Statement for the Record, National Low Income Housing Coalition
Presented to the Committee on Homeland Security
United States House of Representatives
Hearing on Ensuring Equity in Disaster Preparedness, Response, and Recovery
October 27, 2021

Chairman Thompson, Ranking Member Katko, and members of the committee, thank you for the opportunity to submit this statement on ways to ensure that our nation's disaster housing recovery and response efforts address the unique and often overlooked needs of the lowest-income and most marginalized survivors, including people of color, people with disabilities, people experiencing homelessness and others.

The National Low Income Housing Coalition (NLIHC) is dedicated solely to achieving socially just public policy that ensures people with the lowest incomes in the United States have affordable and decent homes. 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 prioritize the housing needs of the lowest-income and most marginalized people in impacted areas.

NLIHC has worked on disaster housing recovery since Hurricane Katrina, and from this experience, we have come to a simple conclusion: America's disaster housing recovery system is fundamentally broken and in need of major repair and reform. It is a system that was designed for middle-class people and communities – a system that never contemplated, and so does not address, the unique needs of the lowest-income and most marginalized people. Because of this fundamental design flaw, these families are consistently left behind in recovery and rebuilding in disaster after disaster. The disaster recovery system not only ignores the needs of the lowest income people, but it exacerbates many of the challenges they faced prior to the storm: disaster response and recovery often worsens the housing crisis, solidifies segregation, and deepens inequality.

When disasters strike, the lowest-income and most marginalized survivors are often hardest hit. They have the fewest resources and face the longest, steepest path to recovery. Despite the clear need, federal efforts frequently leave these survivors without the assistance needed to recover and leave their communities less resilient to future disasters. Without this critical assistance, many of the lowest-income and most marginalized survivors return to uninhabitable homes, sleep in cars or 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 displacement, eviction, and, in worst cases, homelessness.

These barriers and opportunities are reflected in "Fixing America's Broken Disaster Housing Recovery System," a two-part report published by NLIHC and Fair Share Housing Center of New Jersey.

Our policy recommendations reflect nine core principles that should guide our country's disaster housing response and recovery:

1. Recovery must be centered on survivors with the greatest needs and ensure equity among survivors, especially for people of color, low-income people, people with disabilities, immigrants, LGBTQ people, and other marginalized people and communities;
2. Everyone should be 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;
3. Securing help from government must be accessible, understandable, and timely;
4. Everyone in need should receive safe, accessible shelter and temporary housing where they can reconnect with family and community;
5. Displaced people should have access to all the resources they need for as long as they need to safely and quickly recover housing, personal property and transportation;
6. Renters and anyone experiencing homelessness before the disaster must quickly get access to quality, affordable, accessible rental homes in safe, quality neighborhoods of their choice;
7. All homeowners should be able to quickly rebuild in safe, quality neighborhoods of their choice;
8. All neighborhoods should be free from environmental hazards, have equal quality and accessible public infrastructure, and be safe and resilient; and
9. Disaster rebuilding should result in local jobs and contracts for local businesses and workers.

These core principles and the following policy recommendations should serve as a guidepost for this committee and other federal policymakers as you work to reform our nation's disaster housing recovery framework.

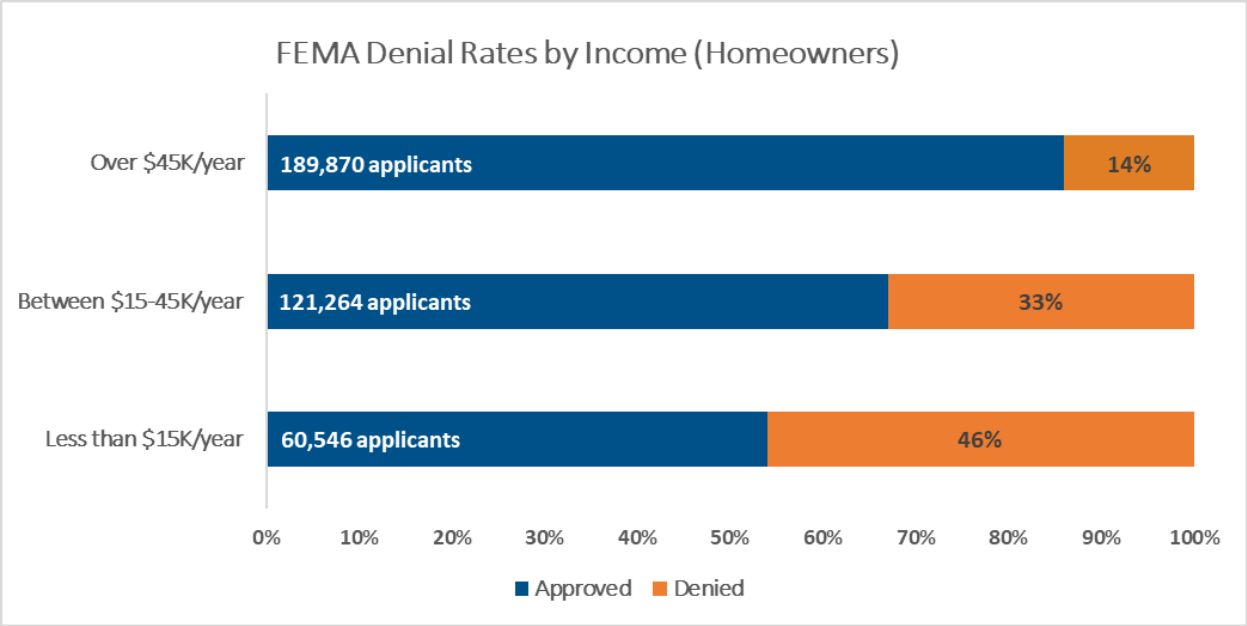
Barriers to an Equitable Housing Recovery

