

Disaster Housing Recovery Coalition Policy Recommendations

During the 2019 Disaster Housing Recovery Coalition (DHRC) convening in Houston, Texas, participants reimagined a disaster recovery framework centered on the needs of America's lowest-income and most marginalized households. The recommendations that emerged from the convening address all three stages of recovery and range in scope from regulatory fixes for existing programs to the creation of new methods and philosophies of assistance.

The recommendations were the result of the collective hardship, success, and failure experienced by residents of California, New Jersey, Puerto Rico, Texas, and many other communities in between. It is our hope that advocates, activists, and community members will use these hard-won lessons as a guide to push for disaster housing recovery reform at all levels of government and to ensure that in the aftermath of the next disaster, all disaster survivors, including those with the greatest needs, are able to equitably recover.

To bolster their use in policy advocacy and education, this document concisely summarizes each recommendation. Greater detail and context regarding the recommendations can be found in the report *Fixing America's Broken Disaster Recovery System Part Two: Policy Framework Reform Recommendations*, published by NLIHC and the Fair Share Housing Center in July 2020.



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I. IMMEDIATE AND SHORT-TERM NEEDS EMERGENCY SHELTER AND EVACUATION

For a disaster housing recovery framework to serve all survivors, the sheltering and evacuation stage of short-term recovery must engage all stakeholders, including disaster survivors and experts in housing, homelessness, fair housing and civil rights, legal services, research, disability rights, and other sectors, to ensure that policy solutions are intersectional and inclusive. The unique needs of marginalized and low-income communities must be explicitly addressed.

- a. The goal of sheltering and emergency evacuation plans must be to get all disaster survivors to safety and protect them from danger.
- b. State and local governments should ensure that evacuation and shelter-in-place plans specifically address the needs of communities that have been overlooked by emergency planning and response efforts, including the lowest-income seniors, people of color, people with disabilities, families with children, people experiencing homelessness, people with limited English proficiency, undocumented immigrants, and others.
- c. State and local policymakers should invite marginalized communities to take a leading role in developing emergency planning and response plans that meet their needs.
- d. State and local officials should engage existing community-based networks that have trusted relationships with these communities to develop and execute sheltering and emergency evacuation plans that adequately reach all survivors.
- e. Congress and federal agencies must set federal standards to ensure that disaster emergency responses reach all survivors, including those who speak languages other than English and people with disabilities.
- f. Congress and federal agencies must ensure that individuals with disabilities are not involuntarily institutionalized during or after disaster response.
- g. Congress should enact legislation to ensure that pre-disaster homeless populations receive the same emergency assistance as other survivors.
- h. To improve access to critical information, emergency planners should seek ways to decentralize communications, building formal relationships with existing networks of community-based organizations for more widespread and trusted dissemination.
- i. Evacuation and shelter-in-place plans must be better coordinated with short-term, long-term, and mitigation plans.

II. HOUSING TRIAGE AND SHORT-TERM REBUILDING

After sheltering and evacuation plans are executed, attention must turn to finding short-term housing for displaced disaster survivors. Meeting this challenge is complicated by America's affordable housing crisis, which most severely impacts the nation's lowest-income seniors, people of color, people with disabilities, families with children, people experiencing homelessness, and other individuals. The loss of rental housing stock due to a disaster creates extreme housing scarcity that can lead to homelessness and displacement.

