

May 25, 2022

White House Environmental Justice Advisory Council (WHEJAC)  
Docket Number EPA-HQ-OA-2022-0050

**RE: Request for public comments relevant to federal disaster preparedness and relief and community resilience**

Dear WHEJAC members,

The Just Solutions Collective and the National Partnership for New Americans thank you for the opportunity to submit this joint comment. We are submitting a letter to address WHEJAC's request for public comments relevant to Federal disaster preparedness and relief and community resilience.

The Just Solutions Collective (JSC) works to broaden and deepen the understanding of equitable and effective environmental and climate justice policies and projects to build the capacity of BIPOC and frontline communities to replicate, scale, and build support for justice-centered solutions. JSC is building a national disaster resilience policy and research program leveraging disaster expertise in our staff and our partnerships with BIPOC Community-based organizations who have responded to disasters and have dealt firsthand with the limits of federal disaster relief.

The National Partnership for New Americans (NPNA) is a network of 60 of the country's largest statewide and regional organizations building power for immigrant communities. NPNA advances an immigrant equity and inclusion agenda through policy, advocacy, and service programs that create vast opportunities for immigrant and refugee communities to achieve full civic, social, and economic justice. NPNA leads the new Climate Justice Collaborative, a project at the intersection of climate and migration, to advocate for immigrant and refugee communities on the frontlines of climate change in the U.S. and for the rights of climate-displaced people seeking safety in the U.S.

We are grateful for the work of members of the WHEJAC. Please let us know if we can provide any additional information about our recommendations and comment below.

Sincerely,

**Cristina Muñoz De La Torre**  
Director of Programs Research  
Just Solutions Collective

**Ahmed Gaya and Stephanie Teatro**  
The Climate Justice Collaborative at the  
National Partnership for New Americans

**The Just Solutions Collective and the National Partnership for New Americans submit the following recommendations as public comment in response to the WHEJAC's questions:**

- *What type of support is needed for disadvantaged communities to participate in federal disaster preparedness or relief programs?*
- *How can federal disaster relief and aid programs better serve disadvantaged communities that have historically received fewer federal benefits?*
- *What process steps and information would help eliminate these disparities?*
- *What steps can federal agencies and the White House take to reduce disparities in climate change impacts for communities, including, but not limited to risks from, extreme heat, flood, wildfire, drought, and coastal challenges?*

Extensive research and reporting has been done on the deep disparities in federal disaster aid programs, including FEMA's Individual Assistance program, the Hazard Mitigation Grant Program, and HUD's Community-Development Block Grant for Disaster Recovery. As shown in several case studies, low-income households, Black, Latinx, Indigenous, and communities of color, renters, and elderly communities are less likely to receive adequate amounts of federal disaster assistance despite having similar disaster damage as more affluent white communities<sup>123</sup>. These disparities exist for both individual recipients, whole communities, and local government recipients, such as counties that have higher proportions of low-income and communities of color. It clearly indicates systemic inequities that exist in federal programs, especially along the lines of income and race.

As reported in the New York Times<sup>4</sup>, "[t]he impact from this disparity is long-lasting. White people in counties with significant disaster damage that received FEMA help saw their personal wealth jump years later while Black residents lost wealth, research published in 2018 shows."

The disparity in federal assistance is due to systemic inequities in its implementation, including basing disaster assistance on property values, which are subject to the structural racism embedded in real estate, federal programs not placing significant allocations for renters, landlords being poorly incentivized to quickly repair properties and avoid rent spikes after a disaster, and many other issues that are currently being investigated.

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<sup>1</sup> Domingue, S. J., & Emrich, C. T. (2019). Social Vulnerability and Procedural Equity: Exploring the Distribution of Disaster Aid Across Counties in the United States. *American Review of Public Administration*, 49(8), 897-913. doi:10.1177/0275074019856122

<sup>2</sup> Elliott, James R, Phylcia Lee Brown, and Kevin Loughran. "Racial Inequities in the Federal Buyout of Flood-Prone Homes: A Nationwide Assessment of Environmental Adaptation." *Socius : Sociological Research for a Dynamic World* 6 (2020): Socius : Sociological Research for a Dynamic World, 2020-02, Vol.6.

<sup>3</sup> Muñoz, C. E., & Tate, E. (2016). Unequal Recovery? Federal Resource Distribution after a Midwest Flood Disaster. *International journal of environmental research and public health*, 13(5), 17. doi:10.3390/ijerph13050507<https://www.nytimes.com/2021/06/07/climate/FEMA-race-climate.html>

<sup>4</sup> <https://www.nytimes.com/2021/06/07/climate/FEMA-race-climate.html>

Centering equity in climate adaptation and addressing environmental injustice are essential for reducing disparities of climate impacts. Disaster recovery efforts and investments in resilience and hazard mitigation should not increase environmental injustice and should not lead to displacement of low-income and communities of color.

