

March 15, 2023

Community Assistance Recovery Support Function Team  
Federal Emergency Management Agency  
500 C. St. SW  
Washington, DC 20472

*Submitted with accompanying Comment Matrix by Email to FEMA-CA-RSF@fema.dhs.gov*

**Re: Comment to FEMA Guide: “Achieving Equitable Recovery: A Post-Disaster Guide for Local Officials**

**I. Introduction**

The National Low Income Housing Coalition (NLIHC) and members of Disaster Housing Recovery Coalition (DHRC) welcome the opportunity to respond to the Federal Emergency Management Agency’s (FEMA) request for comment on the draft guide, [“Achieving Equitable Recovery: A Post-Disaster Guide for Local Officials.”](#)

NLIHC is dedicated solely to achieving racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice. NLIHC leads the DHRC, a coalition of more than 850 national, state, tribal, and local organizations, including many working directly with disaster-impacted communities and with first-hand experience recovering after disasters. Together, we work to ensure that federal disaster recovery efforts prioritize the housing needs of the lowest-income and most marginalized people in impacted areas.

NLIHC and DHRC members appreciate the opportunity to engage FEMA on important issues related to equity and disaster response, recovery, and mitigation. We are pleased to see that the integration of equity was named a primary goal in the agency’s 2022-2026 Strategic Plan and that FEMA Administrator Criswell has continued to publicly raise the need to ensure FEMA and its stakeholders approach their roles in an equitable fashion. In addition, FEMA has made some initial strides to remove barriers that prevent individuals and households with low incomes from accessing the assistance they need to recover after disasters – most notably, initial changes regarding title documentation, greater use of Critical Needs Assistance, reclassification of home value calculations by square footage, and greater outreach to tribal nations.

Despite these modest improvements, FEMA’s disaster housing response and recovery system is inequitable and in need of major reform. As FEMA continues to stress the importance of equity to its stakeholders, the agency must ensure its own program policies align with those same equity principles. In addition to focusing on the Guide, comments below will reference some other reforms needed to advance equity.

It is critical that FEMA advance equity throughout emergency management and ensure the lowest-income and most marginalized disaster survivors receive the assistance they need for a complete and equitable recovery. The recommendations included in this comment letter and accompanying matrix reflect nine core principles that should guide our country’s disaster housing recovery and mitigation efforts:

1. Recovery and mitigation must be centered on survivors with the greatest needs and ensure equity among survivors, especially for people of color, low-income people,

people with disabilities, immigrants, LGBTQ people, and other marginalized people and communities;

2. Everyone should be ensured fair assistance to full and prompt recovery through transparent and accountable programs and strict compliance with civil rights laws, with survivors directing the way assistance is provided;
3. Processes for securing help from the government must be accessible, understandable, and timely;
4. Everyone in need should receive safe, accessible shelter and temporary housing where they can reconnect with family and community;
5. Displaced people should have access to all the resources they need for as long as they need to safely and quickly recover housing, personal property, and transportation;
6. Renters and anyone experiencing homelessness before a disaster must be provided quickly with quality, affordable, accessible apartments in safe, quality neighborhoods of their choice;
7. All homeowners should be able to rebuild without delay in safe, quality neighborhoods of their choice;
8. All neighborhoods should be free from environmental hazards, have equal quality and accessible public infrastructure, and be safe and resilient; and
9. Disaster rebuilding should result in local jobs and contracts for local businesses and workers.

Any questions regarding this comment can be directed to NLIHC Senior Vice President of Policy and Field Organizing Sarah Saadian ([ssaadian@nlihc.org](mailto:ssaadian@nlihc.org)) and Senior Policy Analyst for Disaster Recovery Noah Patton ([npatton@nlihc.org](mailto:npatton@nlihc.org)).

## **II. Comments on Goal 1: Build Equity into the Recovery Organizational and Coordination Structure**

- **Section 1.1:** While community outreach and collaboration are among the best ways to ensure emergency plans serve marginalized populations, alone they cannot bear the responsibility for quality control. The continued failures of some state and local-level disaster management plans, like those that resulted in the humanitarian crises in Puerto Rico after Hurricane Maria or the lack of temporary shelter during the response to Hurricane Harvey, show that communities can no longer take for granted that a competent, accessible, disaster response plan exists for their area. Federal standards are needed and must be properly enforced.

To move towards a “survivor-focused recovery,” disaster response and recovery efforts must be led first and foremost by community-based organizations located in impacted areas. These organizations are already connected to disaster survivors and are naturally situated to lead important aspects of disaster recovery programs, such as the damage inspection process. To facilitate this, funding must be provided to build the capacity of nonprofit organizations – whether through direct funding or as a subgrantee to a state or

local government – to allow them to take on more responsibilities during disaster recovery.

Organizations like [West Street Recovery](#) in Houston provide excellent examples for how a community-based organization located in a disaster-impacted area can better assess what is needed for the community and work to address that need in an efficient manner, having responded to flooded neighborhoods in Northeast Houston and resiliently repair homes utilizing community expertise. Organizations like West Street Recovery are critical to facilitating an equitable and complete recovery in low-income communities and communities of color. FEMA should also utilize national organizations, which have greater reach and connections and can be effective in bringing more resources to bear in support of recovery.

In addition to community-based organizations, FEMA should recognize communities themselves as a major asset in ensuring shelter and care for displaced disaster survivors during post-disaster recovery. Current models of disaster recovery are often planned, executed, and staffed by individuals without specific knowledge of the most marginalized populations in a disaster area, while communities themselves are often undervalued or ignored in favor of one-size-fits-all disaster strategies. Community-based and kinship networks (i.e., informal connections among members of a community) can and should be utilized to help house survivors. These networks already assist one another, share information, and form opinions on recovery strategies throughout the disaster recovery process. These networks should be utilized to respond to disasters at the local level, allowing communities and neighbors to leverage their relationships with each other to better repair and rehouse their community.