After a disaster, displaced families must have a safe, accessible, and affordable place to live while they recover. FEMA programs can provide crucial assistance to help survivors recover from a disaster by providing temporary shelter and financial assistance and making basic structural repairs to homes. However, FEMA created unnecessary and often insurmountable barriers to accessing these programs, leaving many low-income survivors at increased risk of displacement, eviction, and, in worst cases, homelessness.

FEMA programs are not designed to serve lower-income people with the greatest needs; these households are consistently denied assistance. Applicants for assistance with the lowest incomes were denied FEMA Individual Assistance (IA) at very high rates after Hurricane Harvey. The vast majority of higher-income households were approved[1] (see Figure 1).

[1] Adams, A. 2018. Low-income Households Disproportionately Denied by FEMA Is a Sign of a System that is Failing the Most Vulnerable. Retrieved from https://texashousers.org/2018/11/30/low-income-householdsdisproportionately-denied-by-fema-is-a-sign-of-a-system-that-is-failing-the-most-vulnerable/

Figure 1.



Although the early available data from FEMA's response to Hurricane Ida show an improvement in IA eligibility rates overall, data from other disasters in 2021 show similar denial rates to the past disaster responses. Further analysis and access to granular application information will be needed to determine if this trend holds for applications by lower-income disaster survivors.

FEMA's Failure to Address Housing Needs

Despite the clear need, FEMA housing programs neglect the housing needs of America's lowest-income disaster survivors and exacerbate housing insecurity. Without the affordable and accessible homes survivors need, many 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, in worst cases, homelessness.

Research from NLIHC demonstrates that disasters exacerbate the existing rental housing crisis for households with the lowest incomes.[2] After Hurricane Sandy, households already dealing with housing instability were further destabilized through displacement and increased rents. Two years after Sandy, few new affordable homes had been completed yet survivors were no longer eligible for federal rental assistance.[3]

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[2] National Low Income Housing Coalition. 2019. Long-term Recovery of Rental Housing: A Case Study of Highly Impacted Communities in New Jersey after Superstorm Sandy. Retrieved from https://nlihc.org/sites/default/files/Sandy-Rental-Recovery-Report.pdf

[3] Fair Share Housing Center, Latino Action Network & NAACP New Jersey State Conference. 2015. The State of Sandy Recovery (Second Annual Report). Retrieved from http://fairsharehousing.org/images/uploads/State_of_Sandy_English_2015.pdf

The impact of disasters on low-income people's housing needs is made worse by FEMA's continued refusal to activate the Disaster Housing Assistance Program (DHAP), rendering some survivors homeless.[4] During past disasters, both Republican[5] and Democratic[67] administrations upheld DHAP as a best practice for disaster housing recovery. DHAP was created after hard-won lessons from Hurricane Katrina, and it has been used successfully in some major disasters since that time. Under DHAP, displaced families receive longer-term direct rental assistance and case management services provided by local housing professionals with extensive knowledge of the local housing market. This assistance helps families find permanent housing solutions, secure employment, and connect to public benefits as they rebuild their lives.[8]

After recent disasters, FEMA instead relied on its Temporary Shelter Assistance (TSA) program and other programs that are inaccessible to many low-income survivors. TSA is intended to reduce the number of survivors in congregate shelters by covering the cost of staying in an approved hotel or motel for an initial period of up to 14 days. Once again, this is a program better suited to middle-class households than to low-income people.

Low-income families are often unable to access TSA motels due to financial and other barriers, including the practice of motels charging daily "resort" fees and requiring security deposits or credit cards. Because TSA must be renewed every 14 days, those disaster survivors who are able to access the program face arbitrary deadlines that cause them to scramble to submit required paperwork or leave the motel before finding a permanent housing solution. While FEMA is authorized to provide TSA for at least 18 months, the Trump administration abruptly terminated[9] the program for nearly 2,000 Puerto Rican families displaced to the mainland after Hurricane Maria, forcing them to find alternative housing or to return to their uninhabitable homes on the island with just a few hours' notice. Without DHAP, states that received large numbers of displaced Puerto Rican survivors – including Massachusetts and Connecticut – saw increased homelessness by 14 percent and 17 percent respectively.[1011]

