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# FIXING AMERICA'S BROKEN DISASTER HOUSING RECOVERY SYSTEM

## PART TWO: POLICY FRAMEWORK REFORM RECOMMENDATIONS



**SARAH SAADIAN**

NLIHC Vice President of Public Policy

**NOAH PATTON**

NLIHC Housing Policy Analyst



**ADAM GORDON**

Fair Share Housing Associate Director

**DAVID RAMMLER**

Fair Share Housing Consulting Attorney

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# INTRODUCTION

America's disaster housing recovery framework exacerbates and reinforces racial, income, and accessibility inequities at each stage of response and recovery. The framework is broken and in need of major reform. In response, the National Low Income Housing Coalition (NLIHC) and the NLIHC-led Disaster Housing Recovery Coalition (DHRC), a group of more than 850 local, state, and national organizations, hosted a policy convening in October 2019 in Houston, Texas. The convening brought together stakeholders from across the nation to discuss how to redesign the system of federal disaster housing recovery. The goal of the redesign is to ensure a complete and equitable recovery for our nation's most vulnerable and lowest-income disaster survivors, including seniors, people with disabilities, people experiencing homelessness, people with limited English proficiency, and others. These individuals are often hardest hit, have the fewest resources, and face the steepest path to recovery. Our nation's current disaster housing recovery framework does disproportionate harm to survivors of color and their communities.

The coronavirus pandemic has underscored deep inequities in our nation's disaster housing response and recovery system and the urgent need for reform. Even before the pandemic, Black and Native people faced higher rates of homelessness and housing instability. Now at the greatest risk of severe illness and death from COVID-19. Additionally, Black and Latino people are disproportionately harmed by the pandemic's economic impact. Without significant federal action, our nation will see a rise in evictions and homelessness, which will again disproportionately impact Black and Brown people. People with the means and status - largely White people - living in communities with adequate resources, such as full-service grocery stores and access to health care, will fair far better during and after the pandemic. As with other disasters, the federal response to this pandemic has set these inequities into stark relief and demonstrated yet again how it leaves behind marginalized and low-income residents.

[Part 1 of this report](#) identified barriers to an equitable housing recovery at each of four stages of disaster housing response and recovery: 1) emergency planning and response; 2) post-disaster housing needs; 3) long-term recovery; and 4) mitigation. This document, Part 2 of the report, identifies specific policy recommendations to redesign our nation's disaster housing response and recovery system to center the needs of the lowest-income survivors and their communities. Both parts of the report were developed by NLIHC and the Fair Share Housing Center of New Jersey with input from DHRC members, many with first-hand experience recovering after disasters.

Various key themes emerged from the policy convening:

- Robust resident and public engagement
- Systemic transparency
- Full accountability and due process
- Emphasis on equity and civil rights enforcement
- Fair mitigation practices
- Focus on building local capacity and benefit

These themes must be central to any reform effort and evident at each stage of the disaster housing recovery process.

Stakeholders at the three-day convening in October 2019 included experts in housing, homelessness, fair housing and civil rights, legal services, research, disability rights, and other sectors. Many work directly with disaster-impacted communities and have first-hand experience recovering after disasters. Participants

worked to ensure that the policy recommendations outlined in this report are inclusive and intersectional, and that they reflect the following core principles of the Disaster Housing Recovery Coalition:

- Recovery is centered on survivors with the greatest needs and ensures equity among survivors, especially for people of color, low-income people, people with disabilities, immigrants, LGBTQ people, and other marginalized people and communities;
- Everyone is fairly assisted to fully and promptly recover through transparent and accountable programs and strict compliance with civil rights laws, with survivors directing the way assistance is provided;
- Securing help from government that is accessible, understandable, and timely;
- Everyone in need receives safe, accessible shelter and temporary housing where they can reconnect with family and community;
- Displaced people have access to all the resources they need for as long as they need to safely and quickly recover housing, personal property and transportation;
- Renters and anyone experiencing homelessness before the disaster can quickly get quality, affordable, accessible rental property in safe, quality neighborhoods of their choice;
- All homeowners can quickly rebuild in safe, quality neighborhoods of their choice;
- All neighborhoods are free from environmental hazards, have equal quality, accessible public infrastructure, and are safe and resilient; and
- Disaster rebuilding results in local jobs and contracts for local businesses and workers.

Taken together, Parts 1 and 2 of this report demonstrate the need for reform. The documents articulate a new vision for disaster housing recovery, a vision that centers the housing, economic, and health needs of the lowest-income disaster survivors and serves as a guidepost for changes to our nation's disaster housing recovery and response system.

## **ABOUT THE DISASTER HOUSING RECOVERY COALITION**

NLIHC leads the [Disaster Housing Recovery Coalition](#) of more than 850 national, state, and local organizations, including many working directly with disaster-impacted communities and with first-hand experience recovering after disasters. We work to ensure that federal disaster recovery efforts reach all impacted households, including the lowest-income seniors, people with disabilities, families with children, veterans, people experiencing homelessness, and other at-risk populations who are often the hardest-hit by disasters and have the fewest resources to recover afterwards.

# SUMMARY OF RECOMMENDATIONS

**D**uring the 2019 Houston policy convening, participants reimagined a disaster recovery framework reform centered on the needs of low-income households. The recommendations that emerged from the convening address all three stages of recovery and range in scope from regulatory fixes of existing programs to the creation of new methods and philosophies of assistance. These recommendations are the result of the collective hardship, success, and failure experienced by residents of California, New Jersey, Puerto Rico, Texas, and many places 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 ensure that in the aftermath of the next disaster, all households are able to equitably recover.

To bolster this document's use in both policy advocacy and education, this section concisely summarizes each of the report's recommendations. Each are provided greater detail and context in the corresponding section of the report. They are listed here in chronological order within the recovery process.

## I. IMMEDIATE & SHORT-TERM NEEDS

### **EMERGENCY SHELTER & 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 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.

- The goal of sheltering and emergency evacuation plans must be to get all survivors to a safety protect them from danger.
- 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 people, seniors, people of color, people with disabilities, families with children, people experiencing homelessness, people with limited English proficiency, undocumented immigrants, and others.
- State and local policymakers should invite marginalized communities into a leading role in developing emergency planning and response plans that meet their needs.
- To ensure more effective mobilization of resources, state and local planners should try to eliminate improvisation that can often make short-term recovery chaotic.
- 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.
- Congress and federal agencies must set federal standards to ensure that disaster emergency responses reach all survivors, including those languages other than English and people with disabilities.
- Congress should enact legislation to ensure that pre-disaster homeless populations receive the same emergency assistance as other survivors.

- 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.
- Evacuation and shelter-in-place plans must be better coordinated with short-term, long-term, and mitigation plans.

## HOUSING TRIAGE AND SHORT-TERM REBUILDING

After sheltering and evacuation plans are executed, attention must turn to finding short-term housing for displaced 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 Survivor Housing Needs

- Congress should reform FEMA's Transitional Shelter Assistance and other direct housing and rental assistance programs, which are often inaccessible for low-income residents.
- The Disaster Housing Assistance Program (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. Congress should activate this assistance for survivors after every disaster until long-term housing recovery, including the rebuilding of affordable rental housing stock, is complete.
- Congress should identify a dedicated single agency to address the needs of low-income survivors. This includes finding affordable homes; connecting people to job training, employment services and other wrap-around assistance; and providing greater focus on those most vulnerable to displacement and homelessness.
- 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. The disaster-stricken community should not be required to show that post-disaster homelessness is an issue in order to access these funds.
- FEMA should provide individuals experiencing homelessness prior to a disaster the same assistance as other survivors. Legislation is needed to ensure equitable treatment,
- Individuals with disabilities must receive the same assistance as other survivors.
- Federal disaster housing recovery efforts should emphasize keeping communities and families together during short-term recovery. Current systems lead to displacement as the most vulnerable survivors must travel long distances to find affordable housing.

### Jumpstarting Housing Recovery

- 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.
- 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.
- Congress should fund new models of housing assistance such as the Texas RAPIDO program. Under RAPIDO, initial portions of a home are rapidly rebuilt 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 better for families impacted by the disaster to be able to live in the same place for

short-term and long-term recovery.

- Strategies should utilize existing vacant housing, units not currently occupied for non-disaster reasons, and accessory dwelling units, and to provide funds to bring substandard units to code.
- Any increase in the housing stock must be accompanied by long-term tenant protections.

## Engaging Communities

- Recovery efforts must be led, first and foremost, by community-based nonprofits located in the communities they serve. These organizations are already connected to 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.
- Community-based organizations and kinship networks must be meaningfully engaged and recognized as a critical asset in ensuring shelter and care for displaced survivors. These networks already assist one another, share information, and reinforce opinions on recovery strategies throughout the disaster recovery process.
- 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.
- 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.
- 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 Survivors from Abuse

- Legal controls on rent increases and evictions within the disaster area are needed to insulate survivors from a volatile housing market. Foreclosure prevention and mortgage moratorium laws must be in effect throughout the long-term recovery process.
- Similar moratoria on student loans should be instituted for students living in impacted areas.
- 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.
- Communities must receive pre-disaster education on contracting to avoid unnecessary and fiscally damaging agreements that slow recovery and harm eligibility for programs later.

## **SURVIVOR-CENTERED DISASTER ASSISTANCE**

The current application process for assistance is time-consuming, confusing, and inflexible. It wrongly denies benefits to many of the lowest-income survivors and forces survivors 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.

## Adopting Categorical Eligibility and Simplifying the Application Process

- Every 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 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.
- 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

- 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.
- 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 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.
- 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.
- Funding should be available to support legal aid organizations that serve disaster survivors.
- Comprehensive, accurate outreach and education should inform survivors about their due process rights. Education must be accessible to all survivors, including people with disabilities and limited English proficiency.
- 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 service for direct service funding: not simply for pro bono activities.

## Tracking Outcomes

- Applications and assistance outcomes must be tracked over the long-term to enhance data collection and analysis capabilities among disaster researchers and policymakers.
- 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.
- Anecdotal experiences must be honored and valued as a source of information for policymakers.

# II. LONG-TERM RECOVERY

## **BUILDING EQUITABLE COMMUNITIES**

After 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 affordable housing residents and the communities that have been historically relegated to environmentally hazardous areas and deprived of adequate infrastructure.

## Dismantling Segregation and Inequality

- Case managers and housing counselors must affirmatively further fair housing by supporting displaced households to relocate into high-opportunity neighborhoods.
- 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.
- 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.

## Desegregating Infrastructure

- 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, equality-increasing process that can eradicate generations-long barriers erected by white supremacy, tribalism and economic inequality.

## Accessible Housing

- 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.

## Faith-Compatible Disaster Resources

- All response and recovery programs should recognize and accommodate assistance to members 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

- To the greatest extent possible, long-term recovery should prioritize the rehabilitation and construction of homes affordable to people with the lowest incomes.
- 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.
- 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.
- 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.
- 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.

## Ensuring Continuity for Housing Assistance Programs

- 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

- 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

- Existing community organizations, drawing on the relationships fostered during the short-term recovery process, should participate to gather necessary public input. Public hearings on disaster recovery plans should be scheduled and located in areas accessible to the people served by these organizations. The cultural competency of long-term planning programs can increase public participation from vulnerable 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, survivors most harmed 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

- 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.
- 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 the decision: the public.

- 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 general 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 complaints, legal actions, and other past concerns. Local residents and businesses should be able to view and submit contractor reviews.

- 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. MITIGATION

### **EQUITABLE MITIGATION**

Mitigation strategies should focus on the most impacted areas and equitably take into account the most vulnerable populations.