A neighborhood community response model can also serve a civic function, allowing state and local government officials to gain information about community needs, disseminate supplies and information, and design and approve recovery and mitigation strategies. Recovery strategies must be built around this neighborhood model, allowing relationships to flourish during disaster recovery. The neighborhood model must also be integrated with municipal disaster response to maximize the benefits from both. Education and training must be provided to disaster recovery workers, allowing them to gain a level of fluency among community members, making community-based organizing easier.

- **Section 1.2:** In addition to the creation of recovery ordinances to outline the roles and contributions of local organizations during disaster recovery, ordinances should prevent the inequitable impacts of disasters before they occur and mitigate harm. While the federal government can and does create and implement protections for historically marginalized communities after disasters, state and local governments have broad authority to protect those most impacted, including legal controls around rent increases and evictions within the disaster area, the ability to pre-lease rental homes less likely to suffer from disaster damage for use as disaster survivor housing, changes to zoning ordinances to ensure that housing units can quickly be brought online following a disaster, and requirements that grant funding be distributed based on unmet needs.
- **Section 1.3:** We appreciate FEMA including historically marginalized communities and their stakeholders into the disaster recovery planning process. However, FEMA should ensure that impacted people and communities have the power to directly shape recovery policy and are not used to merely provide token input. Giving community members a say

in their communities' recovery advances equity and empowers communities to take an active role in the recovery process.

FEMA could learn from a related effort regarding implementation of the HUD Community Development Block Grant – Mitigation (CDBG-MIT) allocation in Puerto Rico. The 2019 Federal Register Notice to assist in the implementation of Puerto Rico's CDBG-MIT-funded programs created a Citizen Advisory Committee (CAC).<sup>1</sup> The Notice language envisioned the committee as operating continuously through the life of the grant, responding to and requesting comments and contributions from the public regarding CDBG-MIT-funded programs. While the creation of a CAC structure was welcomed, it became clear that the committee was prevented from participating in the program creation process, and it was instead solely utilized to communicate program information to marginalized communities.

NLIHC and its DHRC partners have called on HUD to require the active participation of the CAC more directly in long-term recovery programs, specifically during the creation of program policies and eligibility criteria. FEMA should make the distinction between the creation of a stakeholder advisory committee for disaster recovery to provide input into disaster recovery plans, and one that is actively involved in the creation of such programs – the preference being for the latter. Doing so can ensure that historically marginalized community stakeholders' opinions are not tokenized but carry the authority to actively shape recovery plans in their communities.

- **Page 8, Line 309:** dead link
- **Figure 2:** The figure should be modified to include Community-based Organizations under “non-governmental organizations.”
- **Figure 4:** The figure should be modified to include Housing Departments under “state/tribal/territorial partners”, and Housing and Homeless Services Organizations under “Nongovernmental Partners.”
- **Figure 5:** The figure should include Housing and Homeless Services Organizations.
- **Page 12, Line 405:** A new paragraph should be inserted detailing the availability of housing assistance organizations to participate in recovery efforts: “In addition to Voluntary Organizations Active in Disasters (VOAD) supported groups, organizations that commonly provide resources to individuals and families in need will also continue their mission during the recovery process – such as housing assistance organizations, homeless service providers, non-profit healthcare providers, and similar groups. While these groups may be members of a Long-Term Recovery Group, they may lack awareness of its existence or importance within the recovery process. Many coordinate activities via a Continuum of Care – an organization bringing together different service providers within a geographic area. These organizations have substantial experience working to provide resources to those most in need within a community. However, they may be experiencing capacity or financial issues post-disaster. Local Disaster Recovery Managers (LDRMs) should ensure that these organizations are invited into the recovery process and that their services and needs are integrated into ongoing recovery work.”

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<sup>1</sup> 84 FR 45838

### III. Comments on Goal 2: Identify Unequal Patterns of Disaster Exposure and Impact

- **Section 2.1:** While FEMA is correct to direct local officials to utilize available data sets to create a data-informed picture of existing inequality and subsequent recovery needs, the agency neglects the value of data collected through its own programs. Application and assistance outcomes for FEMA Individual Assistance (IA) programs should be tracked over the long-term to enhance data collection and analysis capabilities for local communities conducting disaster recovery planning. Data regarding program enrollment and de-enrollment, as well as other metrics measuring the successes and failures of a disaster recovery program, should also be collected and made available.

To ensure that best practices and outcomes have the greatest reach, data collected by the government must be open and accessible, while protecting personally identifiable information (PII). Currently, organizations seeking granular information from FEMA are forced to utilize the Freedom of Information Act (FOIA) process, which can take years to complete, if at all. Instead, FEMA should prioritize the sharing of granular disaster recovery program information with local officials, disaster-impacted communities, and research institutions. Demographic information of FEMA program applicants would directly inform local officials of the existing inequities during disaster response and allow for recovery plans to address them during the recovery process.

Applications for assistance or program participation should be collected and shared publicly – without PII – including the date the information was acquired and posted along with a specific, individual case tracking number assigned to every applicant. These data, on both initial impacts and the spending of funds, are instrumental to empowering the community to enforce equity and civil rights protections in the structure and content of grantee plan programs and resource allocation. Program data should be anonymized to protect survivors' identities and disaggregated by geography, income, race, and ethnicity, and all protected classes of individuals to ensure fair and equitable access. HUD and FEMA should collaborate in making these data available, and these data should be accessible through the program website.

- **Section 2.2:** Data should be shared with community organizations and the public in an accessible, interactive fashion. Not only does this open data sharing better inform a disaster-impacted community of its unmet needs, it builds trust between the community and local officials, creating a dialogue and opportunities for contributions and input.

As outlined later in this guide, public input is of exceptional importance when conducting disaster recovery efforts. However, public input provided with only partially available data on disaster impacts and needs will likewise be incomplete. To ensure public input is fully informed, FEMA should provide to the public with the raw data that HUD/FEMA uses in their methodology in a timely and systemized manner to allow the public to fully participate in action plan development and to identify potential racially disparate outcomes in action plan programs.