Ensuring equitable outcomes in disaster recovery will require much deeper structural reforms than increasing support and access. But in response to the questions posed by WHEJAC here we offer our experience and findings on the barriers that BIPOC communities and immigrant communities in particular face in accessing disaster recovery programs.

These recommendations are written with an understanding that broader structural reforms are required to address the deep inequities and outcomes in our nation's disaster recovery programs.

## **Inequities in the Structure of Federal Programs**

The highly bureaucratic process of disaster declarations and disaster assistance distribution limits the access to these resources for low-income and communities of color. We find there is a need to coordinate efforts federally, to evaluate programs with regards to equity and accountability, and to increase access to assistance through community-based efforts and organizations.

### **Implementation, Evaluation, and Accountability of Federal Programs**

To ensure federal disaster recovery efforts do not exacerbate inequities, federal agencies should conduct annual equity assessments of each of their programs and determine progress on specific equitable outcomes. In addition, there should be a measure indicating the extent to which federal agencies incorporate recommendations from community-based advisory councils. The implementation of all equity plans, assessments, and evaluations should be sufficiently resourced, transparent, and take into account community input.

For example, FEMA recently released an Equity Action Plan, where it recognizes its need to “build more equitable outcomes, reduce administrative burdens, increase eligibility for underserved and vulnerable applicants, increase access, and improve external messaging<sup>5</sup>”. However, neither the equity plan or FEMA's Strategic Plan defined specific equitable outcomes. The Equity Plan and Strategic Plan lacked many of the recommendations included in FEMA's National Advisory Council (NAC) 2020 report<sup>6</sup>, including the recommendation that FEMA should define equity to mean “*provid[ing] the greatest support to those with greatest need to achieve a certain minimum outcome. It is separate from equality, which is providing the same resources to everyone regardless of need.*” Overall, the Equity Action Plan and the Strategic Plan seem to be less robust than the NAC 2020 report specifically around equity. Advisory councils can only

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[https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985\\_FEMA\\_Equity%20Action%20Plan\\_2022.pdf](https://assets.performance.gov/cx/equity-action-plans/2022/EO%2013985_FEMA_Equity%20Action%20Plan_2022.pdf)

<sup>6</sup> [https://www.fema.gov/sites/default/files/documents/fema\\_nac-report\\_11-2020.pdf](https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf)

provide advice and their recommendations are not mandated. However, the extent to which these agencies accept and implement advisory recommendations into their programs should be measured as part of agency and program evaluations. Further, it should be standardized that agencies provide an explanation for each recommendation that is not accepted or modified.

### **Targeted Outreach and Support Program to Streamline Applications**

Federal agencies such as FEMA and HUD should establish interagency, targeted programs specifically aimed to help the most disadvantaged communities gain access to their disaster relief programs and streamline the application processes.

Eligibility assessments for all federal disaster relief programs, within and across federal agencies, should be streamlined into a single intake process, helping applicants to understand the variety of recovery programs they are eligible for. This would reduce the application burden, miscommunication, and prolonged wait times for application results. Outside of eligibility for federal programs, this intake process could also be a hub for referrals to other local service providers for any other needs such as food, clothes, childcare, etc.

These programs would be most effective with dedicated staffing and sufficient resources; by centering equity, cultural competency, and diversity; and by maintaining strong partnerships with other federal agencies and community-based organizations and service providers.

We acknowledge this recommendation is aligned with components of the Biden Administration's executive order, *Putting the Public First: Improving Customer Experience and Service Delivery for the American People*. We urge the implementation of that Executive Order.

### **Federal investment in Community-Based Organizations**

The disaster declaration process and the distribution of federal assistance is highly bureaucratic. Disaster relief works through systems that are inaccessible and marginalizing to low-income and communities of color. In addition, low-income and communities of color lack relationships, access, and trust with federal and state level agencies and offices. These result in inaccessible systems of disaster relief.

On the other hand, BIPOC frontline communities have deep and more trusted relationships with community-based organizations, especially BIPOC-led organizations<sup>7</sup>. These relationships have been built and nurtured through providing essential social services and community-building spaces long before disaster strikes. These organizations are often among the first responders in the wake of a disaster because of their deep roots in a community and existing service infrastructure.

Often these organizations are responding without dedicated staffing or funding, but quickly stand up services to respond to the most urgent needs of their constituents. With more capacity

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<https://www.justsolutionscollective.org/blog-posts/the-unique-role-of-bipoc-frontline-environmental-justice-cbos-in-disaster-resilience>

and dedicated resources from federal agencies (including funding, training, and technical assistance), and if given authority to act as direct intermediaries between disadvantaged communities and state and federal relief programs, the organizations' services could be scaled and leveraged to dramatically increase access and participation in federal disaster relief programs for low-income and BIPOC communities.