#### Targeted, Equitable Mitigation

- 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 harmed by disaster-related planning up to a basic standard of infrastructure and protection from future disasters, rather than on increasing local revenue.
- Social vulnerability and the housing needs of these communities must be addressed. For instance, where environmental reviews of projects are required, they must include social vulnerability of the community, providing context to the overall project in more than simply engineering terms.
- 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 rights-based approach modeled on the "Four Rights" of communities should guide mitigation. Four Rights are: 1) the right to choose whether to stay in your community or move to a new one; 2) the right to stay in one's home; 3) the right to equal treatment; and 4) the right to have a say in what mitigation strategies are implemented.
- Mitigation planning should be founded on international standards for internally displaced peoples. These standards will gain greater importance as more Americans 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 foreseeable vulnerabilities.

- The entire mitigation planning stage should integrate engagement with and respect for the most vulnerable residents and their vision for their future. Such involvement should not simply involve a review of a nearly finished product.
- 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.

- Funding is needed to support grassroots organizations in building capacity to facilitate pre-planning organizing and conversations.

## **RELOCATION AND BUYOUTS**

Buyouts and relocation, 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.

- 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.
- 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.
- Households and businesses must be able to benefit from buyout plans irrespective of income, wealth, or membership in any protected class.
- Buyouts must compensate and protect the pre-event value of the property and the generational wealth represented that is lost through relocation.
- 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.

- 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 in harm's way.
- 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.
- Continuous evaluation of mitigation strategies and best practices is needed. Constant analysis will help promulgate best practices and prevent repetition of errors.
- Mitigation efforts are inadequate if they address only current risks. Instead, mitigation efforts must anticipate the needs of communities 50 years into the future.
- 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.

# POLICY THEMES

**D**uring the October 2019 convening, various policy themes emerged about how to reimagine a disaster housing recovery system centered on the needs of the lowest-income survivors and their communities. Themes included:

- Robust resident and public engagement
- Systemic transparency
- Full accountability and due process
- Equity and civil rights enforcement
- Fair mitigation practices
- Increased local capacity and benefit

The stakeholders at the convening recognized that a complete and equitable disaster housing response and recovery framework requires that these strategies be implemented at every stage of disaster planning, recovery, and response. Policymakers and advocates should ensure that reforms are directly connected to these themes, which can help address the systemic racism and classism that have resulted in our broken disaster housing framework.

## **ROBUST RESIDENT AND PUBLIC ENGAGEMENT**

Current disaster housing response and recovery efforts effectively limit opportunities for impacted residents to engage meaningfully and contribute to the rebuilding of their communities after a disaster.

State officials are under enormous pressure to respond and rebuild as quickly as possible, often making any public input process rushed and ineffective. Engagement is often limited because residents are unaware of emergency response, rebuilding, and mitigation plans, either because state officials fail to announce public meetings or materials are provided only in English or in formats that are not accessible to people with disabilities. Moreover, plans often do not include essential information regarding eligibility or how funds will be spent. Opportunities for engagement are often limited, irregular, and occur too late in the process.

Any reformed disaster housing recovery and response framework must ensure robust, ongoing, and timely opportunities for public engagement through a structured collaboration beginning with emergency planning and response and continuing through the closeout of recovery and mitigation programs. Residents must be empowered to make decisions for themselves and their communities, and their input must be given substantial weight.

## **SYSTEMIC TRANSPARENCY**

Data transparency is critical to ensuring informed public policy decisions, allowing greater public participation in disaster recovery efforts and helping public and private entities better identify gaps in services and needed for future disaster recovery efforts. The current federal disaster response and recovery approach, however, suffers from a systemic lack of data transparency. After past disasters, this failure to provide basic transparency - ranging from damage assessments, determination of unmet needs, program design and implementation, grantee and subgrantee performance, and how federal dollars are spent - has hampered efforts to target and distribute aid to those most in need.

In recent years, some progress has been made with the release of data through FEMA's OpenFEMA portal; this is a welcome development, but it is not guaranteed to continue. Essential information about

federal disaster response and recovery efforts must be made publicly available in a timely manner, and this transparency must be systemized as opposed to being provided on an ad hoc basis.

## **FULL ACCOUNTABILITY AND DUE PROCESS**

The daunting application process for disaster aid discourages survivors from applying. Application and appeals processes are confusing, time-consuming, and frustrating. As a result, low-income survivors - especially seniors, people with disabilities, and people with limited English proficiency - face barriers to receiving federal assistance, and many forgo applying altogether. By not providing full accountability, transparency, and due process to applicants, the federal government has made it difficult to determine who is eligible for assistance and why assistance was denied, leading to higher denial rates for low-income disaster survivors.

Accountability and due process must be central to any reformed disaster housing recovery and response framework. Federal efforts must ensure that all eligible survivors receive the assistance needed to get back on their feet.

Applicants, recipients, and anyone who believes they may be eligible for assistance from a federally funded relief or recovery program must have access to their entire file and the right to pursue their claim in a court of competent jurisdiction if they have exhausted administrative remedies.

## **EQUITY AND CIVIL RIGHTS ENFORCEMENT**

America's disaster housing recovery framework exacerbates and reinforces racial, income, and accessibility inequities at each stage of response and recovery. The lowest-income survivors (including seniors, people with disabilities, and people experiencing homelessness) are consistently excluded from federal disaster housing response and recovery efforts.

Communities of color are disproportionately harmed by our current disaster housing recovery framework. Many long-term recovery and mitigation efforts continue a decades-long legacy of underinvesting in communities of color, retrenching segregation and ensuring that these neighborhoods lack the basic infrastructure to protect residents from disasters. Disaster recovery efforts, which often include significant funding, represent a unique opportunity to rebuild in a way that addresses rather than entrenches these disparities.

Equity must be a central and explicit goal of federal disaster housing response and recovery efforts, and each stage of the process should be reformed to ensure that federal, state, and local efforts actively dismantle systems of oppression.

Emergency response, long-term recovery, and mitigation actions must be designed and pursued in a manner that addresses and prioritizes the needs of the lowest-income survivors, seniors, people with disabilities, people with limited English proficiency, and other protected classes. These actions must be analyzed to determine if they exacerbate, maintain, or ameliorate patterns of segregation and discrimination in housing and infrastructure, then remedied accordingly.

## **FAIR MITIGATION PRACTICES**

As the climate changes, natural disasters will be stronger and more frequent. In response, local and state officials have begun to focus on mitigation and infrastructure improvement. Too often, such upgrades go to more affluent communities, while the needs of lower-income people and people of color are ignored. Moreover, federal, state, and local recovery efforts may actively contribute to displacement by failing to provide survivors with meaningful choices to rebuild, relocate, or improve infrastructure (such as storm drainage, floodplain management, and other common mitigation measures) in their communities. This effectively leaves low-income survivors at greater risk for future disasters than they were prior to the disaster. All emergency response, long-term recovery and mitigation efforts must be designed to provide survivors with the choice to relocate or rebuild their communities.

## **INCREASED LOCAL CAPACITY AND BENEFIT**

Community-based organizations and networks have intimate awareness of the unique needs of the lowest-income survivors and are often in the best position to engage them. These local organizations often do not receive the support needed to scale up efforts quickly after a disaster. By relying on out-of-town contractors for everything from debris removal to repair of electrical grids, state and local governments miss an opportunity provide employment, job training, and contracting opportunities to low-income local workers and small- and minority-controlled businesses, which are often in severe need of work as a result of the disasters' disruption to local economy.

Emergency response, long-term recovery and mitigation efforts should maximize the use of local contractors and workers and build the capacity of community-based organizations, targeting as much federal funding as possible toward the impacted economy and survivors.

# COVID-19 UPDATE: LESSONS LEARNED AND COMPARISONS BETWEEN NATURAL DISASTERS AND THE CORONAVIRUS PANDEMIC

**T**he coronavirus pandemic has brought into stark relief the critical nature of challenges identified during the Houston convening and demonstrated how the national disaster planning and response fails to meet the housing and health needs of the most marginalized and lowest-income people. The pandemic and the federal and state responses to it have demonstrated the need to incorporate the policy recommendations included in this report into all disaster response, from hurricanes to pandemics.

Previous disaster response and recovery efforts have focused on rebuilding destroyed housing and infrastructure, as well as on the secondary consequences of this physical destruction. Rather than the physical structures people need to survive, the coronavirus pandemic attacks people directly. While it has ravaged families and communities of all incomes, races and ethnic groups, it has most severely impacted people of color, who are more likely to suffer from inadequate health care, pre-existing conditions, and housing instability and homelessness. The economic impact of the pandemic on jobs, businesses, and educational institutions acutely threatens low-income and other marginalized residents and communities.

## **The following lessons should guide response to this pandemic and planning for future ones:**

Regardless of whether the disaster is a pandemic or another type of natural disaster, there must be strong criteria to channel assistance to those who suffer the greatest harm.

As with prior disasters, government assistance to small businesses and local communities has been awarded on a first-come, first-served basis rather than need. Initiatives like the Paycheck Protection Program were touted as a lifeline for businesses during the economic slowdown accompanying the pandemic. However, as is the case with many disaster recovery assistance programs, program funds went to those well connected with banks and not to Main Street businesses that are the heartbeat of many communities. As a result, many businesses that reflect hard-won generational wealth and provide important services to their communities were forced to close as large corporations received billions of dollars in assistance.

## **Assistance must be directed to those with the fewest resources with which to recover.**

During and after a disaster like a wildfire, tornado, or hurricane, those with few resources have the most difficulty recovering. In a pandemic, this means those in higher socio-economic classes who live in neighborhoods with full-service grocery stores and access to health care and who have money to pay their rent or mortgage and are able to work remotely have fared far better than those without such privilege.

On an institutional level, hospitals in low-income communities and communities of color have too often faced difficulties obtaining needed supplies and equipment; essential, low-income workers have been denied personal protective equipment and the ability to socially distance; and residents of homeless shelters and encampments, care facilities, jails and prisons are being left with little to no access to soap and water, to say nothing of adequate distancing or medical care.

Disparities in assistance are reflected in infection and fatality rates as well as evictions and mortgage defaults. While these data will be studied for decades to come, the likely result is clear: when assistance is not directed to those with the least, those with the least suffer at disproportional rates.



### **Information, applications, and eligibility must be as simple and efficient as possible.**

The complexity of assistance applications is challenging for many people. As with disaster rebuilding grants and individual assistance programs described later in this report, applications for unemployment payments have been made arbitrarily difficult, leading to denials and delays in approval.

Assistance tools such as small business loans have been structured so that minority-owned businesses, including those in communities of color where traditional financing is difficult to access, have found it impossible to apply for loans to survive pandemic-related shutdowns. As recommended in this report, a one-stop assistance application system and an emphasis on broader eligibility are needed.

Authorities have been inexplicably slow to publish health and safety notices and instructions in any language other than English. This problem is commonly seen during the emergency and short-term recovery phases of disaster response. Whether messages pertain to health information, evacuation routes, or assistance applications, all communications must be accessible to all regardless of language barriers or disability.

### **Planning for foreseeable hazards must occur in the time between disasters and must be conducted with community leadership.**

During the coronavirus pandemic and in past disasters, the failure to prepare for the event has led to predictable and preventable harm to the most marginalized and lowest-income people. Just as the evacuation of New Orleans prior to Hurricane Katrina was impossible for residents without cars or access to public transportation, the health and economic effects of the coronavirus pandemic in 2020 have proved devastating for those without advanced education, substantial finances, access to healthcare, and the ability to isolate. In both instances, government agencies at all levels failed to contemplate or appreciate the need to engage residents and community-based organizations in crafting and implementing life-saving measures and consequently failed to enlist these resources in educating residents and local allies in implementing safety measures. It is critical to do more during the time between disasters to build the resiliency and infrastructure for preparedness and response that will mitigate the impact of the next disaster.