- **Section 2.2:** FEMA should collaborate with HUD and other federal agencies involved in disaster response and recovery to institute a common format for distribution of data to the public after a major disaster, based on the OpenFEMA data set. These data must include information at the most granular available Census geography, preferably the Census block, to enable the public to compare the data with Census baselines.

An exceptional example of transparency in procurement and operations post-impact is the New Jersey Office of the Comptroller's Sandy Transparency pages.<sup>2</sup> This resource been taken down, but many of its elements are resurrected on the Office of the Comptroller's COVID-19 Oversight page and COVID-19 Compliance and Transparency page. One agreement reached in the voluntary compliance agreement between the State of New Jersey and DHRC member Fair Share Housing Center (FSHC) requires the state to send FSHC quarterly reports containing much of the data described above, at an individual award level with procedures to protect recipient privacy. Such transparency has proven helpful to recovery efforts, and monthly updates on a public page that includes all the described data and procedures should be a baseline in data access and transparency.

- **Page 15 line 466:** Add “people experiencing homelessness” to parenthesized list.
- **Page 17, line 517:** Add new bullet – “Impact of the lack of available housing on rates of homelessness and housing burden.”
- **Page 18, line 564:** Add in an additional bullet listing housing departments and housing assistance and homeless service providers as sources of data: “Public Housing Authorities (PHAs) often have data on available assisted units and other demographic data on the residents of federally and state assisted housing units. Non-governmental groups that provide housing and homeless services also maintain data on the capacity at shelters and rehousing programs within the area. Every January, HUD-funded Continuum of Care (CoCs) conduct a Point-In-Time (PIT) count of both sheltered and unsheltered individuals experiencing homelessness within their service area. While this method will not provide a fully accurate number of those experiencing homelessness within a community, it can be useful indicator of how many individuals currently live in areas not fit for human habitation. National housing advocacy organizations also maintain data on housing needs and availability. The National Low Income Housing Coalition (NLIHC) releases [annual reports](#) on the subject and also collaborates with the Public and Affordable Housing Research Corporation (PAHRC) to maintain the [National Housing Preservation Database](#), which maps geographic and affordability data for federally assisted housing units.”
- **Page 18, line 564:** Add an additional bullet listing universities and research institutions as sources of data and analysis: “Universities and research institutions often utilize and collect data within their region to measure and analyze a wide variety of social, economic, and physical topics. Students, professors, and researchers typically redouble their efforts following disasters to detail potential issues with disaster response and recovery, or to otherwise quantify disaster impacts. Recent academic trends have begun prioritizing equity as a major subject of research, providing an opportunity for partnerships during the recovery process. Local officials and disaster impacted communities should utilize any ongoing data collections administered by local and regional universities or research institutions to assist in their community-mapping efforts.”
- **Table 2:** Include “below average number of federal or state assisted units” and “above average rates of homelessness.”

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<sup>2</sup> <https://www.nj.gov/covid19oversight/transparency/contracts/>

- **Page 20, line 597:** Add in “harm reduction, environmental justice, affordable housing.”
- **Page 21, line 602:** Add in “Has there been an equity analysis performed as part of the application for a specific grant or certification the community has received?”

#### **IV. Comments on Goal 3: Develop a Participatory Planning Process**

- **Table 4:** Add “Housing and Homeless Service Organizations” under box marked “Social.”
- **Page 25 line 658:** Add a new bullet including “U.S. Department of Housing and Urban Development and U.S. Department of Agriculture’s Office of Rural Housing.”
- **Section 3.2:** Although data collection and analysis are critical to the oversight and improvement of disaster recovery programs, it is by no means the single measure of community needs. Anecdotal information – individual experiences with programs – must also be honored and valued. Today’s disaster recovery planners, advocates, and policymakers often downplay or neglect to use anecdotal information when focusing on program improvements. Any focus on data collection and analysis must respect and uplift the lived experiences of low-income disaster survivors themselves as representative of community needs. Valuing this input is key to advancing equity.
- **Section 3.3:** The guide should specify that such public input gathering strategies must be employed prior to and during the drafting of the Plan itself, as well as throughout the implementation period. This allows the public to participate in the creation of all aspects of the plan, including the unmet needs analysis, allocation of funding for programs, and the creation of future public input sessions. By encouraging public participation from the earliest possible point in the program and throughout the course of recovery, public input can be provided in a proactive – as opposed to a reactionary – way, encouraging consensus and public support for recovery programs.

While guiding questions are welcome and should be employed to structure community conversations, the common practice of presenting a pre-written plan to a community and requesting input does not create an opportunity for meaningful input and must be avoided. In addition, local officials should be reminded to provide ample notice of opportunities for comment with significant lead time, allowing communities adequate time to prepare comments, gather information, and tailor their responses to what is being requested.

- **Section 3.3:** Communities most impacted by disasters are often communities of color, the disability community, and those with the lowest incomes. These marginalized communities are typically locked out of the decision-making process by political and economic power structures, meaning their needs are often ignored during the long-term recovery process. More affluent areas have greater capacity to request, receive, and execute long-term recovery projects, and are often looked on more favorably by state and regional recovery grantees, even if they were not as severely harmed by the disaster than marginalized communities.

To prevent this retrenchment of inequality, communities most affected by disasters, including low-income communities and communities of color, should have greater input in the process of drafting and approving rebuilding plans. Survivors most harmed by the disaster must have the most control over how their community is rebuilt. One mechanism to ensure this input is to provide heavily impacted areas with the power to veto recovery plans, ensuring those survivors most impacted by the disaster are given the final say in how the recovery should operate. Regardless of what process is implemented to ensure substantial input, disaster planners and state and local governments need greater connections and cultural fluency to provide greater opportunities for public input.

