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Community Restoration After Natural Disasters

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After Hurricane Harvey made landfall in Texas last August, churches, mosques, and other houses of worship did what they do best—they offered shelter, food, hygiene supplies, and other resources to people who were forced to abandon their homes. Churches and other houses of worship even [served as](#) staging and distribution centers for the Federal Emergency Management Agency (FEMA) after Hurricanes Harvey and Irma. In the wake of natural disasters, faith-based and community-based organizations are usually closest to the needs of hurting communities and are on the frontlines of response. Government also plays a vital role in responding to and helping communities rebuild in times of disaster, often partnering, both financially and otherwise, with civil society organizations on the ground, including houses of worship.

This type of church-government collaboration after natural disasters is not new. Houses of worship are regularly first responders alongside community organizers, and FEMA has repeatedly praised churches for their supplemental relief that makes community restoration possible. In a [recent statement](#) by Rev. Jamie Johnson, director of the Department of Homeland Security's Center for Faith-Based & Neighborhood Partnerships, he said, “FEMA cannot do what it does so well without the cooperation of faith-based nonprofit organizations and churches...It’s a beautiful relationship between government and the private sector and it is something to behold.”

But what happens when houses of worship are themselves the victims of natural disasters, even as they extend help and relief to others? Should they be able to ask for the assistance of FEMA to rebuild in order to continue their important work of community restoration?

FEMA Funding for Houses of Worship

Unpredictable natural disasters do not discriminate against their victims when they strike a community—diverse cultures, ethnicities, ideologies, and religions are all at the mercy of nature's powerful forces. Rebuilding a community of diverse civil society organizations demands a communal effort. Access to public rebuilding funds after natural disasters through FEMA is a crucial resource for these civil society organizations. However, houses of worship, which are just as much a civil society organization as community centers, non-profits, and other institutions, are currently exempt from FEMA relief funds due to FEMA's regulations.

Federal law itself does not ban houses of worship from receiving federal aid to repair their damaged facilities. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) in the United States pertains to federal relief aid. This act provides the pathway for financial and physical aid to flow through FEMA to communities once a presidential declaration is made following a natural disaster. The Stafford Act does not explicitly state that houses of worship cannot apply and receive federal aid.

However, FEMA has its own specific regulation making it clear that if you are a religious organization and more than 50 percent of your time or space is used for religious purposes, you cannot apply for disaster assistance. While FEMA recognizes that houses of worship are essential for restoring disaster-stricken areas, often using churches to bolster their own relief efforts, FEMA denies them federal disaster relief funds to rebuild their sanctuaries simply because they are religious. Even though houses of worship suffer the same kind of devastation that non-profits, community centers, and small businesses do when disaster strikes, FEMA does not allow them to compete for grants on equal footing with other private non-profits or community centers.

Legislative Efforts

Following the devastation from Hurricane Harvey, this restriction is being contested in a recent lawsuit against FEMA involving two churches and one synagogue in Texas. In the case known as *Harvest Family Church v. FEMA*, the plaintiffs maintain that houses of worship are seeking the same access to disaster relief funds that many similarly situated private nonprofit entities receive. Diana Verm, one of the lawyers for the two churches and the synagogue, stated in [recently filed court papers](#) that “the churches are not seeking special treatment; they are seeking a fair shake.” In an emailed statement, she added that “Harvey didn't cherry-pick its victims; FEMA shouldn't cherry-pick who it helps.”

This approach aligns with CPJ's [Guideline on Religious Freedom](#), which states: “As long as they are freely formed, churches, social service organizations, schools, and other organizations should enjoy the freedom to articulate and maintain their purposes—and to hire staff in accord with those purposes. If no organization is given public privilege over others, then none will be discriminated against, for

reasons of religion, by denying it equal opportunity to enjoy public-legal recognition through tax breaks, public funding, or other kinds of public benefit and encouragement.”

The Orthodox Union, the nation’s largest Jewish congregation organization, is [currently spearheading](#) advocacy for Senate legislation that parallels a 2015 House bill. The bill is known as the “Federal Disaster Assistance Nonprofit Fairness Act” ([S. 1823](#)) by Sens. Roy Blunt (R-Mo.), James Lankford (R-Okla.), Ted Cruz (R-Texas), and John Cornyn (R-Texas). The legislation seeks to amend the Stafford Act to “clarify that houses of worship are eligible for certain disaster relief and emergency assistance on terms equal to other eligible private nonprofit facilities, and for other purposes.”

