

The Honorable Deanne Criswell
Administrator Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C St., S.W.
Washington, DC 20024

July 21, 2021

RE: Resilience Force Comments in Response to Docket ID: FEMA-2021-0011

Dear Administrator Criswell,

On behalf of our members and partners across the United States, we want to congratulate you on your historic nomination to the position of Administrator. In the midst of the pandemic and in the era of increasingly frequent and destructive climate disasters, the work of FEMA to help communities prepare and respond to crises has never been more essential. Thank you for your leadership and service at this critical moment.

Resilience Force is the national voice of America's rising Resilience Workforce -- the millions of people whose work is preparing for, and recovering from, disasters. We equip and deploy the workers who make cities more resilient in the face of climate threats; and we work with leaders in government, philanthropy, and the private sector to build the secure and sustained workforce that climate adaptation will require.

We applaud the early executive orders of the Biden Administration requiring all agencies to examine how programs and policies can more equitably serve all Americans and increase resilience to climate change, especially for the communities on the frontlines.

Our attached comments focus on recommendations in both pre- and post-disaster settings to reduce displacement, preserve affordable housing, and protect the local economies of low-income communities.

What we are proposing in our attached comments is a North Star for FEMA in disaster preparation and recovery that focuses on three things: (a) getting people back in their homes, and getting cities back on their feet, as quickly as possible; (b)

securing the large-scale, skilled workforce this will require; and (c) building equity into the policies and delivery systems for disaster preparedness, recovery, and resilience.

We look forward to partnering with you to build a more resilient America.

Respectfully,

A handwritten signature in black ink, appearing to read 'Saket', with a long, sweeping horizontal line extending to the right.

Saket Soni, Executive Director

Executive Summary

The Biden Administration is faced with governing in an age of unprecedented climate disaster. Last year, wildfires destroyed over 10,000 buildings in California. Record rains destroyed 2,300 homes in Michigan. A “derecho,” or inland hurricane, tore through Midwestern states and ruined 40% of Iowa’s corn and soybean crop. The record 29 Atlantic storms caused \$40B in damage in the Gulf states. In just the first half of 2021, there have already been eight disasters with losses exceeding \$1B each. The Pacific Northwest experienced a deadly, record-breaking heatwave. As of mid-July, the Bootleg Fire in Oregon, one of 80 major fires raging across 13 states, has already forced 2000 people to abandon their homes.

We applaud the Biden Administration for its historic efforts to reduce carbon emissions. But scientists agree that even if we radically slashed emissions today, it will be decades before those changes begin to slow down the rate at which the Earth is warming¹. In the meantime, the lives of millions of Americans on the frontlines of climate change will be upended by cascading disasters, each wave more intense and destructive than the last.

In a future shaped by climate disasters and extreme weather, climate adaptation and resilience must become an essential American investment. We therefore commend President Biden for his swift action in issuing the executive orders that prompted FEMA’s request for public comment. It is critical that all agencies, especially the agency at the forefront of climate disasters, examine how policies perpetuate systemic racism, can better bolster resilience in the face of climate change, and address the disproportionate impact climate change has on disadvantaged communities.

As has been increasingly documented, disaster recovery has become a major hidden driver of inequality in America. Our current way of doing disaster recovery strips assets from communities of color and drives inequality. Studies show that over the course of recoveries, Black and brown disaster victims experience a decrease in wealth, while white victims experience an increase². FEMA’s (and more broadly, the federal government’s) rules of recovery currently create a “resilience divide”:

¹ <https://www.nature.com/articles/s41467-020-17001-1>

² <https://academic.oup.com/socpro/article/66/3/448/5074453?login=true>

communities that were wealthy before the disaster get more investment after and are more likely to bounce back. Race, education, homeownership, gender, and zip code can--and often do--determine whether recoveries help or harm you.

Similarly, our ability to prepare for future disasters is also deeply unequal. Black, brown, rural, small, and Native communities are often bypassed for federal resilience funding because they don't have the capacity in terms of staffing and other resources to apply for this money or to fulfil the fund matching requirements. Or because of our current emphasis on cost-benefit analysis and a return on investment, we invest more based on dollars saved, for example, in higher priced urban land markets, than people saved. This underinvestment leaves lower-income communities and communities of color more vulnerable to climate change, exacerbating the resilience divide.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act created our modern disaster response systems. Passed in 1988, the Stafford Act was written for periodic disasters that would largely damage insured property. The aid and relief for individuals and communities in the Stafford Act imagines that private insurance is the primary safety net for individuals impacted by climate disasters.

