

To: Deanne Criswell, Administrator, Federal Emergency Management Agency
From: Diane Yentel, President and CEO, National Low Income Housing Coalition
Re: Reforms to FEMA Programs
Date: April 23, 2021

When disasters strike, the lowest-income and most marginalized survivors – predominantly people of color, seniors, people with disabilities, people experiencing homelessness, people with limited English proficiency, and other individuals – are often the hardest hit and have the fewest resources with which to recover. Despite the clear need, current federal efforts frequently leave these survivors without the assistance needed to get back on their feet and leave them less prepared to weather future disasters. As a consequence, the current disaster housing recovery system worsens the housing crisis, solidifies segregation, and deepens inequality.

This memorandum outlines actions FEMA can take administratively to reform programs to ensure that the lowest-income and most marginalized survivors receive the assistance they need to fully and equitably recover. These recommendations were compiled with significant input from members of the Disaster Housing Recovery Coalition (DHRC) of more than 850 local, state, and national organizations with first-hand experience recovering after major disasters.

Center Equity

To address systemic racial, income, and accessibility challenges, federal disaster housing response and recovery efforts must address and prioritize the needs of the lowest-income and most marginalized survivors, including Black, Indigenous, and people of color and their communities.

FEMA should:

- *Update its interpretation of the Stafford Act’s nondiscrimination clause. Currently FEMA has interpreted the statute to bar the agency from making programmatic or policy changes to address the unique barriers faced by low-income and other historically marginalized populations. Non-discrimination language should not be interpreted in a manner that prevents FEMA from addressing the unique needs of low-income and other marginalized survivors.*
- *Ensure that all policies and practices are 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. Data must be collected and made publicly available on program outcomes, disaggregated by race, income, and other protected classes to enable meaningful analysis (more details below).*
- *Ensure Disaster Recovery Centers (DRCs) are accessible to residents of historically marginalized communities – including people of color, people with disabilities, immigrants, and other protected classes.*
- *Ensure FEMA programs are implemented with the cultural competency necessary to ensure [equal access](#) to resources by all communities.*

- *Require all recovery-related websites and DRCs to contain translations of all documents pursuant to federal law. These documents must be available and accessible in quantities corresponding to the low English proficient population of the disaster area.*
- *Base assistance grant amounts on the cost to replace or repair damaged property rather than the property value – helping close financing gaps and protect households in historically redlined neighborhoods.*
- *Enforce federal fair housing laws on FEMA’s Housing Portal or any other website or resource to which FEMA may refer people seeking housing. After past disasters, FEMA’s Housing Portal and other websites to which FEMA’s website linked included explicitly discriminatory advertisements that violated fair housing laws.*
- *Provide guidance and ensure compliance with non-discrimination laws, including the Stafford Act, the Americans with Disabilities Act, Fair Housing Act, Title VI, and other civil rights laws, for all entities administering or receiving housing resources to ensure fairness and avoid delays due to enforcement actions.*
- *Work with HUD to provide timely, actionable fair housing guidance and training to FEMA staff or contractors who handle housing-related inquiries from the public and develop a Memorandum of Understanding (MOU) outlining a process to refer, investigate, and resolve discrimination complaints that arise from property owners or residents receiving housing assistance.*

Address Urgent Post-Disaster Housing Needs

After a disaster, the lowest-income and most marginalized survivors are unable to access the stable, affordable, and accessible homes and resources they need to recover and, as a result, they often have no choice but to 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.

Despite the clear need, FEMA housing programs neglect the housing needs of the lowest-income disaster survivors and exacerbate housing insecurity. After recent disasters, FEMA has refused to activate the Disaster Housing Assistance Program (DHAP), which provides long-term rental assistance and case management services for low-income disaster survivors. Instead, FEMA has relied on its [Transitional Shelter Assistance \(TSA\) program](#) and other programs that are inaccessible to many low-income survivors.

