



**Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515**

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July 24, 2020

SUMMARY OF SUBJECT MATTER

TO: Members, Subcommittee on Economic Development, Public Buildings, and
Emergency Management
FROM: Staff, Subcommittee on Economic Development, Public Buildings, and Emergency
Management
RE: Subcommittee Hearing on “Experiences of Vulnerable Populations During Disaster”

PURPOSE

The Subcommittee on Economic Development, Public Buildings, and Emergency Management will meet on Tuesday, July 28, 2020, at 10:00 a.m. in 2167 Rayburn House Office Building and via Cisco Webex, to receive testimony on “Experiences of Vulnerable Populations During Disaster.” At the hearing, Members will receive testimony directly from witnesses who work to address hardships of several populations disproportionately impacted during disaster. The Subcommittee will hear from the Partnership for Inclusive Disaster Strategies, the National Low Income Housing Coalition, the Institute for Diversity and Inclusion in Emergency Management, and the Second Harvest Community Food Bank. This hearing will serve as a venue for this Subcommittee to hear from groups working on behalf of some of the larger vulnerable communities in the United States on how they are impacted during disasters, but it is not meant to be an exhaustive group speaking on behalf of all vulnerable communities.

BACKGROUND

Disasters of varying forms and intensities strike this Nation randomly and without prejudice to the people impacted. Disaster survivors may experience varying degrees of impact and assistance as a result of their race, creed, color, ethnicity, physical or mental ability, and socio-economic

standing.¹ Federal agencies providing disaster relief are subject to a clear nondiscrimination clause in the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (Stafford Act, P.L. 93-288, as amended).² Further, Title VI of the *Civil Rights Act* (P.L. 88-352) and the subsequent *Americans With Disabilities Act* (ADA, P.L. 101-336) provide additional assurances that should eliminate disparities in assistance, but there are many examples where varying types of assistance are delayed, denied, or simply not disbursed equitably to disaster-impacted populations.³

Hurricane Katrina in August 2005 was a perfect storm with respect to its outsize impacts on vulnerable communities. In a November 2005 report shortly following the storm, the Congressional Research Service (CRS) wrote the following regarding social impacts of the storm:

“Hurricane Katrina likely made one of the poorest areas of the country even poorer. Among those displaced by the storm, many lost their homes, material possessions, and jobs. Some had insurance to replace their material property losses, received help from FEMA or Small Business loans to get by on an emergency basis or replace property, or received unemployment insurance or disaster unemployment insurance to replace lost wages. However, some who lived in the areas most impacted by the storm may now be destitute; while having financially gotten by before the storm, in the storm’s aftermath they may have joined the ranks of the poor. Further, the socio-economic profile of the areas hardest hit by Katrina indicates that these newly poor would join a population that was already disproportionately poor and disadvantaged. Before the storm, the 700,000 people acutely affected by Katrina were more likely than Americans overall to be poor; minority (most often African-American); less likely to be connected to the workforce; and more likely to be educationally disadvantaged (i.e., not having completed a high school education). Both those who were poor before the storm, and those who have become poor following the storm, are likely to face a particularly difficult time in reestablishing their lives, having few if any financial resources upon which to draw.”⁴

While *Stafford Act* Section 308 was in effect at the time of Hurricane Katrina, the 2005 hurricane season brought to light some of the discrepancies in Federal disaster planning and assistance for vulnerable communities, including disproportionate death and adverse impacts for many.⁵

¹ Wilson, Charley E., Phillip M. Singer, Melissa S. Creary, and Scott L. Greer. “Quantifying inequities in US federal response to hurricane disaster in Texas and Florida compared with Puerto Rico,” available at <https://gh.bmj.com/content/4/1/e001191>; Hamel, Liz, Bryan Wu, and Mollyann Brody. “An Early Assessment of Hurricane Harvey’s Impact on Vulnerable Texans in the Gulf Coast Region: Their Voices and Priorities to Inform Rebuilding Efforts,” Kaiser Family Foundation, December 5, 2017, available at <https://www.kff.org/other/report/an-early-assessment-of-hurricane-harveys-impact-on-vulnerable-texans-in-the-gulf-coast-region-their-voices-and-priorities-to-inform-rebuilding-efforts/>.

