

U.S. COMMISSION ON CIVIL RIGHTS

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TELEPHONIC BRIEFING MEETING **EDITED**

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THURSDAY, OCTOBER 21, 2021

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The Commission convened via Video
Teleconference at 12:00 p.m. EDT, Norma V. Cantu,
Chair, presiding.

PRESENT:

- NORMA V. CANTU, Chair
- J. CHRISTIAN ADAMS, Commissioner
- DEBO ADEGBILE, Commissioner
- STEPHEN GILCHRIST, Commissioner
- GAIL HERIOT, Commissioner
- PETER N. KIRSANOW, Commissioner
- DAVID KLADNEY, Commissioner
- MICHAEL YAKI, Commissioner
- MAURO MORALES, Staff Director

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STAFF PRESENT:

ROBERT AMARTEY

LASHONDA BRENSON

BARBARA DE LA VIEZ

PAMELA DUNSTON, Chief, ASCD

LATRICE FOSHEE

JEFF KNISHKOWY

MICHELE RAMEY

JOHN RATCLIFFE

MARIK XAVIER-BRIER

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART

ALEC DUELL

CARISSA MULDER

RUKKU SINGLA

IRENA VIDULOVIC

ALSO PRESENT:

PANEL 1:

FRANCISCO SANCHEZ, President, Emergency Management
Association of Texas

DR. TRICIA L. WACHTENDORF, Director of the Disaster
Research Center, University of Delaware

BRITTANY PERRIGUE-GOMEZ, Attorney and Counselor at

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Law, Texas Rio Grande Legal Aid

VERONICA CHAPA GORCZYNSKI, President, East End
District

DR. LAURA STOUGH, Professor of Educational
Psychology and Assistant Director, Center on
Disability and Development, Texas A&M University

PANEL 2:

CHAUNCIA WILLIS, Co-Founder & Chief Executive
Officer, Institute for Diversity and Inclusion in
Emergency Management

KATHY FLANAGAN-PAYTON, President & CEO, Fifth Ward
Community Redevelopment Corporation

JULIA ORDUÑA, Southeast Texas Regional Director,
Texas Housers

DR. SHAO-CHEE SIM, Vice-President for Applied
Research, Episcopal Health Foundation

BEN HIRSCH, Co-Director, West Street Recovery

TOMAS AGUILAR, Disaster Recovery Coordinator,
Living Hope Wheelchair Association

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P R O C E E D I N G S

(12:02 p.m.)

CHAIR CANTU: Welcome and good afternoon to Commissioners, Commission staff, witnesses and the public watching and listening. I am Commissioner Chair Cantu. The briefing will come to order.

I. INTRODUCTORY REMARKS BY CHAIR NORMA V. CANTU

This is the briefing of the U.S. Commission on Civil Rights, on Civil Rights Implications of Disaster Relief: Hurricane Harvey in Texas.

It is 12:02 on October 21 and the year is 2021. Commissioners virtually present at this briefing in addition to me are Commissioner Adams, Commissioner Adegbile, Commissioner Gilchrist, Commissioner Heriot, Commissioner Kirsanow, Commissioner Kladney and Commissioner Yaki. A quorum of the Commission is present.

I note for the record that the Staff Director and the court reporter are present, and two Spanish language interpreters are on the line as well.

I wish to welcome everyone to our briefing, Civil Rights Implications of Disaster Relief: Hurricane Harvey in Texas.

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1 This briefing assists the Commission in
2 three purposes. Review the Federal Emergency
3 Management Agency and its role in disaster
4 preparedness and response. Two, evaluate efforts by
5 FEMA to comply with the Robert T. Stafford Disaster
6 Relief and Emergency Act along with other federal
7 civil rights and policies. And three, compare the
8 response of FEMA to significant hurricane systems,
9 including, but not limited to, Hurricanes Harvey and
10 Maria.

11 Today's briefing will focus on the civil
12 rights implications of the federal response and
13 impact of Hurricane Harvey in Texas by receiving
14 testimony from subject matter experts such as
15 government officials, academics, advocates and
16 impacted persons.

17 Before we begin our briefing, I'd like to
18 address a few housekeeping items. I share deep thanks
19 to the Commission staff who researched and brought
20 today's briefing into being, including the expert
21 team who works on the logistics for which this virtual
22 environment presents a whole host of additional
23 challenges. And I thank Staff Director Mauro Morales
24 for his leadership.

25 During the course of this testimony and

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1 question and answer period, I caution all speakers,
2 including our Commissioners, to refrain from speaking
3 over each other for the ease of the transcription.

4 Additionally, I will need to cue our
5 staff behind the scenes for the appropriate video and
6 audio support. So please wait to speak until I have
7 called on you.

8 Panelists, you each have seven minutes to
9 speak. Please note to ensure that we have sufficient
10 time for our discussion this morning, I will enforce
11 the seven-minute time limit. Please monitor your
12 time so you do not risk my cutting you off in mid-
13 sentence.

14 I will strictly inform the time
15 allotments given to each panelist to present his or
16 her statement. And unless we did not receive your
17 testimony until today, you may assume that we have
18 read your testimony statements. So, you don't need
19 to use time to read them to us as part of your opening
20 remarks.

21 After the Panel presentations,
22 Commissioners will have the opportunity to ask
23 questions within the allotted period of time. And I
24 will recognize Commissioners who wish to speak. I
25 ask my fellow Commissioners to do our part and keep

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1 our Q&A concise. Please be brief.

2 Today's briefing features 11
3 distinguished speakers who will provide us with a
4 diverse array of viewpoints. Panel 1 will consist of
5 speakers who will discuss the role and
6 responsibilities in the execution of federal aid in
7 response to natural disasters (audio interference)
8 advocacy, non-profit relief groups and academics who
9 will discuss the impact of the federal government
10 response on the impacted communities.

11 With those bits of housekeeping out of
12 the way, we're now going to proceed to the briefing.
13 I turn now to Commissioner Adegbile for opening
14 remarks. Commissioner, please proceed.

15 **II. REMARKS BY COMMISSIONER DEBO ADEGBILE**

16 **AND COMMISSIONER MICHAEL YAKI**

17 COMMISSIONER ADEGBILE: Good morning and
18 thank you, Madam Chair. I just want to take this
19 opportunity to thank our panelists for participating
20 today in our Commission virtual briefing on the civil
21 rights implications of Hurricane Harvey.

22 We originally envisioned being present
23 with you in Texas and being on the ground in the way
24 that the Civil Rights Commission through history has
25 traveled around the country to examine the civil

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1 rights implications of issues where they exist.

2 Of course, we're in a pandemic, and it
3 has caused us to recalibrate in many ways. And so
4 this briefing, like many of our briefings over the
5 last several months, takes place virtually. And we
6 thank you for your patience and accommodation.

7 It was our hope that had we been on the
8 ground, we would also be able to hear from impacted
9 persons and have a public comment session. But, alas,
10 our need to recalibrate in this way has caused us to
11 alter our plan.

12 I want to thank our Texas State Advisory
13 Committee for its work in conducting a series of
14 briefings on the government response to hurricane
15 disasters in Texas and for issuing what we call an
16 advisory memo on this topic this past May. It has
17 helped to inform our work and our state advisory
18 committees make a vital contribution to the work of
19 the U.S. Civil Rights Commission.

20 It is unfortunate, however, that
21 representatives from the state and local government
22 as well as the SBA declined the invitation to
23 participate in this briefing. But I hope they will
24 come forward and provide comments or written
25 testimony.

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1 We encourage everyone impacted by the
2 hurricane who has an experience or story or
3 information that they wish to share as part of the
4 Commission's work to send their written comments for
5 consideration as part of our analysis. And those
6 remarks can be sent to harveybriefing@usccr.gov no
7 later than November 22.

8 With this, I would finally like to thank
9 Commissioner Michael Yaki, who had the genesis of
10 this idea as I recall it and was the first person to
11 suggest that the Commission undertake this
12 examination. With that, I thank you very much and
13 look forward to your testimony.

14 CHAIR CANTU: Mr. Yaki, please?

15 COMMISSIONER YAKI: Thank you very much,
16 Madam Chair. And thank you, Commissioner Adegbile,
17 for your remarks.

18 I guess I'm sort of the one person who
19 can say that I've actually lived through a natural
20 disaster. Behind me is the background of the Golden
21 Gate Bridge, and some 30 odd years ago our region was
22 shaken by the Loma Prieta earthquake.

23 But it didn't really end there. And
24 that's really why I wanted to look at what happened
25 here because as much as the disaster recovery needed

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1 response is important, the recovery is even more so,
2 how we build back communities, how we put people back
3 in homes. I want to make sure that we try to make
4 them whole. That is really the important mission of
5 what the federal government does with its disaster
6 relief funds.

