergency responders; and between non-profits and federal and state disaster action and funding agencies; (4) the development of LTRO structures that ensure efficacy and accountability; (5) improved usage of private and government funding; and (6) recognition of non-profit roles in law and regulation. STYS, *supra* note 1, at 13-14.

²³ See, e.g. Smith, *supra* n. 2, *passim*.

²⁴ See Smith, *supra* n. 2, at 40 (“An explicit aim of federal disaster recovery legislation should be to foster the development of a planning culture through the creation, monitoring, and implementation of recovery plans. One of the tangible benefits of participatory planning is that plans created using an inclusive process can increase organizational, individual, and community-level accountability.”) (citations omitted).

both among non-profits and between non-profits and state and federal agencies; and calling for the recognition of non-profit roles in law and regulation.²⁵ With regard to the last recommendation, the report states: “federal and state disaster planning and response laws and regulations should provide a legal and regulatory mechanism for effective coordination of roles, responsibilities, and funding, as well as pre-disaster planning.”²⁶ Without these adaptations, the report concludes, non-profits will continue to fall short of their full potential in fulfilling their vital role of assisting needy individuals and families in disaster-stricken areas.

²⁵ See STYS *supra* note 1, at 13-14.

²⁶ *Id.* at 14.