Addressing Disaster Survivor Housing Needs

- a. Congress should reform FEMA's Transitional Shelter Assistance and other direct housing and rental assistance programs, which are often inaccessible for low-income residents.
- b. Congress should activate the Disaster Housing Assistance Program (DHAP) after every disaster until long-term housing recovery, including the rebuilding of affordable rental housing stock, is complete. DHAP has been used to great effect in past disasters, providing longer-term housing assistance and wrap-around services to low-income survivors immediately after a disaster.
- c. Congress should identify a dedicated single agency to address the needs of low-income disaster survivors. The responsibilities of this agency would include finding affordable homes; connecting people to job training, employment services, and other wrap-around assistance; and providing greater focus on those most at risk of displacement and homelessness.
- d. Emergency housing resources must be deployed quickly to states and communities to house those who were without homes prior to a disaster or who are at risk of displacement and homelessness after the disaster. Communities impacted by disasters should not be required to show that post-disaster homelessness is an issue in order to access these funds.
- e. FEMA should provide individuals experiencing homelessness prior to a disaster with the same assistance as other survivors. Legislation is needed to ensure equitable treatment.
- f. Individuals with disabilities must receive the assistance necessary to ensure they can live and recover independently following a disaster.
- g. Federal disaster housing recovery efforts should emphasize keeping communities and families together during short-term recovery. Current systems lead to displacement, as disaster survivors must often travel long distances to find affordable housing.

Jumpstarting Housing Recovery

- a. States and local governments should assess the affordable housing landscape so that the response can focus on areas with the highest number of affordable rental homes that can be created or brought back into service quickly.
- b. State and local governments must pre-plan for short-term recovery by identifying and pre-leasing rental homes prior to a disaster in areas deemed unlikely to suffer disaster damage.
- c. Congress should fund new models of housing assistance, such as the Texas RAPIDO program. Under RAPIDO, initial portions of a home are rapidly rebuilt, providing spaces where families can live pending completion of repairs to the rest of the home. Such models should be expanded, as it is both cost effective and simpler for families impacted by a disaster to be able to live in the same place during short-term and long-term recovery.
- d. Strategies should utilize existing vacant housing, units not currently occupied for non-disaster reasons, and accessory dwelling units, and provide funds to bring substandard units up to code.
- e. Any increase in the housing stock must be accompanied by long-term tenant protections.

Community Engagement

- a. Recovery efforts must be led, first and foremost, by disaster survivors and the community-based nonprofits located in the communities they serve. These organizations are already connected to disaster survivors and are naturally situated to lead. Funding must be provided to build the capacity of nonprofits to assist national and neighborhood-level organizations to take on more responsibility.
- b. Community-based organizations and kinship networks must be meaningfully engaged and recognized as a critical asset in ensuring shelter and care for displaced disaster survivors. These networks already assist one another, share information, and reinforce opinions on recovery strategies throughout the disaster recovery process.
- c. A neighborhood model of community response must be created to allow state and local government officials to learn about community needs, disseminate supplies and information, and design recovery and mitigation strategies.
- d. The neighborhood model must be integrated with municipal disaster response to maximize the benefits of both. Education and training must be provided to recovery workers, allowing them to gain credibility among community members and be more effective in community-based organizing.
- e. Communities that receive disaster survivors should also receive additional resources to address the needs of evacuees. States should identify likely receiving communities prior to a disaster. The rights and responsibilities of receiving communities must be laid out to describe federal support and mechanisms for accountability on civil rights obligations and quality programming.

Protecting Disaster Survivors from Abuse

- a. Legal controls on rent increases and evictions within the disaster area are needed to insulate disaster survivors from a volatile housing market. Foreclosure prevention and mortgage moratorium laws must be in effect throughout the long-term recovery process.
- b. Similar moratoriums should be instituted on student loans.
- c. A regulatory system is needed to ensure better oversight of home repair contractors. This system should hold both contractors with government funding and those contracted by individual survivors to the same standards of oversight and subject to enforceable sanctions. Best practices and model regulations should be shared nationally to avoid a patchwork of regulations and prevent contractors from performing poor quality work.
- d. Communities must receive pre-disaster education on contracting to avoid unnecessary and fiscally damaging agreements that slow recovery and harm eligibility for programs later.

Disaster Survivor-Centered Assistance

The current application process for assistance is time-consuming, confusing, and inflexible. It wrongly denies benefits to many of the lowest-income disaster survivors and forces them to apply separately for each program. A new assistance framework should prioritize categorical eligibility, simplify the application and appeals process, and track outcomes to ensure recovery aid can quickly reach those in need.