7 Unfortunately, the reality on the ground
8 is often a lot different. And the genesis of this
9 actually came because of the disparity that I saw
10 between the response to Hurricane Maria in Puerto
11 Rico, which we will be going through later this year,
12 and Hurricane Harvey.

13 But then, of course, as delve further
14 down, we find many of the same disparities that we
15 saw on the macro between the two regions and the micro
16 level inside the devastated area of Hurricane Harvey
17 itself. And that's what we really want to focus on
18 today.

19 And so, I hope for the people who are
20 going to be here speaking today, I have read all of
21 your remarks. I appreciate them. They're all
22 powerful. And I really want you to focus for the
23 purpose of this meeting, for the purpose of this
24 hearing, on the issues that we are here to discuss,
25 which is whether or not people, because of their skin

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1 color, because of their socioeconomic status, are
2 treated as second class citizens in the federal
3 relief efforts following a disaster such as this.
4 That to me is what I'm concerned about. That's why
5 I ask. And we put this Commission together, joined
6 together, to put this hearing and this project
7 together. But it's really going to be up to you
8 providing information on the ground to do it.

9 I dealt with that when I was a chief of
10 staff for a member of Congress. I actually ended up
11 handling most of the relief efforts, directing them
12 because I did not see them going where they needed to
13 go. People are doing the same thing with the same
14 thing. And we want to hear from you. I want to thank
15 all of you for your hard work and for your efforts.
16 And I look forward to your testimony. Thank you very
17 much, Madam Chair.

18 **III. PANEL 1**

19 CHAIR CANTU: Thank you, Commissioner
20 Yaki. Let me now introduce our panelists.

21 This morning we're going to be hearing
22 first from Francisco Sanchez, President, Emergency
23 Management Association of Texas. Our second speaker
24 is Dr. Tricia Wachtendorf, Director of the Disaster
25 Research Center at the University of Delaware.

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1 Our third speaker, Brittany Gomez,
2 attorney and counselor at law, Equal Justice Works,
3 Texas Rio Grande Valley Legal Aid. Our fourth speaker
4 -- I guess I added Valley, sorry, Rio Grande Legal
5 Aid.

6 Our fourth speaker is Veronica Chapa
7 Gorczynski, President, East End District. Our fifth
8 and final speaker for Panel 1 is Dr. Laura Stough,
9 Professor of Educational Psychology. Mr. Sanchez,
10 would you please proceed?

11 MR. SANCHEZ: Sure. Madam Chairwoman
12 Cantu, thank you so much for the invitation. Also,
13 I appreciate the weathervane in the background.

14 As an emergency manager, I appreciate
15 technology, but a weathervane is resilient. It
16 doesn't require power. It's accurate. And the
17 information is in real-time.

18 So, I appreciate that statement in the
19 background and especially what you're doing here in
20 terms of looking at Hurricane Harvey. It was for us
21 a transformative event for millions of residents in
22 Houston-Harris County and the entire State of Texas.

23 As the President of the Emergency
24 Management Association of Texas, I had the
25 opportunity to work with a lot of colleagues from

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1 first responders to emergency managers or partners,
2 either both in public and private sectors, including
3 nonprofits. So, the perspective here, you know, it
4 is an accumulation of those insights. And it's
5 timely, and it's compelling.

6 When it comes to FEMA and other federal
7 agencies involved in disaster response and recovery,
8 I do want to applaud and echo support after the deep
9 dive they're taking into looking at the issues of
10 diversity, equity and inclusion. It's overdue. And
11 we can't do enough quick enough to catch up to where
12 we need to be. So, at the federal level, there's a
13 lot of folks taking a look at that seriously. And
14 so, I appreciate that.

15 To set the groundwork, Harvey was a storm
16 of superlatives, 27 trillion gallons of rain.
17 Rainfall amounts anywhere from 25 to 51 inches, and
18 a third of Houston was underwater. It lowered the
19 earth's crust by an inch in less than a week.

20 Second to Katrina, it was the most
21 costliest storm on record with \$125 billion in
22 damage, almost 35 residents in shelters across the
23 state taken out of their home and having to go to
24 shelters and a tragic 82 deaths.

25 For Harris County, let me set the tone

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1 for what Harris County is. For those of you not from
2 Texas or on the Commission not familiar with us, it's
3 the third most populous county in the country, 1,777
4 square miles. One of the most diverse in the nation.

5 And we've got 34 cities, including the
6 City of Houston, which is the nation's fourth largest
7 city. If you take unincorporated Harris County, that
8 would be the fifth largest city in the country. So,
9 a very urban area that's unique.

10 Here we had to do more than 120,000
11 rescues, 1.3 million impacted individuals, that's
12 about 75,000 households, nearly 20,000 residents in
13 shelters, \$125 million damage to county assets and
14 almost a billion dollars in total losses. If you
15 want to look at folks, it's almost half a million,
16 450,000 folks in our community, had to apply for FEMA
17 assistance.

18 We saw for the first time -- not for the
19 first time but in stark relief was the impact of this
20 disaster on our most vulnerable and least prepared
21 populations, disparity in recovery rates for those
22 who have flood insurance and the have-nots.

23 Harris County in response to that and its
24 implications of Harvey formed a long-term recovery
25 committee that sought to be innovative, bringing

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1 together government, private and nonprofit partners
2 together to do the most we could with the scarce
3 number of resources.

4 Out of that we've had some best
5 practices. We've assisted more than a million
6 individuals together, 75,000 households roughly with
7 non-FEMA aid of local dollars raised between
8 government, nonprofits and our philanthropic
9 partners.

10 But I appreciate this is happening
11 several years later because as Commissioner Yaki
12 mentioned, recovery takes time. A 2020 survey by the
13 Hobby School of Public Affairs at the University of
14 Houston says that close to 20 percent of respondents
15 were still displaced by Harvey even this far along.

16 And we have to stop looking at
17 traditional metrics, like what defines federal
18 poverty? The United Way has a metric called ALICE.
19 It's asset limited, income constrained and employed.
20 They're working, but they're still barely surviving.

21 In Harris County, the ALICE figure is 48
22 percent with limited aid and insurance programs
23 because of where they are on the poverty level.

24 And you look at how programs can help.
25 You can have up to \$35,000 in assistance from FEMA

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1 for home repair. Even if you were to have that
2 number, it forces many to remain in substandard
3 housing, but that said, \$35,000 is the maximum.

4 I can tell you there's a disparity. You
5 have flood insurance. The average payout was more
6 than \$100,000 for Harvey. If you had a FEMA
7 assistance, individual assistance, the average payout
8 was \$6,000 or so. It's a huge disparity.

9 In terms of, again, I want to be
10 supportive and applaud the efforts to take a look at
11 these issues, but we need to look at diversity, equity
12 inclusion very robustly, determined and genuinely if
13 we want to make changes to the recovery, which is the
14 most essential element in the recovery, in the
15 emergency management cycle.

16 I think we need to look at our federal
17 programs. We should look at assistance programs that
18 benefit renters. Historically, the underserved,
19 marginalized and those affected by long-term poverty
20 and equality and climate change are less likely to be
21 homeowners. Single mothers fit that category.

22 And look at how the pandemic impacted
23 Black, Hispanic and low-income neighborhoods to a
24 greater degree. And that comes on the heels of
25 Harvey, other storms and now the pandemic.

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1 I think there should be transparency to
2 the process. Consistent feedback from residents
3 across the board is cumbersome. It's confusing. And
4 it can be intimidating.

5 I've been fortunate that I haven't had to
6 seek FEMA assistance when I've been impacted. But
7 I've gone through and gone through that process to
8 see what it's like, and it's challenging. A single
9 aid portal would be helpful. Publish a rubric for
10 approval.

11 And there are some things that are
12 intimidating for folks in these vulnerable
13 communities. The information, it says on the
14 website, can be shared even though they don't do it.
15 The website says they it can be shared with
16 Immigration and Customs Enforcement. It can freeze
17 someone's interest in seeking recovery.

18 You know, SBA, \$150 million, 15 percent
19 of post-Harvey aid, that can assist renters. It can
20 assist small business, those folks like MWBEs. I
21 think it's an underutilized program that could
22 benefit from some outreach in our communities.

23 Disparities in the cost of benefit
24 rations in terms of how you do things like national
25 flood insurance and mitigation projects. The cost of

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1 benefit ratio being like roughly 1:10 leads to
2 investing in neighborhoods that have sufficient and
3 well-priced housing. That leaves communities that
4 are along bayous that are susceptible to flooding,
5 that are low-income, because they will never meet
6 that criteria of a 1:10 benefit ratio.