- **Section 3.3:** As mentioned in the previous section, public input offered without a clear picture of the current state of disaster recovery will be likewise unclear. Local officials should ensure that where data is being collected and recorded, it is also being shared with the community continuously to build trust, improve understanding of the disaster recovery process, and better inform public input into an eventual disaster recovery plan.
- **Section 3.3:** The guide should more clearly emphasize that language and disability access to recovery planning information is imperative to ensuring any recovery plan is equitable. To set an example, FEMA must ensure that all recovery information is provided in languages accessible to disaster survivors and individuals with disabilities. Following this example, local officials should also ensure that planning documents and all opportunities for comment are fully accessible so that the most marginalized members of a community can provide input into this important process.
- **Section 3.3:** Befitting this section entitled “advocate to ensure everyone has a voice,” local officials should also be reminded to speak to organizations that advocate for historically marginalized disaster-impacted communities. These organizations’ voices and organizing capacity are critical to local officials’ mission to ensure everyone has a voice in the disaster recovery process. Advocates can play an essential role in advancing equity within the disaster recovery process.
- **Page 28, line 740:** The mention of an oversight advisory board is very welcome here. As described earlier in this comment document, we recommend using a community advisory board to provide active oversight into the implementation of disaster recovery programs. While the only currently operating board within the federal disaster recovery context is still a work in progress, the model has significant potential to create substantial equity gains and empower historically marginalized communities impacted by disasters. The Guide should put a greater emphasis on the creation of this board.
- **Page 29, line 770:** Add the [HUD Citizen Participation and Equitable Engagement \(CPEE\) Toolkit](#) as a resource.
- **Page 30, line 809:** Dead link.
- **Section 3.5:** While there is a need to operationalize the broad equity goals described in Section 3.4, the description of operationalized equity goals utilized in Table 6, which uses the term “equitable projects” negates the importance of incorporating equity throughout the entire disaster recovery process. The use of the word “project” creates an impression that a disaster recovery plan need only include one or two equity-affirming actions to be considered “equitable,” or that equity is somehow a separate type of



recovery goal, as opposed to a necessary part of all projects taken to recover from disasters. Instead of using the term “projects,” the guide should describe the actions compiled in Table 6 and used in later sections as ways to ensure “equity has been integrated into post-disaster plans.” Reiterating the need to integrate equity throughout the recovery process reinforces its necessity, and connects Section 3.5 with the following section, which focuses on equity throughout recovery.

## V. Comments on Goal 4: Promote and Protect Equity Throughout Recovery

- **Section 4.1:** This section correctly states the value of academic and research institutions in analyzing and tracking equity around disaster recovery. However, to ensure that such research is timely and correct, FEMA should allow such institutions to access the programmatic data necessary to conduct such an analysis. Useful outcome data (i.e., information on how well a recovery program is working) is often not made publicly available for many FEMA programs. Although FEMA reports regularly on the number of applications approved and the amount of funding dispersed, FEMA often does not collect or make public information on how program participants fare after leaving the program or later in the disaster recovery process.

The information that is released is often not provided at a small enough geographic level to be useful for many academic or public policy researchers. In addition, FEMA has only just begun to compile information on race, disability, or other subpopulations regarding its programs. A 2020 National Advisory Council (NAC) report released last year stated that the while FEMA maintains some publicly available databases, they were “limited in scope and are more output than outcome focused.”<sup>3</sup> However, FEMA has stated numerous times that the agency does not plan to release this information even in aggregate format to protect personally identifiable information. Without this information, any research into equity and disaster recovery will have limited effectiveness to local officials.

- **Section 4.1:** This section should cite examples of ongoing work by academic and research institutions to monitor disaster recovery outcomes. Prime examples would be the [Disaster Resilient Florida](#) (DRF) initiative coordinated by the Shimberg Center for Housing Studies at the University of Florida and the [Institute for a Disaster Resilient Texas](#) at Texas A&M University.
- **Section 4.1:** Although reliance on data collection and analysis is critical to the oversight and improvement of disaster recovery programs, it is by no means the single measure of how well a program is functioning. Individual experiences with programs must also be honored and valued. Today’s disaster recovery planners, advocates, and policymakers often downplay or neglect the use of anecdotal information when focusing on program improvements. Any focus on data collection and analysis must respect and uplift the anecdotal lived experiences of low-income disaster survivors themselves as representative of how well a program is functioning.
- **Page 35, Line 863:** Both “Procedural Justice” and “Distributive Justice” should be explained earlier in the guide, as they are foundational concepts of equity. Given that all equity work flows from an understanding of these concepts, they should be explained

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<sup>3</sup> FEMA, National Advisory Council 2020 Report, Available at: [https://www.fema.gov/sites/default/files/documents/fema\\_nac-report\\_11-2020.pdf](https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf)

within Goal 1 or the introductory section to the guide, and should be integrated into Goal 3, as they can be of use to a community that is crafting equity goals for disaster recovery.

- **Page 35, Line 854:** The summary of “Distributive Justice” should be reworded to read: “Whether everyone got what they needed to achieve the same outcome.”
- **Section 4.2:** The guide should contain a commitment to positive action by FEMA that the agency will work to ensure that its own programs are fully accessible, while counseling local officials to do the same. While FEMA has been aware of its previous failures to provide adequate access to Spanish and Sign Language translation, the same issues seen during Hurricane Harvey and Hurricane Maria have resurfaced following Hurricane Fiona.<sup>4</sup>

Community-based nonprofit organizations that carry out recovery processes have identified many instances of inequitable access due to language and reasonable accommodation barriers during the response. FEMA’s call center waiting time for Spanish speaking applicants averaged nearly five hours during the peak application period and remain unreasonably lengthy. Applicants have reported that officials either hung up or ignored phone calls in Spanish. When available, Spanish-language versions of FEMA documents are often poorly translated and lack accurate information. Sign language interpreters provided upon request were not fluent in Spanish nor were they fluent in the adapted ASL utilized by deaf residents of Puerto Rico.<sup>5</sup>

Home inspections have also been carried out without sign language interpretation for deaf applicants for assistance. FEMA employees resorted to requesting that nonprofit organizations and legal aid attorneys at FEMA Disaster Recovery Centers (DRCs) act as translators for applicants, in addition to their role in providing information to disaster survivors on their rights. The responsibility to ensure all disaster survivors can access information and assistance lies primarily with FEMA. As established in the FEMA policy: “applicants with LEP are entitled to communicate with FEMA and receive information from FEMA in a language other than English.”<sup>6</sup> While non-profits and legal aid attorneys can and do provide assistance, FEMA and State, Tribal, Territorial, and local (STTL) governments have a legal obligation to ensure its programs are accessible. This responsibility towards equity and accessibility cannot be transferred to nonprofit organizations on the ground.