Simplifying the Application Process

- a. Every disaster survivor must receive the assistance to which they are entitled. Instead of creating high barriers, federal agencies should use damage assessments, geographic information, and other data to provide categorical eligibility for disaster survivors in impacted areas. Such a system should permit alternative documentation, including for owners of manufactured houses and residents with informal, heirship, and other title issues, that is accessible and available to disaster survivors when they apply for assistance.
- b. FEMA, HUD, and other federal agencies must create a universal application to make the process easier, quicker, and more flexible, reducing administrative burdens.

Protecting Survivor Rights

- a. By ensuring that disaster recovery applicants understand their rights, have access to legal representation, and have clear appellate processes, the number of individuals left without assistance can be dramatically reduced.
- b. All parties would benefit from an effective right of appeal for denials of assistance or other adverse actions or inactions. The process should put as little burden as possible on disaster survivors, and it must allow applicants to receive benefits quickly if an improper denial was made. This should occur without prolonged legal proceedings and substantial court and attorney fees which prohibit many applicants from seeking redress.
- c. Statutes should be enacted to ensure due process, including the right to appeal adverse actions and inactions, comprehensive discovery, and recourse to a court of competent jurisdiction.
- d. Funding should be available to support legal aid organizations that serve disaster survivors.
- e. Comprehensive, accurate outreach and education should inform survivors about their due process rights. Education must be accessible to all disaster survivors, including people with disabilities and limited English proficiency.
- f. Legal aid providers should be tasked to identify potential problems and solutions to ensure that all eligible households receive assistance and to provide trainings to first responders, emergency and relief workers, and others on the ground in the weeks directly following a disaster. Congress must fund legal services with direct service funding – not simply for pro bono activities.

Tracking Outcomes

- a. Applications and assistance outcomes must be tracked over the long-term to enhance data collection and analysis capabilities among disaster researchers and policymakers.
- b. Data collected by the government must be open and accessible. Presentation of such data should be both granular and comprehensive and should protect personally identifiable information. Data transparency allows policymakers and advocates to be informed about program results, make policy improvements, and incorporate best practices for future activities.
- c. Anecdotal experiences must be honored and valued as a source of information for policymakers.

III. LONG-TERM RECOVERY BUILDING EQUITABLE COMMUNITIES

Following disasters, people of color, people with disabilities, and immigrants face increased displacement from the dual threats of disinvestment and speculation. It is critical for disaster recovery planning to go hand in hand with fair housing, recognizing the disproportionate impact of racism on low-income households and the communities that have been historically relegated to environmentally hazardous areas and deprived of adequate infrastructure.

Building Equitable Communities

Dismantling Segregation and Inequality

- a. Case managers and housing counselors must affirmatively further fair housing by helping displaced households to relocate into communities of their choice, whether well-resourced neighborhoods or distressed communities undergoing a comprehensive revitalization effort.
- b. Construction of new housing must reduce rather than recreate pre-disaster segregation, comply with civil rights obligations, and not expose members of protected classes to needless risk of harm due to future disasters.
- c. Explicit requirements for desegregation and adherence to civil rights law must be included in contractor compliance regulations and grant agreements. This would strengthen the ability of protected classes to seek legal redress for failures in equitable recovery and serve as a stark reminder that recovery work must be performed in compliance with federal civil rights law.
- d. Infrastructure projects should be prioritized to improve and protect lower-income communities and communities of color and correct the historic lack of infrastructure. This can become a desegregating, equity-increasing process that can eradicate generations-long barriers erected by white supremacy, tribalism, and economic inequality.
- e. All homes created or substantially rebuilt through the long-term recovery process must be made accessible to individuals with disabilities in accordance with applicable disability rights law and the needs of disaster survivors with disabilities.
- f. All response and recovery programs should recognize and accommodate assistance to disaster survivors of all faiths. This should include, for instance, loan products compatible with Islamic law.