### **Economic and racial inequality has a profound effect on who is hurt most during a disaster and must be addressed in disaster recovery.**

Beyond revealing the inequities of the national disaster response and recovery system, the 2020 pandemic has exposed structural failures that perpetuate discrimination rooted in both racism and economic class. The designation of low-wage workers as “essential” (including those in health and supportive service roles) has illuminated the fundamental injustices of our nation’s labor policies. The refusal of elected officials to protect these workers and their families from loss of rental and owned homes and to prevent predatory speculation will likely lead to a repeat of the devastation wrought by the Great Recession. The exploitation of disaster by the politically connected at the expense of the real victims is all too familiar.

Our understanding of the systemic changes needed to respond to and recover from natural disasters must be informed by an understanding of historical and ongoing inequities, especially racial inequities, and grounded in the need for transformational change.

# POLICY FRAMEWORK REFORM RECOMMENDATIONS

## I. IMMEDIATE & SHORT-TERM NEEDS

### EMERGENCY SHELTER & EVACUATION

**E**mergency shelter and evacuation are commonly seen as the jurisdiction of emergency management experts alone. For a disaster housing recovery framework to serve all survivors, the sheltering and evacuation stage of short-term recovery must engage all stakeholders, including 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 communities must be explicitly addressed.

While the Federal Emergency Management Agency (FEMA) currently provides technical assistance to grow the capacity of state and local emergency management, emergency plans typically focus on white, middle-class communities.<sup>1</sup> Instead, the goal of sheltering and emergency evacuation plans must be to protect all survivors, not just those who fit emergency planners' idea of a "typical person." Localities, for example, frequently expect those in harm's way to be able to shelter in place for long durations. If an evacuation is necessary, planners often presume residents can access public or private modes of transportation, understand and follow evacuation procedures, and trust state-run information sources enough to follow them. As witnessed during Superstorm Sandy, Hurricane Katrina, and other major disasters, these unrealistic expectations create chaos and endanger lives.<sup>2</sup>

Pre-disaster planning must be prioritized to ensure better mobilization of resources and the elimination of improvisation that can often make short-term recovery chaotic. To ensure all survivors are served, evacuation and shelter-in-place plans must specifically address the needs of communities that are often overlooked, including the lowest-income seniors, people of color, people with disabilities, families with children, people experiencing homelessness, people with limited English proficiency, and undocumented immigrants.

One of the best ways to ensure the needs of these communities are addressed is to offer these historically marginalized communities a leading role in developing emergency planning and response plans. This ensures that planners have the cultural competence and knowledge to create a plan that can serve all survivors regardless of income, ability, language, or education levels; address communication gaps; and ensure that inadequate information or rumors do not exacerbate the situation.

To the greatest extent possible, state and local officials must engage members of these communities and their networks of trusted relationships to plan for future emergencies and update plans that fail to protect all survivors. Doing so not only serves the purpose of education and information, but also builds trust in communities that have historically been overlooked or mistreated by authorities.

To improve access to critical information, emergency planners should seek ways to decentralize communications and build formal relationships with networks of community-based organizations to increase reach and credibility. These communications must also be accessible to people with limited English proficiency. This will allow communities of recent immigrants to see and respond to emergency notices and encourage greater involvement in the emergency planning process.

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<sup>1</sup> Daniel A. Farber, *Disaster Law and Inequality*, 25 *Law & Ineq.* 297 (2007). Available at: <http://scholarship.law.umn.edu/lawineq/vol25/iss2/1>

<sup>2</sup> Chrishelle Palay, "Disaster Aid Perpetuates Inequality," *Shelterforce*, May 13, 2019. Available at: <https://shelterforce.org/2019/05/13/disaster-aid-perpetuates-inequality/>

While community outreach and collaboration are among the best ways to ensure emergency plans serve vulnerable populations, they cannot alone 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.

People with disabilities are two to four times more likely than those without disabilities to die or sustain a critical injury during a disaster.<sup>3</sup> In response, federal standards must be strictly enforced, requiring communications, shelters, and evacuation strategies that can reach people with disabilities without requiring institutionalization. Federal standards must also be implemented so that individuals experiencing homelessness are able to access shelters and are not isolated into dedicated mass shelters, a practice that occurred after Hurricane Michael. Similarly, people experiencing homelessness should not be forced to wear identifying armbands, which occurred in the aftermath of Hurricane Irma. Pre-disaster homeless populations must have access to the same emergency assistance as other survivors.

Finally, evacuation and shelter-in-place plans must be better coordinated with short-term, long-term, and mitigation plans. The relationships between each stage of disaster recovery is fluid: a problem with emergency response directly affects the long-term recovery process. Issues with mitigation activities directly affect short-term recovery and emergency planning. As such, emergency plans should not stand alone, but should be interconnected with all phases of disaster recovery.

## HOUSING TRIAGE AND SHORT-TERM REBUILDING

### ADDRESSING SURVIVOR HOUSING NEEDS

After sheltering and evacuation plans are executed, attention turns to finding housing for displaced survivors. Without the affordable and accessible homes low-income survivors need, many have no choice but to return to uninhabitable homes, sleep in cars or tents, stay at shelters, double- or triple-up with other low-income families, or pay more than half of their limited incomes on rent, putting them at increased risk of eviction and homelessness.

This challenge is made more difficult by America's affordable housing crisis. According to the [National Low Income Housing Coalition](#), the U.S. has a shortage of 7 million affordable and available rental homes for households with the lowest incomes. In certain metropolitan areas, the supply of affordable, available rental housing can be as low as 1 home for every 10 extremely low-income renter households. The loss of rental housing stock due to a disaster creates extreme housing scarcity that can lead to skyrocketing rents, displacement, and homelessness. For instance, without adequate housing assistance, homelessness increased by over 16% in Northern California's Butte County after the Camp Fire in 2017.<sup>4</sup>

Despite the clear need, our nation's current disaster housing recovery framework leaves many of the lowest-income survivors without the stable, affordable, and accessible homes necessary to recover. FEMA typically relies on its Transitional Shelter Assistance (TSA) program, which is often, by its very design, inaccessible to low-income survivors. Hotels enrolled in the program often charge daily "resort fees" and require security deposits or credit cards that can be unaffordable for low-income families. Under the TSA program, survivors must continue to submit paperwork to extend their stay every 14 days. In the chaos after a disaster, survivors often find this experience to be further traumatizing and many leave TSA without a permanent housing plan.<sup>5</sup>

3 Paul Timmons, "Disaster Preparedness and Response: The Special Needs of Older Americans," Statement for the Record, Special Committee on Aging, U.S. Senate, September 20, 2017, available at [https://www.aging.senate.gov/imo/media/doc/SCA\\_Timmons\\_09\\_20\\_17.pdf](https://www.aging.senate.gov/imo/media/doc/SCA_Timmons_09_20_17.pdf).

4 Camille Von Kaenel, "Butte County Snapshot of Homelessness Shows Increase from Camp Fire," *Chicoer*, June 18, 2019. Available at: <https://bit.ly/2BVRGxZ>

5 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>

FEMA's temporary housing programs, from direct housing to rental assistance, are ill-equipped to address the needs of low-income families. FEMA rental assistance is often inadequate to meet post-disaster rental rates, and landlords are often unwilling to enter into short-term leases with survivors receiving FEMA rental assistance because the program only provides survivors with limited assistance for two months.<sup>6</sup>

In light of the challenges with FEMA's disaster housing assistance programs, the agency has sought to delegate this responsibility to state governments. State-administered disaster housing programs, however, have faced significant capacity challenges, causing further delays for survivors. After Hurricane Harvey, for example, state agencies struggled to design, create, and scale disaster housing programs; ultimately only a few hundred families were served, while many survivors continued to live in partially repaired homes.<sup>7</sup>

Any disaster housing recovery framework should rely on the [Disaster Housing Assistance Program](#) (DHAP) to provide low-income survivors with stable, affordable, and accessible homes while they get back on their feet. Developed after Hurricane Katrina, 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. Under President Trump, 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 not accessible to low-income disaster survivors. Although FEMA has [claimed](#) that these programs are more efficient and cost-effective than DHAP, there is no evidence to support such as position. Instead of these high-barrier programs, DHAP should be provided to survivors until long-term housing recovery is complete, including reconstruction of the affordable rental housing stock.

Currently, survivors must navigate complicated recovery assistance programs at various federal agencies, including FEMA, the Department of Housing and Urban Development (HUD), and the Small Business Administration (SBA).<sup>8</sup> While each offers a variety of assistance programs for survivors across a range of income eligibility, no single agency has as its sole mission to assist low-income survivors. A dedicated, single agency must be identified to address the needs of low-income survivors through the entire course of the disaster response and recovery. A single agency can provide greater focus on the needs of populations most vulnerable to displacement, forced institutionalization, and homelessness after a disaster. This can help reduce the need for low-income survivors to wade through a myriad of programs that may or may not suit their needs. The identified agency should be tasked with finding affordable homes for survivors, along with connecting them to job training, employment and healthcare services, and other wrap-around care. This further streamlines services for survivors, putting them in a more stable position as the long-term recovery efforts take shape. This model of wrap-around services has been used successfully in the past and should be expanded.

Individuals experiencing homelessness prior to a disaster are often marginalized or treated differently than housed disaster survivors. Just as emergency planning must treat pre-disaster homeless populations equally, homeless individuals should also receive the same recovery assistance as other survivors. To ensure this is the case, legislation is needed. Pre-disaster homeless populations, for example, are often denied FEMA assistance.<sup>9</sup> Even if they lost everything they had, FEMA will often deny survivors benefits once their status as pre-disaster homeless is established. With few resources to prepare or recover from a disaster, homeless individuals are among the most vulnerable survivors.

Emergency housing resources must be deployed quickly to states and communities to address the post-disaster needs of those who were without homes prior to a disaster and those who are at risk of displacement, involuntary institutionalization, and homelessness as a result of the disaster. After disasters,

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6 FEMA, Fact Sheet on Continued Rental Assistance, October 19, 2017. Available at: <https://www.fema.gov/news-release/2017/10/19/4337/continued-rental-assistance>

7 Mike Morris, "More Than a Year Later, FEMA Harvey Home Repair Program Made Few Fixes", *Houston Chronicle*, December 29, 2018. Available at: <https://bit.ly/2MOHzgs>

8 CRS, "Federal Disaster Assistance Response and Recovery Programs: Brief Summaries" (2018). Available at: <https://fas.org/sqp/crs/homesecc/RL31734.pdf>

9 April Ehrlich, "After Wildfires, Homeless People Left Out of Federal Disaster Aid Programs", *Oregon Public Broadcasting*, September 24, 2019. Available at: <https://www.opb.org/news/article/fema-disaster-aid-wildfires-homeless-people/>

charitable organizations and housing agencies focusing on homelessness are forced to expand their scope, as previously housed individuals face homelessness. As a result, communities are often unable to return to the level of care provided for people experiencing homelessness after a disaster. Given this, disaster-stricken communities should not have to show that post-disaster homelessness is an issue in order to access the resources they need. Instead, additional funding should be disbursed quickly to help communities prevent housing instability and further homelessness.

People with disabilities often do not have equal access to disaster assistance programs and services, leading to deterioration of health and safety and loss of independence through forced institutionalization. This occurs despite the fact that federal funds are required to be spent in compliance with the equal access requirements of federal law. Survivors with disabilities must have equal access to housing assistance.<sup>10</sup>

Funding must also be provided equally and consistently, irrespective of race, ethnicity, or membership in any other class. A recent example of this is the slowing and subsequent restriction of aid to Puerto Rico after Hurricane Maria. Despite the severe needs of the island after the 2017 hurricane, federal funding was routinely and inexplicably held up by HUD leadership and the White House.<sup>11</sup> The effect of the hold was that thousands of Puerto Ricans were forced to sleep in damaged homes or in the streets as advocates fought for an explanation. Agency officials consistently called out “political corruption” as an explanation, even though no territorial agency that worked on recovery was ever accused. In fact, the most high-profile scandal was the arrest of multiple FEMA employees who worked with a Texas company to influence the contract bidding process. Although the aid was released after Puerto Rico suffered a series of deadly earthquakes in early 2020, the funding had numerous restrictions never seen before in any disaster in the continental U.S.