² 42 U.S.C. 5151.

³ See footnotes 1, 5, 18, 21, and 31.

⁴ Congressional Research Service, “Hurricane Katrina: Social-Demographic Characteristics of Impacted Areas”, November 4, 2005. Available at <https://crsreports.congress.gov/product/pdf/RL/RL33141>.

⁵ Barnshaw, John, Joseph Trainor. *Race, Class, and Capital Amidst the Hurricane Katrina Diaspora*, 2007; Farber, Daniel A. “Disaster Law and Inequality,” *Law & Inequality: A Journal of Theory and Practice*, 2007, available at <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1122&context=lawineq>.

Statutory changes in the *Post-Katrina Emergency Management Reform Act* (P.L. 109-295, Title VI) led to the re-establishment of the Federal Emergency Management Agency (FEMA) as an agency focused on the total cycle of preparedness, prevention, response, recovery, and mitigation. Additionally, the legislation specifically called for the establishment of the Office of Disability Integration and Coordination at FEMA to work to ensure that communities with access and/or functional needs were incorporated into planning assumptions for hazard events.⁶

During the next several years, emergency management significantly transformed at the Federal level to improve upon the very public response and recovery shortcomings from the 2005 storms. Perhaps the most significant foundational development was the issuance of Presidential Policy Directive-8 (PPD-8) and its focus on bolstering national preparedness.⁷ PPD-8 led to the National Response Framework, the Recovery Framework, as well as a formal FEMA-led shift to a whole-of-community approach to emergency management, intended to ensure that emergency managers and planners were not only working in concert with other organizations that play key roles during the response and recovery phases of an event, but also to ensure that there was an almost “universal design” to the programs and policies being reviewed, updated, or developed.⁸ Such an approach would ensure that disaster survivors would not necessarily need to seek special accommodations if they required them during an evacuation, seeking shelter, or seeking other assistance; the whole-of-community approach would take these needs into consideration as planning or operations were underway so the survivor’s experience would be as seamless as possible.⁹

In 2016, there was a clear focus on a whole-of-community construct to emergency planning and management, including joint guidance released in August by the US. Departments of Justice, Health and Human Services, Housing and Urban Development, Homeland Security, and Transportation, as well as follow-up from DHS specifically to FEMA grantees in December.¹⁰ Unfortunately, there were examples during Hurricanes Harvey, Irma, Maria, and the ongoing COVID-19 pandemic that have highlighted areas where the Federal government, as well as state, local, tribal, and territorial governments, could improve support for vulnerable communities before, during, and after disasters.¹¹

⁶ P.L. 109-295, Subtitle A, Sec. 611.

⁷ Presidential Policy Directive 8 – National Preparedness. <https://www.dhs.gov/presidential-policy-directive-8-national-preparedness>.

⁸ Federal Emergency Management Agency, “A Whole Community Approach to Emergency Management: Principles, Themes, and Pathways for Action.”, December 2011. Available at https://www.fema.gov/media-library-data/20130726-1813-25045-0649/whole_community_dec2011_2.pdf.

⁹ Id.

¹⁰ U.S. Department of Justice, “Federal Agencies Issue Joint Guidance to Help Emergency Preparedness, Response and Recovery Providers Comply with Title VI of the Civil Rights Act”, August 16, 2016. Available at <https://www.justice.gov/opa/pr/federal-agencies-issue-joint-guidance-help-emergency-preparedness-response-and-recovery>; U.S. Department of Homeland Security, “Notice to Recipients on Nondiscrimination During Disasters”, December 5, 2016. Available at <https://www.dhs.gov/publication/notice-recipients-nondiscrimination-during-disasters>.

¹¹ U.S. Government Accountability Office, “FEMA Action Needed to Better Support Individuals Who Are Older or Have Disabilities”, June 5, 2019. Available at <https://www.gao.gov/products/GAO-19-318>.