7 We have homes in impoverished communities
8 that will be impacted over and over. The use of
9 technology, we started doing that a lot during COVID,
10 but we need to recognize that older residents, the
11 disabled, the less tech savvy that are in these
12 communities still need in-person, onsite assistance.

13 Before I close, I'll get on my soapbox
14 really quickly on three items. And one is timing.
15 Some programs are quick to get on the ground. But
16 sometimes it can take months or years before some of
17 those federal resources make it to the ground level
18 like mental health, case management, housing repair.
19 That further puts vulnerable communities in
20 situations where they linger and languish before help
21 gets on the ground.

22 And we raise those local dollars. We
23 want to meet unmet needs that are not covered by our
24 federal partners. We then have to spend that money
25 on basic needs and for the kind of assistance that is

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1 eventually funded by the federal government. So the
2 quicker the dollars get here, the more can be invested
3 and the more we can raise those local dollars to meet
4 needs and make that effort go further.

5 And I'll close by saying that our heroes
6 are the case managers. I know emergency management
7 gets a lot of the credit, but case managers are here
8 for the long haul. There are still emergency managers
9 working on Harvey cases. And they bear the brunt of
10 it.

11 We've got folks it is their best friend
12 if we have to reach out to them. Several months later
13 you've hit bureaucratic hurdles, and they become
14 frustrated. And it takes years before they close
15 those cases. But they are our frontline workers.
16 And I will be reaching out to our nonprofit partners
17 and case managers to submit some testimony for you so
18 you can hear what's happening on the ground and the
19 kind of stories they're hearing from folks that are
20 impacted by disasters. And so thank you so much for
21 the opportunity. I'm sorry.

22 COMMISSIONER YAKI: You're muted,
23 Commissioner. You're muted, Commissioner.

24 CHAIR CANTU: Thank you. The seven-
25 minute sign went up. That was for the next speaker,

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1 Mr. Sanchez.

2 MR. SANCHEZ: Oh, sorry.

3 CHAIR CANTU: I really do appreciate your
4 comments. Let's now hear from Dr. Wachtendorf.

5 DR. WACHTENDORF: I'd like to thank the
6 United States Civil Rights Commission for the
7 opportunity to share testimony with you today.

8 I am a Professor of Sociology at the
9 University of Delaware, where I direct the Disaster
10 Research Center. Our Center has been examining the
11 social aspects of disasters since 1963. This has
12 been the focus of my own work for the past 25 years.

13 Although today's briefing is on Hurricane
14 Harvey, the Commission asked me here today in
15 particular to speak to what we know about
16 vulnerabilities too and inequities during disasters.

17 And let me say this, we know a great deal.
18 Many of the lessons have been long learned yet those
19 vulnerabilities persist. Our failure to adequately
20 address them contributed to many of the problems that
21 have been noted in previous testimony to the
22 Commission.

23 I would like to highlight two themes here
24 today. First, without addressing routine
25 vulnerabilities, inequities in response are

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1 inevitable. Second, failure to adequately address
2 the process of recovery leads to disparate outcomes
3 in disasters.

4 Let us begin before disaster strikes.
5 Well established over a half century, a scholarship,
6 is that disasters exacerbate pre-existing
7 circumstances. It should come as no surprise that a
8 community that cannot deal with routine rush hour
9 traffic will experience challenges evacuating its
10 residents nor should we be surprised when routine
11 services that do not adequately address the needs of
12 those living with varying abilities fall short when
13 those services are significantly stressed.

14 Others testimony is correct to point out
15 specific problems that emerged during Hurricane
16 Harvey, but let me be clear. We continue to not take
17 seriously enough the fact that mitigating routine
18 vulnerabilities would serve to mitigate the
19 disparities communities experience from disasters
20 like Harvey.

21 For example, stormwater systems are meant
22 to mitigate the impact of flooding, yet the condition
23 and capacity of those systems are insufficient in
24 less advantaged areas. And as planner Marcus
25 Hendricks notes, racial neighborhood composition is

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1 a strong predictor of the stormwater infrastructure
2 available.

3 It is then no surprise when systematic
4 research by other scholars found that flooding from
5 Harvey was greater in areas with a higher proportion
6 of non-Hispanic Black and socioeconomically deprived
7 residents. It's a pretty straightforward line
8 between disparities in attention to stormwater
9 infrastructure and disparities in hurricane flooding.

10 This is not only a problem in the City of
11 Houston or the State of Texas. It is a critical
12 infrastructure issue setting the stage across the
13 country for flooding disparities, including those of
14 my own state to see repetitive flooding even after
15 moderate rainfalls.

16 As another example, those protected by
17 civil rights regulations must be prioritized in the
18 planning process. Problems are often a result of the
19 exclusion of the disability community from this
20 process relegating their perspectives to strictly
21 health and medical functions rather than seeing it as
22 integral to functions such as communications or
23 transportation.

24 At other times, simply doing something
25 can be used as a justification that steps have been

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1 taken even if it does not fully or appropriately
2 address the problem. In my own work I've found that
3 while some shelters may have the needed
4 accommodations for people with disabilities, the
5 services inside may be unknown or inaccessible to the
6 people for whom they are meant to help.

7 Issues related to communication with and
8 to people with disabilities during Hurricane Harvey
9 point to similar problems. In her examination of
10 emergency planning for people with disabilities in
11 California, Jennifer Lazo found that organizations
12 expected that others would begin the process of
13 changing how plans were created and that others would
14 take action while they waited to follow.

15 Active, purposeful movement towards
16 change is necessary and necessary by the whole
17 community of organizations before disaster strikes.

18 Allow me to address the second important
19 issue. Failure to adequately address the process of
20 recovery leads to disparate outcomes. Considerable
21 work has been done in the area including disparities
22 and issuing buyouts, access to flood insurance and
23 grants and the ability to repay assistance loans.

24 For years, I've heard from disaster
25 survivors of the challenges associated with post-

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1 disaster recovery processes. In many ways, it's been
2 clear that unless there's been a serious injury or
3 loss of life in the family, the recovery process can
4 be considerably more stressful than the disaster
5 impact period.

6 Research by Greer and Trainor and their
7 work on Hurricane Sandy supports this. Survivors
8 highlighted the amount of complex paperwork
9 associated with the aid process, unfavorable
10 interactions with government employees and a sense
11 that the rules were constantly changing.

12 Hurricane Harvey was five years after
13 Sandy and the stories repeat themselves. Checkpoints
14 with deadlines. One can't get a contractor. One
15 doesn't have the original of a particular document.
16 It takes time, deadlines pass, a file didn't upload,
17 processes changed and the person seeking assistance
18 needs to start again.

19 Take this widespread and significant
20 challenge and compound it with the vulnerabilities of
21 particular segments of our community. Perhaps it's
22 a lack of accessibility for those with a disability
23 or when document or technology literacy is required
24 to apply for assistance, those without competencies
25 can be disproportionately left out.

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1 Those without access to technologies or
2 unlimited data plans to support their access are
3 further disadvantaged.

4 For many of us experiencing challenges
5 during a disaster, we remember who we last
6 encountered. In the case of the recovery process,
7 this may be FEMA even when the problems in recovery
8 processes are across multiple agencies. In the case
9 of the response process, it may be a particular
10 responder who is unable to address a need in the line
11 of defense.

12 This is not to say that there are not
13 times when officials violate rights of disaster
14 survivors. Certainly, the Commission must attend to
15 those isolated acts, both intended and unintended
16 discrimination.

17 But this cannot be our only focus. It is
18 not an either-or issue. Doing so can deflect
19 responsibility unto emergency management and away
20 from the long-term investment that sets the stage for
21 inequities and violations of civil rights
22 protections, even those that are unintended.

23 I would like to conclude by calling on
24 the Commission to consider how the problems noted
25 throughout a particular disaster life cycle are

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1 rooted in pre-event conditions that serve as
2 precursors to the disaster itself. Thank you.

3 CHAIR CANTU: Thank you, Dr. Wachtendorf.
4 I really appreciate your comments.

5 Our next speaker is Ms. Gomez. Ms.
6 Gomez, we'll hear from you now.

7 MS. PERRIGUE-GOMEZ: Thank you to the
8 Commission for inviting me to talk to you today. I
9 work for Texas Rio Grande Legal Aid, which is the
10 nation's second largest legal aid provider and the
11 largest in Texas.

12 Sixteen counties in the TRLA service area
13 were included in the disaster declaration for
14 Hurricane Harvey. Thousands of low-income Texans
15 lacked access to civil legal representation. And the
16 effects of climate change and natural disasters will
17 continue to negatively impact access to legal
18 assistance across the country but specifically in
19 Texas, which is considered the most disaster-prone
20 state in the U.S.