Currently, the lack of affordable housing after a disaster leads to displacement.<sup>12</sup> Survivors frequently travel long distances to find affordable homes. Not only does this prevent access to a survivor’s former place of employment, but it can also prevent aging Americans and individuals living with disabilities from accessing care. Emphasis must be placed on keeping communities and families together during short-term recovery. The profound isolation from friends and family created by displacement can result in a sense of alienation, intensifying mental illness and hopelessness. Strong communities and the relationships that comprise them are often best prepared to combat this alienation.

## **JUMPSTARTING THE HOUSING RECOVERY**

Affordable housing in disaster-impacted areas must be triaged to address the immediate needs of disaster survivors. For short-term efforts to be effective, prioritization must focus on areas with the highest number of affordable rental homes that can be created or brought back into service quickly.

In light of these challenges, state and local governments should plan in advance by identifying and pre-leasing rental homes in areas less likely to suffer from disaster damage, so they can quickly house displaced survivors. Pre-leasing rental homes not only allows survivors to access quality housing quickly, but it also frees up the time and resources of state and local agencies that are often overburdened during the recovery. This strategy may be difficult to accomplish in many parts of the country, given a severe shortage of rental housing affordable and available to low-income people. However, areas with a higher number of rental units should consider this strategy.

In addition to pre-leasing existing units, strategies should be implemented to bring vacant rental housing units online as quickly as possible. After a disaster, many formerly occupied or occupiable rental units can be taken out of the rental market.<sup>13</sup> To facilitate return to the market, funding should be available to bring

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10 National Council on Disability, *Preserving Our Freedom*, [https://ncd.gov/sites/default/files/NCD\\_Preserving\\_Our\\_Freedom\\_508.pdf](https://ncd.gov/sites/default/files/NCD_Preserving_Our_Freedom_508.pdf)

11 Arelis R. Hernandez, Jeff Stein, “Dangling Disaster Relief Funds, White House to Require Puerto Rico to Implement Reforms”, *Washington Post*, January 15, 2020. Available at: <https://www.washingtonpost.com/business/2020/01/15/dangling-disaster-relief-funds-white-house-require-puerto-rico-implement-reforms/>

12 Internal Displacement Monitoring Centre, “Displacement and Housing Affordability in the United States”, July 2019. Available at: <https://bit.ly/2XOKiNi>

13 US Census Bureau, “New Census Housing Unit Estimates Use FEMA Data to Capture Impact of Disasters in Every State” May 2020. Available at: <https://www.census.gov/library/stories/2020/05/how-disasters-affect-the-nations-housing.html>

existing housing stock online, even if it is off the market for a non-disaster-related reason. Funding for rental housing improvements should be made available so that homes vacant due to code violations can be quickly brought up to code. This concept was initiated after Hurricane Irma in the U.S. Virgin Islands, where landlords received repair funds in exchange for using units to house disaster survivors.<sup>14</sup>

Another type of housing unit that can be quickly brought into the housing market are accessory dwelling units (ADUs). Many homes have pre-existing ADUs that are not on the rental market due to zoning controls or disinterest by the owner.<sup>15</sup> Incentives should be used to encourage property owners to rent out existing ADUs, build new ADUs, or repair those that are not market ready. By encouraging ADU owners to make the units available for use as post-disaster housing, low-income disaster survivors can be housed and the overall availability of rental housing in an area can be increased.

In addition, policymakers should expand other temporary-to-permanent housing models, such as RAPIDO. Under RAPIDO, an initial structure that can be rapidly constructed is placed on site, providing a space for families to live while they complete repairs.<sup>16</sup> If a home is completely destroyed, the temporary RAPIDO shelter can form the core of a new home, allowing the household to build a new home around it. This model should be expanded, as it is more cost effective and better for families to live in the same place for both short- and long-term recovery.

Disaster survivors, including people of color and people with disabilities, often experience housing discrimination.<sup>17</sup> Discrimination is not only morally wrong, but it can also drive post-disaster displacement. Any effort to increase housing stock must be accompanied by tenant protections, including source of income discrimination bans and greater enforcement of fair housing and civil rights. As discussed in the next section, these protections must be implemented in the long term to prevent the concentration of poverty and a retrenchment of racial segregation patterns.

## ENGAGING COMMUNITIES

Because of climate change, disasters are becoming more destructive, occurring more often, and impacting more communities. This poses new challenges for FEMA and disaster recovery efforts<sup>18</sup>. Despite these changes, FEMA has consistently stuck to a rigid system of disaster aid, leaving little capacity to deal with large, regional disasters and the unique needs of marginalized communities.

In order to move towards a “survivor-focused recovery,” disaster response and recovery efforts must be led first and foremost by community-based organizations located in the areas they serve. These organizations are already connected to 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 funds 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 the area it serves can grasp what is needed for the community and work to address that need in an efficient manner. While West Street covers just one area of Houston, national organizations must be utilized. Organizations with greater reach and connections, both in the community they serve and beyond, can be effective in bringing more resources to bear in support of recovery.

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14 Virgin Islands Housing Finance Authority, “Rental Rehabilitation and Reconstruction Program Policies and Procedures” January 2020. Available at: <https://bit.ly/2zGs2fy>

15 See US Department of Housing and Urban Development, “Accessory Dwelling Units: Case Study” June 2008. Available at: <https://www.huduser.gov/portal/publications/adu.pdf>

16 [Rapidorecovery.org](http://Rapidorecovery.org)

17 National Fair Housing Alliance, “No Home for the Holidays: Report on Housing Discrimination Against Hurricane Katrina Survivors” December 2005. Available at: <https://nationalfairhousing.org/wp-content/uploads/2017/04/No-Home-for-the-Holidays-NFHA-Katrina-Discrimination-Report-12-20-05-3.pdf>

18 Public Health Institute, “Climate Change is Making Natural Disaster Worse, and More Likely. How Do We Protect the Most Vulnerable?” November 2017. Available at: <https://bit.ly/2YEZlmH>

In addition to community-based organizations, communities themselves must be recognized as a major asset in ensuring shelter and care for displaced 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.

After Northern California's Camp Fire, approximately 50,000 survivors were forced to evacuate. As a result, communities like the neighboring city of Chico were inundated with disaster survivors, and many low-income survivors were unable to find adequate affordable housing.<sup>19</sup> This pattern has been repeated in areas like Connecticut, Massachusetts, Philadelphia, New York, and Florida, which hosted survivors of Hurricane Irma, Hurricane Maria, and the 2020 Earthquakes.<sup>20</sup> Many of these states used their own funds to address the housing needs of displaced survivors from Puerto Rico. To ensure that the short-term housing needs of evacuees are met, communities that host disaster survivors, or "receiving communities," should receive additional resources to help meet survivors' needs. States should identify likely receiving communities prior to a disaster, taking into account where vulnerable individuals in a disaster-stricken community are more likely to go, either by choice or when directed to do so by local authorities. The rights and responsibilities of communities that receive evacuees must be clear, and federal support for receiving communities should be provided, as well as mechanisms to hold these communities accountable to civil rights obligations and quality assistance programs.

## PROTECTING SURVIVORS FROM ABUSE

Disaster survivors seeking housing during short-term recovery often face housing discrimination and abuse<sup>21</sup>. In addition to instituting long-term protections against these practices, protections against financial predation should be put in place to preserve housing stability and protect disaster survivors.

Legal controls around rent increases and evictions within the disaster area must be put in place to insulate survivors from a volatile housing market. Disasters are typically followed by a spike in foreclosures as low-income individuals lose employment and face financial challenges. This makes previously housed families housing insecure and takes housing out of the market as banks claim possession. A pause on mortgage payments (as currently exists for Fannie Mae and Freddie Mac-backed mortgages) or a ban on foreclosures must be put in place after a disaster.

Renters can also often be evicted right before or right after a disaster. This may be the result of landlords taking advantage of the chaos to initiate unlawful evictions, a strategy to raise rents in anticipation of a

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19 Nanette Asimov, Kevin Fagan, "Thousands of Camp Fire Evacuees in Shelters, Tents Face Long Wait for Normalcy," *San Francisco Chronicle*, November 17, 2018. Available at: <https://www.sfchronicle.com/california-wildfires/article/Thousands-of-Camp-Fire-evacuees-in-shelters-13397067.php>

20 Daniel Cusick, Adam Aton, "Puerto Ricans Could be Newest U.S. Climate Refugees," *Scientific American*, September 28, 2017. Available at: <https://www.scientificamerican.com/article/puerto-ricans-could-be-newest-u-s-climate-refugees/>

21 Anna North, "Hurricane Katrina Left Survivors Vulnerable to Sexual Assault. Here's How To Protect Irma Evacuees," *VOX*, September 11, 2017. Available at: <https://www.vox.com/identities/2017/8/30/16221902/hurricane-harvey-katrina-sexual-assault-survivors>

tightened rental market.<sup>22</sup> A ban on evictions and rent spikes during a disaster and the recovery period should also be implemented much to the same effect as foreclosure protections. This would keep low-income renters in their homes, preventing them from being displaced back into the rental market at the exact moment rents would be at their highest.

Another issue is student loans. The average monthly student loan payment in the United States for 2019 was [\\$393](#). A payment this high can be prohibitively expensive in a post-disaster scenario, especially if an individual's former employer goes out of business. Instead of allowing these survivors to fall behind on their student loan payments and further hurting their chances of accessing higher-income employment, there should be a moratorium on student loan payments for students living in impacted areas. A moratorium should be implemented alongside mortgage, foreclosure, and rent protections during the short-term recovery phase and after.

Survivors also need protections against contractors. Contractors are often the first repair workers to knock on a disaster survivor's door. They are therefore in a prime position to gouge or otherwise take advantage of survivors in their time of need.<sup>23</sup> FEMA and other government agencies spend time training and educating the general public about post-disaster contractor scams. Disaster planners and policy makers should also create a regulatory system for better oversight of home repair contractors that respond to disasters. This system should differentiate between contractors with government funding and those contracted by individual survivors, but both should be held to the same standards of oversight. Best practices and model regulations should be shared nationally to avoid a patchwork of regulations. The creation of a regulatory framework should not take the place of education on how to detect fraud and to avoid scams. Communities must receive pre-disaster education on contracting to avoid unnecessary and fiscally damaging agreements that slow recovery and can harm eligibility for disaster recovery programs later in the recovery process. This education must be integrated in the FEMA application process and in Disaster Recovery Centers.

## **SURVIVOR-CENTERED DISASTER ASSISTANCE**

Federal disaster assistance programs spend substantial time and effort evaluating and disqualifying applicants for disaster aid based on inflexible requirements and a confusing, time-consuming application process. As a result, many disaster survivors, including the lowest-income survivors, are wrongfully denied assistance, reinforcing the idea that only some survivors deserve help after a disaster. Instead, a federal disaster housing recovery framework should ensure that every eligible survivor receives the assistance they need. This must include housing and other types of assistance, such as post-disaster unemployment assistance. Prioritizing categorical eligibility, simplifying the application and appeals process, and tracking outcomes can ensure recovery aid can reach those in need.

## **ADOPTING CATEGORICAL ELIGIBILITY AND SIMPLIFYING THE APPLICATION PROCESS**

As many disaster survivors and advocates have discovered, applicants eligible for 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.<sup>24</sup> Instead of creating and implementing numerous categories of ineligibility, disaster assistance programs should employ broad-based categories for eligibility, with the aim that every disaster survivor receives the assistance to which they are entitled. Through the use of damage assessments, geographic information, and other data, a reformed federal disaster housing recovery framework can provide categorical eligibility to survivors.