Emergency Management Workforce Does Not Reflect Society

Significant research and thought has focused on the impacts and costs of disasters, as these events have increased in number and severity, and have had greater societal impact. This includes work to identify inequities of disaster assistance for vulnerable populations – people and communities of color, of lower socio-economic standing, of differing levels of physical or mental ability or access, of limited English proficiency, and Native Americans.¹²

Self-examinations of the emergency management workforce at most levels of government – Federal, State, and local – have identified a relatively homogenous workforce and a need to recruit a more representative set of individuals into the emergency management workforce to better serve the needs of the whole community during the entirety of the emergency management cycle.¹³

Select Challenges Faced by Vulnerable Populations Before, During, and After Disaster

As noted above, vulnerable populations often face additional hurdles in obtaining Federal disaster assistance, but there are also hurdles for these populations before, during, and after a disaster.

Before Disaster

Advocates for various vulnerable populations – notably the National Association for the Advancement of Colored People (NAACP),¹⁴ National Council on Disability,¹⁵ Partnership for Inclusive Disaster Strategies¹⁶ – have stressed the importance of the whole-of-community approach to pre-disaster planning and resilience-building. Unfortunately, in countless disasters in the years since Katrina, shortcomings in response and recovery for these populations have cited failures in meaningful engagement and planning, or abandonment or waiving pre-disaster plans due to the severity of events, resulting in ongoing frustrations with whether and how pre-disaster planning is executed during an actual hazard event.¹⁷

¹² See footnotes 1, 5, 18, 21, and 31; Urban Institute. “Improving the Disaster Recovery of Low-Income Families,” available at <https://www.urban.org/debates/improving-disaster-recovery-low-income-families>.

¹³ Trotter, Brittany. “Diversity in Emergency Management and the New Normal,” March 18, 2016, available at www.fema.gov/blog/2016-03-18/diversity-emergency-management-and-new-normal; Holdeman, Eric. “More Diversity Is Needed in Emergency Management.” *Government Technology - Emergency Management*, September 19, 2014, available at www.govtech.com/em/training/More-Diversity-Needed-Emergency-Management-Opinion.html; Laine, John, and Ellis Stanley. “Diversity and Emergency Management.” International Association of Emergency Managers, October 2013. available at <https://www.iaem.org/portals/25/documents/Diversity-and-EM-2013.pdf>.

¹⁴ NAACP, “In the Eye of the Storm: A People’s Guide to Transforming Crisis and Advancing Equity in the Disaster Continuum,” September 2018, available at https://live-naacp-site.pantheonsite.io/wp-content/uploads/2018/09/NAACP_InTheEyeOfTheStorm.pdf.

¹⁵ NCD, “Effective Emergency Management: Making Improvements for Communities and People with Disabilities.” August 12, 2009. Available at <https://ncd.gov/publications/2009/Aug122009>.

¹⁶ Roth, Marcie, June Isaacson Kailles, and Melissa Marshall, J.D. “Getting It Wrong: An Indictment with a Blueprint for Getting It Right,” Partnership for Inclusive Disaster Strategies, May 2018, available at https://disasterstrategies.org/wp-content/uploads/2018/08/5-23-18_After_Action_Report_-_May_2018.pdf.

¹⁷ Perry, David M. “America Is Not Ready for Disability Disaster Response in the Coming Hurricane Season,” June 1, 2018, available at <https://psmag.com/environment/disability-disaster-response-in-2018-hurricane-season>.

Beyond the scope of this Subcommittee’s jurisdiction, yet still within Congress’ purview given the Federal nexus, research has questioned whether inadequate regulations and procedures before and after storms contribute to disproportionate harms to low-income communities and communities of color in the wake of natural disasters, demonstrating clear discrepancies in the wake of Hurricane Harvey between communities of vulnerable people and non-vulnerable populations.¹⁸

During Disaster

Given that roughly 26% of American adults are classified as having a disability, one of the most impacted vulnerable populations during disaster are those with disabilities and other access and functional needs.¹⁹ Failure to accommodate for basic needs of this population – including things like ensuring shelters have accessible bathrooms, accessible entrances, access to a refrigerator for medications, and backup power for powering any medical devices – has often led to these individuals being placed into medical environments such as rehabilitation centers, nursing homes, psychiatric institutions, assisted living facilities, or other long-term care facilities.²⁰ This creates inconvenience and inequity.