21 At TRLA we represent a resilient client
22 population who are made vulnerable often by the
23 actions of governments and lawmakers.

24 This is no doubt the case of those
25 survivors who were and continue to be impacted by

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1 legal issues caused by Hurricane Harvey and the
2 inequitable distribution of disaster assistance funds
3 funded and administered by the federal government and
4 the State of Texas.

5 From August 2017 to July 2019,
6 approximately 2,900 Hurricane Harvey survivors
7 applied for legal assistance with TRLA. Their legal
8 issues included general civil legal matters as well
9 as FEMA and SBA applications and appeals and title
10 clearing for the Texas General Land Offices
11 Homeowner's Assistance Program or HAP.

12 Four years after Hurricane Harvey, we
13 still represent survivors seeking access to financial
14 disaster assistance funds from the State of Texas'
15 HAP program.

16 Addressing the accessibility issues for
17 disaster survivors, more than half of the Hurricane
18 Harvey survivors who applied for legal assistance
19 with TRLA were elderly and nearly one-third
20 identified as having a disability, all of them living
21 on fixed incomes.

22 Many of our clients struggled with
23 technology, internet access and live-in rural areas
24 where there was no public transportation. For
25 example, a disaster survivor in Sinton, Texas, would

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1 need to drive approximately one hour roundtrip to
2 access a disaster recovery center in either Corpus
3 Christi, Aransas Pass or Rockport, Texas. This often
4 left them to relying on others to drive them or
5 without access to FEMA and other disaster agencies at
6 all.

7 The Stafford Act requires FEMA to
8 establish eligibility criteria for the Individuals
9 and Households Program or IHP.

10 FEMA is required to include provisions
11 for ensuring that the processing of applications and
12 other relief and assistance activity shall be
13 accomplished in an equitable and impartial manner
14 without discrimination.

15 FEMA shall prescribe rules and
16 regulations, including criteria, standards and
17 procedures for determining eligibility for
18 assistance. And FEMA shall issue rules which provide
19 for the fair and impartial consideration of IHP
20 appeals.

21 Yet in the regular course of operation,
22 FEMA consistently relies on the use of unpublished
23 rules in its administration of the Individual and
24 Households Program. FEMA has stated its published
25 policies, the Individual Assistance Program and

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1 Policy Guide, does not actually have the force or
2 effect of law. FEMA's published rules are so vague
3 that hundreds of employees and inspectors who apply
4 those rules fail to do so consistently, resulting in
5 the inequitable distribution of critical funds to
6 disaster survivors.

7 FEMA also uses unpublished rules to
8 instruct inspectors who are not required to have any
9 prior construction experience or knowledge on how to
10 determine whether damage observed after a disaster
11 was actually caused by the disaster.

12 FEMA considers inspectors to be fact
13 finders not eligibility determiners. But in reality,
14 inspectors make eligibility determinations based on
15 the damages they choose to catalog during an
16 inspection.

17 Because there is no published standard of
18 what is categorized as disaster caused damage,
19 inspections are highly subjective and vulnerable to
20 implicit bias. This was true after Hurricane Harvey,
21 and it remains true today.

22 When a disaster survivor is denied
23 assistance, the language on a FEMA denial language is
24 so ambiguous that no one can effectively appeal the
25 decision without knowing what standard FEMA used to

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1 issue those decisions.

2 When a FEMA standard denial letter, which
3 is the home safe to occupy letter, which states FEMA
4 has determined you are not eligible for housing
5 assistance because the damage caused by the disaster
6 did not make your home unsafe to live in.

7 This letter does not include any facts
8 about what the inspector viewed or deemed to be
9 disaster caused damage and leaves applicants guessing
10 as to why they were ineligible for housing assistance
11 in the first place.

12 It was also our experience after
13 Hurricane Harvey that appeals with similar facts and
14 supporting documentation would yield different types
15 of assistance or lack of assistance.

16 This can likely be attributed to FEMA's
17 reliance on surge capacity hiring, lack of uniform
18 training, failure to implement effective quality
19 control measures and lack of transparent standards.

20 In Texas, the disaster recovery structure
21 is bifurcated with FEMA administering the Housing
22 Assistance Program in the state through Texas Health
23 and Human Services administering the Other Needs
24 Assistance Program or ONA.

25 You would be hard pressed to find a

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1 disaster survivor after Hurricane Harvey who
2 understood the difference. Survivors often thought
3 the ONA program was administered by FEMA and not the
4 state. This is likely due to ONA determinations being
5 written on FEMA letterhead, and ONA appeals being
6 submitted to FEMA and then forwarded to the state.

7 FEMA's employees would often tell
8 survivors that they don't provide assistance for ONA,
9 leading survivors to believe that ONA assistance was
10 actually not available to them.

11 One benefit of the ONA Program being
12 administered by the state is that survivors are
13 afforded additional levels of appeal to include a
14 telephonic fair hearing under the Texas
15 Administrative Code.

16 This puts the burden back on the state to
17 prove that they have complied with their policies and
18 procedures. In our experience, HHSC has had
19 difficulty proving this compliance with policies and
20 procedures because the policies and procedures were
21 actually written by FEMA. Additionally, HHSC was
22 tasked with proving that FEMA inspectors complied
23 with FEMA policies and procedures, which it often
24 could not do.

25 Requesting a fair hearing is arduous and

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1 traumatizing for a disaster survivor. But if FEMA
2 employees and inspectors were properly trained and
3 more effective quality control measures were
4 implemented, fair hearings would be the exception,
5 not the standard.

6 Shifting focus to barriers and inequities
7 that exist for low-income renters in long-term
8 recovery, the State of Texas, in its allocation of
9 CDBG-DR funds, excludes renters entirely.

10 The funding that was allocated in lieu of
11 financial assistance to renters was provided to
12 landlords and developers instead. Renters are
13 already at a disadvantage when recovering after a
14 disaster in comparison to homeowners as rental units
15 are destroyed, and it may take years for those
16 properties to be rebuilt.

17 Often renters must leave their
18 communities and relocate elsewhere, and the brunt of
19 the cost is shouldered by them. One may be inclined
20 to believe that renters incur less damage than
21 homeowners because they do not own the property they
22 reside in, but that belief would be misinformed.

23 Affordable housing options that are
24 available decreased after Hurricane Harvey. And this
25 resulted in renters having to confront a higher cost

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1 of living, additional security deposits and other
2 initial costs that are often prohibitive.

3 Further, renters will continue to incur
4 additional damages over time. As rental properties
5 are rebuilt, they will likely not be affordable. And
6 even though built with funding intended to address
7 damage from Hurricane Harvey, there will be no
8 preference for renters impacted by Hurricane Harvey.

9 In the 16 counties of the TRLA service
10 area, renters were more likely to be Black or Hispanic
11 without adequate insurance coverage and have a
12 difficult time navigating FEMA and the State of
13 Texas' Disaster Assistance Program.

14 Even though renters are more often Black
15 and Hispanic, more likely to be low-income and more
16 likely to lack recovery funds from other sources, the
17 State of Texas still did not provide specific CDBG-
18 DR funding to them but instead created rental
19 assistance programs for homeowners who are more
20 likely to be white, non-Hispanic and who are
21 temporarily displaced while the state rebuilds or
22 repairs their homes.

23 Thank you again to the Commission for
24 your time.

25 CHAIR CANTU: Thank you, Ms. Gomez. Ms.

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1 Gorczynski, we will now hear from you.

2 MS. CHAPA GORCZYNSKI: Hi. Good
3 afternoon. My name is Veronica Chapa Gorczynski.
4 And I am President of the East End District. So I
5 have the honor of presenting my testimony this
6 morning to you from the heart of the Second Ward here
7 in Houston.

8 I am a community development professional
9 with over 16 years of experience in community
10 development managing programs for the City of Houston
11 and the State of Texas, HUD entitlement programs and
12 CDBG Disaster Recovery program design.

13 Of note, my district that I represent
14 now, the Business Improvement District, the East End
15 District, did not participate in any FEMA or HUD
16 programs after Hurricane Harvey.

17 So I've limited my testimony today to my
18 personal and community experiences with regards to
19 the federal response. I want to thank my colleague,
20 Francisco. It's always so wonderful to see you. And
21 thank you for giving the level- set on just how
22 beautiful and big this community is. I like to tease
23 people that Harris County is the size of the State of
24 Rhode Island, with or without water.

25 So if you think of that and an event of

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1 this magnitude and the community that I serve, the
2 East End District is 16 square miles with a population
3 of about 75,000. Forty percent of the people are
4 approximately identified as Hispanic in the last
5 census and a third speak a language at home other
6 than English.

7 So, when preparing for this presentation,
8 I'm so grateful for the staff. You all have a
9 wonderful staff on the Commission, and they said why
10 don't you share your personal Harvey story?