Now, more than thirty years after the Stafford Act became law, it is no longer meeting the needs of communities on the frontlines of disasters. At the same time that disasters have increased in frequency and intensity, they are also increasingly striking communities with low rates of insured homeownership. The dependence of our disaster recovery system on private insurance is widening the resilience divide in the wake of disaster.

One key indicator of this failing system is that affordable housing is lost in disasters and is not rebuilt during the recovery, displacing residents. After a disaster, if a homeowner or property owner is under- or uninsured and their property is damaged to the point of being uninhabitable--which is most likely to occur in historically low-income and affordable housing stock--it is frequently demolished and replaced by high-end housing, which results in a net loss of affordable housing. Absentee owners of low-income rental units often defer basic maintenance, leaving buildings more vulnerable to disasters, while low-income homeowners do not have the financial means to retrofit their homes. When disasters strike, these neighborhoods become newly attractive to investors, who develop luxury units that displace long-term

residents. In this era of frequent climate disasters, we are losing too much affordable housing, too fast.

As FEMA examines policies and programs to increase equity, we need a new North Star to guide disaster preparedness and recovery. The five points of the North Star, if you will, are the following:

- FEMA must focus recovery efforts on how to quickly get residents back in their homes, including conducting permanent repairs on under- and uninsured homes;
- FEMA must focus recovery efforts on repairing family-supporting infrastructure, like schools, first and fast.
- FEMA must recognize, protect, support, and expand the Resilience Workforce. Large-scale resilience will require Resilience Workers who are skilled and working at scale, and whose work is sustainable and family-supporting.
- FEMA must design preparation and recovery efforts to close the widening American resilience divide between high- and low-income communities, and to reduce the risk for Black, brown, Native, poor, rural, and small-city communities.
- FEMA must change its archaic reimbursement-based financing model, which privileges wealthier municipalities and counties while compounding the financial stress on lower-income communities.

FEMA may not be able to do all of these recommendations without action from Congress. Where FEMA does have the authority and appropriations, they should implement these recommendations. Where Congress needs to change the Stafford Act to allow for these changes, we support Congressional action.

Recommendations

To bolster resilience to climate change and close the resilience divide, there are three phases in which to make interventions: pre-disaster, immediately after a disaster (the “rapid-repair” phase), and in year-round adaptation and long-term recovery work.

Pre-disaster, FEMA must ensure that neighborhoods are more equitably protected from future disasters through reforming hazard mitigation grantmaking, directing resources to the hardest hit communities who are often bypassed for federal funding. Communities should be given the resources needed to adequately assess vulnerabilities and prepare and administer competitive grants.

After disasters, we must preserve affordable housing and prioritize getting people back into their homes quickly. Similar to how FEMA views the rapid restoration of power systems and other critical “lifelines” after a disaster, we must quickly direct resources to make homes habitable. This means providing more resources for recovery more quickly, including conducting permanent repairs to homes and providing resources to local governments to fund recoveries up front.

Lastly, to carry out the scale of rapid-repair that is necessary to reduce displacement, FEMA needs to invest in securing the Resilience Workforce. This includes protecting and supporting the “surge workforce” that will need to be deployed across the country, as well as getting local residents back in their homes quickly to restore the local workforce for long-term recovery.

Pre-Disaster:

Disasters are becoming more frequent and intense and they are repeatedly striking the same communities. We can level the risk between high- and low-income communities by more equitably investing in resilient infrastructure to protect homes and communities.

FEMA makes investments in hazard mitigation, based on the principle that communities should be built stronger to face the next flood, fire, or hurricane with greater resilience. Hazard mitigation grants, including the Building Resilient Infrastructure and Communities (BRIC) funds and “404 Dollars,” are key strategies for FEMA to increase resilience across the U.S. The 404 funds, authorized by Section 404 of the Stafford Act, grant a percentage of total disaster recovery spending in a

state as additional funding for mitigation (7.5-15% of the total disaster funding). While the 404 dollars are specific to states where there was a disaster declaration, BRIC funding is a competitive grant program, based on total national disaster spending.

