

October 23, 2023

The Honorable Deanne Criswell  
Administrator  
Federal Emergency Management Agency  
500 C Street, S.W.  
Washington, DC 20024

To Administrator Criswell,

On behalf of the NLIHC-led Disaster Housing Recovery Coalition (DHRC) and its Hawai'i Wildfires Working Group, we are writing to express significant concerns regarding the ability of households impacted by the 2023 Maui Wildfires to access translation services for the purposes of applying for assistance and information regarding ongoing recovery efforts. Despite consistent outcry after past disasters, disaster survivors with Limited English Proficiency (LEP) have continually experienced significant difficulty in accessing assistance and information from the Federal Emergency Management Agency (FEMA) in the aftermath of major disasters. These same failures have yet again resurfaced on the island of Maui. FEMA must act immediately to ensure that all disaster survivors receive the assistance for which they are eligible and that disaster survivors can access information that they can understand and act upon.

Led by the National Low Income Housing Coalition (NLIHC), the Disaster Housing Recovery Coalition (DHRC) is composed of over 900 national, state, and local organizations, many of whom are working to actively assist disaster survivors. The DHRC works to ensure that federal disaster recovery efforts reach those most impacted and most marginalized by disasters, including households with low-incomes and those experiencing homelessness.

While we are very appreciative that Disaster Case Management will be offered to all impacted individuals, including those that are ineligible for FEMA assistance due to their immigration status and those that were experiencing homelessness prior to the wildfires, we are concerned that the inability of FEMA to ensure that such programs are being carried out with effective and accessible language translation services can render moot any benefits of such program expansion.

FEMA is required to follow federal civil rights law when providing assistance following a disaster. These laws apply to all aspects of the federal disaster response. Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Section 508 of the Rehabilitation Act all require FEMA to provide equal access to services and prohibits discrimination on the basis of race, color, or national origin when conducting any assistance program.

In addition, Section 308 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 requires that, when FEMA is authorized to provide assistance:

*“[The] distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without*

*discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.”*

Despite these requirements, FEMA has continuously failed to provide equal access to disaster survivors with LEP and those in need of sign language interpretation when applying for assistance. As a result, individuals with some of the greatest needs following disasters have been unable to access the FEMA assistance for which they are eligible – leading to displacement, and in worst cases, homelessness.

According to the U.S. Commission on Civil Rights, in the aftermath of Hurricane Harvey disaster survivors commonly were unable to access translated information on shelters – endangering the lives of those unable to understand where to go or how to apply for assistance during the impending disaster. In addition, letters sent by FEMA detailing requirements to appeal or complete the application process were solely sent in English.

During Hurricane Maria, the process was similarly difficult for Spanish speakers. FEMA assistance application and information forms were commonly not translated into Spanish or were poorly translated. Additionally, FEMA officials deployed at Disaster Recovery Centers (DRCs), call centers, and inspections, as well as hotline officers, were not Spanish proficient. The same occurred during Hurricane Fiona – where DRCs routinely had no Spanish Translator, wait times for Spanish-speaking representatives from the FEMA Call Center were inordinately long, and American Sign Language (ASL) interpretation were similarly difficult to access – with some housing inspections for deaf households occurring without an interpreter present. The failure to provide adequate interpretation and translation services prevents those most-impacted by disasters from accessing the assistance they need to fully recover.

Despite FEMA’s recent Language Access Policy, FEMA Policy FP-256-23-001, similar issues have now arisen during the Maui Wildfire response and recovery efforts. The impacted community includes a large percentage of households for whom English is not their primary language and/or that are not fluent in English and need translation services to understand the application process and disaster-related information. Reports from legal aid providers and volunteers indicate that Disaster Recovery Centers (DRCs) commonly do not have readily available translation services and that information documents are provided only in English. This has resulted in households being unaware or unable to access assistance such as shelters and created difficulty in accessing FEMA Individual Assistance – including denials of assistance based on issues that could be easily remedied with adequate translation services. The lack of language translation services and information mean that households are not fully utilizing FEMA’s survivor supports, creating the false perception that no language translation services are needed. This is a false assumption. The lack of adequate translation services and translated information should be remedied within DRCs, Disaster Survivor Assistance Teams, and Disaster Case Management programs immediately.

**Specifically, language translation services are not being adequately offered for Chuukese, Marshallese, Pohnpeian, Spanish, Tagalog, Ilocano, and Tongan.**

Those volunteering and working for non-profit and legal aid providers on the ground are not able to fully address the extent of this issue. Regardless, the responsibility to ensure all disaster

survivors can access information and assistance relies primarily on FEMA. While non-profits and legal aid attorneys can and do provide assistance, FEMA has a legal obligation to ensure its programs are accessible. This responsibility towards equity and accessibility cannot be informally transferred to nonprofit organizations on the ground.

To address these issues FEMA must immediately take steps to guarantee that recovery efforts in Maui comply with its Language Access Policy, and ensure that:

- Every DRC activated for the Maui Wildfire response and recovery efforts must have translators for Chuukese, Marshallese, Pohnpeian, Spanish, Tagalog, Ilocano, and Tongan immediately available at all times the center is open.
- Information regarding the disaster application and appeals process – including material regarding the Transitional Shelter Assistance Program – must be provided in the language preferred by the applicant.
- Where an applicant has indicated that they require a translator for a specific language, a FEMA home inspection must be conducted with a translator for that language present; and
- The FEMA call center must be immediately staffed with enough interpreters to ensure that callers requiring translation have a similar wait time to others.
- DRCs and FEMA personnel have the ability to quickly meet the needs of individuals with disabilities through interpretation services and accessible materials.

By implementing these reforms immediately, FEMA can move towards fulfilling its obligations under federal civil rights law and allow all disaster survivors access to the assistance they are eligible for. Again, we urge FEMA to take these actions immediately.

Sincerely,

The Disaster Housing Recovery Coalition