11 And admittedly, I was embarrassed to
12 because my experience was not as bad as others. So
13 when I think of Hurricane Harvey, I think of my
14 colleague Dan and his story of getting his wife and
15 his six-month-old son on a kayak to get them out of
16 their home that was flooding on the first floor.

17 I think of my friend Lauren, who shared
18 her harrowing experience and actually published an
19 article of trying to hold a weeks-old baby girl above
20 her head as she waded in chest deep water to cross
21 the street to seek shelter at her neighbor's house
22 that was on higher ground.

23 I also with you remember the images that
24 were broadcasted nationally of the families that were
25 devastated in the region. You know, at the end of

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1 the day, my husband and I had a roof leak in the
2 ceiling of our nursery. We had a five-week-old baby.
3 So my husband emptied the nursery, and I tarped over
4 the carpet and put any bucket, pot, receptacle I could
5 find to capture rainwater for the following week.

6 The repairs took months. Contractors and
7 the process just took a long time, but we got them
8 done. We didn't ask for assistance because we were
9 humbled by the little impact and the fact that our
10 townhome was intact. I was also really grateful that
11 my son was able to sleep through most of the storm.

12 So like many in Houston, our family had
13 planned to hunker down. And this is the acute part
14 of my testimony I want to share because the first
15 goal of any sort of disaster is we just have to make
16 it.

17 So for us, that meant making sure that
18 the gas tanks were full in both vehicles, that we
19 filled up the bathtub. That we had enough groceries
20 for a week. Did we have enough bottles, formula,
21 distilled water? If the power went out, how were we
22 going to cook? Did we have flashlights? Did we have
23 a plan for where we could go?

24 And most importantly, my husband and I
25 had to have a conversation about at what point we

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1 would leave our home. And so after, you know, talking
2 about it, we decided that the risk of flooding in our
3 townhome was relatively low and frankly we could stay
4 if the first floor flooded if we could keep sanitary
5 conditions on the second or third floor.

6 So, again, the key summation of this part
7 of the testimony is especially with low-income
8 families or residents in a neighborhood, there's a
9 lot of expense that happens just to get to the storm.
10 And then we have FEMA and HUD come and take the rest.

11 So with high water in the East End, I got
12 to tour it the Monday after the hurricane. And the
13 water had receded in a lot of areas. We have two
14 bayous. And as the water goes up, it goes down.
15 We're on historically high ground.

16 But as I got closer to the bayous in some
17 of the older Hispanic neighborhoods, you could see
18 that the homes were clearly devastated. There were
19 old blue tarps placed on roofs. And I'm emphasizing
20 old because they probably were there from a previous
21 storm event.

22 There were homes that gave me the most
23 worry had makeshift wheel ramps. They had
24 possessions piled high on the porch. You could see
25 that clearly all sorts of things from blankets to

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1 towels were wet. And the piece that gave me the most
2 pause about it is you know that these were disabled
3 and seniors that were left on their own to find their
4 own solutions.

5 So what we had set up at the City of
6 Houston, the George R. Brown became the central for
7 barbecue. We were going to feed victims, first
8 responders, survivors, everybody alike. It was
9 centralized in that part of the area.

10 We still had food chain disruption in
11 other parts of the city. So specifically with the
12 East End, I went and spoke to a grocery store manager.
13 He had driven two hours to get to the store to open
14 it up. There was debris on the road, and the traffic
15 was bad because we were fighting with first
16 responders to just, as essential workers, to get to
17 work.

18 With tears in his eyes, the man told me
19 that he did not have any fresh food. He did not have
20 any fresh produce, fresh meat. They didn't know when
21 the trucks were coming through. This was five days
22 after the storm.

23 So when we're talking about our
24 communities and especially Houston, one piece that I
25 want to point out is that the Kinder Institute at

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1 Rice University actually did a calculation. They do
2 this amazing annual survey.

3 And the survey was alarming because they
4 calculated based on responses that nearly 4 in 10
5 Houston residents could not afford a \$400 emergency
6 expense. So, think through the description of what
7 you had to hunker down. In addition to low-income
8 families who lost several days of wages, vehicles
9 were helping other family members that were equally
10 devastated. And due to the timing of Harvey, rent
11 was due in a couple of days.

12 So this is just an abstract of my longer
13 testimony. I went beyond the seven minutes. I did
14 provide a framework because I've done this for so
15 many years. And the three things that I would leave
16 you with are reframe the delivery framework, the
17 framework of poverty.

18 The people who need the most long-term
19 support had the least amount of resources, like Dr.
20 Tricia had mentioned. And they need to recover both
21 from an event and from trauma.

22 Second, we need to strive for a housing
23 first model. As Ms. Gomez stated, we have people
24 trying to bounce around and get assistance, whether
25 they're renters, apartments, trailers, all of these

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1 things have costs, and they're not long-term
2 solutions.

3 Third, given the magnitude of more
4 billion-dollar storms happening, we need more
5 partners who work directly with FEMA and HUD. You
6 know, at the end of the day, we all participated or
7 unfortunately were survivors of these disasters. So
8 we should be part not just of the relief but of the
9 recovery.

10 So I'm a South Texas girl from the Rio
11 Grande Valley. It's an honor to be able to be here
12 with such an illustrious panel. I want to thank you
13 for the Commission and say, this isn't a criticism.
14 I still have some optimism that we can work together
15 to change the world and make this better for the
16 future.

17 So thank you for the opportunity to share
18 my story and for working to build a more responsive
19 and resilient community.

20 CHAIR CANTU: Thank you, Ms. Gorczynski.
21 I appreciate the entire panel. It reminds me that
22 there may be listeners in the public whose family
23 members were harmed or who had lost family members
24 because of Hurricane Harvey. And please know that
25 our thoughts and prayers are with those families and

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1 with friends of those families.

2 The Panel will now accept questions from
3 the Commissioners. My colleagues, we have a total of
4 40 minutes. And I trust that you all will raise your
5 hands. I'll recognize you, and you'll use your share
6 of that 40-minute time period. So thanks again to
7 the Panel and who would like to start first?

8 DR. STOUGH: Excuse me, Commissioner
9 Cantu. I also have testimony.

10 CHAIR CANTU: Oh, excuse me. I
11 apologize. I apologize. Please excuse me. I jumped
12 ahead. I called -- I apologize for calling Ms. Gomez,
13 Ms. Gorczynski and Ms. Gorczynski, thank you for
14 catching me. I appreciate you. Please proceed.

15 DR. STOUGH: Thank you, Commissioners,
16 for this opportunity to participate on this Panel.

17 To let you know, I am Professor of
18 Educational Psychology and faculty fellow at the
19 Hazards Risk Reduction Center at Texas A&M
20 University. There, I lead Project REDD, Research and
21 Education on Disability and Disaster, which is one of
22 67 federally funded university centers for excellence
23 in developmental disabilities.

24 Today, I want to offer my perspective as
25 a researcher who focuses on the social, psychological

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1 and policy issues surrounding disasters and
2 disability.

3 In these verbal remarks, I'll highlight
4 three points of interest to the Commission. One,
5 what does research reveal about the experiences of
6 people affected by disaster? Two, why do we see these
7 outcomes? And three, what implications does this
8 research have for improving preparation, recovery and
9 mitigation, particularly in light of events
10 surrounding Hurricane Harvey?

11 So first, what we see in research is that
12 people with disabilities are more likely to lose
13 their homes or have property damage. They're more
14 likely to suffer injuries and health-related
15 complications. And they're more likely to lose their
16 lives in disaster.

17 Post-disaster, people with disabilities
18 are more likely to be overlooked by shelter workers,
19 to encounter more barriers to resources and to
20 receive fewer disaster services.

21 Both adults and children are less likely
22 to receive mental health interventions following
23 disasters. In our own research, we have found
24 recovery from disasters for people with disabilities
25 is more complex, more fraught with barriers, requires

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1 additional case management support and simply lasts
2 longer than does recovery for others.

3 Second, why do disasters differentially
4 impact people with disabilities? Well, what we see
5 prior to disaster is that individuals with
6 disabilities are more likely to live in poverty and
7 to be unemployed. In general, they experience poorer
8 levels of health than does the general population but
9 also face greater barriers to health care.

10 Individuals with disabilities are more
11 likely to live in substandard housing that could
12 place them additionally at risk in disasters. And
13 people with disabilities continue to be marginalized
14 not only in the U.S. but in most of the world's
15 societies. And the stigmatization and segregation of
16 people with disabilities affects not only their day-
17 to-day lives but also the emergency management
18 services and supports that they receive.