22 Rice University, "Evictions Before and After Harvey," August, 2018. Available at: <https://kinder.rice.edu/urbanedge/2018/08/23/evictions-and-after-harvey>

23 Monique Madan, "FEMA Scammer at Your Door? Here's How to tell the Difference," Miami Herald, September 19, 2017. Available at: <https://www.miamiherald.com/news/weather/hurricane/article174216296.html>

24 Danny Vinik, "'People Just Give Up': Low Income Hurricane Victims Slam Federal Relief Programs," Politico, May, 29, 2018. Available at: <https://www.politico.com/story/2018/05/29/houston-hurricane-harvey-fema-597912>



Title documentation challenges are often among the top reasons low-income survivors are disqualified from receiving FEMA assistance, even though FEMA rules acknowledge that title is not necessary to receive assistance.<sup>25</sup> In practice, FEMA consistently requires disaster survivors to provide title documentation to prove eligibility for the agency's Individual Assistance Program and other recovery aid. This often results in denial of assistance for low-income homeowners and owners of mobile homes. Mobile homeowners are often unable to access title for their homes because they were never provided one, or because they were falsely told that park management maintained their title.<sup>26</sup> Similar documentation issues negatively impact renters without written leases and people experiencing homelessness. Following Hurricane Maria, at least 77,000 survivors were denied assistance due to title documentation issues.<sup>27</sup> FEMA's Office of Chief Counsel worked closely with DHRC members Ayuda Legal Huracan Maria, Fundación Fondo de Acceso a la Justicia, and Servicios Legales de Puerto Rico to prepare a sworn statement that would allow Puerto Rican homeowners without title documents to prove ownership of their homes.<sup>28</sup> As of this writing, FEMA refuses to distribute this form to survivors who may need it, and the agency continues to rely on title documentation to prove property ownership.

Instead, a flexible system of documentation must accompany any system for distributing disaster assistance. Applying the least restrictive guidance regarding alternative documentation, and doing so consistently across all jurisdictions, would cut down on wasted time and confusion. To ensure full categorical eligibility, there must be a system in place that permits tools like alternative documentation to ensure all survivors can receive assistance.

In addition to title documentation issues, other roadblocks exist for low-income disaster survivors applying for recovery assistance.<sup>29</sup> Applicants are required to communicate with FEMA inspectors, coordinating visits to their property even if they were forced to evacuate long distances. This can make applying for recovery funding impossible for those who lack access to transportation, email, or cell phones. Further, FEMA inspectors often lack experience in property types used by low-income people, like multifamily housing and manufactured housing units, leading to the devaluation of their homes and denial of assistance, placing the burden on the applying household to hire a certified home inspector so they can dispute the original decision. This occurred frequently after the 2017 and 2018 wildfires in California, where inspectors unfamiliar with mobile homes caused many residents of mobile home parks and multi-family housing to be denied assistance.<sup>30</sup>

The daunting process for accessing disaster assistance actively discourages low-income survivors from applying for assistance. With a shift in emphasis to categorical eligibility, many of the convoluted rules and requirements employed by recovery assistance programs will no longer be necessary. This will allow for an easier, quicker, and more flexible application process. This not only simplifies the process for survivors, but also reduces the administrative burden on the federal agency or grantee disbursing the funds, speeding the recovery process.

FEMA, HUD, and other federal agencies involved in disaster recovery efforts should also work to create a single, universal application for aid. This simple step would save countless hours spent by survivors applying for assistance.

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25 Ivis Garcia, "The Lack of Proof of Ownership in Puerto Rico is Crippling Repairs in the Aftermath of Hurricane Maria," American Bar Association, February 2020. Available at: <https://bit.ly/2Y8d240>

26 Bigger Pockets, "4 Common Mobile Home Title Issues," March 2020. Available at: <https://www.biggerpockets.com/blog/mobile-home-title-issues>

27 Kathleen Bergin, "Thousands in Puerto Rico Wrongly Denied FEMA Aid: We're Working to Fix That," Disaster Law Project. Available at: <https://bit.ly/2YFdk17>

28 FEMA, "Additional Options Available for Applicants to Verify Home Ownership" August, 2018. Available at: <https://www.fema.gov/news-release/2018/08/17/additional-options-available-applicants-verify-home-ownership>

29 Amelia Adams, "Low-Income Households Disproportionately Denied by FEMA is a Sign of a System that is Failing the Most Vulnerable," Texas Housers, November 2018. Available at: <https://bit.ly/37yEr25>

30 See: Mike Snyder, "Critics Target FEMA's post-Ike Contract Inspectors," Houston Chronicle, February 7, 2009. Available at: <https://www.chron.com/news/houston-texas/article/Critics-target-FEMA-s-post-ike-contract-1749133.php>

## PROTECTING SURVIVOR RIGHTS

In addition to a complex and confusing application process, disaster survivors are faced with a particularly obfuscated process to appeal denials of assistance, a process that is made even more frustrating by the fact that FEMA often does not provide an applicant the reason for denial, which is required to file a successful appeal.<sup>31</sup> As a result, applicants and their advocates are forced to work through a lengthy administrative process in order to get their denial reason, and subsequently enter the confusing appeals process. Because low-income disaster survivors and disaster survivors of color are more likely to be denied when applying for aid, these administrative hurdles disproportionately affect people who have the least access to legal assistance.

As described above, a recovery assistance program that prioritizes categorical eligibility can minimize the occurrence of appeals. Policymakers should also ensure that survivors have clearly defined rights of appeal and legal action. The appeals process should be as least burdensome as possible, allowing applicants to receive benefits quickly without lengthy legal proceedings and substantial court and attorney fees. By simplifying the application process, more eligible individuals will receive assistance and fewer will need to appeal improper findings. Less administrative time will be spent on unnecessary administrative proceedings. In addition to a right of appeal, a right of action must be provided to disaster survivors who are denied or deemed ineligible, allowing them access to the civil court system. This right of action for the denial or misappropriation of benefits should be clearly identified in statute and integrated with the administrative appeals process.

Due process, including the right to appeal adverse actions and inactions, comprehensive discovery, and recourse to a court of competent jurisdiction, must be instituted. Upholding these constitutional and legal rights will ensure that survivors can access benefits and not be required to work through a difficult appeals process.

Allowing disaster survivors to access the court system when fighting for benefits means that legal assistance organizations must have the capacity to assist low-income individuals in court. Direct operational funding should be available to support legal aid organizations that serve disaster survivors. Additionally, Congress should ensure that funds provided to legal service organizations for disaster relief work are eligible for use as “direct service funding” and not simply for pro bono activities.

In addition to legal rights, community outreach and education should inform survivors of due process rights. This education must be comprehensive, accurate, and accessible to all survivors, including people with disabilities and limited English proficiency. Legal aid providers should also provide training to first responders, emergency and relief workers, and other individuals on the ground to ensure that legal issues are spotted in advance of the application process. By ensuring that disaster recovery applicants understand their rights, have access to legal representation, and have clearly listed appellate processes, the number of individuals left without assistance after a disaster can be dramatically reduced.

## TRACKING OUTCOMES

Access to outcome data (i.e., information on how well a recovery program is working) is often difficult to access. Ill-defined terms like “unmet need” and unclear methodology means that the data that are accessible are often misleading or not useful. In 2019, the Department of Homeland Security Office of the Inspector General was found to have commonly redacted reviews that were critical of FEMA’s performance.<sup>32</sup> Although the head of that office resigned after the changes were made public, it underscores the need for researchers and the general public to have access to reliable data to ensure that recovery plans are followed and programs are fully administered.

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31 Danny Vinik, “People Just Give Up”: Low Income Hurricane Victims Slam Federal Relief Programs,” Politico, May 29, 2018. Available at: <https://www.politico.com/story/2018/05/29/houston-hurricane-harvey-fema-597912>

32 Jory Heckman, “DHS Acting Inspector General Resigns Earlier than Expected After Office Pulled ‘Feel Good’ Reports,” Federal News Network, June 2019. Available at: <https://federalnewsnetwork.com/people/2019/06/dhs-acting-inspector-general-resigns-earlier-than-expected-after-oig-pulled-13-feel-good-reports/>

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. This enhanced data can be used to create best practices to be incorporated into future disaster planning and response efforts.

To ensure that these best practices and outcomes have the greatest reach, data collected by the government must be open and accessible, while protecting personally identifiable information. Currently, organizations seeking information from FEMA are forced to utilize the Freedom of Information Act (FOIA) process, which can take years to complete. Prioritizing data transparency allows policymakers and advocates to be informed about program results and areas for improvements. Data transparency efforts should ensure that private and personally identifiable information is not made accessible. Immigration status or other information commonly used to persecute marginalized populations should not be made available to organizations that would use it to remove individuals from non-disaster related assistance programs, or as a pretext to deportation or detainment. Doing so will ensure that eligible individuals will apply for these programs and participate in the conversations and collaboration between communities and disaster planners.

Although reliance on data collection and analysis is pivotal to the oversight and improvement of disaster recovery programs, it is by no means the single measure of how well a program is functioning. 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 anecdotal experiences of low-income disaster survivors themselves as representative of how well a program is functioning.

## II. LONG-TERM RECOVERY

### REBUILDING EQUITABLE COMMUNITIES

#### DISMANTLING SEGREGATION AND INEQUALITY

The issues of segregation and inequality intertwine with disaster recovery. Low-income communities and communities of color are often forced to live in disinvested areas without sufficient infrastructure to protect against disasters.<sup>33</sup> These communities are often located on land susceptible to natural hazards, unlike white and wealthier communities. While communities of color are over-policed, other basic infrastructure and services, such as hospitals, banks, and grocery stores, may not be available.<sup>34</sup> As a result, these communities are more likely to suffer damage due to disaster and take longer to recover afterward. Moreover, current disaster housing recovery efforts often focus on rebuilding communities, without efforts to undo the racial segregation and inequalities that existed prior to the disaster. Dismantling segregation and inequality must be an explicit goal of long-term disaster recovery efforts. Any effort to help long-term communities rebuild must actively work to end racial segregation and discrimination.

Current long-term recovery efforts often exacerbate societal inequities. Low-income people, people of color, people with disabilities, and immigrants face increased disaster-caused displacement from the dual threats of disinvestment and speculation, which exacerbate the disparities created by segregation and inequality.<sup>35</sup> During disaster recovery, communities of color and other marginalized communities either return to their segregated “normal” or the residents are displaced to other areas, often destroying familial and social ties. It is critical for disaster recovery planning to go hand in hand with fair housing compliance so that rebuilding efforts explicitly acknowledge and address the impact of racism, segregation, and inequality. Case management services and housing counselors can support displaced households that wish to relocate into neighborhoods of their choice, including high-opportunity neighborhoods. These services can provide assistance in finding available housing and in moving.

Local organizations serving marginalized communities must be involved in long-term recovery efforts to ensure that recovery programs recognize and address the needs of these communities. This involvement does not just pertain to the accessibility of programs, but also to decisions on rebuilding and reconstruction. Construction of new housing must be sited in a manner that decreases segregation and protects against harm by future disasters. This should not only apply to rebuilding homes but also to infrastructure and community development efforts, allowing communities themselves to direct how best to fight inequality and segregation.

Given the widespread nature of segregation and inequality in the U.S., it is not enough to state the equitable intent of a disaster recovery program. Explicit requirements for desegregation and adherence to civil rights law must be included in both contractor regulations and agreements with states, local governments, and federal agencies. Making equity explicit strengthens the ability of protected classes to seek legal redress at times when recovery is less than equitable. Federal law should require compliance.