Right now, however, these grant programs can further widen the resilience divide. That's because FEMA follows a cost-benefit analysis to make decisions about where to put investment. We often invest more where there is greater return on investment. This cost-benefit framework in hazard mitigation means money often goes where property taxes are higher. As a result, higher-priced urban land markets often get more funding than lower-income communities, which are more vulnerable to climate hazards to begin with. For example, it was recently reported that three of the country's wealthiest states will receive more than half of the recently awarded BRIC grants³. FEMA should examine and reform how grants are developed and awarded to increase access to critical federal funding and ensure that awarded funds are equitably invested across neighborhoods--with special attention to projects in communities that are more vulnerable to shocks and stresses.

Capacity Building and Technical Assistance:

Historically underfunded and frontline communities should be eligible for capacity-building and technical assistance funding to plan for projects and assess vulnerabilities. Much like "predevelopment" money does for complex real estate development projects, funding should be made available to local communities to identify and plan for the most transformative mitigation projects that can become competitive proposals for project funding.

Capacity could also be provided in the form of direct funding or technical assistance to assist in the preparation of grant applications, recognizing that many communities do not have dedicated staff to support federal grant writing. Similarly, many communities don't have the existing capacity to administer large federal grants. FEMA grant programs should explicitly allow for spending on administration and overhead.

³ <https://www.nbcnews.com/news/amp/ncna1274421>

Modifying Match Requirements:

Resilience and adaptation funding for critical investments are often out of reach for communities who cannot afford the matching funds to secure a FEMA grant. FEMA could waive match requirements or institute a sliding scale for match requirements, depending on a community's finances. The burden of match requirements could also be lessened by expanding what is considered a match, including in-kind contributions and "soft" matches like personnel and volunteers. We would also recommend the creation of a revolving loan fund created, modeled on the Environmental Protection Agency's Clean Water State Revolving Fund. The EPA fund provides states with low-interest financing for water infrastructure investments. This is a successful and fiscally sustainable model that FEMA could adapt to support resilience investments as well.

FEMA should do more to ensure that funds are directed equitably to local communities when grants are made to states. While FEMA may not be able to dictate where states spend the awarded funds, FEMA could use the procurement process to be more prescriptive about desired outcomes to ensure that money is reaching targeted jurisdictions.

Post-Disaster:

Disaster recovery has become America's largest annual infrastructure project, a response to extraordinary property losses, both insured and uninsured. But property losses are only part of the damage. When local businesses collapse, working people lose their jobs and income. When neighborhoods are hit, homeowners lose wealth. When evacuees can't come home, cities lose their tax bases. The impacts of these losses are worse for Black, brown, Native, rural, and working-class communities.

Fundamentally, FEMA must change all internal policies that instruct the agency to spend the most money where they can achieve the greatest financial savings in the event of a disaster. This creates a perverse incentive to invest in higher-income areas. For example, studies found that FEMA's flood buyout program has mostly purchased homes in rich counties⁴. FEMA should be instead instructed to spend the most where it can best level the risk between high-and low-income communities.

A key strategy to better embed equity into FEMA's policies and programs is to focus on *how to get people, regardless of wealth or home value, back into their homes as*

⁴ See: <https://www.miamiherald.com/news/local/environment/article235928702.html>

quickly as possible. This means quickly funding critical, and permanent, repairs to homes and making investments to more rapidly reopen critical infrastructure like schools.

Modifying FEMA's Individual Assistance Program:

As has been extensively reported⁵, FEMA must evaluate the individual assistance programs to increase access, improve delivery, and eliminate racial and wealth disparities. If people cannot afford to make critical repairs, they will be displaced and be stripped of their wealth. Immigration-status based restrictions on individual assistance should also be eliminated. Whatever the situation of an undocumented family (homeowners and renters alike), they are unable to access a range of benefits and so are more likely to suffer lasting harm.

Additionally, FEMA should ensure these resources reach people more quickly. If people are not given assistance to make essential repairs quickly, like repairing a roof, the damage to their homes can be compounded and the costs dramatically increased.