More broadly, vulnerable populations in the path of disaster – including the disabled – may lack the resources to evacuate. This could be due to a suspension of public transportation or a lack of funds to pay for fuel; more than 100,000 residents of New Orleans did not evacuate from the path of Katrina for many of these reasons.²¹ Being forced to ride out a hazard event because there are inadequate resources exponentially increases the likelihood that there may be a need for greater resources after disaster strikes.

After Disaster

In 2017 and 2018, Americans witnessed shortfalls in disaster assistance for vulnerable communities impacted by catastrophic hurricanes and wildfires, particularly FEMA’s Individuals and Households Program (IHP), or Individual Assistance (IA). An antiquated land-titling infrastructure and non-traditional system of passing home ownership in Puerto Rico shed light on some of these inequities, which persists during recovery from the 2020 earthquakes on the island.²² Unable to demonstrate ownership, survivors were denied Federal assistance or received less than they would

¹⁸ Sherwin, Brie. “After the Storm: The Importance of Acknowledging Environmental Justice in Sustainable Development and Disaster Preparedness,” Spring 2019, *available at* <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1362&context=delpf>.

¹⁹ “Disability Impacts All of Us,” September 9, 2019, *available at* <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>.

²⁰ McKay, Jim. “People with Disabilities Often Face ‘Institutionalization’ During Disasters,” May 31, 2019, *available at* <https://www.govtech.com/em/preparedness/People-with-Disabilities-Often-Face-Institutionalization-During-Disasters.html>.

²¹ Barnshaw, John, Joseph Trainor. *Race, Class, and Capital Amidst the Hurricane Katrina Diaspora*, 2007; Farber, Daniel A. “Disaster Law and Inequality,” *Law & Inequality: A Journal of Theory and Practice*, 2007, *available at* <https://scholarship.law.umn.edu/cgi/viewcontent.cgi?article=1122&context=lawineq>.

²² Garci, Ivis. “The Lack of Proof of Ownership in Puerto Rico Is Crippling Repairs in the Aftermath of Hurricane Maria,” American Bar Association, February 21, 2020, *available at* https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/vol--44--no-2--housing/the-lack-of-proof-of-ownership-in-puerto-rico-is-crippling-repai/.

have were they able to prove ownership.²³ In wildfire-ravaged communities in California, people already experiencing homelessness, subject to choking air quality and stifling heat, were denied FEMA assistance because, “[u]nless people are made homeless by a declared disaster, assistance for pre-disaster homelessness does not fall within the rules, policies, and guidance for eligibility to receive *Stafford Act* assistance,” a FEMA spokesperson wrote to Jefferson Public Radio in southwest Oregon.²⁴

As part of its work examining issues requested by this Committee and others during the supplemental appropriation process to provide additional relief for powerful 2017 hurricane and wildfire seasons, the Government Accountability Office released its findings that:

“aspects of the process to apply for assistance from FEMA after the 2017 hurricanes were challenging for older individuals and those with disabilities... disability-related questions in the registration materials are confusing and easily misinterpreted. For example, FEMA’s registration process does not include an initial question that directly asks individuals if they have a disability or if they would like to request an accommodation for completing the application process... While FEMA has made efforts to help registrants interpret the questions, it has not yet changed the language of the questions to improve clarity. As a result, individuals with disabilities may not have requested accommodations or reported having disabilities, which may have hindered FEMA’s ability to identify and assist them.”²⁵

This is particularly troubling given that the Centers for Disease Control and Prevention (CDC) reports that 61 million adult Americans – or 26% – live with at least one disability.²⁶

The Subcommittee has met with the Disaster Housing Research Consortium – researchers from several public universities who conduct significant research utilizing Federal datasets, primarily from the Census Bureau – frustrated with FEMA’s willingness to share disaster survivor registrant data with them for research purposes.²⁷ What disaster survivor data has been released by FEMA regarding its Individual Assistance program, has been limited in scope compared to the total universe of disaster survivors who have sought Federal assistance from the Agency. The National Council on Disability has expressed similar concerns in a letter to former FEMA Administrator Brock Long.²⁸ That said, there is limited yet repeated, evidence over several years and geographically

²³ Viglucci, Andres. “They Lost Homes During Hurricane Maria, But Didn’t Have Deeds. FEMA Rejected Their Claims,” Miami Herald, September 20, 2018, available at <https://www.miamiherald.com/news/nation-world/national/article217935625.html>.