19 Note that these factors are in existence
20 before a disaster even occurs. And this research
21 corroborates remarks from Dr. Wachtendorf and also
22 Ms. Chapa. So, we already know based on existing
23 research that people with disabilities are going to
24 be disproportionately impacted even before that first
25 storm raindrop falls.

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1 Third, research and reports following
2 Hurricane Harvey on the experiences of individuals
3 with disabilities together with this existing
4 research that I have just summarized point to a number
5 of implications.

6 One, during Hurricane Harvey,
7 researchers found neighborhoods with higher
8 proportions of residents with disabilities
9 particularly people with cognitive and mobility
10 related disabilities were more likely to experience
11 Harvey-induced flooding.

12 During Hurricane Harvey, several
13 assisted living facilities were also flooded,
14 directly exposing residents with disabilities to
15 rising waters.

16 Now infrastructure decisions are under
17 the responsibility of government, as you know,
18 whether at local or state or federal levels. So,
19 changes in Building Codes and urban planning can
20 provide better protection for people with
21 disabilities against environmental hazards such as
22 Hurricane Harvey.

23 Two, uncertainties surrounding
24 increasingly irregular weather patterns, such as
25 produced the unprecedented rainfall that we saw

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1 during Hurricane Harvey require careful
2 consideration.

3 Additional efforts by emergency
4 management are needed to support people with
5 disabilities given the increasing intensity and
6 unpredictability of these events.

7 For example, a number of states and
8 municipalities have hired disability inclusion
9 specialists to identify barriers for people with
10 disabilities to collaborate with FEMA around these
11 issues and to provide expertise in real-time at state
12 operation centers during disasters. However, Texas'
13 Department of Emergency Management did not allocate
14 such a point person to target disability-related
15 issues during Hurricane Harvey.

16 Three, post-disaster, an important
17 objective is to connect survivors to disaster
18 services and resources. However, a study on recovery
19 assistance following Hurricane Harvey revealed that
20 households with individuals with disabilities
21 actually receive less, not more, from governmental
22 and non-governmental organizations.

23 At our Center on Disability and
24 Development, we know that locating disaster resources
25 for people with disabilities can be particularly

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1 difficult. So immediately following landfall of
2 Hurricane Harvey, we created a Directory of Resources
3 for survivors with disabilities. But we also
4 collected data on the type, availability and number
5 of these resources and how they fluctuated across
6 time.

7 And we found, unfortunately, that
8 disability-related resources in Texas counties began
9 to decrease just three months after Hurricane Harvey.
10 And this is especially concerning given research
11 findings that disaster recovery for people with
12 disabilities typically takes much longer.

13 There are three other research
14 implications that you can find in my written
15 testimony. But in conclusion, when the social
16 vulnerability of one part of the population is
17 addressed, the resilience of a society as a whole is
18 enhanced.

19 So, changes to the design of the housing
20 and urban areas, emergency management practice and
21 disaster-related services could increase the safety
22 of all of us, including people with disabilities.

23 You will find references to the research
24 I just discussed, again, in my written testimony.
25 And thank you.

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1 CHAIR CANTU: Thank you for your
2 testimony, Dr. Stough. And thank you also for your
3 written submission. Now we will accept questions
4 from our Commissioners, our colleagues. Yes,
5 Commissioner Yaki.

6 COMMISSIONER YAKI: Thank you very much.
7 And thank you, panelists, for your statements today.
8 They are very enlightening.

9 There are so many different topics I want
10 to get into, but I'll just go after the low hanging
11 fruit first. And I'm going to start with Ms. Gomez.

12 As someone who is dealing with a lot of
13 the on-the-ground realities of what was going on,
14 what was your experience with regard to the
15 linguistic and cultural appropriateness of the
16 outreach, of the materials of the inspectors who were
17 visiting people's homes, the people who you were
18 representing?

19 MS. PERRIGUE-GOMEZ: Yes. So, I'm going
20 to use examples from Hurricane Harvey and also some
21 of the recent disasters because they are the same.
22 It hasn't changed. And so a lot of what we have seen
23 as well with regard to individuals who are limited
24 English proficient is unfortunate.

25 A lot of the documents are in English or

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1 in Spanish. We've experienced cases where initially
2 eligibility determination letters from FEMA, that
3 first round that go out do typically come in the
4 appropriate language.

5 But when an appeal is submitted,
6 specifically regarding other needs assistance, so
7 that division that's administered by the State of
8 Texas, we have seen unfortunate incidents where the
9 form language of the letter is in Spanish, for
10 example, but the actual denial reason is written in
11 English. That's hugely problematic and really
12 inexcusable for a state where one of the second, you
13 know, most populous language is Spanish.

14 And so there are linguistic barriers. We
15 hear clients complain consistently over and over and
16 over again that they cannot get an inspector who
17 speaks their language during the inspection. They
18 tell us that they feel disregarded. That they feel
19 like inspectors refuse to communicate with them.

20 FEMA does have some FEMA inspection
21 guidelines, which are not published to the public,
22 which, again, is intensely problematic, that it tells
23 inspectors that there is a protocol when dealing with
24 someone who may be limited English proficient.

25 And the first step in that is finding

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1 someone around them who can translate on their
2 behalf. I don't think that's an adequate way to
3 communicate with an individual. Sometimes that
4 person is 16 years old and is trying to relay
5 construction concepts to an inspector who, as we've
6 been told by clients, often feel like they don't care.
7 They're on a time crunch. They need to move to the
8 next inspection. They're seeing the same problems
9 over and over again.

10 So, yes, language barriers are a huge
11 problem. We try to resolve that at TRLA by providing
12 legal information in multiple languages. But the
13 onus is on the government, and they really need to
14 resolve that problem. It's not an excuse.

15 COMMISSIONER YAKI: Madam Chair, I'll
16 reserve my questions after my colleagues.

17 CHAIR CANTU: Thank you. Commissioners,
18 please. Yes, Commissioner Adegbile.

19 COMMISSIONER ADEGBILE: Thanks Madam
20 Chair. Many of your comments, I think there were
21 some themes that emerged in some of the testimony,
22 and many of the comments take as a baseline that there
23 are certain inequities, and inequality,
24 socioeconomic, and others, some having to do with
25 residential, and resources that are available to

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1 people, and then when the hurricane comes over on top
2 of this, it sort of acts as an amplifier, and there
3 are cascading effects from people who begin in a
4 situation when they don't have adequate supports in
5 the first place.

6 I'm wondering, so that people don't
7 mistake the baseline circumstances to be something
8 that we can't address, or that it's something that
9 doesn't require response. If you could help us drill
10 down for a second on what some of the most concerning
11 aspects are of the disparities that you saw along
12 race lines, and we've already heard a bit about
13 disability, but if there's specific additional
14 interventions that you think we should be focused on
15 in that space, that's important, and Commissioner
16 Yaki has already spoken about language access, and
17 the like.

18 I'm just trying to think about the
19 various populations who are having difficulty, and
20 disparities in the impact. Hurricanes are terrible
21 for everybody, but it does seem that part of your
22 testimony suggests that resources seem to get
23 concentrated to those who have the most, rather than
24 those who have the least. And my point is not that
25 those who have had substantial losses, and are of

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1 means, should not have the help of their government
2 when there's a natural disaster.

3 But equity seems to suggest that we need
4 to think about those who really are on the margins,
5 and may not be able to make it through, absent some
6 focused attention.

7 CHAIR CANTU: Was that addressed to all
8 the panel, or one person in specific?

9 COMMISSIONER ADEGBILE: Whoever wants to
10 take a pass at any piece of it. I know it's a bit of
11 a sprawl, so any piece of it you want to take up.

12 COMMISSIONER YAKI: Ms. Wachtendorf has
13 her hand up.

14 CHAIR CANTU: Please.

15 DR. WACHTENDORF: I'll just add a little
16 bit and (audio interference). I think one thing to
17 clarify with that as well, is that it's not only the
18 fact that, so we're looking at compounded impacts.
19 And so when we start thinking about the fact that if
20 we go back to my example, and we've heard it from
21 others about access to the forms, and the filing,
22 which is a huge, onerous, bureaucratic nightmare for
23 everyone who is involved in a post disaster
24 experience, the consequence of that is detrimental
25 across the board.

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1 And it is even more so for those
2 communities that you mentioned. So, the fact that if
3 we're looking at not having access to technology, or
4 bandwidth, that means you can't go on the computer to
5 upload those. You can't reupload, it takes time, you
6 missed the deadlines, and there are financial
7 consequences associated with that. If those
8 documents are written in such a way that make it
9 difficult not only based on language, but based on
10 age for example.

11 If you don't have -- if you're an elderly
12 individual, and you have difficulty navigating those
13 documents, and not having a care giver to go through
14 those with you, that will lead to differential
15 consequences, and a loss of assistance based on age.
16 So, what we're looking for is not, as you mentioned,
17 that it's only attending to one, but the fact that
18 you have these broad base challenges pre disaster,
19 lack of infrastructure attention.