Conduct Permanent Repairs to Homes:

A critical shift to increase equity and reduce displacement is to allow FEMA to do more permanent repairs. Under current policy, FEMA cannot do repairs that are deemed permanent repairs. The rationale is that insurance money is supposed to finance this work, while FEMA's role is to provide temporary assistance and housing while the permanent repairs are underway. Under the current policy FEMA can provide temporary repairs, like installing blue tarps, or stand up entire new communities of mobile homes, but they cannot use funds to fix a roof so that a homeowner can return.

In practice, this can result in unwise fiscal outcomes, such as FEMA spending \$200,000 to house a family for 18 months instead of making repairs to that family's home that might cost much less and allow them to return home sooner. And, if that family doesn't have insurance or the means to pay for permanent work, then at the end of the expensive temporary housing there is still not a solution for them to return home.

⁵ For example, <https://www.npr.org/2021/07/01/1010897265/as-western-wildfires-worsen-fema-is-denying-most-people-who-ask-for-help>

This approach to repair is designed for communities that consist mostly of homeowners who are fully insured. But in low-income neighborhoods and communities of color, where under- and uninsured homes are common and where there is large rental stock, there are many people who won't have a path to return to their homes once the temporary housing runs out (typically 18 months, with an option to extend to 24 months). In regions where under- and uninsured homeowners are the exception, there are some ways to work around this problem. But in regions where renters and the uninsured are a larger share of disaster victims, FEMA's disaster response simply doesn't work.

FEMA could be authorized to do permanent repairs so that homes can become habitable. FEMA could consider regulations to ensure that they are reaching low-income households and less valuable properties. The scale of permanent repairs could be delivered as a means-tested or sliding-scale benefit as a way to increase the safety net but not drive people out of the insurance market.

Fix Schools First, And Fast:

Along with homes, the game changer for disaster-hit communities struggling to get back on their feet is the rapid repair of schools. If schools aren't repaired in time, families have to move away; if that happens a large segment of the workforce has to relocate, and a significant swath of the tax base disappears. Saving schools, therefore, is a high-impact intervention. To reduce displacement and save a community's tax base, FEMA must make it possible for workers to restore and reopen schools.

Change the Financing and Reimbursement Model for States, Territories, and Tribes:

The federal government funds much of disaster recovery, but local communities have to pay up front and go through a slow reimbursement process. These up-front costs are enormous, and very few communities can afford them. Lower-income communities are extremely vulnerable to the current practices of slow reimbursements to pay for work being done as part of their recovery. Debris removal alone can bankrupt municipalities long before reimbursements kick in. Many communities who don't have long lines of credit must take out loans to cover the costs of recovery.

The result is that communities without adequate resources are being plunged into debt paying for debris removal and school reopening. This cash flow problem slows down the rebuilding process. It's one more reason that disaster recovery, as it is

carried out now, compounds pre- disaster inequality: fiscally weaker communities can't pay up front and get reimbursed later. They struggle, while communities with stronger tax bases and higher-income populations can afford to pay up front.

A critical intervention is to modify the financing models to ensure that all communities, not just wealthy communities, are able to quickly invest in repairs that allow schools to reopen. Like homeowners, the longer it takes to conduct repairs at schools, the more expensive the damage can be (e.g. water damage leading to mold issues), further compounding costs for less affluent communities. A simple public financing solution within FEMA can reach the most vulnerable communities and jumpstart their disaster recovery efforts.

FEMA can fix this by advancing funds to state and local governments. After a disaster, the agency would grant immediate funds, rather than reimbursing costs later. This would allow communities to jumpstart their recoveries. This simple shift would be a game-changer. To be clear: this would be a change in the timing, not the amount or basis, for allocating federal funds. This reform has long been recommended by leading analysts of how our disaster recovery system compares with that of other advanced economies. The most efficient way to do this would be to use modified Stafford Act authority, especially for disaster declaration and pre-approving federal aid, to advance funds to eligible awardees.

The Resilience Workforce:

In order to do much of what's described above--from building pre-disaster resilience, to permanently repairing homes, to fixing schools fast--disaster-hit communities depend on a ready workforce. A large-scale, and skilled, Resilience Workforce is essential for carrying out resilience, rapid-repair, and long-term recovery work.