- **Page 36, Line 895:** The guide is correct to detail that there are significant legal requirements around accessibility for live meetings and public hearings. However, the guide should identify these requirements as a floor, not a goal. Local governments should aim to far exceed these basic requirements for accessibility when developing accessible communications and outreach.
- **Section 4.4:** In addition to the resources provided in the box at page 38, line 951, the guide should also include advocacy organizations that assist local leaders in tracking, understanding, and raising awareness of disaster recovery-related laws and regulatory changes. These organizations range from state-level organizations such as the Fair

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<sup>4</sup> <https://nlihc.org/sites/default/files/Letter-to-FEMA-Language-Access-Deadline-12.02.22.pdf>

<sup>5</sup> Id.

<sup>6</sup> See, IAPPG, 1.1 FP 104-009-03| May 2021, page 14

Share Housing Center in New Jersey, to national groups such as the National Low Income Housing Coalition, the National Housing Law Project, or the National League of Cities. In addition, professional organizations, such as the National Emergency Management Association, tracks and responds to a variety of disaster recovery-related changes in law and policy. These organizations are nonpartisan in nature and have the capacity to assist local leaders with questions about legislative changes and can empower local leaders to change laws or regulations to better instill equity within their recovery efforts.

## VI. Comments on Goal 5: Adapt to the Dynamic Nature of Recovery

- **Table 7:** While understanding the compound impacts of disasters is important, the language used when discussing the concept should not inadvertently blame those impacted and should instead make clear that equity issues during the pre-disaster and disaster period have significant implications for disaster recovery efforts. Often, while resources are, on paper, made available to individuals during and after disasters, survivors may face barriers to access that prove insurmountable.

For example, as many disaster survivors and advocates have discovered, applicants eligible for FEMA disaster assistance are often deemed ineligible because of inflexible and arbitrary requirements, rigid interpretations of rules, and confusing bureaucratic processes, despite an applicant's need for disaster assistance. FEMA damage inspectors commonly undervalue the homes of individuals with lower incomes, preventing them from receiving the assistance for which they are eligible. Housing programs are slow to begin and due to FEMA's 18-month cap on assistance programs – which it has the authority to waive but rarely does so – the actual housing assistance provided can be minimal. These are not naturally occurring inequities, nor are they the fault of disaster survivors – these barriers are being actively reinforced by the federal response to disasters.

- **Table 7:** The box labeled “Pre-Disaster” should be reworded to say: “Unable to access preparedness resources or networks for information.” Similarly, the box labeled “During-Disaster” should be worded to read: “Unable to access the resources needed to evacuate.” This table should be expanded to include a range of additional topics, including housing, health, and mental health.
- **Section 5.2:** The guide should make local officials aware of the existence of the gap between short and long-term recovery resources offered via the federal government and other sources. Many federal agencies have disaster recovery programs, and the complexity and overlapping nature of these programs can make it difficult to ensure continuity for disaster survivors as they navigate recovery.

Under the current disaster housing recovery framework, a substantial lag exists between when FEMA disaster assistance programs end and when HUD's long-term recovery programs begin.<sup>7</sup> This problem is often exacerbated when FEMA prematurely ends disaster housing programs, including its Transitional Shelter Assistance (TSA) motel program. This gap in housing assistance results in further displacement. While HUD-funded CDBG-DR programs are often available, they take a significant amount of time to

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<sup>7</sup> <https://www.urban.org/urban-wire/why-does-disaster-recovery-take-so-long-five-facts-about-federal-housing-aid-after-disasters>

implement, creating a significant gap in assistance funding that drives displacement and often retraumatizes disaster survivors. Developed from the hard-won lessons of Hurricane Katrina, the Disaster Housing Assistance Program (DHAP) has been used to great effect by both Democratic and Republican administrations, providing longer-term housing assistance and wrap-around services to low-income survivors immediately after a disaster. Program services are provided by local housing professionals with extensive knowledge of the local housing market. This assistance helps families find permanent housing solutions, secure employment, and connect to public benefits.

However, FEMA has refused to activate the program, instead relying on its TSA motel-stay program and other FEMA and state administered disaster housing programs inaccessible to many low-income disaster survivors.<sup>8</sup> Low-income families are often unable to access TSA motels due to financial and other barriers, including the practice of motels charging daily “resort” fees and requiring security deposits or credit cards.<sup>9</sup> Because TSA must be renewed every 14 days, those survivors who can access the program face arbitrary deadlines that cause them to scramble to submit required paperwork or leave the motel before finding a permanent housing solution.

Although FEMA has claimed these programs are more efficient and cost-effective than DHAP, there is no evidence to support this position. In fact, a report from the Government Accountability Office (GAO) explicitly stated that it was impossible to assess FEMA’s claim because the information needed to compare DHAP’s effectiveness with other FEMA programs was not collected by the agency. However, that same report found that DHAP provided disaster survivors with as much as 17% more assistance than other FEMA programs.<sup>10</sup>

While FEMA is authorized to provide TSA for at least 18 months, the agency abruptly terminated the program for dozens of Puerto Rican families displaced to the mainland after Hurricane Maria, forcing them to find alternative housing or to return to their uninhabitable homes on the island with just a few hours’ notice.<sup>11</sup> States that received large numbers of displaced Puerto Rican survivors – including Massachusetts and Connecticut – saw increased homelessness as a result.<sup>12</sup> Without programs like DHAP and large shifts in FEMA policy – as well as the permanent authorization of the CDBG-DR program to speed its implementation – this assistance gap will persist.