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[4] National Low Income Housing Coalition. 2018. Setting the Record Straight: FEMA's Failure to Address LongTerm Housing Needs of Survivors. Retrieved from https://nlihc.org/sites/default/files/FEMA_Setting-The-RecordFEMA-TSA.PDF

[5] Homeland Security and Counterterrorism. 2006. The Federal Response to Hurricane Katrina: Lessons Learned. Retrieved from https://permanent.access.gpo.gov/lps67263/katrina-lessons-learned.pdf

[6] Federal Emergency Management Agency. 2009. National Disaster Housing Strategy. Retrieved from https://www.fema.gov/media-library-data/20130726-1819-25045-9288/ndhs_core.pdf

[7] Federal Emergency Management Agency. 2011. National Disaster Recovery Framework: Strengthening Disaster Recovery for the Nation. Retrieved from https://www.fema.gov/pdf/recoveryframework/ndrf.pdf

[8] National Low Income Housing Coalition. 2017. Disaster Housing Assistance Program. Retrieved from https://nlihc.org/sites/default/files/DAHP-Program.pdf

[9] National Low Income Housing Coalition. 2018. NLIHC's Response to Court Ruling Allowing FEMA to Move Forward on Evicting Hurricane Maria Survivors. Retrieved from https://nlihc.org/news/nlihcs-response-courtruling-allowing-fema-move-forward-evicting-hurricane-maria-survivors

[10] Martin, T. 2019. After a Long Road, Hurricane Maria Evacuees Settle in Massachusetts. Retrieved from https://www.wgbh.org/news/local-news/2019/01/23/after-a-long-road-hurricane-maria-evacuees-settle-inmassachusetts

[11] Skahill, P. 2018. Hurricane Maria Drives Up Connecticut's Homelessness Numbers. Retrieved from https://www.wnpr.org/post/hurricane-maria-drives-connecticuts-homelessness-numbers

To date, the Biden administration has failed to activate DHAP for survivors of Hurricane Ida and other major disasters.

FEMA's other temporary housing assistance programs – Rental Assistance and Direct Temporary Housing Assistance – are also problematic for low-income families. Through its Rental Assistance program, FEMA provides financial assistance to survivors to rent temporary housing. The amount of assistance provided to survivors is based on the impacted area's Fair Market Rent (FMR), which is often considerably less than rental costs in the area to which survivors have been displaced. Moreover, FEMA rental assistance covers rent and utilities for only two months at a time, which is too short a timeframe for many of the lowest-income survivors. Many landlords are often unwilling to enter into leases with survivors when only two months of rental assistance is assured.

Under FEMA's Direct Lease program, FEMA enters into lease agreements with property owners to provide rent assistance for survivors. A similar program, the Multi-Family Lease and Repair program, allows FEMA to enter into lease agreements with multifamily housing property owners and to make repairs to provide temporary housing. Both programs, however, have extremely low rates of participation by property owners and are inadequate to meet post-disaster rental needs.[12]

After Hurricane Harvey, FEMA piloted a program where states take on the responsibility of implementing and managing temporary housing programs. These state-run disaster housing programs face significant delays and do not address the full scale of housing needs because FEMA continues to retain control over eligibility and the program-assignment process. According to FEMA, only a few hundred families were served under state-administered housing programs following Hurricanes Harvey and Irma, despite damage to or destruction of more than 307,000 homes in Texas[13] and 65% of all homes in the Florida Keys.[14] Other programs like Multifamily Lease and Repair were wholly unsuccessful because property owners declined to participate.

A similar situation is currently occurring in Louisiana during the aftermath of Hurricane Ida. FEMA is reimbursing state-level agencies to provide travel trailers to disaster survivors to utilize prior to the deployment of FEMA Temporary Housing Units (THUs) – which typically take four months to deploy. While the state has procured hundreds of travel trailers, few families have received them as of this writing. In the meantime, disaster survivors are being encouraged to sleep in tents on their properties or utilize large tent encampments in several locations around Southeast Louisiana.[15]

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[12] AP. 2020. FEMA Looks to Provide Hurricane Victims Temporary Housing. Retrieved from: https://apnews.com/article/louisiana-9541dafbac6b890535bb21dc58844d29

[13] CBS News. 2019. We're Still Here: Volunteers Rebuilding Homes 2 Years After Hurricane Harvey. Retrieved from https://www.cbsnews.com/news/hurricane-harvey-houston-meet-the-volunteers-rebuilding-homes-all-handshearts-2019-08-24/

[14] CNN. 2017. Florida Official: Death toll rises to 12 in state, Retrieved from: https://www.cnn.com/2017/09/12/us/irma-damage-aftermath/index.html

[15] Muller, W. 2021. As trailers trickle in, push for temporary housing continues 6 weeks after Hurricane Ida. Retrieved from https://www.houmatoday.com/story/news/2021/10/16/trailers-trickle-in-push-temporary-housing-continues-6-weeks-after-hurricane-ida/8468315002/

Due to the lack of housing assistance, one year after Hurricane Harvey nearly 20% of individuals experiencing homelessness in Houston reported that they became homeless as a result of the disaster.[16] Without DHAP, homelessness increased in Houston by 18%.[17]This is a colossal failure of the federal government's disaster recovery efforts.

