



Mailing address: 3157 Gentilly Blvd., #145, New Orleans, LA 70122

Physical address: 9801 Lake Forest Blvd., New Orleans, LA 70127

504-272-0956 phone | 504-372-3473 fax | www.dscej.org

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RE: FEMA-2022-0006

The Deep South Center for Environmental Justice welcomes the Agency's request for comment in order to meet the goals of "improv[ing] its approach to ensuring compliance with civil rights, nondiscrimination and equity requirements, and obligations as outlined in federal civil rights laws." We view this comment opportunity as just the initial step in both acknowledging the inequities in FEMA's programs and funding and beginning the necessary reforms for improving and sustaining equitable outcomes for vulnerable communities.

We urge the Agency to engage Black and other communities of color who have yet to recover from a national disaster as a result of the enduring inequities in hazard mitigation, disaster preparedness, disaster response, and disaster recovery assistance. We believe that such engagement is critical to achieving course correction from the past practices at FEMA that have exacerbated racial and income disparities.

The Deep South Center for Environmental Justice recognizes the importance of collecting the demographic information of those who participate in or benefit from the Agency's programs and activities. We advise that such collection be for the purpose of evaluating and improving the accessibility and distributional equity of FEMA funding. Pursuant to the Stafford Act, FEMA has the ability to distribute aid based on an applicant's socioeconomic status, race, preferred language, or disability. Access to complete demographic data for applicants would allow FEMA to conduct additional analyses to determine the impact of their funding on different population groups, and to identify disparities and inequities when they arise. We recommend that the agency collect demographic information concerning applicant status in each of these classes, as such information would further the agency's renewed commitment to "address[] gaps, barriers and challenges experienced by vulnerable populations" to ensure all disaster survivors have equal access to federal assistance, regardless of their identity or circumstance.

Our organizational concern is that this data collection will merely be a 'check the box' effort to appear focused on the needs of at-risk populations. Equity and the mitigation of past harms cannot be accomplished based on performative actions; the data collected must be utilized to thoroughly analyze FEMA programs primarily by race and income, as well as the other significant classes. It also must be attached to enforceable accountability mechanisms to ensure

that data is translated into action. From there, FEMA will need to act swiftly and strategically to make programmatic changes to ensure federal assistance is distributed in an effective, equitable way. We also urge that the de-identified data be made publicly available so that communities and other stakeholders can access it, conduct private analysis, and hold the agency accountable.

The distribution of federal aid, historically

Displaced persons have a right to governmental assistance and protection that does not intentionally discriminate or result in a discriminatory impact. As we know, natural disasters compound the ongoing burdens of structural racial inequality. We face the ever-increasing threat of climate change, the effects of which include rising sea level, stronger storms, unprecedented flooding, extended periods of extreme heat, and forceful tornadoes. Communities of color and low-income communities bear a disproportionate burden for such extreme weather-related disasters. They are also the least prepared in terms of resources needed to recover due to generations of disinvestment and limited government support.

Notwithstanding this reality, disaster relief in the United States actually worsens the growing racial wealth gap.¹ An abundance of research has confirmed that FEMA's policies and programs, especially those focused on preparedness, mitigation, response, and recovery, perpetuate discrimination; recent investigative reports highlight very troubling and longstanding racial inequities in access to FEMA funding.²³⁴

Studies have found that white Americans and those with more wealth often receive more federal dollars after a disaster than do minorities and those with less wealth.⁵ Longitudinal analysis has demonstrated that the outcome of large-scale federal investment after disasters increases the net worth of white communities during the course of recovery while communities of color lose net worth over the same period.⁶ Such research found that white Americans living in counties that received at least \$900 million in FEMA assistance between 1999 and 2013

¹ Elliot, J.R. & Howell, J. (2018) As Disaster Costs Rise, So Does Inequality. <https://doi.org/10.1177/2378023118816795>.

² Hersher, R. (2021) Why FEMA Aid is Unavailable to Many Who Need It the Most. NPR, All Things Considered. <https://www.npr.org/2021/06/29/1004347023/why-fema-aid-is-unavailable-to-many-who-need-it-the-most>.

³ Hersher, R., Chatterjee, R., and T. Lu. (2021) FEMA Has an Equity Problem, Part Two: Race. NPR, All Things Considered. <https://www.npr.org/2021/07/06/1013368206/fema-has-an-equity-problem-part-two-race>.

⁴ Dreier, H. (2021) The real damage: Why FEMA is denying disaster aid to Black families that have lived for generations in the Deep South. <https://www.washingtonpost.com/nation/2021/07/11/fema-black-owned-property/>.

⁵ Benincasa, R., & Hersher, R. (2019) How Federal Disaster Money Favors the Rich. <https://www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich>.

⁶ Howell, J., & Elliot, J.R. (2018) Damages Done: The Longitudinal Impacts of Natural Hazards on Wealth Inequality in the United States. *Social Problems*, 66(3), 448-467.

amassed \$55,000 more wealth on average than other similarly situated white Americans living in counties that received only \$1,000 in assistance; however, Black Americans living in counties that received \$900 million in assistance amassed \$82,000 less wealth on average than other similarly situated Black Americans in counties that received only \$1,000 in aid. Succinctly stated by the authors of this study, “[t]he more aid an area receives from the Federal Emergency Management Agency, the more this inequality grows...FEMA aid — as currently administered — appears to exacerbate the problem.”