## VII. Comments on Goal 6: Monitor Progress

- **Section 6.1:** Civil rights laws must also be followed, and are a requirement for projects funded partially or fully with federal assistance. Laws and regulations such as Affirmatively Furthering Fair Housing (AFFH), fair housing laws, and other civil rights and

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<sup>8</sup> <https://www.everycrsreport.com/reports/IN11094.html>

<sup>9</sup> U.S. Senator Kamala D. Harris, Letter to FEMA Administrator Peter Gaynor, May 22, 2019. Available at: <https://www.harris.senate.gov/imo/media/doc/052219%20Camp%20Fire%20Housing.pdf>

<sup>10</sup> <https://www.gao.gov/products/gao-21-116>

<sup>11</sup> Martin, T. 2019. After a Long Road, Hurricane Maria Evacuees Settle in Massachusetts. Retrieved from <https://www.wgbh.org/news/local-news/2019/01/23/after-a-long-road-hurricane-maria-evacuees-settleinmassachusetts>

<sup>12</sup> Skahill, P. 2018. Hurricane Maria Drives Up Connecticut’s Homelessness Numbers. Retrieved from <https://www.wnpr.org/post/hurricane-maria-drives-connecticuts-homelessness-numbers>

equity requirements should be mentioned here as part and parcel of the planning process both within and outside of a disaster recovery context.

- **Section 6.1:** More broadly, FEMA must work with HUD and other agencies with fair housing compliance and enforcement experience to ensure that all guidance and training to FEMA staff or contractors who handle housing-related inquiries meet the requirements of federal fair housing and civil rights law. This work should also include the creation of a Memorandum of Understanding (MOU) with HUD outlining a process to refer, investigate, and resolve discrimination complaints that arise from property owners or residents receiving housing assistance. This will allow case management services and housing counselors involved in recovery efforts to support displaced households that wish to relocate into neighborhoods of their choice, including neighborhoods with access to good performing schools, jobs, transit, and healthcare. FEMA must also work to ensure that its programs meet civil rights and fair housing requirements through an ongoing dialogue with practitioners in the field. The creation of an independent advisory committee of experts in affordable housing, homelessness, legal services, disability, fair housing, civil rights, and low-income survivors would allow FEMA to anticipate and tailor program guidelines and planning documents to match the needs of people of color and other underserved communities before they are published.
- **Section 6.2:** The guide correctly states that outcome tracking is a necessary part of ensuring ongoing disaster recovery programs are not implemented inequitable, and that barriers to assistance or benefits have not been erected. In addition to local governments maintaining this practice, FEMA should better track outcomes and enrollment within its own programs. Although the agency has just begun to collect detailed information on the demographics of program applicants, the agency must ensure that this practice persists and is engrained within all levels of emergency management. While post-incident assessment is a fundamental part of the comprehensive emergency management process, FEMA should lead by example and create and standardize a logic model that can apply to its own programs, ensuring that they have the desired and equitable short, intermediate, and long-term outcomes.
- **Section 6.2:** To ensure these best practices and outcomes have the greatest reach, data collected by the government must be open and accessible, while protecting personally identifiable information. Prioritizing data transparency allows policymakers and advocates to be informed about program results and areas for improvements. Data transparency efforts should ensure personally identifiable information is not made accessible, outside of research purposes. Application and assistance outcomes should be tracked over the long-term to enhance data collection and analysis capabilities for disaster researchers and policymakers. Program enrollment data, de-enrollment data, and other metrics showing the successes and failures of a disaster recovery program should also be collected and made publicly available.

This enhanced data can be used to create best practices to be incorporated into future disaster planning and response efforts. Where outcomes and other program data is being tracked, it is of critical importance that the information is shared with community organizations, the public, and academic and research institutions. A good example of interactable data sharing during project implementation is the Puerto Rico Department of Housing's Rebuild, Repair, and Relocation (R3) [data portal](#) – the result of a sustained advocacy campaign urging access to recovery information after Hurricane Maria.

- **Section 6.2:** In addition to tracking outcomes more broadly, FEMA must play a greater role in providing oversight to ensure its disaster recovery funds are not used in a discriminatory way. Moreover, FEMA must take a more proactive role in reviewing recovery plans for discrimination when they utilize federal funding, and suspending funding when grantees are found to violate civil rights laws. Too often, federal agencies prioritize the desire to distribute recovery funds quickly over the need for a just and complete recovery for disaster survivors, even when that means resources will not reach those communities most at risk of disasters. Instead, agencies must hold grantees accountable for the equitable distribution of recovery resources.
- **Section 6.2:** Local officials should harness oversight by community-level organizations, as typified by the CAC or other oversight body mentioned earlier in this comment, by creating a more robust reporting process for potential violations of equity goals and deviations from equity plans without appropriate public notice and input. Community-based organizations and advocates can play a strong role in the oversight of disaster recovery programs.

Currently, conversations between advocates and public officials around equity within disaster recovery projects occur on an ad hoc basis, relying on informal conversations and professional connections to raise issues of grantee misconduct. FEMA should advocate that local leaders create a standardized reporting system to allow community-level organizations and the public to raise issues regarding program implementation, which would ensure the oversight capacity of these organizations is being properly utilized to ensure equitable distribution of disaster recovery funds. Where federal funding is being utilized, these reports should be provided to the equity offices within respective agencies.