During the current COVID-19 pandemic, FEMA should have activated DHAP to provide housing and shelter for people experiencing homelessness. DHAP could have been used to quickly move people out of congregate shelters or encampments and into affordable homes, where they can more easily keep themselves and their neighbors healthy. Instead, FEMA has worked with some states and localities under its Public Assistance program to place a very limited number of people experiencing homelessness into temporary motels for self-quarantine and self-isolation.

Before Public Assistance funding for these motels end, FEMA should activate DHAP to help transition these individuals into permanent housing, rather than allowing individuals to be pushed back into homelessness as is already beginning to happen. For example, after funding for a hotel voucher program in Fort Lauderdale, Florida ran out on July 17, over 70 people experiencing homelessness who had been temporarily residing at a Rodeway Inn & Suites were forced to leave, even if they did not have a permanent housing plan.[18]

FEMA Neglects the Needs of Marginalized Populations

People Experiencing Homelessness

People experiencing homelessness are often most at risk during a disaster and have the fewest resources to recover. People experiencing homelessness are unlikely to have the resources needed to adequately prepare for or evacuate prior to a disaster, and their unique needs are often overlooked by emergency managers when planning for disasters. During the recovery, homelessness resources are stretched thin to accommodate those households that became housing insecure as a result of the disaster and resources for pre-disaster homeless populations are deprioritized. Communities are often unable to return to the level of care provided to people experiencing homelessness before the disaster.

Despite the clear need, people experiencing homelessness are often excluded from or face additional barriers to FEMA resources, including mass shelters and individual assistance. Following Hurricane Irma, there were reports of people experiencing homelessness being forced

[16] Vigh, E. 2019. Hurricane Harvey Caused Homelessness Lingers in Harris County 2 Years Later. Community Impact. Retrieved from https://bit.ly/3hEvKHW

[17] Ward, A. 2018. Homeless after Harvey: For Some, the Historic Flooding in Houston Washed Away Shelter and Security. Retrieved from https://www.houstonchronicle.com/news/houstonweather/hurricaneharvey/article/Homeless-after-Harvey-For-some-the-historic-13171309.php

[18] Kelley, E. 2020. Fort Lauderdale Ending Program to House Homeless in Hotels This Weekend. Retrieved from https://www.sun-sentinel.com/coronavirus/fl-ne-fort-lauderdale-evicts-homeless-20200717-h5vjhwlndnf6batks4rgegk3va-story.html

to wear armbands and be separated from other disaster survivors.[19] Pre-disaster homeless populations are often denied FEMA assistance, even if all their belongings were destroyed in the disaster.[20] These actions further stigmatize people experiencing homelessness and often prevent them from accessing the resources they need to stay safe.

During the current COVID-19 pandemic, people experiencing homelessness are particularly at risk of severe illness and death from coronavirus, yet many of these individuals have been unable to access the assistance they need to self-isolate and self-quarantine.

Narrow eligibility criteria for FEMA reimbursement, however, created significant barriers to moving people experiencing homelessness to safety in hotels and motels. In San Francisco, for example, people experiencing homelessness must be over the age of 60 or have documented underlying health conditions in order to be deemed eligible. This narrow interpretation of eligibility criteria has limited the efficiency of San Francisco's hotel program.[21] Additionally, FEMA reimbursement of non-congregate shelter for people experiencing homelessness is only made available if a Governor requests it; people who are homeless in states with governors who do not prioritize their needs are left with no assistance.

Seniors and People with Disabilities

People with disabilities face barriers to assistance. They are two to four times more likely to die or sustain a critical injury during a disaster than people without disabilities.[22] Despite an increased risk of death and injury, many emergency plans do not address how local officials can reach those with disabilities during a disaster. People with disabilities are often diverted to "special needs" or "medical shelters," even if they do not require the level of care provided there. This practice fosters forced institutionalization and places people with disabilities at greater risk of injury or death.

During Hurricane Harvey, elderly residents in a Galveston, Texas nursing home were photographed with floodwaters up to their waists,[23] and 14 nursing home residents in the largely unregulated state nursing home industry died in 2017 from heat exhaustion when their facility lost power in Hurricane Irma.[24] The COVID-19 pandemic has devastated people residing and working in nursing homes, psychiatric hospitals, and other congregate settings for people with