#### DESEGREGATING INFRASTRUCTURE

Federal, state, and local governments have underinvested in the infrastructure of marginalized communities for decades.<sup>36</sup> This lack of infrastructure compounds the negative impact of disasters, damaging more housing and displacing more residents. Houston, Texas has perhaps the most noticeably

33 John Cooper, Jaimie Masterson, “How Black History Has Influenced Disaster Planning,” Center for Disaster Philanthropy, February 2017. Available at: <https://bit.ly/3ec5qD3>

34 Rothstein, Richard. *The Color of Law: A Forgotten History of How Our Government Segregated America*. First edition. New York; London: Liveright Publishing Corporation, a division of W.W. Norton & Company, 2017.

35 Gretchen Frazee, “How Natural Disasters Can Increase Inequality,” PBS, April 2019. Available at: <https://to.pbs.org/3fwnisu>

36 Rothstein; and Thomas W. Sanchez, Rich Stolz, and Jacinta S. Ma, “Moving to Equity: Addressing Inequitable Effects of Transportation Policies on Minorities,” Civil Rights Project, June 2003, Available at: <https://bit.ly/2OK0Ald>

segregated infrastructure, with over [80% of the city's open drainage system](#) – trenches on the side of the road – located in communities of color. These ditches become clogged and flood easily during major storms like Hurricane Harvey, exacerbating damage to homes. Despite this recurring problem, state and local government continues to divert infrastructure resources away from poorer communities of color toward higher-income, white communities. Infrastructure projects should be prioritized to improve and protect lower-income communities, communities of color and people with disabilities, and to compensate for the lack of effective infrastructure. All communities should have at least the minimum amount of infrastructure needed to protect residents.

## ACCESSIBLE HOUSING

The housing recovery needs of individuals with disabilities are commonly ignored or overlooked. In the context of long-term recovery, this often means that homes are built or repaired without ensuring that the homes are accessible.<sup>37</sup> If a community has no accessible housing, people with disabilities must remain in shelters until accessible housing is available. Parents of children with disabilities who are unable to return to a school with disability resources are forced to care for their children instead of working. 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. This ensures that the disaster recovery will fully include everyone.

## FAITH-COMPATIBLE DISASTER RESOURCES

Disaster recovery planners at all levels should be aware of how long-term recovery activities may impact individuals of different faiths. For instance, federal agencies and other entities providing recovery loans must provide loans that are compatible with Islamic law, which dictates acceptable interest rates. This not only encourages greater participation in the recovery process by these religious communities, but also ensures that all low-income survivors can access assistance regardless of their religion.

By working with local organizations to follow these guidelines, disaster recovery can become a desegregating, equality-increasing process that can mitigate generational barriers erected by White supremacy, ableism, and economic inequality.

## REBUILDING HOMES

### Equitable Approaches to Rebuilding Homes

The underlying cause of our nation's affordable housing crisis is the shortage of homes affordable and available to America's poorest seniors, people with disabilities, families with children, and other individuals. According to the NLIHC's [The Gap Report](#), there is a national shortage of 7 million rental homes affordable and available to the nation's 11 million extremely low-income renter households. Fewer than 4 affordable and available rental homes exist for every 10 extremely low-income renter households nationwide. As a result, eight million of America's poorest households pay at least half of their incomes on rent, forcing them to make impossible choices between paying rent and buying healthy food or needed medication. The vast majority (87%) of these households are seniors, people with disabilities, or individuals in the low-wage labor force.

Because of the growing affordable housing crisis, America's lowest-income households are put in danger of homelessness and displacement after a disaster as rental housing supply is lost. This was seen most glaringly in the aftermath of California's destructive wildfires, when 16% of Butte County's housing stock was destroyed in the 2017 Camp Fire, raising the numbers of individuals experiencing homelessness in the

37 GAO, "FEMA Action Needed to Better Support Individuals Who Are Older or Have Disabilities," May 2019. Available at: <https://www.gao.gov/assets/700/699539.pdf>

area and driving residents away from Northern California.<sup>38</sup>

This severe shortage of homes affordable to the lowest-income people is due to a market failure; the private sector cannot, on its own, build and maintain rental homes affordable to people with the lowest incomes without federal investments in programs targeted to serve this population. For this reason, long-term housing recovery programs should first prioritize the housing needs of people with the lowest incomes, including those individuals who have been displaced or involuntarily institutionalized. Congress should provide special allocations of funding targeted to serve the lowest-income people, including the national Housing Trust Fund, Disaster Housing Assistance Program (DHAP) vouchers, and funds to repair damaged public housing stock, among others. Disaster recovery efforts must prioritize the 1:1 replacement of any damaged or destroyed federally assisted housing; ensure a minimum affordability period of 30 years; and target resources as much as possible to address the underlying market failure.

Rebuilding housing markets as they were prior to a disaster without addressing the underlying market failure means that disaster recovery efforts will only rebuild our nation's housing crisis. By focusing housing recovery efforts on the creation of rental homes affordable to the lowest-income households, we can not only help ensure that disaster survivors can become stably housed, but we can help end housing poverty for generations to come.

Low-income homeowners and people experiencing homelessness must be served as well. Homeownership, especially within communities of color, can be a major source of generational wealth for a family.<sup>39</sup> Due to this, efforts must be made to preserve that wealth and ensure future generations are able to benefit from it. As discussed earlier, individuals who were experiencing homelessness prior to a disaster often receive no recovery assistance at a time when most homeless service organizations are overwhelmed with newly housing-unstable households. In order for a recovery to be equitable, the needs of homeowners, renters, and people experiencing homelessness must be addressed.

New affordable housing must be able to meet the challenges of the next disaster. Housing rehabilitation, rebuilding, and new construction, as well as related infrastructure projects, must meet resilience and mitigation standards to withstand the increasing frequency and intensity of disasters due to climate change. Not only does this conserve valuable recovery funding, but it also reduces displacement of low-income disaster survivors during the next disaster and ensures that the desegregation efforts of long-term recovery efforts become permanent.

Ensuring that housing can meet the challenges of future disasters also depends on where it is built. Because of segregation and inequality, affordable housing units are more likely to be found in floodplains and other areas susceptible to damage from disasters. To break that cycle, newly constructed housing must be located outside of areas susceptible to disaster damage and be made available first to households displaced by the disaster.

## **ENSURING CONTINUITY FOR HOUSING ASSISTANCE PROGRAMS**

Many federal agencies have disaster recovery programs. The complexity and overlapping nature of these programs can make it difficult to ensure continuity for disaster survivors as they navigate these programs. 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>40</sup> This problem has been exacerbated in recent years under the Trump administration, as FEMA prematurely ended disaster housing programs, including its Transitional Shelter Assistance (TSA) motel program for Puerto Rican survivors well before the statutory deadline. This gap in housing assistance results in further displacement

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38 See Von Kaenel, "Butte County Snapshot of Homelessness Shows Increase from Camp Fire", *Chicoer*

39 Herbert, McCue, and Sanchez-Moyano, "Is Homeownership Still an Effective Means of Building Wealth for Low-Income and Minority Households? (Was it Ever?)," Harvard University, September 2013. Available at: <https://www.jchs.harvard.edu/sites/default/files/hbtl-06.pdf>

40 See Holly Leicht, "Rebuild The Plane Now: Recommendations for Improving Government's Approach to Disaster Recovery and Preparedness," July 2017. Available at: <https://bit.ly/2CiAD9B>

and homelessness. The gravity of this toll on the emotional and financial health of low-income disaster survivors cannot be overstated.

DHRC member LatinoJustice PRLDEF filed a lawsuit challenging FEMA's decision to end TSA for over a thousand Puerto Rican families left without homes after Hurricane Maria. Although a federal judge denied the request to prevent FEMA from halting assistance, the judge made clear that this was not his preference. He stated that "while this is the result that I am compelled to find, it is not necessarily the right result. However, the Court cannot order that Defendants do that which in a humanitarian and caring world should be done - it can only order the Defendants to do that which the law requires."<sup>41</sup> Changes to law and policy are required to ensure that families are not thrown out of temporary housing with nowhere else to go.

Without access to temporary housing, many low-income disaster survivors are forced into homelessness. A year after Hurricane Harvey, nearly 20% of individuals experiencing homelessness in the city of Houston reported that they became homeless due to the disaster.<sup>42</sup> To prevent this sharp rise in homelessness, disaster housing assistance must be provided to survivors for as long as it is needed, continuously and without a gap in service due to arbitrary deadlines. Given the agency's expertise in addressing the housing needs of marginalized households, HUD, not FEMA, should operate all disaster housing recovery programs. FEMA has a poor track record of addressing the housing needs of low-income survivors and has demonstrated little interest in improving its programs. Consolidating disaster housing programs into one agency would also streamline efforts, simplify the process for survivors, and result in better outcomes. 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>43</sup> Should there exist separate short-term and long-term housing assistance programs in the future, better coordination is required to ensure that disaster survivors transitioning from one program to another do not experience a housing disruption in the process.

## INSURANCE REFORM

The National Flood Insurance Program (NFIP) is a federally subsidized insurance system that reimburses insured homeowners for flood damage to their home. The program is operated in partnership with local governments that establish floodplain mitigation ordinances to reduce the risk of flooding. The NFIP has been the target of reform for some time.<sup>44</sup> Regardless of these reform efforts, NFIP still only covers damage from conventional flooding alone. The NFIP should be expanded to include coverage for additional types of disasters, such as wildfires. Doing so would give all homeowners access to greater assistance after a disaster and speed the insurance payout process, with less emphasis being placed on whether conventional flooding was truly the culprit of the home damage in question. If necessary, a parallel system should be developed to apply the NFIP concept to additional disaster situations.

## PUBLIC PARTICIPATION AND BENEFIT

### COMMUNITY COLLABORATION

Although current long-term disaster recovery programs like HUD's Community Development Block Grant - Disaster Recovery program (CDBG-DR) require that public comment be accepted when recovery plans are created, CDBG-DR grantees often limit opportunities for residents to contribute.<sup>45</sup> As a result, final recovery plans for billions in federal funding are not made by the people most impacted. Instead, recovery plans

41 Order on Motion for Preliminary Injunction, Santos v. FEMA et. al., No. 18-40111-TSH (D. Mass. August 30, 2018) at 24.

Available at: <https://www.latinjustice.org/sites/default/files/Order%20Denying%20FEMA%20Extension%20-%20Aug%2030.pdf>

42 Eva Vigh, "Hurricane Harvey Caused Homelessness Lingers in Harris County 2 Years Later," Community Impact, August 20, 2019. Available at: <https://bit.ly/3hEvKHW>

43 Susanne Babbel, "The Trauma That Arises from Natural Disasters," *Psychology Today*, April 2010. Available at: <https://bit.ly/3hyUd1o>

44 FEMA, NFIP Reform: Phase III Report, August 2011. Available at: [https://www.fema.gov/pdf/business/nfip/nfip\\_reform\\_phase\\_III\\_report.pdf](https://www.fema.gov/pdf/business/nfip/nfip_reform_phase_III_report.pdf)

45 See, e.g. Texas Appleseed, "Comments on the State of Texas Plan for Disaster Recovery: Hurricane Harvey - Round 1," April 2018, pg. 15. Available at: <https://www.texasappleseed.org/sites/default/files/AppleseedCommentsonDraftCDBG-DRActionPlan5-1-18.pdf>

often become a political tool for state and local governments rather than a tool to address long-standing racial, income, and accessibility inequities. Community members must have a say in the rebuilding efforts. Such involvement will result in inclusive, equitable, and effective long-term recovery plans.

Federal, state, tribal, and local governments must engage local residents and community-based organizations in the recovery process. Employing a piecemeal effort to garner input from impacted communities, then subsequently dismissing that input, results in programs that are not useful or accessible to impacted communities. This can exacerbate injury and delay recovery. Care must be taken to create a public participation process that is inclusive and collaborative. This collaboration must recognize, respect, and address the unique needs of residents and communities. By proactively engaging residents and their representative organizations in the formulation and implementation of disaster recovery plans, planners can gain valuable insight.

