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*Dedicated solely to achieving socially just public policy that assures
with the lowest incomes in the United States have affordable and decent homes*

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**NATIONAL LOW INCOME
HOUSING COALITION**

March 11, 2022

Submitted via www.regulations.gov

Federal Emergency Management Agency
500 C St. SW
Washington, DC 20472

RE: Agency Information Collection Activities: Proposed Collection; Comment Request; Generic Clearance for Civil Rights and Equity, Docket ID: FEMA-2022-0006-0001

The National Low Income Housing Coalition (NLIHC) is dedicated to achieving racially and socially equitable public policy that ensures people with the lowest incomes have quality homes that are accessible and affordable in communities of their choice. Our members include state and local housing coalitions, residents of public and assisted housing, nonprofit housing providers, homeless service providers, fair housing organizations, researchers, public housing agencies, private developers and property owners, local and state government agencies, faith-based organizations, and concerned citizens. While our members include the spectrum of housing interests, we do not represent any segment of the housing industry. Rather, we focus on housing policy and funding improvements for extremely low-income people who receive and those who need assistance.

NLIHC leads the Disaster Housing Recovery Coalition (DHRC) 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. The DHRC works to ensure that federal disaster recovery efforts reach all the lowest-income and most marginalized survivors.

NLIHC also convenes the Housing Recovery Research Consortium, consisting of researchers from academia, research centers, and non-profit housing organizations who come together to improve access to high-quality data, identify research questions relevant to effective and equitable disaster response and recovery, and disseminate research and best practices as it relates to housing for vulnerable populations.

To fully meet the nondiscrimination requirements of the Stafford Act, FEMA should also ask for applicants' age in addition to race, ethnicity, and gender. NLIHC applauds FEMA's proposed collection of additional demographic information from applicants for assistance. The benefits of these demographic questions far outweigh the costs. The Office of Management and Budget (OMB) has established standards for self-reported demographic questions that are unlikely to create privacy concerns or place undue burdens on applicants. These questions will take a minimal amount of applicants' time. Without data on the race, ethnicity, and gender of applicants and those who are approved for assistance, FEMA and external partners are unable to assess the extent to which the agency meets its civil rights, nondiscrimination, and equity requirements found in civil rights law and the Stafford Act, which requires "all personnel carrying out Federal major disaster or emergency assistance functions, including the distribution of supplies, the processing of the applications, and other relief and assistance activities, shall perform their work in an equitable and

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impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status" (44 CFR § 206.11). This was echoed by a recent Government Accountability Office (GAO) report that found that the lack of data collection by FEMA prevents the agency from achieving equity goals articulated in the National Disaster Recovery Framework.[1]

FEMA's own National Advisory Council recognized the Agency does not adequately target assistance to people who need it most after a disaster.[2] People with the greatest need for assistance are often disproportionately people of color. NLIHC's annual report, *The Gap*, indicates that renters with extremely low incomes below the poverty level or 30% of their area's median income face the most severe affordability challenges and lack of housing than any other group even prior to a disaster.[3] Facing a national shortage of nearly seven million rental homes affordable and available to them, 70% of extremely low-income renters spend more than half of their limited incomes on housing, which is not sustainable. People of color are disproportionately impacted: 20% of Black households, 18% of American Indian or Alaska Native (AIAN) households, 14% of Latino households, and 10% of Asian households are extremely low-income renters compared to only 6% percent of white non-Latino households. Disaster damage to housing stock exacerbates these housing problems.

Renters, and particularly low-income renters, are more vulnerable to disasters than homeowners, given their lower income, limited wealth, life stage, and residential location.[4] Yet, renters typically have more limited access to disaster assistance[5], because they cannot receive assistance for damage to their housing which they do not own. This results in disparate access to assistance given applicants of color – who are more likely than white applicants to be renters. The Census Bureau's 2019 American Community Survey indicates that 59% of Black non-Latino households, 54% of Latino households, 49% of AIAN households, and 40% of Asian households are renters, compared to just 28% of white non-Latino households.