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[19] Dearen, J., & Kennedy, K. 2017. *Yellow Wristbands, Segregation for Florida Homeless in Irma.* Retrieved from https://www.usnews.com/news/us/articles/2017-09-29/yellow-wristbands-segregation-for-florida-homeless-in-irma
[20] Ehrlich, A. 2019. *After Wildfires, Homeless People Left Out of Federal Disaster Aid Programs,* Oregon Public Broadcasting. Retrieved from https://www.opb.org/news/article/fema-disaster-aid-wildfires-homeless-people/
[21] Karlis, N. 2020. *How Bureaucracy Kept the Bay Area from Housing the Houseless.* Retrieved from https://www.salon.com/2020/06/21/how-bureaucracy-kept-the-bay-area-from-housing-the-houseless/
[22] Timmons, P. "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.
[23] Ferguson, J. W. 2017. *Eighteen People Rescued from Flooded Assisted Living Facility.* Retrieved from https://www.galvnews.com/news/free/article_e1ffff8e-435d-5c78-ab46-57d6bc7dc6a5.html
[24] CNN. 2017. *Husband and Wife Among 14 Dead After Florida Nursing Home Lost A/C.* Retrieved from https://www.cnn.com/2017/10/09/health/florida-irma-nursing-home-deaths-wife/index.html

disabilities. People living in these settings comprise less than 1% of the U.S. population, but nearly 50% of coronavirus deaths.[25]

Immigrants and People with Limited English Proficiency

Individuals with limited English proficiency often face difficulty in accessing FEMA resources. For example, in Puerto Rico, FEMA struggled to find translators or provide basic information in Spanish, which is the predominant language on the island.[26] While FEMA's regulations require that such documents are produced, advocates commonly express concern that the agency and its grantees regularly distribute forms only in English or with limited translated versions.

Onerous Title Documentation Requirements

For decades, eligible applicants were wrongfully denied FEMA assistance due to inflexible and arbitrary requirements, rigid interpretations of rules, and confusing and bureaucratic processes.

FEMA consistently requires disaster survivors to provide title documentation in order to prove eligibility for the agency's Individual Assistance (IA)[27] program and other recovery aid, even though its own guidance on Individual and Household Assistance allows alternative documentation of ownership. Low-income homeowners, residents of manufactured housing, renters without written leases, and other individuals frequently lack such documentation or the ability to quickly procure proper documents. FEMA's rigid and unnecessary policy has harmed low-income disaster survivors since at least 1995.

After Hurricane Maria, FEMA denied assistance to at least 77,000 survivors due to title documentation issues.[28] For months, NLIHC's Disaster Housing Recovery Coalition pushed FEMA to remove this unnecessary obstacle to low-income Puerto Ricans receiving needed assistance. Finally, FEMA's Office of Chief Counsel engaged and worked with DHRC members Ayuda Legal Huracan Maria, Fundación Fondo de Accesso 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 so that they can receive the assistance to which they are entitled. While FEMA allowed survivors to use this method to apply for assistance, FEMA refused to make the sworn statement available on its website or on social media.

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[25] Mizner, S. 2020. *COVID-19 Deaths in Nursing Homes are not Unavoidable – They are the Result of Deadly Discrimination.* Retrieved from https://www.aclu.org/news/disability-rights/covid-19-deaths-in-nursing-homes-are-not-unavoidable-they-are-the-result-of-deadly-discrimination/

[26] Davidson, J. 2020. *How a lack of diversity at federal agencies can have serious consequences.* Retrieved from https://www.washingtonpost.com/politics/how-a-lack-of-diversity-at-federal-agencies-can-have-serious-consequences/2020/02/29/ceec904e-5a65-11ea-8753-73d96000faae_story.html

[27] Individual Assistance (IA) programs provide financial and program assistance directly to disaster survivors, as opposed to governments or eligible nonprofits. See: https://www.fema.gov/media-library-data/1565194429982-5674cd81399feaeb00cc72ab7fc4d84f/FACTSHEETIndividualAssistanceProgram.pdf

[28] National Low Income Housing Coalition. 2019. *Impact of Hurricane Maria*. Retrieved from https://nlihc.org/sites/default/files/Hurricane-Impact-Maria.pdf

These same issues occurred in the continental U.S. In North Carolina and other parts of the American South, rural, historically African American communities often do not use title systems, instead implementing informal systems like those used in Puerto Rico. After Hurricane Katrina, thousands of poor Alabamians were denied assistance due to lack of formal title on their damaged homes. After Hurricane Michael, FEMA denied assistance to as many as 50% of applicants in certain parts of the panhandle largely due to elderly households and mobile homeowners lacking FEMA-required title documentation.[29] After California's wildfires, FEMA denied assistance to 70% of applicants due to title issues.[30] Those denied were predominantly rural mobile homeowners, many of them farmworkers or other low-income workers, who do not have title to their homes. In all cases, FEMA refused to modify its programs to accommodate the situation, choosing instead to deny eligible applicants needed assistance to which they were entitled.

Work to reform FEMA's harmful policy began with efforts by NLIHC, disaster survivors, and partners in Louisiana, Alabama, and Mississippi after Hurricane Katrina, and they were continued by the DHRC and advocates in Texas and Florida after Hurricanes Harvey and Michael, in California after several wildfires, and in Puerto Rico in the aftermath of Hurricane Maria.