Community partnerships fostered during the short-term recovery process should be leveraged to gather necessary input. Public hearings on disaster recovery plans should be scheduled and located in areas most accessible to the communities impacted by the disaster. An increase in cultural competency can increase public participation from vulnerable communities. A cyclical feedback loop with low-income disaster survivors throughout the recovery process should be initiated at all levels of disaster planning.

These conversations should not end when a plan is produced. Engagement should be ongoing, and jurisdictions should incorporate public feedback continually throughout each phase.

## **PRIORITIZING COMMUNITY INPUT**

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 that 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. This ensures that 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.

## **EMPHASIZING LOCAL EMPLOYMENT**

Communities going through long-term disaster recovery efforts are often severely economically depressed; businesses may have been destroyed, former customers may no longer live in the area, and business models may no longer be sustainable. This economic flux often means that low-income individuals have little or no opportunity for post-disaster employment.<sup>46</sup> For unemployed households with little savings, this creates a dire situation that can result in displacement or homelessness.

To counteract job loss, recovery funding must support apprenticeship and job training programs. Such programs should focus on skills necessary to carry out recovery work and jobs that are expected to be part of the area's post-disaster economy. To ensure that education is adequate and starting wages are high,

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<sup>46</sup> Zachary Fanes, "The Number of People Seeking Help with Lost Wages from Florence has surpassed Matthew," News & Observer, October 11, 2018. Available at: <https://www.newsobserver.com/news/business/article219702770.html>



training and apprenticeship programs should engage local unions. Many of the individuals who stand to benefit from such apprenticeship and training programs may already be involved in the recovery process, albeit informally. By ensuring that they are adequately trained and licensed, they can continue assisting in recovery in an above-board manner.

In addition to offering training and licensing assistance, government agencies responsible for procurement procedures should grant preferences to qualified local businesses and contractors. Currently, Section 3 of the Housing and Urban Development Act of 1968 directs federally funded employment, training opportunities, and contracts to low- and very low-income people, as well as local minority-owned businesses. However, only an agency's "best efforts" are required, a standard that is rarely exceeded. Requiring agencies doing recovery work to prioritize local businesses maximizes the amount of assistance dollars reinvested in impacted communities. Ensuring that local business can stay afloat in the uncertain post-disaster economy benefits the whole community.

## CONTRACTOR ACCOUNTABILITY

Disaster recovery efforts have consistently been hampered by a lack of oversight over recovery contractors and a lack of transparency and public input into which contractors are chosen. During New Jersey's recovery from Superstorm Sandy, several contractors had their contracts terminated by the state due to poor performance. One contractor, tasked with determining assistance eligibility and running intake centers, was found to be cutting corners and using untrained, low-level staff to evaluate applications. The firm's contract was terminated after one year. When that same contractor worked in Louisiana after Hurricane Katrina, it generated complaints from officials and survivors. While New Jersey officials say that they were aware of the firm's history, it is unclear why the firm was chosen.<sup>47</sup> The decision to hire a questionable contractor to run a vital component of disaster recovery slowed down the pace of the recovery and resulted in additional legal costs.

Given the range of capacity and credibility among contractors and the difficulties experienced by local jurisdictions in selecting appropriate firms for recovery work, proper tracking is needed. A dashboard should be available to jurisdictions and the public to track firms that have received past contracts. This dashboard should include information identifying the grantee, providing a description of the contract, as well as complaints, legal action, or other performance issues.

Local residents and businesses must be able to view and submit contractor reviews. A web-based consumer-review system would allow additional public input into the strengths and weaknesses of contractors. Such input will inform future recovery efforts and help decide whether a specific contractor is suited to the task in question. In addition, by allowing survivors to compare the licenses of certified contractors, the system can assist in detection of fraud.

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<sup>47</sup> Janet Babin, Scott Gurian, Eve Troeh, "Practice Makes Imperfect: Why Do We Keep Getting Disaster Recovery Wrong?" *NJ Spotlight*, October 30, 2014. Available at: <https://www.njspotlight.com/2014/10/14-10-30-why-do-we-keep-getting-disaster-recovery-wrong/>

# III. MITIGATION

## EQUITABLE MITIGATION

### TARGETED, EQUITABLE, MITIGATION

With the growing threat of climate change, natural disasters will continue to occur in more areas with greater frequency and intensity. Low-income people, people of color, and other marginalized people are often most at risk because government policies have located their communities in high-risk areas. Not only do mitigation efforts actively reduce risks to life and property, but they can also save money in the long-term, lessening the need for expensive, large-scale recovery projects after a disaster. A [study by the National Institute of Building Sciences](#) found that every dollar spent on mitigation saves six dollars in recovery funding. However, for mitigation to have its greatest protective and cost-saving effect, it must be used equitably.

In January 2020, four Native American tribes in Louisiana and a Native Alaskan village filed an 85-page [complaint](#) with the United Nations. The central issue: that the American government had done nothing while acres of land surrounding their coastal communities were lost to the sea, putting their homes and livelihood in danger. One of those tribes, the Iñupiat village of Kivalina, lost fifty percent of the land surrounding its village to the sea in the last seven decades. According to a [GAO report](#), the loss of land was due to rising sea levels and the melting of arctic sheet ice. The village has twice voted to move the village inland but have yet to reach a deal with federal government to do so.

Although the complaint submitted to the UN is largely symbolic, it serves to underscore how low-income communities and communities of color are on the front lines of climate change and are becoming some of the first American climate refugees. This legal action also shows that, despite the clear need, policymakers often favor placing mitigation investments in White, affluent neighborhoods instead of low-income communities and communities of color that face the greatest risk of damage. To ensure these marginalized communities are prepared to deal with the threats of future disasters, we must make a commitment that siting, planning, and execution of mitigation projects are centered around equity.

Low-income communities did not choose to place themselves in areas with high risk of disaster. Often, these communities were forced into their current location by federal, state, and local policies designed to enforce segregation and inequality. More and more low-income households may be pushed into harm's way as developers and the housing market overall react to the increasing threat of climate change. We have already seen raising rents and land prices in low-risk areas. This can perhaps be best seen in Florida's Dade County, where low-income communities that had previously been pushed inland by coastal development are now finding themselves displaced once again as those inland areas increase in value due to their lack of flood risk. By implementing equitable mitigation strategies as part of a comprehensive plan for environmental justice, policymakers can slow or halt climate change-created displacement.

Additionally, as federal funding is approved for mitigation projects, some planners and policymakers may see an opportunity to utilize these funds to expand local tax or revenue streams by investing in wealthier areas that surround the low-income communities that are at a greater risk of disaster damage. This preference for investing in higher-income, whiter communities and the lack of investment in marginalized communities has occurred repeatedly throughout the country.<sup>48</sup> Instead, mitigation efforts must be directed to areas directly impacted by disasters before focusing on broader mitigation needs.

Above all else, mitigation goals should focus on bringing marginalized communities up to a basic standard of infrastructure and protection from future disasters. Houston's water drainage system is a clear example of the need for this focus, with Black and Brown areas of the city relying on inadequate and outdated

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48 Elaina Sutley, "USA: Ending Bias in Disaster Mitigation and Recovery Policies," Natural Hazards Center. Available at: <https://www.preventionweb.net/news/view/58736>

drainage systems that compound the effects of disasters. These are areas where redlining, segregation, and entrenched inequality have prevented substantial investment in infrastructure. It is important that mitigation planning accounts for parts of the community that have been ignored or harmed by disaster-related planning.

One way to ensure mitigation projects are equitably distributed is to tie funding for mitigation to the level of community need. This would require that social vulnerability, housing, and other needs are addressed during mitigation planning and implementation.<sup>49</sup> When environmental reviews are required, for example, these reviews should include an assessment of the social vulnerability of the community.

Given the importance of affordable housing, the mitigation needs of homeowners, renters, and people experiencing homelessness should be equitably addressed. Communities should strive to integrate the affordable housing needs of an area into its mitigation planning and include mitigation needs into affordable housing plans. Specifically, state and local governments can use a community's *Analysis of Impediments or Assessment of Fair Housing* to align mitigation efforts.

## A RIGHTS-BASED APPROACH TO MITIGATION

Looking at the current level of discourse around mitigation and resilience in the U.S., it can appear as though proper mitigation and the protection of community and individual rights are mutually exclusive. Mitigation plans developed at the state and local level, including mitigation plans in Puerto Rico, are often heavily focused on the relocation of low-income communities as opposed to the creation of infrastructure to minimize disaster risk. Advocates warn that this approach will result in the displacement and scattering of entire communities and that the preference for relocation ignores the community's dignity, autonomy, and basic human rights.

An approach modeled on the "[Four Rights](#)" of communities, as well as international standards, should guide mitigation efforts. The Four Rights were developed by the Texas Organizing Project in conjunction with Disaster Housing Recovery Coalition members Texas Housers and Texas Appleseed. Although initially drafted as a framework for community development, they can easily be adapted to the mitigation and resiliency context. The Four Rights are:

1. **THE RIGHT TO CHOOSE**, which promises assistance should a community member wish to relocate to another area, providing both a choice of where to live and promoting integration.
2. **THE RIGHT TO STAY**, which guarantees against the involuntary displacement of low-income people through mitigation and resilience efforts.
3. **THE RIGHT TO EQUAL TREATMENT**, which demands that low-income communities be provided with the same level and types of assistance as higher-income neighborhoods.
4. **THE RIGHT TO HAVE A SAY**, which requires that the government permit low-income communities and households themselves to have meaningful democratic participation in the decisions that affect their community and their family.<sup>50</sup>

These rights are embedded in international standards on relocation, such as the United Nations' [Guiding Principles on Internal Displacement](#). Mitigation planning should look to the international standards as a foundation for planning. These standards will gain greater importance as more Americans are displaced due to climate change and will reassure communities hesitant to participate in mitigation efforts that their wishes and rights will be respected. By utilizing the rights-based framework of these international standards and the "four rights," we can ensure that mitigation enhances the rights of individuals and communities instead of circumventing them.

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<sup>49</sup> See Flanagan et al., *A Social Vulnerability Index for Disaster Management*, 8 *Journal of Homeland Security and Emergency Management* 1, Article 3 (2011). Available at: <https://bit.ly/3ePdXyh>

<sup>50</sup> <https://texashousers.net/2019/08/13/the-city-of-houston-says-it-wants-to-end-impediments-to-fair-housing-using-the-four-rights-it-should-lead-by-example/>

Ensuring that these rights are upheld means better assistance, input, and effectiveness for mitigation programs, and it also forces planners to consider racial and social equity as they draft plans for the future. In addition, upholding these rights can reassure communities distrustful of governmental leadership that their autonomy will not be taken from them.

## PUBLIC PARTICIPATION

Substantial participation by impacted communities is necessary for rights-based, equity-focused mitigation to be successful. Federal, state, tribal, and local governments must engage with communities to anticipate and address risks and vulnerabilities.

The federal government currently requires that public input be solicited by state and local governments formulating mitigation action plans.<sup>51</sup> However, the effectiveness of this approach varies wildly. Typically, only three public hearings are held. Planners present a nearly finished plan to community members and offer a very short window of time to integrate public feedback. Instead, public input should be integrated into the entire planning process, not simply a review of a near-finished product.

Instead of simply describing the existing plan and asking for feedback, planners should reach out to the community before a plan is drafted, asking for community priorities, experiences with disaster impacts, and needs. This collaborative approach can ensure that mitigation funding is being spent on things the community truly needs. This collaboration should be connected to public participation efforts in earlier stages of disaster recovery, streamlining the process and building upon relationships fostered in earlier planning stages.