## VIII. Comments on Goal 7: Build Adaptive Capacity

- **Section 7.1:** It should be noted that by increasing the ability of underserved communities to provide real input and oversight into disaster recovery programs, these communities will also be empowered to improve their adaptive capacity. The list provided should also include a reminder to the value of the lived experiences of historically underserved individuals during the disaster recovery process. In the past, local officials and emergency managers have often downplayed testimony by disaster survivors regarding deficiencies in disaster recovery programs. By taking such information at face value, local officials can empower these communities, build partnerships that will last throughout disaster recovery, and help create a more resilient community in the face of subsequent disasters. An excellent example is a recently published study of disaster recovery in Northeast Houston titled "[Survivors As Experts](#)" published by West Street Recovery, a community-based resiliency and recovery organization operating in that area.
- **Page 52, line 1250:** The phrase "providing recommendations for how to level the playing field relative to circumstances" is vague and should be either rephrased or expanded. Replacement language could be: "Discussing ways to work together to ensure equitable access to resources and assistance needed to fully recover."
- **Section 7.2:** The guide correctly states that continuous learning (and unlearning of bias) is a requirement for any equity initiative. The guide should reiterate that such training should be offered to recovery program staff, responders, emergency managers, and

fellow LDRMs. Indeed, FEMA should consider requiring equity training plans as a precondition for the receipt of post-disaster operational funding.

## IX. Comments on Goal 8: Overcome Barriers and Ensure Fair Recovery Outcomes

- **Figure 11:** This figure should be substantially reworked. The concept of individual, community, and systemic barriers to equity should not be used without proper description or explanation of their interrelated nature, nor is there an explanation of any concepts relatively unique to academia, such as “deaths of despair” or “corrosive communities.” While the inclusion of this chart is laudable, it should be reworked perhaps with one or two examples of what individual barriers, community barriers, and systemic barriers are and how they impact disaster recovery. One would find an excellent and accessible description of these and similar concepts in *The Black Butterfly*, a book on systemic inequity in Baltimore, MD by Professor Lawrence Bell, formerly of Coppin State University.
- **Section 8.1:** Given the mention of systemic barriers, FEMA should utilize this opportunity to assess the systemic barriers its own programs create and replicate. Examples include:
  - o Many disaster survivors receive assistance with their applications in person at DRCs. The DRC model allows survivors to access assistance applying for help from a wide variety of federal agencies and private organizations. However, during past disasters, DRCs have been placed in areas with limited accessibility to transit, in buildings that are not accessible to individuals with disabilities, or in areas far from where the lowest-income disaster survivors are located. This makes it even more difficult for survivors to have recovery questions answered and receive assistance with their application. In addition, while DRCs are required to offer translation services and translated copies of FEMA documents, workforce and logistics issues often mean that translators are not present or are exceptionally busy, and that there may not be enough translated documents printed to match the area’s population of individuals with Low English Proficiency.
  - o The application process for FEMA assistance requires that a certified inspector visit and document damaged or destroyed properties. The inspection process is slow, relying on the survivor to schedule, direct, and accompany the inspector on their visit. Many low-income survivors, however, are displaced to areas far from their pre-disaster home, making it impossible to meet these requirements. In addition, inspectors rely on phone calls and email, which low-income survivors are less likely to have access to in the weeks directly after a disaster. Data collected after Hurricane Harvey show that inspection contact failures disproportionately affected lower-income applicants for FEMA aid.<sup>13</sup> Inspectors commonly have little knowledge or experience with the type of housing they are tasked with inspecting, and they are inconsistently trained and monitored for quality assurance.<sup>14</sup> In Puerto Rico, advocates report that some contractors were paid based on how many homes they could inspect in a day, some did not even

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<sup>13</sup> <https://texashousers.org/2018/11/30/low-income-households-disproportionately-denied-by-fema-is-a-sign-of-a-system-that-is-failing-the-most-vulnerable/>

<sup>14</sup> <https://www.urban.org/urban-wire/problems-damage-assessments-can-keep-disaster-victims-receiving-help-they-need>

enter the homes, and others spoke no Spanish. Neighbors with nearly identical circumstances ended up with vastly different results.<sup>15</sup> Inspectors often devalue low-income homes or misattribute damage to sources other than the disaster. A review of Individual Assistance applications in the aftermath of Hurricane Delta found that majority-African American zip codes were denied assistance at a rate more than double those of majority-white zip codes.<sup>16</sup> This analysis was recently reiterated by a 2022 [report](#) from the Government Accountability Office (GAO).

- For individuals able to access free legal services or otherwise afford an attorney, application problems can be resolved via a lengthy process, but for those survivors without access to legal representation or the money necessary for a protracted legal fight, the repeated denials of appeals not only create an insurmountable barrier but can retraumatize them as they work to navigate the process. As a result, low-income survivors simply do not appeal at all. FEMA's decision to quickly forward recoupment claims to the Treasury Department after an initial agency finding that assistance was provided in error – has severe impacts both on a household's ability to recover from a disaster and the willingness of a household to file appeals.<sup>17</sup>
- If a member of an underserved group can successfully complete an IA application and are enrolled in FEMA's housing programs, they face a program rife with problematic requirements. Rental assistance is based on the county or territory fair market rent and may be inadequate to meet post-disaster rental rates; families receiving FEMA rental assistance are frequently victims of housing discrimination; landlords may be unwilling to enter into short-term leases; and often, vacant rental housing may simply not be available in the wake of a disaster.

In addition, FEMA assistance expiration dates often do not line up with additional recovery programs, such as HUD's CDBG-DR program. This creates a gap in recovery support that can result in the lowest income survivors – disproportionately people of color and other marginalized populations - being forced to live on the street, in cars, or in their damaged or destroyed homes. Disaster survivors are susceptible to trauma, and a lapse of program assistance, even if just for a few days, can cause significant mental harm to households that have already been displaced by a disaster.<sup>18</sup> It also has significant impact on an individual's ability to stay housed. A year after Hurricane Harvey, nearly 20% of individuals experiencing homelessness in the city of Houston reported they became homeless due to the disaster.<sup>19</sup>

FEMA's reliance on outdated and inflexible housing program protocol have also harmed efforts by low-income people and people of color to rebuild their own homes. Grant amounts for repair and replacement of homes are based on property values of homes as opposed to realistic repair costs. People of color

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<sup>15</sup> [https://downloads.regulations.gov/FEMA-2021-0011-0151/attachment\\_3.pdf](https://downloads.regulations.gov/FEMA-2021-0011-0151/attachment_3.pdf)

<sup>16</sup> <https://www.nytimes.com/2021/06/07/climate/FEMA-race-climate.html>