20 And without addressing that in
21 communities that that is disproportionately the case
22 pre-disaster, those impacts are going to be
23 detrimental for them in a disaster situation.

24 CHAIR CANTU: Thank you. Commissioner -
25 -

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1 COMMISSIONER GILCHRIST: Madam Chair?

2 CHAIR CANTU: Yes? Commissioner Yaki.

3 COMMISSIONER GILCHRIST: Commissioner

4 Gilchrist, I think --

5 (Simultaneous speaking.)

6 COMMISSIONER GILCHRIST: -- another
7 witness with a hand up.

8 CHAIR CANTU: Okay, I'm missing that.
9 Just go ahead, and start talking, because I don't see
10 you on my screen, I apologize. I've got a full --

11 MS. CHAPA GORCZYNSKI: Madam Chairwoman,
12 it's Veronica.

13 CHAIR CANTU: Hi, please.

14 MS. CHAPA GORCZYNSKI: Hi. So, thank you
15 for the question. The seven minutes wasn't enough
16 time. So, one of the things I want to say is implied,
17 is in Houston, and a lot of parts of Texas we are a
18 majority minority community, we are a community of
19 color. So, the disparity happens because
20 overwhelmingly the assistance is in neighborhoods
21 that were either segregated by land use, or other
22 reasons, have been under invested for decades, and so
23 you have this compounding effect in the region.

24 So, the area that I represent in East
25 Houston, and East Harris County are some of the oldest

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1 parts of the community, but I've seen this in other
2 areas, such as the Rio Grande Valley. So, part of
3 the reason I really want us to rethink the delivery
4 of services through a poverty framework is because
5 what that means in Texas for so many reasons is that
6 the highest likelihood is that folks that are on SSDI.

7 Who are elderly, who live in the family's
8 original home, who have for a variety of reasons, not
9 been able to keep up to what might be standards that
10 everybody else would say you should be able to
11 maintain. For all those reasons, those are the folks
12 that are devastated again, and again. We had a
13 terrible freeze that had national news in February.
14 So, part of the challenges for example is I do know
15 of homes that potentially haven't had their running
16 water fixed, because whatever was already hurt in one
17 storm was affected by another.

18 So, when we're thinking about how we
19 offer assistance, you have the challenges that the
20 neighborhoods that are probably the oldest, that have
21 the concentration of older apartment units, older
22 single-family homes, homes that haven't been lead
23 abated, that have the highest propensity, or density
24 of people who are disabled, or elderly that stayed in
25 original neighborhoods for example, all those folks

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1 are going to be impacted in a disparate way, and they
2 have the least amount of resources.

3 So, one of the things that most often I
4 hear as a Houstonian is why don't you just leave?
5 You knew it was coming, why didn't they leave, why
6 did they stick around? And the answer is very simply
7 they could not afford to.

8 CHAIR CANTU: Thank you, thank you.
9 Colleagues?

10 COMMISSIONER ADEGBILE: There is one hand
11 Madam Chair, and Commissioner Gilchrist, sorry.

12 COMMISSIONER GILCHRIST: You're fine.

13 COMMISSIONER ADEGBILE: I certainly, I'm
14 going to turn it over to you, I just want to make
15 sure the witnesses get to respond. I will yield after
16 Mr. Sanchez has an opportunity to speak to the
17 question.

18 COMMISSIONER GILCHRIST: Not a problem.

19 MR. SANCHEZ: I'll be super brief. I do
20 want to echo Veronica's context, and how we need to
21 tackle this problem. Particularly you talked about
22 what conditions are there before disaster. The thing
23 seems to be let's get people to a new state, to
24 normal. But we're talking disaster, after disaster,
25 after disaster. So, the state of normal keeps being

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1 lesser than it was before in terms of opportunity.
2 So, we're continuing to put people under -- the
3 framework seems to be let's get them where they were
4 before the storm.

5 Well, before this storm, they were higher
6 up, and higher up, and we just can't keep responding
7 in a very minimalist way. In terms of where we focus
8 these resources, we need to take, and acknowledge
9 that vulnerable communities, those that are
10 impoverished, those that are under served, and we
11 haven't invested need to be a primary focus of how we
12 recover. Because the rest of the community really is
13 dependent on those folks, and those communities
14 recovering at full speed, so the entire community can
15 get back up to speed in very simple ways.

16 We've seen the diminishment of disaster
17 recovery centers, one of the panelists talked about
18 that earlier in terms of having to drive for hours.
19 During Hurricane Ike, we had 36 disaster recovery
20 centers. During Hurricane Harvey, which was -- and
21 that was for Harris County alone, not the region.
22 You talk about Hurricane Harvey, which was second
23 costliest storm, we had 16 disaster recovery centers
24 in this region where people had to drive hours, or
25 wait in line, or were not focused on those communities

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1 that needed most, and so we created local recovery
2 centers, and took it to those neighborhoods, and we
3 have to be cognizant of those things.

4 And it is cumbersome for people to
5 appeal, and on the language issue, as someone that's
6 had to be on the phone with my dad for, like the work
7 force commission, or something like that is
8 translating, you wait for an hour, and a half, by the
9 time you get there, the person on the other line tells
10 you centers can't translate for your father because
11 he didn't sign a piece of paper, even though we're
12 both on the phone.

13 So, these kinds of systems that create
14 hurdles for the most impoverished, and those that
15 need help are problematic, and also in terms of the
16 question about how do we address this between
17 disasters? So many things, when we look at disasters,
18 we can't be using the framework how do we get people
19 back to the previous number before the storm. How do
20 we empower communities to be more resilient, to
21 tackle the chronic stressors from transportation, to
22 healthcare, food benefits, all those kinds of things
23 that already make recovery more challenging?

24 And I'll close with this, it needs to be
25 more coordinated. DNSAP, sort of nutritional

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1 assistance, and food assistance, DSNAP, to get it,
2 you have to wait in line for hours, A through C goes
3 on Monday, D through F goes on Tuesday, and the rest
4 of the week they only get one more shot. And when
5 you go to DSNAP, you can't currently be on SNAP, which
6 is fine, but the vast majority of people that are
7 applying for DSNAP are eligible for SNAP, for
8 whatever reason, they're not doing it.

9 So, why aren't we registering folks for
10 SNAP to make them more resilient? We need to talk to
11 each other better, among local, state, and federal
12 partners, how we see those opportunities to close
13 those gaps, and not let them pass by.

14 CHAIR CANTU: Thank you. Any other
15 panelists wish to address the topic of racial
16 disparities, or other vulnerable groups, other
17 vulnerable populations?

18 MS. FERRIGUE-GOMEZ: Yes, this is
19 Brittany Gomez. I just want to make one really quick
20 comment focusing on a particular legal issue that I
21 think is a massive barrier for low-income families
22 across the state of Texas, not just in our service
23 area, is the home ownership, and heirship property
24 issues. This year FEMA expanded the documentation
25 that it is allowing for individuals to prove

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1 alternative homeownership, in Texas we have very
2 interesting, and very complicated real property laws
3 in place.

4 To be clear, those individuals that FEMA
5 has expanded the documentation they will accept for
6 were always homeowners, they have always been
7 homeowners in the eyes of the law of Texas, but
8 heirship properties are just one example of legal
9 issues, legal real property issues that impact low-
10 income families. Homeownership as a prerequisite,
11 and having to prove that homeownership as a
12 prerequisite to disaster assistance for FEMA, or SVA,
13 so that can be problematic.

14 I think that there needs to be an in-
15 depth analysis, and maybe even a separate committee
16 that focuses on title issues in the state of Texas
17 that are acting as barriers for low-income
18 individuals. In my written testimony, I provided you
19 a story of a client that I represented for several
20 years trying to obtain clear title for him to be able
21 to just qualify for FEMA. It was very complicated,
22 and arduous, and he was a wonderful client, who was
23 a veteran, but he was elderly, and we worked very
24 hard for him, and he ultimately did not get FEMA
25 assistance, or SVA assistance going forward.

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1 So, real property is a barrier impacting
2 people's ability to recover. And at TRLA we do real
3 property title clearing as disaster preparedness.
4 And so maybe there needs to be some sort of incentive
5 to help encourage that within the communities.

6 CHAIR CANTU: Thank you. Commissioner
7 Gilchrist, I'm going to call on you please.

8 COMMISSIONER GILCHRIST: Madam Chair,
9 thank you very much, and let me thank the panelists
10 for their testimony today. My comment is for Mr.
11 Sanchez. You mention in your written testimony that
12 the national flood insurance premiums had to be paid
13 in full each year, is that correct?

