



March 28, 2022

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

*Submitted via:* <https://www.regulations.gov/document/FEMA-2022-0006-0001>

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

Thank you for the opportunity to comment on FEMA's proposal to collect demographic information from those who apply for benefits to improve its approach to ensuring compliance with its civil rights, nondiscrimination, and equity requirements and obligations.

Texas Appleseed<sup>1</sup> is a non-profit public interest justice center that promotes social, economic, and racial justice for all Texans. We have worked to ensure equity in disaster recovery programs since Hurricane Rita in 2006. Our comments are supported by our experience as community advocates, our collaboration with disaster recovery advocates across the country, input from underserved communities and practicing public officials responsible for implementing these programs, and peer-reviewed research and literature.

Texas Appleseed strongly supports the proposal to collect demographic data, including data on race, ethnicity, and gender, from applicants for FEMA's Individuals and Households Program (IHP). The collection of this data is necessary to (a) the proper performance of the agency and will have practical utility; (b) should include the collection of several additional data points, which could be identified and added to this proposal with minimal expense if added to this proposed change ; (c) will enhance the quality, utility, and clarity of the information to be collected; and (d) the collection techniques proposed will minimize the burden of the collection of

---

<sup>1</sup> Texas Appleseed's mission is to promote social and economic justice for all Texans by leveraging the skills and resources of volunteer lawyers and other professionals to identify practical solutions to difficult systemic problems. Texas Appleseed conducts data-driven research to uncover inequity in laws and policies and identify solutions for lasting, concrete change.



information on respondents. We note that federal programs routinely collect this information as part of applications for public programs and benefits, and that 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.

Collecting this data is critical to the agency's ability to comply with its civil rights obligations under federal law, as well as compliance with Executive Orders 13985, 13990, and 14008.

**I. FEMA is unable to accurately assess its compliance with civil rights, nondiscrimination, and equity requirements and obligations without collecting this data.**

In December 2021, the Government Accountability Office (GAO) released a report which found that disaster recovery programs “lack key information—data and analysis—that would allow them to examine patterns and indicators of potential access barriers and disparate recovery outcomes.”<sup>2</sup> Systematic efforts to collect and analyze data, and routine, interagency processes to address any identified access barriers or disparate outcomes, would help ensure equal opportunity to participate in disaster recovery in a meaningful way. Such actions would be consistent with the National Disaster Recovery Framework and recent governmentwide equity initiatives.

Our analysis of FEMA data from the Hurricane Harvey IHP program in Texas clearly shows that the program is disproportionately denying assistance to underserved communities. In Harris County, after Hurricane Harvey, 61% of households that reported less than \$30,000 in income were denied assistance, compared to 47% for households that reported more than \$120,000 in annual income.<sup>3</sup> A comparison of Individual Assistance data for homeowners in two Houston zip codes reveals a similar trend. In the 77020 zip code, which is 97% BIPOC and has a median income of \$36,000, 42% of applications were approved.<sup>4</sup> By contrast, in the 77079 zip code, which is 60% white and has a median annual household income of \$85,000<sup>5</sup>, 76%

---

<sup>2</sup> Government Accountability Office. (2021). Additional Actions Needed to Identify and Address Potential Recovery Barriers. Available: <https://www.gao.gov/assets/gao-22-104039.pdf>

<sup>3</sup> Texas Appleseed Analysis of OpenFEMA Dataset: Individual Assistance Housing Registrants – Large Disasters – V1.

<sup>4</sup> US Census Bureau (2021.) *2016-2020 American Community Survey 5-Year Tables DP-05 and S2503*.

<sup>5</sup> *Ibid.*



of applications were approved for funding. These findings are consistent with research on the national longitudinal impact of FEMA disaster programs, that found similar racial disparities across geographies and disasters, resulting in, for example, an \$87,000 increase in the Black-White racial wealth gap in Houston, Texas.<sup>6</sup>

FEMA's failure to collect demographic data makes it much more difficult to identify and address these systemic issues that disproportionately affect underserved populations and classes of persons protected under civil rights laws and requirements. Researchers must integrate data from different sources with different geographies to identify, for example racial inequities produced by FEMA's IHP program, rather than using FEMA's data.