Even among homeowners, research indicates that the distribution of FEMA Individual Assistance (IA) is not racially equitable. An analysis of FEMA assistance between 2005 and 2016 found that homeowners in ZIP codes with more Black residents were less likely to receive a FEMA inspection and more likely to be denied assistance than homeowners in white neighborhoods. When homeowners did receive assistance, those in Black neighborhoods received 5 to 10 percent less, on average, than those in white neighborhoods.[6] Similar research also found that applicants from non-white and poorer blocks were less likely to receive assistance.[7] This research, out of necessity, has not looked directly at the race of

[1] Government Accountability Office. (2021). Additional Actions Needed to Identify and Address Potential Recovery Barriers.

[2] FEMA. (2020). FEMA National Advisory Council Report to the FEMA Administrator.

[3] NLIHC. (2021). The Gap: A Shortage of Affordable Homes. Washington, DC: NLIHC.

[4] Lee, J. and Van Zandt, S. (2018). Housing Tenure and Social Vulnerability to Disasters: A Review of the Evidence. Journal of Planning Literature, 34(2): 156-170.

[5] Wilson, B., Tate, E., Emrich, C. (2021). Flood Recovery Outcomes and Disaster Assistance Barriers for Vulnerable Populations. Frontiers in Water 3: 752307.

[6] Flavelle, C. (2021). Why Does Disaster Aid Often Favor White People? New York Times, Oct. 27, 2021.

[7] Billings, S., Gallagher, E., and Lowell, R. (2022). Let the Rich Be Flooded: The Distribution of Financial Aid and Distress after Hurricane Harvey. Journal of Financial Economics, In press.

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the applicants, but instead has examined the distribution of assistance by the race and ethnicity of applicants' ZIP codes or neighborhoods, because FEMA has not up to this point asked applicants for their race or ethnicity.

FEMA's proposed questions about the race, ethnicity, and gender of applicants is necessary for the Agency and external parties to rigorously evaluate and ultimately improve FEMA's practices in relation to equity. Most research to date regarding the distribution of FEMA assistance has been unable to directly examine individuals' outcomes based on applicants' race and ethnicity. The mentioned studies, above, infer racially disparate outcomes based on the distribution of assistance by the racial and ethnic makeup of neighborhoods.

FEMA should publicly commit to making demographic data, absent personal identifying information (PII), available via the OpenFEMA data portal on an ongoing basis. Doing so will enhance the utility of the data by allowing for analyses of potential racial, ethnic, gender, and age disparities in assistance. A limited dataset of applicant eligibility and assistance is currently available for a select number of disasters.[8] **Race, ethnicity, gender, and age of applicants should be added to this file, in addition to reasons for denial for those applicants who are denied assistance.**

FEMA should also implement a transparent process for sharing applicant data, including PII data, with qualified research institutions to ensure the data are utilized to their full potential and to also ensure the Agency's accountability to the Civil Rights Act and the Stafford Act. No clear nationally standardized process exists for qualified research institutions and organizations to request PII data from the Agency outside of an ad-hoc system of state-level data sharing agreements. The lack of a transparent data-sharing process at the federal level hinders research that requires such information. This includes the inability of researchers to track applicants over time, the inability to track demographic information for specific programs, and the inability to identify specific barriers to assistance. The GAO itself recognized the limited universe of studies on federal disaster assistance – stating that the lack of in-depth work on the subject precluded the drawing of specific conclusions about disparate access to post-disaster aid.[9] FEMA should follow other federal agencies, like the U.S. Department of Housing and Urban Development (HUD)[10], in providing a transparent data-license process through which organizations with the experience and qualification to protect PII data are allowed access to non-public federal data.

FEMA should work with other federal agencies, like HUD and the Small Business Administration (SBA), to further enhance the utilization of these demographic data. The recent GAO report highlighted the need for federal agencies to develop and implement a plan for sharing and using high-quality data to identify access barriers and disparate outcomes.[11]

FEMA has a moral, ethical, and legal obligation to ensure that disaster assistance is distributed in an equitable manner without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status. We applaud

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[8] OpenFEMA Dataset: Individual Assistance Housing Registrants – Large Disasters – V1.
[9] Government Accountability Office. (2021). Additional Actions Needed to Identify and Address Potential Recovery Barriers.
[10] https://www.huduser.gov/portal/research/pdr_data-license.html
[11] Government Accountability Office. (2021). Additional Actions Needed to Identify and Address Potential Recovery Barriers.

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FEMA's efforts in moving forward to ensure this obligation is met. Knowing the race, ethnicity, and gender of who receives and doesn't receive assistance, and sharing those data, are important steps in these efforts.

Sincerely,

Diane Yentel