The Resilience Workforce already exists. A majority are people of color, including Native, Black, Latinx, and Asian Americans. A large portion are immigrants. A significant share are women. Many are rural Americans. After disasters, thousands of workers drive the critical phases of response, rapid-repair, and long-term recovery. Often, these workers are performing critical work even as they themselves are reeling from the impacts of the disaster. Right now, they're doing it for low wages, and without benefits and critical protections. But resilience work can provide a path to the American middle class (much as manufacturing provided it in another era).

We need to secure this workforce by helping these workers stay in the industry, and we need to add hundreds of thousands to their ranks. Investing in the Resilience Workforce can also support the recovery of frontline communities. Floods, fires, and storms collapse small businesses and local economies and create high unemployment. Increased investments in resilience and recovery will create desperately needed employment opportunities. As both an employer and as a government agency responsible for billions of dollars of contracts, FEMA can focus on creating good jobs that help drive equitable recovery and resilience.

One place to start in expanding this critical workforce is in the FEMA Cadre of On-Call Response/Recovery Employees (CORE). FEMA could expand the CORE program to create a Resilience Corps. The Corps would perform climate adaptation and climate mitigation work year-round in the communities hardest hit by climate change and deep unemployment. This work would include the building of green and resilient infrastructure and developing disaster preparedness capacities. Projects would include retrofitting low-income homes and public facilities for resilience, fortifying roads, bridges, and other transportation systems, and habitat restoration. After disasters strike, workers could get pulled from this Corps into specialized disaster response, rapid-repair, and long-term recovery work. The Corps would include low-wage workers, workers of color, women workers, and the recently and long-term unemployed. These projects could target frontline communities that have been left behind by traditional government resilience investments.

Immediately after a major disaster, the Resilience Corps could temporarily deploy to an area affected by a climate disaster to conduct rapid repair. They'd clean debris, restore basic services, and get people back into their homes. At the end of the rapid repair period, when the community is more stabilized, the Resilience Corps would train and onboard local workers who will continue the work of long-term recovery, increasing access to high-quality jobs and career pathways in the resilience industry. This would create economic opportunity in frontline communities, strengthen federal disaster response, and make communities more resilient by investing in mitigation and adaptation projects.

Resilience workers do dangerous, essential jobs for very low pay and without benefits. But over the next decade, as demand increases, the expanding resilience industry can be a pathway to the middle class for millions of Americans. This is only possible if there are minimum labor standards, improved conditions, and fewer barriers to entry.

Immediately following a disaster, when much of the local workforce is displaced and when the scale of the work is so great, there is the need for a surge workforce. After a disaster, thousands of resilience workers arrive to work during this crucial rapid repair period. However, even if there was housing available (which often after a major disaster there is not), many resilience workers cannot afford the cost of lodging. The result is that many resilience workers live in their cars for weeks and months while performing this critical work. As is done for other elements of the critical post-disaster workforce, FEMA should provide basecamps or other kinds of housing for the reconstruction workforce, according to local needs and possibilities.

FEMA should attach labor standards to all disaster recovery and resilience funding. Right now, massive public contracts are being awarded to companies without effective oversight into how the workforce is treated. After being awarded lucrative contracts, many “low-road” companies hire layers of subcontractors who routinely violate wage and hour and health and safety laws. FEMA should attach minimum labor standards across all investments and contracts, and ensure that they apply to subcontractors up and down the contracts. Resilience work standards should include a \$15 minimum wage (indexed for inflation), portable benefits, paid sick leave, paid health insurance, the right to collectively bargain, and, for workers employed by contractors, workers’ compensation.

Race, criminal records, gender, and geography present enormous barriers to entering the resilience industry. To build the scale of workforce we need, and to bridge the resilience divide, we must remove these barriers. FEMA can remove barriers for people with criminal records by ensuring that the federal policy of “ban the box” applies to all resilience workers, both those directly employed by the U.S. government and those employed by contractors. We can remove barriers for immigrants by eliminating citizenship requirements for federal resilience work.

Particularly as FEMA develops strategies for embedding racial and economic equity into policies and programs, it is critical to strengthen the workforce involved in both disaster preparedness and recovery. A large Resilience Workforce must be available to carry out the scale of rapid repair needed to preserve homes, reopen schools, and, most significantly, to limit displacement.