Although existing research demonstrates racially disparate outcomes associated with the IA program, it is impossible to know the full extent of the issue without comprehensive racial and ethnic data on IA applicants. Complete racial and ethnic data would allow FEMA to better identify which communities are not receiving assistance which mechanisms of systematic exclusion. From our research, we've seen that marginalized communities with heavy levels of damage may not apply because of distrust in FEMA, may not receive assistance due to high rejection rates, or may receive reduced monetary support due to lower property values.

FEMA's obligation goes beyond identifying systemic issues and disparate impacts; the agency must change programs, policies, and practices that have a negative disparate impact on underserved populations and inhibit disaster response, recovery, and mitigation. Collecting additional demographic data is necessary for the Agency to assess and improve its performance and civil rights compliance.

## **II. FEMA should collect additional demographic data in order to fully meet the nondiscrimination requirements of the Stafford Act and other civil rights and equity requirements and obligations, and make data publicly available.**

---

<sup>6</sup> Junia Howell and James R. Elliott, "Damages Done: The Longitudinal Impact of Natural Hazards on Wealth Inequality in the United States". *Social Problems*, Oxford University Press (August 14, 2018). Available: <https://academic.oup.com/socpro/advance-article/doi/10.1093/socpro/spy016/5074453> See, also: Rebecca Hersher, "How Disaster Recovery Favors the Rich", *All Things Considered*, National Public Radio (March 5, 2019). Available: <https://www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich>; and Christopher Flavelle, "Why Does Disaster Aid Often Favor White People?" *New York Times*, Oct. 27, 2021. Available: <https://www.nytimes.com/2021/06/07/climate/FEMA-race-climate.html>



The Stafford Act mandates that “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 impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, or economic status. (44 CFR 206.11) FEMA should collect sufficient demographic data **in each of these categories** to determine whether it is complying with its obligations under the Stafford Act and other civil rights requirements and obligations.

This information must also be made available to the public, both through the OpenFEMA data portal – absent personal identifying information (PII) – on an ongoing basis, and through a process for sharing applicating data – including PII – with qualified research institutions. The lack of a transparent data-sharing process at the federal level hinders research including the ability to track applicants over time, to track demographic information for specific programs, to identify specific barriers to assistance, to evaluate the impact of program and policy changes on different demographic groups, and to ensure accountability for civil rights compliance.

FEMA should also work with other federal agencies involved in disaster recovery and mitigation, including the Department of Housing and Urban Development (HUD) and the Small Business Administration (SBA) to create “routine, interagency processes to address such barriers within or across recovery programs on an ongoing basis.”<sup>7</sup> This would ensure that applicants can be tracked across programs and that the performance of the national disaster recovery system overall can be assessed and broader systemic issues identified.

### **III. FEMA has a legal and ethical obligation to ensure that its programs are equitable and nondiscriminatory.**

Historically, the combination of structural racism and structural economic inequality has produced an American disaster recovery system that is designed to exclude low-income communities and communities of color, and advantage white property owners and wealthy communities, without mitigating for future disasters. Disaster is no longer an infrequent natural event, it is an increasingly dangerous part of daily life, especially in

---

<sup>7</sup> Government Accountability Office. (2021). Additional Actions Needed to Identify and Address Potential Recovery Barriers. Available: <https://www.gao.gov/assets/gao-22-104039.pdf>



communities that have been living with ongoing economic, health, educational, and environmental crises for generations. The American disaster response and recovery system must become more equitable, develop the capacity to deal with simultaneous and more frequent disasters, and recognize the role it plays in replicating structural racism and inequality. Inequity makes programs ineffective.

Ensuring that its disaster recovery programs that are equitable and do not discriminate are fundamental to both FEMA's mission and core values.<sup>8</sup> We appreciate FEMA's commitment to examining whether its programs are equitable and applaud as a step forward the collection and analysis of this data to improve assistance to disaster survivors

The goal of equitable disaster planning and recovery is to help the most vulnerable and underserved communities manage the most urgent risks and recover from the disproportionate impact of disasters. FEMA's proposed data collection is necessary and appropriate.

Sincerely,

Madison Sloan  
Director of Disaster Recovery and Fair Housing  
Texas Appleseed  
[msloan@texasappleseed.org](mailto:msloan@texasappleseed.org)

---

<sup>8</sup> FEMA. (2021) FEMA National Advisory Council Report to the FEMA Administrator.