More recent reports show even further instances of FEMA assistance benefitting white communities more than communities of color. For example, a 2021 publication reviewing over a decade of applications from homeowners affected by hurricanes found that the higher the percentage of Black residents in a zip code, the less likely the community was to receive FEMA inspection and subsequent aid.⁷ When homeowners lack the financial resources to rebuild and recover, equity is destroyed, and with it, the ability to transfer generational wealth.⁸ As we have seen in Louisiana, deteriorating property values and tax bases affect the quality of community services, health and educational systems, and oftentimes leaves the community vulnerable to industrial encroachment, giving way to compromised air and water quality in the area.

Low income households and renters are at an even greater disadvantage in accessing funds from FEMA’s Individuals and Households Program. A 2020 report from the U.S. Government Accountability Office found the average payment for IHP recipients from 2016 to 2018 was \$4,200 for homeowners and \$1,700 for renters.⁹ FEMA data post-Hurricane Harvey shows that homeowner applicants making less than \$30,000 per year accounted for 48 percent of denials for individual assistance even though they were just 28 percent of applicants.¹⁰

While a number of factors may contribute to this, FEMA is well aware that BIPOC people are less likely than white people to own the property they live on.¹¹ Therefore, any lesser

⁷ Raker, Ethan J. (2021) *Climate Change and Inequality in the U.S.: Sociological Analyses of Big Data*. Doctoral dissertation, Harvard University Graduate School of Arts and Sciences. <https://dash.harvard.edu/handle/1/37368356>

⁸ Boustan, L.P., Yanguas, M.L., Khan, M., & Rhode, P.W. (2017) *Natural Disasters by Location: Rich Leave and Poor Get Poorer*. *The Conversation*. <https://www.scientificamerican.com/article/natural-disasters/by-location-rich-leave-and-poor-get-poorer/>.

⁹ *Disaster Assistance: Additional Actions Needed to Strengthen FEMA’s Individuals and Households Program*. Pgs. 25-16, figure 11. <https://gao.gov/products/gao-20-503>.

¹⁰ Martin, C. and C. Kousky. N.D. *Improving the Disaster Recovery of Low-Income Families*, <https://www.urban.org/debates/improving-disaster-recovery-low-income-families>.

¹¹ Lerner, M. (2021) *Blacks in the US Face a Huge Gap in Homeownership Rates, Compared to Whites. Here’s Why*. <https://www.washingtonpost.com/business/2020/07/23/black-homeownership-gap/>.

assistance to renters disproportionately affects BIPOC communities and exacerbates existing social inequality.

Recommendations

The 2020 National Advisory Council report to the FEMA Administrator highlights these issues clearly, stating that many of FEMA's programs do not consider equity and its primary focus on property damage inherently disadvantages communities with fewer resources to begin with. As a result, the report states, "[t]hrough the entire disaster cycle, communities that have been underserved stay underserved, and thereby suffer needlessly and unjustly."¹² The NAC report also makes numerous recommendations as to how FEMA can address those challenges and gaps. We take those recommendations a step further, insisting that FEMA should explicitly seek to assist those who were most vulnerable before a disaster. We recommend consideration of an approach like Housing and Urban Development's Community Development Block Grant-Disaster Recovery program, which ensures a majority of its funding goes to primarily benefit low- and moderate-income households.

The language in the Federal Register indicates that FEMA only proposes to collect demographic information through the Individuals and Households program registration, despite racial disparities existing in other FEMA programs.¹³ To ensure compliance with federal civil rights laws and nondiscrimination requirements, FEMA must also consider collecting demographic information in its hazard mitigation programs, such as the Hazard Mitigation Grant Program and Building Resilient Infrastructure and Communities programs.

These programs must also be part of FEMA's assessment, ultimately evaluating them for compliance with Title VI, as they use a benefit cost analysis tool that perpetuates inequality by undervaluing communities where historically marginalized people live and neighborhoods with cultural significance. The methods FEMA currently uses values assets without considering the social and cultural value they have to the community. Additionally, historically discriminatory practices such as redlining, industrial development and deregulation, and lack of land use planning have also contributed to vulnerable communities receiving less mitigation funding, as their properties are viewed as lower value and not cost effective to restore. Collecting the necessary demographic data throughout mitigation projects and after disasters would be a significant improvement to ensure that FEMA programs are benefitting those most in need and reaching key populations.

¹² The National Advisory Council (NAC) Report to the FEMA Administrator, November 2020.
https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf.

¹³ Elliott JR, Brown PL, Loughran K. (2020) Racial Inequities in the Federal Buyout of Flood-Prone Homes: A Nationwide Assessment of Environmental Adaptation. *Socius*. doi:[10.1177/2378023120905439](https://doi.org/10.1177/2378023120905439).

We thank you for your consideration of the concerns addressed in this letter. Every natural disaster has a compounding effect on communities that have been historically disenfranchised and neglected. These communities should stand at the forefront of resilience-building efforts and disaster-relief programs. If FEMA's intent is to improve operational outcomes for vulnerable communities, mere data collection will not suffice. Such data must then be utilized to prioritize the needs of those who have witnessed and experienced the agency's grave shortcomings firsthand. In order to have a sustainable impact, FEMA's efforts must go beyond creating a superficial new policy and include serious review of its disaster management system, acknowledging the historical discrimination such communities have experienced.

Sincerely,

Shelbi Gatlin
Law and Public Policy Associate

Della Wright
Program Evaluation Specialist