<sup>17</sup> <https://www.nytimes.com/2021/06/07/climate/FEMA-race-climate.html>

<sup>18</sup> [https://www.counseling.org/docs/default-source/vistas/the-disaster-survivor.pdf?sfvrsn=e2db432c\\_6](https://www.counseling.org/docs/default-source/vistas/the-disaster-survivor.pdf?sfvrsn=e2db432c_6)

<sup>19</sup> <https://communityimpact.com/houston/spring-klein/public-safety/2019/08/20/hurricane-harvey-caused-homelessness-lingers-in-harris-county-2-years-later/>



and other underserved groups often suffer from the legacy of racist redlining and Jim Crow-era policies that systematically lowered the property values of their communities, a trend currently being amplified by rising inequality. In the ongoing recovery efforts in Southwest Louisiana, there have also been reports that repair assistance provided to households that own disaster-impacted homes have not been sufficient to cover the actual cost of rebuilding. These families have retained their rental assistance benefits in an amount that could cover the remaining repair costs but are unable to utilize them due to FEMA policy. Repair assistance has also been found to be inadequate in other disasters, such as the 2019 Arkansas River floods.<sup>20</sup>

- **Section 8.1:** “Learned helplessness” is an outdated concept and should be removed from the guide. Not only is the concept rhetorically similar with past arguments regarding the “negative impacts of welfare” promulgated decades ago and used as an excuse to eliminate or cut assistance programs, contributing to the current inequity we see today, but the very concept has been debunked. Dr. Maier and Dr. Seligman, the authors of the original theory, released an [updated paper](#) in 2016 revealing that, based on subsequent neurological investigation, the theory was incorrect. To quote the 2016 paper, “the neural circuitry underlying the phenomenon of learned helplessness strongly suggests that helplessness was not learned in the original experiments. Rather, passivity and heightened anxiety are the default mammalian reaction to prolonged bad events. What can be learned is cortical—that bad events will be controllable in the future.” As such, the theory should be removed from the guide. In its place, the guide should emphasize the importance of empowering and providing communities with the direct ability to control their disaster recovery process, as well as the assistance needed to be more resilient to, and therefore have more control over, the impact of future disasters.
- **Section 8.1:** More direct disaster-related equity barriers to underserved communities includes lack of title documentation, and the prevalence of heirs’ property ownership, and their impact on disaster recovery. For decades, FEMA required homeowners to submit title documents to receive assistance, and the agency refused to accept alternative documentation. This requirement effectively barred low-income homeowners – predominantly households of color – from receiving the assistance for which they were eligible.

Work to reform FEMA’s harmful policies began with efforts by NLIHC and disaster survivors and partners in Louisiana, Alabama, and Mississippi after Hurricane Katrina, and they were continued by advocates in Texas and Florida after Hurricanes Harvey and Michael, in California after several wildfires, and in Puerto Rico in the aftermath of Hurricane Maria, where over 77,000 households were wrongfully denied FEMA assistance due to title issues.<sup>21</sup> In response to continued advocacy, FEMA finally changed its policy in 2021. Under FEMA’s new policy, survivors can now self-certify ownership of their homes when they do not have other documentation, overcoming a major hurdle to recovery. FEMA policy also allows all survivors to submit a broader array of documents to prove occupancy and ownership of their homes.<sup>22</sup>

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<sup>20</sup> <https://www.nwaonline.com/news/2020/jul/05/money-a-big-barrier-in-recovery/>

<sup>21</sup> [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/vol--44--no-2--housing/the-lack-of-proof-of-ownership-in-puerto-rico-is-crippling-repai/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--44--no-2--housing/the-lack-of-proof-of-ownership-in-puerto-rico-is-crippling-repai/)

<sup>22</sup> <https://nlihc.org/resource/fema-announces-major-improvements-low-income-disaster-survivors>

Despite these important reforms, however, advocates in Puerto Rico and Florida report that title documentation issues remain a significant barrier to a complete and equitable recovery. Preliminary bulk program data in Puerto Rico following Hurricane Fiona indicate that thousands of denied applications involve some form of failure to verify ownership – an issue that may be addressed using a self-declarative form. Although in theory such denials may be preliminary and applicants may appeal, in practice low-income applicants are unlikely to take those steps without access to legal assistance, given the difficult and time-consuming appeals process.

- **Section 8.2:** This section could be bolstered by reiterating local officials' responsibility to act to ensure an equitable disaster recovery. While community outreach and collaboration are among the best ways to ensure recovery plans serve marginalized populations, they cannot alone bear the responsibility for quality control. The continued failures of some recovery plans, like those that resulted in the humanitarian crises in Puerto Rico after Hurricane Maria or the lack of temporary shelter during the response to Hurricane Harvey, show that community-based organizations cannot be the sole entities responsible for ensuring equity within recovery – it must remain the responsibility of all government officials and agencies.
- **Section 8.2:** This section should also reiterate the importance of access to justice and legal empowerment. "Access to justice" refers to the ability of all households and communities, including those that are historically underserved, to access the legal mechanisms necessary to obtain justice, that is to say: freedom, food and shelter, dignified housing and labor, education, and non-discrimination. Functionally, this involves the easy access to low-cost legal assistance in the form of legal aid organizations and the removal of impediments to court access such as fees and arbitrary administrative requirements. "Legal empowerment" is the ability to operate within the legal system independently of the expert/beneficiary relationship under which access to justice functions. Legal empowerment entails not only the ability to obtain legal information necessary to, as an example, independently file an appeal of a denial of disaster recovery assistance, but also empowering a community and its members to address systemic inequities, such as filing their own lawsuit to addressing discrimination within a disaster recovery system.<sup>23</sup> Given that access to justice is a necessary component of this legal empowerment, the guide should reiterate its importance.

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<sup>23</sup> <https://www.nyulawreview.org/wp-content/uploads/2022/12/NYULawReview-Volume-97-Issue-6-Godreau-Aubert.pdf>