One barrier preventing effective public participation in the mitigation planning process is the highly technical nature of this work.<sup>52</sup> While technical detail is encouraged and necessary when a mitigation plan is designed and implemented, it can also be inaccessible to people unfamiliar with mitigation concepts. At-risk communities must be educated on the lexicon, theories, and factors that underlie mitigation. This education is critical for anyone wanting to participate in that process.

At the same time, advocates, agencies, and organizations must approach such conversations with cultural competency, valuing the ideas, opinions, and anecdotal evidence provided by the community. Not only does this improve frayed trust between the community and government officials, but it informs community discussions around mitigation for years to come. This makes the creation or adjustment of mitigation plans easier for all involved.

In addition to fostering community participation through the education, the capacity of community organizations must be raised to facilitate such conversations. Instead of relying on out-of-state contractors or agency staff to develop a robust public participation plan, planners should work with community organizations to allow substantive public contributions. These organizations are typically located within the communities they serve and are already known and trusted. The bandwidth of such organizations can vary wildly, so assistance may be required to build capacity before taking on such a project. Local organizations should be funded as part of the mitigation strategy, allowing them to facilitate pre-planning organizing and mitigation conversations.

Community engagement is a necessary part of the mitigation process. However, creation of a community-based mitigation plan can be made easier when a community practices civic engagement. Establishing effective and open community leadership in city halls and state houses can ensure that low-income residents are an integral part of the process, starting with pre-disaster mitigation planning and continuing through implementation and oversight. The world of civic politics can also be a model for organizational strategies. Examples include census turnout or voter registration. Additionally, philanthropic funding is crucial for this effort.

51 See, HUD, *Managing Citizen Participation to Support Compliance*, 2015. Available at: <https://bit.ly/3e9SVlc>

52 Radonic, Cooper, Omans, "At the Crossroads of Flood Mitigation and Urban Revitalization: Residents' Perspectives of Shifting Floodplain Governance in the United States," 79 *Human Organization* 2, 117-129 (2020). Available at: <https://sfaajournals.net/doi/pdf/10.17730/1938-3525.79.2.117>

## RELOCATION AND BUYOUTS

Due to the pressures of gentrification and rising land values, as well as racial and economic segregation, some communities may see buyout plans as a tool used by authorities to erase low-income communities and communities of color.<sup>53</sup> Where a community or an individual chooses to relocate under a mitigation plan, controls must be in place to ensure that the process does not harm the relocated household nor allow developers to take advantage of the situation. Implementing these protections can help to quell uncertainty around the buyout process.

Designers of buyout plans must ensure that the property purchased by the government during a buyout program is not simply used for another project. Acquired property should have restricted deeds without time limits to prevent future development. This will assure the impacted community that the buyout is not a scheme to promote private-sector development. In addition, households and businesses must be able to benefit from buyout plans irrespective of income, wealth, or membership in a protected class. This provides more individuals with the option of selecting a buyout and further assures people of the buyout plan's objectives.

In addition to allaying fears and increasing access to buyouts, plans must ensure that those being bought out are able to acquire decent and safe replacement housing. Many low-income homeowners live in homes built by previous generations, with the home as the largest source of familial wealth. Many of these homes are in housing markets depressed by the legacy of redlining and other discriminatory practices. Taking that home out of the hands of a family without a relocation assistance program that enables it to acquire unencumbered title in a community in which homes may have significantly higher market value risks robbing future generations of that wealth. By taking this generational wealth and acquisition cost into account, in conjunction with an honest appraisal of the home's pre-disaster value, families can successfully replace their homes in areas less susceptible to disaster risk.

Households participating in the buyout process must also be offered options for relocation that address fair housing. This means providing families practical access to a range of housing options and communities, not simply those subject to disinvestment. It requires that buyout plans provide households with housing mobility counseling and that such aid should be available regardless of where a household relocates, even if they move to another jurisdiction or state.

## MITIGATION STANDARDS AND BEST PRACTICES

Mitigation cannot simply be a post-disaster consideration. Planning for mitigation, as well as the dissemination of mitigation best practices must occur before and after disasters. Such planning time can be valuable for imagining and implementing high-quality projects and systems.

Infrastructure and building design standards have often failed to account for future climate trends and the disasters they will cause.<sup>54</sup> In multiple disasters, buildings constructed using older, stronger building codes have been more likely to survive. In the areas of California struck by wildfires, a study revealed that half of the buildings constructed utilizing a stronger 2008 building code survived the disaster, compared to only 18% of the homes built prior to 2008.<sup>55</sup> Rebuilding homes to a [lesser standard](#) in disaster-prone areas (a rapidly expanding area of the country due to the effects of climate change) means that more disaster recovery resources will be dedicated to replacing homes rebuilt after a previous disaster. To prevent reoccurring damage from disasters, building and mitigation standards need to be higher and more uniform, and federal dollars should require that rebuilding efforts meet higher mitigation standards. Conversely, mitigation should be a standard part of evaluating federal funds for other housing projects.

53 Id.

54 Auld, Eng, Klaassen et al., "The Changing Climate and National Building Codes and Standards," 9 *Urban Environment* (2010). Available at: <https://ams.confex.com/ams/pdfpapers/174517.pdf>

55 See Henderson, Rierson, "Why Americans Aren't Concerned About Building Codes (Even Though They Should Be)" Federal Alliance for Safe Homes, June 2019. Available at: <http://newsroom.flash.org/commentary/why-americans-arent-concerned-about-building-codes-even-though-they-should-be.htm>

For example, where HUD project-based housing assistance is being renewed, the review should include an evaluation of climate risk and serious consideration, informed by resident participation, of alternatives to continuing to fund the development.

The creation and dissemination of mitigation best practices should be a top priority for policymakers and mitigation planners. Having a system of best practices that are easily accessible and constantly updated can help localities without mitigation experience prevent costly mistakes from being repeated. Similar to the contractor dashboard described earlier, an open access platform should be created to allow the sharing of best practices and innovations across the nation.

For many municipal and state governments, receiving mitigation funding can be the first time such concepts are truly considered. Just as community members must be educated about mitigation efforts, state and local governments must be educated on how mitigation efforts can protect residents, communities, and resources. Not only will this education ensure that important mitigation funding is not wasted on unnecessary projects, but it can also lead to more efficient engagement among affected communities and mitigation planners and specialists. This education should also include best practices in construction techniques and costs, which can inform decisions about allocation of resources and selection of contractors.

The education of municipal and state governments cannot be sporadic, occurring whenever a disaster has been forecast or recently struck. Instead, there must be continuous evaluation of mitigation strategies and best practices. This constant analysis will promote best practices and ensure that errors in mitigation are not repeated. To accomplish this year-round analysis, research on mitigation must be encouraged. Although many academic institutions have begun to look at the subject in earnest, the need still exists for greater research on best practices.

For a mitigation plan to be most effective, it must be far reaching. Mitigation efforts must anticipate the needs of communities 50 years into the future. As climate change continues to shape our world, mitigation that only addresses only current disaster risks will be inadequate. By taking a 50-year view, plans can lessen the long-term recovery needs as disasters become increasingly frequent over the coming decades.

# CONCLUSION

Our current disaster housing recovery framework is broken and in need of major reform. Our nation needs a new vision for disaster housing recovery, one that centers the housing needs of the lowest-income survivors, including people of color, people with disabilities, and others. To undo the racial, income, and accessibility inequities embedded in our current disaster housing recovery framework and to ensure a complete and equitable housing recovery for all survivors, our nation must prioritize robust resident engagement, transparency, full accountability and due process, robust equity and civil rights enforcement, fair mitigation practices, and increased local capacity and benefit. Disaster housing recovery efforts must be inclusive and intersectional, and equity must be explicitly addressed at all stages of the disaster planning, response, and recovery.

# APPENDIX A: CONVENING ATTENDEES

**Sonya Acosta**

National Low Income Housing Coalition

**Amelia Adams**

Texas Housers

**Jean-Luc Adrien**

Community Justice Project

**Lesley Albritton**

Legal Aid of North Carolina

**Andrew Aurand**

National Low Income Housing Coalition

**Jackie Burton**

Ford Foundation

**Zack Calahan**

Catholic Charities USA

**Ann Carpenter**

Federal Reserve Bank of Atlanta

**Yvette Chen**

Fair Share Housing Center of New Jersey

**Diana Chestnut**

Legal Services of North Florida

**Emma “Pinky” Clifford**

Oglala Sioux Tribe Partnership for Housing

**Gladys Cook**

Florida Housing Coalition

**Amanda Devecka-Rinear**

New Jersey Organizing Project

**Nicole Diaz Gonzalez**

Ayuda Legal Puerto Rico

**Ehren Dohler**

North Carolina Coalition to End Homelessness

**Rachel Drew**

Enterprise Community Partners

**Dan Emmanuel**

National Low Income Housing Coalition

**Chris Emrich**

University of Central Florida

**Tracy Figueroa**

Texas RioGrande Legal Aid

**Andrea Galinsky**

University of Florida

**Diane Glauber**

Lawyers Committee for Civil Rights Under Law

**Ariadna Godreau-Aubert**

Ayuda Legal Puerto Rico

**Iris Gonzales**

Coalition for Environment, Equity & Resilience

**Adam Gordon**

Fair Share Housing Center of New Jersey

**Andrew Greenlee**

University of Illinois at Urbana Champaign

**Kathy Grunewald**

Legal Services of North Florida

**Rebecca Guerriero**

The Kresge Foundation

**Allison Hay**

Houston Habitat for Humanity

**Jeff Hebert**

HR&A Advisors

**John Henneberger**

Texas Housers

**Chris Hensman**

Rebuild Texas Fund

**Cashuana Hill**

Greater New Orleans Fair Housing Center

**Anna Hurt**

Local Initiatives Support Corporation

**Ilene Jacobs**

California Rural Legal Assistance

**Paul Kealey**

National Low Income Housing Coalition

**Carla Krystyniak**

Lone Star Legal Aid

**Mia Loeseff**

Texas Housers

**Leah Mahan**

Just Cities Narrative Project



**Jerry Maldonado**

Ford Foundation

**Carlos Martin**

Urban Institute

**Adi Martinez-Roman**

FURIA

**Natalie Maxwell**

Three Rivers Legal Services

**Kirk McClure**

University of Kansas

**Marion McFadden**

Enterprise Community Partners

**Zoe Middleton**

Texas Housers

**Andreanecia Morris**

Greater New Orleans Housing Alliance

**Ricardo Negron-Almovodar**

LatinoJustice PRLDEF

**Denise Neunaber**

North Carolina Coalition to End Homelessness

**Bill O'Dell**

Shimberg Center, University of Florida

**Julia Orduna**

Texas Housers

**Jeanne Ortiz-Ortiz**

Pro Bono Net

**Karl Ory**

Chico City Council

**Chrishelle Palay**

HOME Coalition

**Noah Patton**

National Low Income Housing Coalition

**Allison Plyer**

The Data Center

**Susan Prokop**

Paralyzed Veterans of America

**David Rammler**

Fair Share Housing Center of New Jersey

**Anne Ray**

Shimberg Center, University of Florida

**Christina Rosales**

Texas Housers

**Chris Ross**

Catholic Charities USA

**Marcie Roth**

Partnership for Inclusive Disaster Strategies

**Brandy Ryan**

National Law Center on Homelessness & Poverty

**Sarah Saadian**

National Low Income Housing Coalition

**Brooke Schipporeit**

National Low Income Housing Coalition

**Khalil Shahyd**

Natural Resources Defense Council

**Maddie Sloan**

Texas Appleseed

**Eric Tars**

National Law Center on Homelessness & Poverty

**Shannon Van Zandt**

Texas A&M University

Hazard Reduction & Recovery Center

**Eric Wilson**

New York City Mayor's Office of Resiliency

**Diane Yentel**

National Low Income Housing Coalition

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