After sustained advocacy, FEMA issued substantial changes in September 2021 to how it conducts verification for occupancy and ownership of disaster damaged homes.[31] Under FEMA's new policy, these survivors can now self-certify ownership of their homes when they do not have other documentation, overcoming a major hurdle to recovery. FEMA will also allow all survivors to submit a broader array of documents to prove occupancy and ownership of their homes. These changes are much needed and long overdue. In addition, attention must be given to the implementation of these rules, which anecdotally have not been applied evenly in the response to Hurricane Ida.

Disincentives to apply for assistance like title documentation requirements and resulting high denial rates not only limit immediate assistance for low-income survivors, but also distort the entire disaster recovery process because IA application data is used to make funding determinations throughout the federal disaster recovery process.

FEMA's Systemic Lack of Transparency

FEMA has consistently refused to clarify or make public important information about its aid application process. By not releasing this information, FEMA makes it difficult, if not impossible, to determine who is eligible to receive assistance and why assistance is denied. A confusing appeals process leads to higher denial rates for low-income disaster survivors.

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[29] National Low Income Housing Coalition. 2019. *Impact of Hurricane Michael*. Retrieved from https://nlihc.org/sites/default/files/Hurricane-Impact-Michael.pdf

[30] National Low Income Housing Coalition. 2019. *Impact of the 2018 California Wildfires.* Retrieved from https://nlihc.org/sites/default/files/Califonia-Wildfire-2018.pdf

[31] NLIHC. 2021. FEMA Announces Major Improvements for Low-Income Disaster Survivors. Retrieved from: https://nlihc.org/resource/fema-announces-major-improvements-low-income-disaster-survivors

While FEMA, SBA, and HUD offer assistance programs to disaster survivors, basic information on program eligibility is not made publicly available. Without such information, disaster survivors often apply to all programs with the hopes that at least some assistance will be provided. For low-income individuals who may lack internet or phone access or who may need special accommodations to allow them to apply, completing multiple applications can be especially problematic. As a result, many of the disaster survivors with the lowest incomes forgo applying for assistance all together, despite their need.

FEMA has consistently refused to give survivors reasons upfront for denials or opportunities for applicants to correct errors or provide more information. Instead of receiving guidelines or clarification from FEMA, survivors and advocates must work through a lengthy administrative process in order to be given a reason for their denial. The lack of clarity makes it more difficult for assistance organizations attempting to inform and assist low-income survivors after a disaster. As a result, appeals take longer and are more costly.

The FEMA appeals process is confusing and difficult. A denied applicant must first submit a form explaining the dispute and providing supporting documentation. FEMA denial letters, however, provide only very vague reasons for the initial denial of assistance. The denied applicant must refute all possible interpretations of the reason, or they will lose their appeal. As a result, low-income survivors with little access to legal representation or the money for a protracted legal fight simply do not appeal at all.

It is extremely difficult to access basic data about FEMA programs and processes. Freedom of Information Act (FOIA) requests to FEMA often go months or years without being answered. NLIHC filed a FOIA request in December 2018 requesting basic materials, including FEMA's application for assistance, procedure manuals for determining eligibility, and data sharing agreements with HUD and other federal agencies. To date, FEMA has not provided these materials. In other cases, FEMA refuses to provide basic information, claiming grounds of privilege. In recent years, some progress has been made with the release of data after major disasters through FEMA's OpenFEMA portal. These changes, while a welcome development, are not enough and may not be continued.

FEMA's Inflexibility and Inability to Adjust to New Conditions

Climate change means disasters are more destructive, more frequent, and impact a broader geographic scope, posing new challenges for FEMA and disaster recovery efforts. FEMA is not adapting its thinking or its programs to respond to these challenges, instead sticking to a rigid system of disaster aid and recovery based on responding to contained local disasters. FEMA has little capacity to effectively deal with both large, regional disasters and the unique circumstances and needs of a specific community impacted by a disaster.

FEMA has a rigid allegiance to protocol over outcomes, a stubborn reliance on programs inaccessible to low-income survivors and repeatedly refuses to release important data on recovery outcomes. FEMA relies heavily on protocol written in Washington, D.C. and not on what the agency hears from advocates, survivors, FEMA employees in the field, and other stakeholders. FEMA systems are not designed to adapt to situations on the ground. As a result,

predictable issues repeatedly arise after each disaster and go unaddressed by the agency, further harming low-income survivors.

FEMA has consistently failed to learn larger lessons from past disasters and apply them to future disaster recovery efforts. FEMA's own internal watchdog, the Department of Homeland Security Office of the Inspector General, removed criticisms from reports on the agency's disaster response and replaced them with success stories, praising FEMA's work.[32] As a result of this lack of internal critique and self-adjustment, FEMA repeats the same mistakes, and does similar harm, disaster after disaster.

Equitable Solutions Centered on the Needs of Survivors

A reformed disaster housing recovery system that is centered on the needs of the lowest-income and most marginalized survivors and their communities must ensure opportunities for resident and public engagement, systemic transparency, full accountability and due process, robust equity and civil rights enforcement, fair mitigation practices, and a focus on increased local capacity and benefit. These priorities must be reflected in every stage of disaster recovery and response, from pre-disaster emergency planning through long-term recovery and post-recovery mitigation, to help address the systemic racism and classism that have resulted in our broken current disaster housing system.