Under this proposed amendment to the Stafford Act, houses of worship, like the ones in the current case against FEMA, could apply for federal disaster funds that would be distributed in accordance with FEMA’s standard policies and procedures for other nonprofits. Nathan Diament, Executive Director for Public Policy at the Orthodox Union, [recently stated](#), “The flooding in Houston reminds us that houses of worship are equally affected by severe flooding and natural disasters. When a natural disaster occurs, most often it is the churches and synagogues that offer comfort and a place to gather for members of the community. It is ironic that these institutions that serve others in times of need are the ones refused aid by FEMA.”

FEMA Funding and the First Amendment

Not only would the proposed Senate bill correct FEMA’s discriminatory regulation, but it would be consistent with a recent Supreme Court ruling in 2017 in the case [Trinity v. Comer](#). Trinity Lutheran Church Learning Center is a Christian preschool in Missouri that wanted to upgrade its playground surface of gravel and grass. The school applied to a state program that distributes grants to use recycled shredded tires to provide a softer and safer playground for children. Of the forty-four applicants to the state program, Trinity Lutheran ranked fifth based on overall quality, number of people that would benefit from the upgrade, and the quality of the school’s recycling education programs. The school was rejected, solely based on their association with a church.

In the *Trinity v. Comer* case, the ruling states that there is religious discrimination when everything about an entity is eligible for a grant except for its religious identity. In other words, the preschool in this case was doing exactly what every other preschool does, and at a higher standard than most of its contemporaries, but was denied the same public funding solely because it is associated with a religion. A similar, albeit more complicated case can be made for the houses of worship in Texas that are being denied FEMA rebuilding funds solely because their efforts would be to rebuild a religious structure such as a sanctuary.

Popular arguments against the Texas churches’ alleged right to FEMA funding contend that allowing churches to compete for public funding violates the “establishment clause,” otherwise known as the separation of church and state, that is outlined in the First Amendment. However, the First

Amendment also states that the government cannot prohibit the free exercise of religion, known as the “free exercise clause.” The First Amendment places a careful balancing act into the hands of the federal government. While the government cannot establish an institutional or national religion, as prohibited by the establishment clause of the First Amendment, it also cannot suppress religious expression, as prohibited by the free exercise clause of the First Amendment.

Allowing diverse houses of worship to compete for disaster relief funds through FEMA seems like a far cry from establishing a national religion. The purpose of FEMA’s rebuilding grants is to restore a community to what it was before a natural disaster occurred. If every other civil society organization in a community is eligible to be restored except for houses of worship, then FEMA is doing the community a disservice in not allowing the community to be restored in full. Exempting the restoration of houses of worship in a community, where every other civil society organization is eligible, is a form of religious discrimination and a violation of the house of worship’s constitutional right to free exercise. Houses of worship are just as integral to a community as are other civil society organizations, and people depend on the efforts and resources they can provide.

The Social Impact of Faith-Based Organizations

Churches, faith-based businesses, and faith-based organizations provide more impact on the economy than the annual revenues of the top ten tech companies, including Apple, Amazon, and Google combined. [Of the \\$1.2 trillion](#) that religious organizations provide to the economy, \$418 billion of that comes from congregations that provide impact through social programs that address education, alcohol and drug abuse, mental illness, unemployment, veterans affairs, HIV/AIDS, and so many other socioeconomic ailments.

Religious organizations and houses of worship are essential to communities and to the health of the greater national economy. This impact was clearly demonstrated when houses of worship and religious non-profits came to the aid of communities, cities, and to the economy after Hurricanes Harvey and Irma. Houses of worship supplement and fill the gaps where government resources are ill-equipped or insufficient. If houses of worship aren’t restored, a community is not fully restored, and FEMA is ultimately not fulfilling its purpose and duty to its citizens.

Optimism that the law will one day allow houses of worship to receive funding through FEMA is being renewed not just from the legislature, but from the executive branch as well. President Donald Trump recently [tweeted](#), “Churches in Texas should be entitled to reimbursement from FEMA Relief Funds for helping victims of Hurricane Harvey (just like others).” We have already seen from the judicial branch that religious organizations can compete for federal funding for certain community improvement efforts. Although support from the president does not translate into public policy, efforts in Congress to pass federal law give hope to houses of worship like the churches and synagogue in Texas that are seeking federal reimbursement.

As Christian citizens forming thoughtful and informed responses in times of natural disaster, we must continue to ask difficult questions about the right roles of government, of faith communities, of business, and of other vital civil society institutions. A public justice framework helps us to consider this nuance and complexity and opens the discussion to innovative partnerships and solutions. When crisis hits, a public justice perspective calls for both religious groups and the government to contribute to the restoration of wholeness in the community through their participation in the social safety net. At the same time, religious groups should be treated equally with other mission-based organizations in their ability to receive government funds for this critical restoration.

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