

# OUR PRACTICE

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## Disaster Recovery and Government Services

**Catastrophic events result in extraordinary expenses and property losses for everyone involved, including governments, public authorities, utilities, emergency responders and property owners. When disaster strikes, organizations and institutions across America discover they need more than basic knowledge of the rules that govern grant and insurance programs administered by the federal and private entities providing aid.**

Baker Donelson's Disaster Recovery and Government Services professionals work proactively with State and local governments, governmental agencies and authorities, non-profits and infrastructure providers to provide regulatory compliance and grant management services that maximize access to federal funding, assure its effective use and, as needed, coordinate and negotiate with other governmental entities to maintain funding previously received. Our experience includes comprehensive financial oversight, document management, compliance counsel, and policy and government relations services. These services are based on prior large-scale grant management experience involving billions in post-disaster Federal Emergency Management Agency (FEMA) and U.S. Housing and Urban Development (HUD) funding that Baker Donelson team members helped manage across the nation, including successful collaborative response and recovery efforts in Florida, Louisiana, Mississippi, New York, New Jersey, Tennessee, and Texas.

As a leading provider of legal advice and services to organizations and agencies interacting directly with FEMA, we are the source to which State and local governments and non-profits providing services of a governmental nature turn when they need help navigating the regulatory maze. Baker Donelson attorneys bring a deep understanding of FEMA's Public Assistance Program, including issues of eligibility, duplication of benefits, private insurance rules and practices related to disaster and mitigation claims, environmental and historic preservation, and resolution of compliance and audit issues through negotiation, mediation and administrative appeal. Baker Donelson is also the leading firm involved in the interpretation of Section 705(c) of the Stafford Act, which protects state and local governments from retroactive deobligation by FEMA of disaster assistance provided under the Act. We have prevailed in two arbitrations in which the Civilian Board of Contract Appeals decided against FEMA based on Section 705(c) and were instrumental in supporting the South Florida Water Management District in its \$20 million federal court judgment, based on Section 705(c), in *South Florida Water Management District v. FEMA*, (S.D.Fla. 2014). Baker Donelson attorneys have filed more than 100 appeals on behalf of applicants/sub-grantees under programs managed by FEMA under the Stafford Act (Public Assistance, HMGP and Fire Management Assistance Grant Programs).

We are proactive in our approach, helping clients take steps before a disaster strikes to ensure future access to funding and emergency recovery assistance and also have a unique perspective in assisting clients in the after-math. Following Hurricane Katrina in 2005, our professionals provided financial oversight, document management and legal and compliance services to the Mississippi Emergency Management Agency in connection with its responsibilities under FEMA's Public Assistance and Hazard Mitigation Grant Programs and the Emergency Management Assistance Compact. We provided regulatory and policy advice, developed procedures to aid the Agency in managing these expansive programs and assisted with the preparation and submission of the Agency's responses to more than 300 administrative appeals and more than 60 Department of Homeland Security – Office of Inspector General (OIG) audits. This experience has provided our team with a deep experience in all issues faced by applicants under FEMA's grant funding programs.

We also consult with states, municipalities and developers to offer counsel in matters involving requirements and coverage nuances associated with the National Flood Insurance Program (NFIP). Our experience includes assisting entities with requests for Letter of Map Amendment and Revisions (LOMA/R), guidance regarding floodplain management and experienced counsel regarding the various issues and disputes that can arise with these processes.

Our multi-faceted experience makes us uniquely qualified to provide counsel to entities seeking to maximize recovery and take advantage of the opportunities often available post-disaster to rebuild in a more resilient manner. For example, following Hurricane Katrina, we assisted the City of New Orleans by crafting negotiations and funding applications to obtain sizable federal disaster funding and supervised the development of implementation strategies and programs to leverage those monies with other federal funds, private equity and tax credits to invest in a wide variety of public and private-sector funds and other incentives. Similarly, in the immediate aftermath of the Deepwater Horizon disaster, our team provided regulatory counsel to regional economic and community organizations and acted as overarching strategic counsel as federal and state partners commenced long-term restoration project development and RESTORE Act deliberations.

We also have one of the largest and most extensive affordable housing practices in the region. This experience, coupled with our extensive knowledge of the various post-disaster funding programs, has allowed us to provide guidance and counsel to entities involved in the various housing programs often available through HUD's Community Development Block Grant (CDBG) program and others. In all, team members have supervised implementation and compliance strategies for large-scale infrastructure, housing and commercial development projects; administered a process for dispersing more than 15,000 federal loan assistance grants; counseled on relevant federal procurement and environmental regulations; and created a software-based system for streamlining grant management processes.

Our team includes the former general counsel of the Federal Emergency Management Agency; the former Executive Director of the Mississippi Department of Homeland Security; the legal counsel to the Housing Committee of the Commission on Recovery, Rebuilding and Renewal; the Project Coordinator for the Hazard Mitigation Grant Program; Certified Project Managers through the Project Management Institute; Certified Public Accountants\*; and Certified Fraud Examiners.

*\*Baker Donelson is not a CPA firm*



## Resources

Please click on the following links to download our procurement checklists:

- [Baker Donelson FEMA Procurement Checklist](#)
- [Baker Donelson Procurement File Checklist](#)

Other useful links:

- [ABA Disaster Response and Preparedness Committee](#)
- [Congress.gov](#)
- [Department of Homeland Security Office of Inspector General](#)
- [Federal Emergency Management Agency](#)
- [Legal Services Corporation](#)
- [Minority Business Development Agency](#)
- [State Emergency Management Agencies](#)
- [System for Award Management](#)