Resident and Public Participation

A reformed disaster housing recovery and response framework must ensure robust, ongoing, and timely opportunities for public engagement through structured collaboration with stakeholders 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.

Current disaster housing response and recovery efforts effectively limit opportunities for impacted residents to meaningfully engage 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, whether because state officials fail to announce public meetings or because materials are provided only in English or in formats that are not accessible, including to people with disabilities. Moreover, plans often do not include essential information – including information about how funds will be spent and who will be eligible for which funds – that is needed for the public to engage effectively. Opportunities for engagement are limited, irregular, and occur too late in the process.

[32] U.S. Department of Homeland Security Office of Homeland Security. 2019. *Special Report: Review Regarding DHS OIG's Retraction of Thirteen Reports Evaluating FEMA's Initial Response to Disasters.* Retrieved from https://www.oversight.gov/sites/default/files/oig-reports/OIG-19-41-May19.pdf

Systemic Transparency

Basic, essential information about federal disaster response and recovery efforts must be made publicly available in a timely manner. This transparency must be systemized, so that it is not provided on an ad hoc basis. 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 recognize gaps in services and identify reforms needed for future disaster recovery efforts.

The current federal disaster response and recovery, 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 effectively target and distribute aid to those most in need.

Full Accountability and Due Process

Accountability and due process must be central in 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.

The daunting application process for disaster aid discourages survivors from applying for assistance. The 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, and other individuals – face high, unnecessary, and counterproductive barriers to receiving federal disaster housing recovery assistance and many forgo applying for assistance altogether. By not providing full accountability, transparency, and due process to applicants, the federal government has made it difficult – if not impossible – to determine who is eligible to receive assistance and why assistance was denied, leading to higher denial rates for low-income disaster survivors.

Robust Equity and Civil Rights Enforcement

Equity must be a central and explicit goal of federal disaster housing response and recovery efforts, and each stage of the response and recovery must be examined and reformed to ensure that federal, state, and local efforts actively dismantle systems of oppression. All 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, people of color, seniors, people with disabilities, immigrants, and other protected classes. All such actions must also be explicitly anti-racist: analyzed to determine if they exacerbate, leave in place, or ameliorate existing or historic patterns of segregation and discrimination in housing and infrastructure, and remedied accordingly.

Fair Mitigation Practices

All emergency response, long-term recovery, and mitigation efforts must be designed and pursued in a manner that provides survivors with the choice to relocate or rebuild their communities resiliently, minimizing displacement. As the climate changes, disasters will be both more frequent and more destructive. 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 resiliently, relocate, or improve infrastructure (such as storm drainage, floodplain management, and other common mitigation measures) in their disaster-affected communities. This effectively leaves low-income survivors at greater risk for future disasters than they were prior to the disaster.

Increased Local Capacity and Benefit

All emergency response, long-term recovery and mitigation efforts must maximize the engagement of local contractors and workers and build the capacity of local community-based organizations, putting as much federal resources as possible into the impacted economy and impacted survivors.

Local community-based organizations and networks are in the best position to engage with and have intimate awareness of the unique needs of the lowest-income survivors. These local organizations often do not receive the support needed to build capacity 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, who often are in severe need of work as a result of disasters' disruption to local business.

First Steps to Fix America's Broken Disaster Housing Recovery System

The "Fixing America's Broken Disaster Housing Recovery System" report provides specific policy recommendations to reimagine and redesign a new disaster housing recovery framework that is centered on the needs of the lowest-income and most marginalized survivors. This work will take many years. However, there are a number of actions Congress can take to immediately address some of the biggest challenges facing survivors.

Permanently Authorize and Automatically Activate the Disaster Housing Assistance Program (DHAP)

Congress should permanently authorize DHAP and automatically activate it after every major disaster to provide longer-term housing assistance and wrap-around services to low-income survivors. Such assistance should be provided to eligible survivors until the long-term housing recovery – including the rebuilding of affordable rental housing stock – is complete.

Enact the "Housing Survivors of Major Disasters Act"

Congress should enact the "Housing Survivors of Major Disasters Act," (H.R. 3037)[33] introduced by Representative Adriano Espaillat (D-NY) and Representative Jenniffer Gonzalez-Colon (R-PR). The bill, which passed unanimously out of the House Transportation and Infrastructure Committee in February 2020, contains critically needed reforms to ensure that the lowest-income and most marginalized survivors can access the housing assistance they need to rebuild their lives. We thank the Committee for its work on this bill and ask that you attach the legislation to any upcoming emergency disaster supplementals or appropriations language.

The "Housing Survivors of Major Disasters Act" would address the significant title-documentation challenges that have resulted in tens of thousands of eligible disaster survivors being wrongfully denied FEMA assistance. The bill would cement and expand upon recent FEMA application process reforms in statute while also extending the benefits of the new policy to those denied assistance in the past. It would provide a new framework to make it easier for disaster survivors to prove residency in disaster-impacted areas, either by completing a "declarative statement" form or by submitting a broader range of acceptable documents such as utility bills, credit card statements, pay stubs, and school registration in lieu of a formal title to property or leases.