Rebuilding Homes

Housing recovery offers a unique opportunity to address systemic market failures at the root of the nation's affordable housing crisis. Long-term housing rebuilding programs should prioritize permanently rehousing displaced, low-income households, as well as equitably addressing the needs of homeowners (including preservation of generational wealth), renters, and people experiencing homelessness.

Equitable Approaches to Rebuilding Homes

- a. To the greatest extent possible, long-term recovery should prioritize the rehabilitation and construction of homes affordable to people with the lowest incomes.
- b. Long-term recovery should prioritize 1:1 replacement of any lost federal- or state-assisted housing and increase the total affordable units available in the jurisdiction.
- c. Housing rehabilitation, rebuilding, and new construction, as well as related infrastructure projects, must meet resilience and mitigation standards that can withstand the increasing frequency and intensity of disasters due to climate change.
- d. Newly built housing should be located outside disaster-prone areas, in locations that further fair housing. These units should first be made available to households displaced by the disaster.
- e. Rental homes developed with federal funds must require affordability of at least 30 years at rents that are affordable to the entire range of people impacted by the disaster.
- f. There must be continuity in providing housing assistance without arbitrary deadlines or bifurcation among federal agencies. If separate short-term and long-term assistance programs exist, they must coordinate to ensure seamless transition from one program to another.

Insurance Reform

- a. The National Flood Insurance Program (NFIP) should be expanded to include coverage for additional types of disasters, such as wildfires and tornados. If necessary, a parallel system should be developed to apply the NFIP concept to other disasters.

Public Participation and Benefit

Federal, state, tribal, and local governments must proactively engage residents and their representative organizations in the formulation and implementation of recovery plans. Collaboration must recognize, respect, and address the unique needs of residents and communities.

Community Collaboration

- a. Existing community-based organizations, drawing on the relationships fostered during the short-term recovery process, should participate to gather necessary public input.
- b. Public hearings on disaster recovery plans should be scheduled and located in areas accessible to the people served by these organizations.
- c. The cultural competency of long-term planning programs can increase public participation from marginalized communities. This creates a feedback loop that provides information to and collects input from low-income disaster survivors. These efforts should be initiated at the local, state, and federal levels of disaster planning.

Prioritizing Community Input

Communities most affected by disasters, including low-income and communities of color, should have greater input in drafting and approving rebuilding plans. Similarly, those disaster survivors who are most affected should have the most control over how their community is rebuilt. One mechanism to ensure such input is to provide impacted areas with the power to veto rebuilding plans.

Emphasizing Local Employment

- a. Funding should support apprenticeship and job training programs, developed in partnership with supportive local unions. Destruction of commercial properties, economic disruption, and displacement cause job losses and drastically reduced employment opportunities. Such programs should focus both on skills necessary to carry out recovery work and on jobs that will be part of the reestablished economy.
- b. FEMA and other agencies responsible for procurement should offer preferences to local businesses and contractors to maximize the funding reinvested in impacted communities.

Contractor Accountability

Contractor engagement and oversight should be transparent and subject to input from those who will be most affected by decisions about contractors: members of the public.

- a. Given the range of capacity and credibility in the contractor community and the difficulties faced by state and local jurisdictions in selecting appropriate firms, proper tracking is needed. A nationwide dashboard should be available to jurisdictions and the public to track firms that have received implementation contracts in the past in disaster recovery. The dashboard should identify the contractor, provide a description of the substance of the contract, and summarize complaints, legal actions, and other past concerns. Local residents and businesses should be able to view and submit contractor reviews.
- b. A web-based consumer review system could allow for additional public input and serve as an indicator of whether a contractor is suited to the task.

III. EQUITABLE MITIGATION

Mitigation strategies should focus on the most impacted areas and equitably take into account the populations most at risk of experiencing impacts from future disasters.