²⁴ Erlich, April. “After Wildfires, Homeless People Left Out Of Federal Disaster Aid Programs,” September 24, 2019, available at <https://www.opb.org/news/article/fema-disaster-aid-wildfires-homeless-people/>.

²⁵ U.S. Government Accountability Office, “FEMA Action Needed to Better Support Individuals Who Are Older or Have Disabilities”, June 5, 2019. Available at <https://www.gao.gov/products/GAO-19-318>.

²⁶ CDC, “Disability Impacts All of Us”, September 9, 2019. Available at <https://www.cdc.gov/ncbddd/disabilityandhealth/infographic-disability-impacts-all.html>.

²⁷ T&I EDPB&EM staff-level meetings with Disaster Housing Research Consortium. February 12, 2019 and March 2, 2020.

²⁸ National Council on Disability, Letter to FEMA Administrator Long Regarding Disaster Management, April 10, 2018, available at <https://ncd.gov/publications/2018/ncd-letter-fema-administrator-long-regarding-disaster-management>.

disparate disaster-impacted communities to inform some social science research and analysis into access to FEMA assistance and recoveries of individuals and communities.²⁹

While there may be Federal statute, regulation, and policy crafted to prevent discrimination in emergency management, the construct of locally-executed, state-managed, and Federally-supported emergency management experiences discussed above show that some communities are more attuned to addressing the needs of vulnerable populations than others as a result of practice, resources, awareness, or past experience.

CONCLUSION

When examining the disparities of assistance in disaster-impacted communities, salaried, home-owning, insured disaster survivors are more likely to have an easier time applying for FEMA disaster assistance and often also qualify for tax rebates and Small Business Administration assistance above and beyond initial FEMA grants.³⁰

The disparities touched upon above may also contribute to widening wealth inequality following disasters for these vulnerable communities. One study, conducted by researchers at Rice University and the University of Pittsburgh, found significant correlation of increasing wealth inequality in counties receiving FEMA-administered disaster assistance in times before and after disaster struck along the lines of race, education, and homeownership.³¹ This exacerbates a widening gap in family wealth while the United States is concurrently experiencing more and costlier natural disasters.³²

This Subcommittee hearing will explore where there may be room for further congressional guidance to FEMA and reforms to *Stafford Act* to address these challenges so that vulnerable populations – before, during, and after disaster – are treated with equity and receive proper assistance commensurate to address their needs.

²⁹ See footnotes 1, 5, 18, 21, and 31.

³⁰ Hersher, Rebecca, and Robert Benincasa. “How Federal Disaster Money Favors The Rich.” National Public Radio, March 5, 2019. Available at www.npr.org/2019/03/05/688786177/how-federal-disaster-money-favors-the-rich; Frazee, Gretchen. “How Natural Disasters Can Increase Inequality.” Public Broadcasting Service, April 11, 2019. Available at www.pbs.org/newshour/economy/making-sense/how-natural-disasters-can-increase-inequality.

³¹ Howell, J. & Elliott, J.R. “Damages Done: The Longitudinal Impacts of Natural Hazards on Wealth Inequality in the United States.” August 14, 2018. Available at <https://doi.org/10.1093/socpro/spy016>.

³² Congressional Budget Office, “Trends in Family Wealth, 1989 to 2013.” August 18, 2016. Available at www.cbo.gov/publication/51846; Congressional Budget Office, “Expected Costs of Damage from Hurricane Winds and Storm-Related Flooding,” April 10, 2019, available at <http://www.cbo.gov/publication/55019>.

WITNESS LIST

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