Ensure Equity is an Explicit Policy Goal

Congress must ensure that equity is a central and explicit goal of federal disaster housing response and recovery efforts. Our current disaster housing recovery framework exacerbates and reinforces racial, income, and accessibility inequities at each stage of response and recovery. Survivors of color and communities of color are disproportionately harmed by the current disaster housing recovery system.

Federal disaster housing response and recovery efforts must address and prioritize the needs of the lowest-income and most marginalized survivors, including people of color, people with disabilities, immigrants, and other protected classes. All actions must be explicitly anti-racist: analyzed to determine if they exacerbate, leave in place, or ameliorate existing or historic patterns of segregation and discrimination in housing and infrastructure and remedied accordingly.

Congress must ensure that disaster housing recovery efforts undo the racial, income, and accessibility inequities embedded in our current disaster housing recovery framework. Disaster recovery efforts – which often include significant, robust funds – represent a unique opportunity to rebuild in a way that addresses, rather than entrenches, these disparities.

Require Full Transparency

Congress should require that FEMA provide basic, essential information about federal disaster response and recovery efforts, including damage assessments, determination of unmet needs,

[33] H.R. 3037, "Housing Survivors of Major Disasters Act of 2021." Retrieved from https://www.congress.gov/bill/117th-congress/house-bill/3037/related-bills?r=38&s=1

program design and implementation, grantee and subgrantee performance, and how federal dollars are spent. Congress should require FEMA to provide full transparency on program eligibility, the aid application process, and reasons for denials of assistance. Data collected by the government must be open and accessible at the most granular and comprehensive level, while protecting personally identifiable information. This information must be made publicly available in a timely manner and this transparency must be systemized, so that it is not only provided on an ad hoc basis.

Data transparency allows policymakers and advocates to be informed about program results and make policy improvements and incorporate best practices into future activities. Issues of equity clearly exist in the disaster recovery process, and Congress must require FEMA to implement better transparency practices so the problems can be identified and rectified.

Ensure Survivor-Centered Approaches to Assistance

Congress must ensure that every survivor receives assistance to which they are entitled. FEMA maintains a culture of rigid allegiance to narrowly defined protocol over outcomes; as a result, many disaster survivors, including many of the lowest-income survivors, are wrongfully denied needed assistance. Congress should require FEMA to prioritize categorical eligibility, simplify the application and appeals process, and track and report on outcomes to ensure recovery aid reaches those in need.

Rather than creating and implementing numerous categories of ineligibility, disaster assistance programs should employ broad-based categories of eligibility, with the aim that every survivor receives the recovery assistance to which they are entitled. Through the use of damage assessments, geographic information, and other data, a reformed federal disaster housing recovery system can provide categorical eligibility to survivors in disaster-impacted areas. 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, allowing for an easier, quicker, and more flexible application process.

FEMA should allow for a flexible system of documentation for distributing disaster recovery assistance. Applying the least restrictive guidance regarding alternative documentation – and doing so consistently across all jurisdictions – would cut down on wasted time and confusion on the parts of both applicants and advocates alike. In order to employ full categorical eligibility, there must be a system in place that permits alternative documentation to ensure all survivors can receive assistance.

Congress should also require FEMA, HUD, and other federal agencies involved in disaster recovery efforts to work together and create a single, universal application for aid to make the process easier, quicker, and more flexible, reducing the administrative burden and speeding the process.

Address the Unique Needs of People Experiencing Homelessness

Congress should enact legislation to ensure equitable treatment of individuals experiencing homelessness through the response and recovery effort. Pre-disaster homeless populations are often denied FEMA assistance. Even if they lost all of their belongs in the disaster, FEMA will often deny survivors any benefits once their status as pre-disaster homeless is established.[34] With no resources to adequately prepare or recover from a disaster, people experiencing homelessness are among the most harmed disaster survivors.

FEMA has interpreted current law to deny assistance to people experiencing homelessness prior to a disaster, despite their exceptional needs. Congress should enact clarifying legislation to ensure that people experiencing homelessness prior to the disaster have access to the same emergency shelter and disaster relief assistance as other survivors, including rental assistance.

Conclusion

Our country must develop a new disaster housing recovery system that centers the housing needs of the lowest-income survivors, including people of color, people with disabilities, and others. In addition to addressing immediate housing needs caused by the pandemic, Congress should address our nation's pervasive structural and racial inequities and reform federal disaster planning and response efforts to be inclusive and intersectional. We must reform existing programs by centering racial equity and equity for all historically marginalized people to ensure that affordable housing investments and federal disaster recovery resources reach all impacted households.

[34] Ehrlich, A. 2019. *After Wildfires, Homeless People Left Out of Federal Disaster Aid Programs,* Oregon Public Broadcasting. Retrieved from https://www.opb.org/news/article/fema-disaster-aid-wildfires-homeless-people/