These organizations can play an essential role in increasing access to federal disaster relief for disadvantaged communities across a variety of functions, including community outreach and education and direct application assistance. Many organizations also have physical spaces, that are familiar and comfortable to community members, that can be used as a site to distribute or coordinate federal recovery programs. The model of Resilience Hubs developed by the Asian Pacific Environmental Network in California are a model that could be resourced and replicated across the country.

Federal disaster relief programs and the agencies should directly build relationships with BIPOC and frontline CBO and intermediaries before a disaster to learn more about vulnerable communities, build their capacity, and provide technical assistance to identify and deliver disaster relief to most disadvantaged communities.

## **Addressing disparities at the individual and community level**

Low-income households, communities of color, the elderly, people with disabilities, renters, and rural communities often do not receive equitable amounts of federal disaster assistance, accounting for disaster damage and other related impacts. Immigrant communities, especially undocumented immigrants and individuals with Limited English Proficiency, also face unique and compounding barriers and are often left behind in response and recovery.

### **Language Access**

Across every stage of disaster preparedness, rapid response, and recovery, there should be robust language access plans to ensure that individuals with Limited English Proficiency are safe and have access to emergency services and recovery programs. Federal agencies should work with state and local governments and community partners to ensure that all services and information are provided in the languages most commonly spoken in that area.

There is also a need for significant investment in culturally competent community education, including through trusted messengers, and that it is communicated and advertised in channels that will reach disadvantaged populations and non-native English speakers.

Federal responders delivering services to LEP communities should either use qualified interpreters or work with local CBOs and agencies with appropriate language competency. Language access mandates should be accompanied by an allocation of sufficient resources to carry them out, including funding for CBOs who support federal, state and local governments with language access.

### **Immigration Status Barriers**

There are an estimated 11 million undocumented immigrants living in the United States. There are large populations of undocumented community members in states that frequently experience disasters, including nearly three million residents of California, nearly 800,000 residents of Florida, and nearly two million residents of Texas<sup>8</sup>.

All disaster recovery benefits should be made available to all members of a community that are impacted by a disaster, regardless of immigration status. Currently, undocumented people and some other non-citizens are ineligible for many essential federal disaster recovery benefits and programs.

Due to confusion about status requirements, many non-citizens and mixed-status households may not apply for the benefits that they are eligible for. Even when individuals or households understand their eligibility, they may choose not to apply based on fears of immigration or other financial consequences. For example, how receiving benefits may impact the credit score of the applicant, whether a U.S. citizen minor who applies on behalf of the household would be able to serve as a sponsor for their family members residency applications in the future, the likelihood of triggering the public charge rule, and other immigration consequences. These concerns should also be explicitly addressed in application forms and websites and through targeted communication.

### **Use of Immigration Enforcement & Military Personnel**

Undocumented immigrants and mixed-status families often avoid encounters with government agencies, out of fear that the interaction may result in detention or deportation. In the context of disasters, these fears will lead many to refuse to seek help, safety, or relief. Strengthening and expanding policies to prohibit immigration enforcement activities in disaster zones, including but not limited to CBP and ICE's protected areas policy, to protect disaster victims, first responders, recovery workers, and volunteers is essential to increasing equitable recovery from disasters. Similar to eligibility requirements, these prohibitions must be communicated broadly through trusted messengers before, during, and after disasters.

Even if they are performing disaster response duties and not enforcement operations, the presence of uniformed law enforcement, ICE, CBP, and military personnel for disaster relief can heighten trauma and increase mistrust for many individuals recovering from a disaster. For many immigrant communities, seeing uniformed ICE And CBP agents as first responders in a disaster will deter people from seeking critical emergency services and recovery support.

### **Increased Relief and Recovery Dollars for Renters and Multi-Family Homes**

Disaster recovery and relief programs should be updated to reflect the realities and diversity of American households, including increasing the amount of assistance that is available to occupants of damaged properties.

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<sup>8</sup> Population estimates from the Migration Policy Institute:  
[migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles](https://migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles)

Many low-income communities, immigrants, and communities of color are renters and not the owners of affected properties. Renters should be given sufficient resources to recover from a disaster, even if the owner/landlord is given separate resources to repair the property. Policies to prevent rent spikes and renter displacements after disasters should also be expanded and strengthened. In addition, assistance amounts should account for multi-generational & multi-family unit households. Application and assessment systems that are based on a model of traditional, single-family-occupied homes do not provide sufficient or equitable support and relief to many communities.