FEMA should:

- *Activate the [DHAP program](#) after all future disasters to provide the lowest-income and most marginalized survivors the longer-term housing assistance and case management services needed to get back on their feet.*
- *Address financial and other barriers to accessing the TSA program for low-income households, including hotels charging daily “resort” fees, requiring survivors to provide a security deposit or credit card, and discrimination. FEMA should extend TSA assistance interval periods to provide survivors with a more realistic timeframe to find permanent housing.*
- *Make public the criteria FEMA uses to determine when to terminate the TSA program after a disaster.*

Ensure All Eligible Survivors Receive FEMA Assistance

The FEMA 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.

Accountability and due process must be central to an equitable disaster housing recovery and response system. FEMA should:

- *Streamline and simplify the application process to ensure all eligible low-income households receive assistance. Ideally this application would take the form of a universal assistance application with the Small Business Administration, HUD, and other relevant federal agencies.*
- *Make publicly available the documents used to inform applicants of their rights and outline a clear appeals process during Individual Assistance (IA) program enrollment.*
- *Report the length and success rates of FEMA IA eligibility appeals. This data should be disaggregated by race, disability, income, housing type and status, and be made publicly available.*
- *Clarify that people experiencing homelessness prior to the disaster have access to the same FEMA emergency shelter and disaster assistance as renters.*
- *Adopt and make public a simple declarative statement [form](#) survivors can use to verify residency and ownership of properties in disaster-impacted areas. FEMA's failure to provide declarative statement forms results in high [denial rates](#) for low-income renters and homeowners, including owners of mobile homes and heirs property owners, who are disproportionately Black and people of color.*

Ensure Data 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 recognize gaps in services and identify reforms needed for future disaster recovery efforts. The current federal disaster response and recovery system, however, suffers from a systemic lack of 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.

FEMA should:

- *Collect and make public on a monthly basis applicant data – including the number of applications, number and reasons for initial and final denials, number of appeals, eligibility reversed on appeal, and number of approvals for each program – on all*

protected classes covered by the Stafford Act, the Americans with Disabilities Act, Fair Housing Act, Title VI, and other civil rights protections, including, but not limited to race/ethnicity, income and economic status, age, disability, gender, and housing tenure of the individual and location on a granular basis to enable meaningful analysis.

- *Ensure all data collected is open and accessible at the most granular and comprehensive level while protecting personally identifiable information. FEMA must report this information using uniform data collection practices and use OpenFEMA to create an institutionalized process for sharing data.*
- *Create an open process for research, academic, and other organizations to use IA and other disaster response and recovery data possessed by FEMA for the purpose of conducting research. FEMA should allow these institutions to access personally identifiable information if important policy-relevant research questions can only be answered by using this data and if the receiving organization can offer adequate measures for the confidentiality of the data. FEMA should provide to the public, researchers, and academic institutions data collected by its programs for analysis to the greatest extent possible under federal privacy laws.*
- *Make publicly available information on the internal processes for determining program eligibility, including training manuals and factors used to determine eligibility.*

Prioritize Mitigation In Marginalized Communities

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 represent a unique opportunity to rebuild in a way that addresses rather than entrenches these disparities.

Mitigation efforts must prioritize historically marginalized communities most impacted by disasters and should focus on bringing these communities up to a basic standard of infrastructure and protection from future disasters.

FEMA should:

- *Prioritize mitigation grants to first serve communities with the greatest needs. FEMA should require state mitigation plans include social vulnerability in project selection criteria and procedures and require that states prioritize mitigation efforts in communities based on immediate need and likelihood of short-term disaster risk.*
- *Report publicly on how mitigation grants have been used by state and local governments, with indicators where projects specifically benefited low-income populations.*
- *Ensure that state mitigation plans provide for robust opportunities for public input and the engagement of marginalized communities in decision-making processes.*
- *Coordinate with other federal agencies, including HUD, to ensure consistency.*