Targeted, Equitable Mitigation

- a. Mitigation efforts must be directed toward areas most impacted by disasters before focusing on broader mitigation needs. These efforts should focus on bringing historically marginalized communities and those ignored or negatively impacted by disaster-related planning up to a basic standard of infrastructure and protection from future disasters, rather than on increasing local revenue.
- b. Social vulnerability and the housing needs of marginalized communities must be addressed. For instance, where environmental reviews of projects are required, such reviews must address the social vulnerability of the community, providing context to the overall project in more than simply engineering terms.
- c. The mitigation needs of homeowners, renters, and people experiencing homelessness should be equitably addressed. State and local governments should fairly assess mitigation needs in a community's "Analysis of Impediments or Assessment of Fair Housing," which can serve as a valuable tool for planning. Mitigation efforts should reflect these assessments.

A Rights-Based Approach to Mitigation

- a. A rights-based approach modeled on the “Four Rights” of communities should guide mitigation.
- b. Mitigation planning should be founded on international standards for internally displaced peoples. These standards will gain greater significance as more people are displaced due to climate change and will serve to reassure communities hesitant to participate in the mitigation practice that their wishes and rights will be respected throughout the process.

Public Participation

Effective and equitable mitigation requires federal, state, and tribal government to engage with communities to anticipate and address the broadest and most inclusive range of community risk.

- a. The entire disaster mitigation planning stage should integrate engagement with and respect for the most marginalized residents and their vision for their future. Such involvement should not simply involve a review of a nearly finished product.
- b. Community members intending to participate in planning must be educated on the lexicon, theories, and factors that underlie mitigation. At the same time, planning bodies must approach conversations with cultural competency and value the ideas, opinions, and anecdotal evidence provided by the community.
- c. Funding is needed to support grassroots organizations in building capacity to facilitate preplanning organizing and conversations.

Relocation and Buyouts

Relocation and buyouts, though sometimes necessary to mitigate future risk, have too often left people of color and lower-income people displaced, while allowing wealthier, predominantly white communities to remain in equally or more risky locations.

- a. Involuntary buyouts should only be undertaken after direct consultation with affected residents, and only after all alternatives have been fully investigated and found inadequate for the long-term protection of residents.
- b. Real property acquired by buyouts and acquisitions must be deed-restricted in perpetuity to preclude any future development. This will assure the impacted community that the buyout is an environmental and geographic necessity and not an exploitive scheme to build luxury housing.
- c. Households and businesses must be able to benefit from buyout plans irrespective of income, wealth, or membership in any protected class.
- d. Buyouts must compensate and protect the pre-event value of the property and the generational wealth that is lost through relocation.
- e. The options for relocation must address fair housing by ensuring that relocated households have a range of options to move to different communities, not just high-risk areas such as those subject to disinvestment.

Mitigation Standards and Best Practices

Mitigation must occur before and during disaster response. It is imperative that the time between disasters be used to imagine and implement high-quality projects and systems. During this time, planners should ensure that mitigation standards are higher and more uniform.

- a. Federal dollars should be conditioned on meeting higher standards. Mitigation must become a standard part of evaluating federal funds. For example, at the renewal of HUD funding such as project-based rental assistance, there should be a resident-informed evaluation of climate risk and serious consideration of alternatives to continuing to fund developments that exist in harm’s way.
- b. State and local governments must be educated on how mitigation efforts can protect residents, communities, and taxpayer resources. This education can include best practices in construction techniques and costs.
- c. Continuous evaluation of mitigation strategies and best practices is needed. Constant analysis will help promulgate best practices and prevent repetition of errors.
- d. Mitigation efforts are inadequate if they address only current risks. Instead, mitigation efforts must anticipate the needs of communities 50 years into the future.
- e. Open access platforms should be created to allow sharing of best practices and innovations across the nation. More research is needed on best practices to develop models for mitigation.