14 MR. SANCHEZ: It is, it's one of a couple
15 issues with the national flood insurance program, and
16 I'll leave others to debate. For example, some places
17 that don't flood regularly could be 700 dollars a
18 year, could be 2000 plus dollars a year, I'll leave
19 it for other folks to debate whether those prices are
20 fair, or not, if those folks are in an area that
21 doesn't come up with disaster, but it's challenging.
22 If you're paying that, you have to pay that up front.

23 So, we're already looking at -- Veronica
24 mentioned the 400 dollars that folks, almost 50
25 percent of our community can't come up with for an

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1 emergency expense, that was pre-COVID, imagine where
2 we're at now. So, in terms of flood insurance, aside
3 from the disparities, things that you could tackle
4 right now are why can't you put that on a payment
5 plan for your flood insurance program? Why do you
6 have to pay that up front? Why can't it be built
7 into escrow, and things like that?

8 So, those are some of the challenges that
9 come sort of with those issues, and those are the
10 kinds of low-hanging fruit, who doesn't take a
11 payment plan? Good, bad or indifferent, this nation
12 thrives on credit, and making monthly payments, why
13 can't you do that for something that's required, but
14 also build resilience?

15 COMMISSIONER GILCHRIST: Thank you for
16 that. And just curious to know, are you aware of any
17 legislative moves that might, in any way change that?

18 MR. SANCHEZ: I am not, I know there's an
19 active debate, as there is every time the national
20 flood insurance program has to be renewed, where that
21 cost burden should fall, so I know that's still
22 currently the legislative process. I would imagine
23 now, or the next time that there's a renewal, that's
24 an opportunity to look at that. Every few years you
25 have the whether or not Congress will reinstate the

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1 national flood insurance programs, and these
2 continuing debates as to who should bear the burden
3 of the cost if you're in an area that's prone to
4 flooding. But right now, or the next cycle would
5 seem like ideal times to tackle that issue.

6 COMMISSIONER GILCHRIST: Thank you very
7 much.

8 CHAIR CANTU: I am trying to share two
9 screens here.

10 COMMISSIONER ADEGBILE: Commissioner
11 Kladney has his hand up.

12 CHAIR CANTU: Thank you. Commissioner
13 Kladney?

14 COMMISSIONER ADEGBILE: Dave, we need --
15 (Simultaneous speaking.)

16 COMMISSIONER YAKI: David you're on mute.

17 COMMISSIONER KLADNEY: This question is
18 for Mr. Sanchez, Dr. Stough, anybody else who would
19 like to answer. But I was wondering if you could
20 list five specific areas where you feel FEMA failed
21 to provide Harris County assistance for disabled
22 people prior to, or during Harvey?

23 MR. SANCHEZ: I'll address this,
24 Francisco, just some broad issues, maybe not FEMA
25 specific, but something I see across the spectrum is

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1 there's a challenge in translation in providing real
2 time services in terms of being able to have
3 particularly for example deaf, and hard of hearing.
4 Being able to have translations not only in shelters,
5 but also in the recovery process. Those are often
6 times, you need that ability on site, in the moment,
7 the appeals process is cumbersome, the application
8 process is cumbersome.

9 Having to call back, and be on this
10 repeated cycle of trying to mesh someone's
11 availability to do those translations, or providing
12 ASL, or Spanish language in the moment, just keep
13 sort of extending that process. And I think we also
14 need to take a look at, one of the things that has
15 gotten better I think, is requiring AVA compliance at
16 shelters, and those kinds of facilities. I think
17 there is vast improvement for the accommodations that
18 are done there.

19 I think we're right now at sort of the
20 minimum, I would urge folks that are more expert at
21 that than I am, I think we need the ability to not
22 only -- and also to provide at the local level, I
23 think there's always challenges, and I think there's
24 always opportunities to improve. Now, if we provide
25 emergency public information, recovery information,

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1 and those kind of critical issues in formats that are
2 accessible to the community, not to get ahead of
3 myself, we've actually got an exciting announcement
4 coming up next Tuesday of how we're improving some
5 things here in Harris County.

6 But I will tell you I have the
7 opportunity to sit at the table with some of my
8 colleagues from across the country that are excellent
9 at what they do. One of the continuing challenges, we
10 ask each other what's working well, are you doing
11 this as well as you could be? We look at each other
12 like man, we sure could use some help. So, I will
13 say that we need to bring folks to the table with
14 that expertise into these discussions, into that
15 decision making, and building that capacity to have
16 those folks at the table to help guide us through
17 this.

18 One thing that did work well that I think
19 was organic in Harvey, we have a lot of organizations
20 that came up from vulnerable communities. These
21 disadvantaged communities of colors, disabled
22 communities, and others that came up, and were part
23 of the recovery process that had not been before
24 because of the magnitude of Harvey. We need to
25 welcome them to the table, and we need to empower

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1 them to be a part of the process. Aside from
2 language, the cultural understanding they bring, to
3 be able to translate those services in those
4 communities is essential, and something that would be
5 valuable to the process.

6 COMMISSIONER KLADNEY: Dr. Stough?

7 DR. STOUGH: Yes. Best practice in
8 emergency management is to conduct an after-action
9 report following a disaster. The state of Texas did
10 produce an after-action report called the Eye of the
11 Storm, however nowhere in the 177 pages of that report
12 was any mention of people with disabilities, of
13 elderly people, or of people with functional needs.
14 And I'll just add this, there were 11 mentions of
15 what to do with animals in disaster. So, I do believe
16 there was an oversight of significance there.

17 At that time, following Hurricane Harvey,
18 there was a Disability Task Force on Emergency
19 Management. I served on that advisory committee, we
20 produced our own after-action report based on surveys
21 of the disability community; and also, of our partner
22 disability organizations and service providers that
23 were a part of that task force; and we found
24 shortcomings in four areas- with respect to
25 communication about the impending hazard of Hurricane

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1 Harvey, with respect to sheltering, with respect to
2 evacuation, and then also with respect to state and
3 federal resources.

4 And in my testimony, you have a link to
5 both reports. The after-action report on individuals
6 with disabilities details specific recommendations
7 following under each of these broad areas. So, in
8 sum, these are very broad areas that we saw
9 shortcomings and needs for improvement. As of today,
10 I do not know if the state has followed these
11 recommendations.

12 But what I do know is I know that these
13 are areas we see time and again in disasters that
14 affect people with disabilities- Communications,
15 sheltering, resources, evacuation.

16 COMMISSIONER KLADNEY: Thank you. And I
17 know this will shock my colleagues, but I only have
18 one more question. And that would be at the shelters,
19 I understand there weren't facilities for service
20 animals, power dependent people, wheelchair dependent
21 people, autism, or IDD folks. And I was wondering if
22 FEMA ever provided instruction, or education to
23 Harris County emergency management personnel on
24 caring for persons with disabilities during natural
25 disasters. I guess more specifically instruction on

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1 ADA, the Rehabilitation Act, or civil rights under
2 the Olmstead case. Does anybody know if that's ever
3 happened from FEMA?

4 DR. STOUGH: DR. STOUGH: I believe at
5 the time, FEMA, prior to Hurricane Harvey, had a
6 training called 197, that's the number of the module,
7 but that had not been updated, and not regularly
8 offered to FEMA employees. At the state level, the
9 state of Texas had a Texas form of module 197, and
10 training was offered to emergency managers in the
11 state. However, it is not a required training, it's
12 a supplemental training.

13 COMMISSIONER KLADNEY: So, did that
14 training include civil rights accommodation, and how
15 to accommodate for them? And then subsequent to that,
16 Harvey occurred, and none of that was really
17 followed, is that what I'm hearing?

18 COMMISSIONER ADEGBILE: Just for the
19 record, that's part of Commissioner Kladney's
20 previous last question.

21 DR. STOUGH: There are examples of good
22 provisions for people with disabilities inside of
23 shelters, and there are examples of bad practices.
24 And I would say that those shelters that are run by
25 the American Red Cross are official shelters in the

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1 state of Texas, but you also have a lot of pop-up
2 shelters. And in those kinds of situations, you have
3 volunteers, you have churches, you have people who
4 may not be very educated about disability-related
5 issues. This does not remove them from the
6 responsibility to make things successful, but just an
7 explanation for in part, what occurs there.

8 Now, of course Hurricane Harvey was not
9 an evacuation disaster, right? For the most part
10 people sheltered in-place, because the hurricane
11 originally was going to come in around Corpus
12 Christi, and actually Corpus Christi was really well
13 prepared for evacuation, but then it went back into
14 the Gulf of Mexico, and then came back into Houston.
15 And at that point, evacuating the millions and
16 millions of residents- it was too late to do a full-
17 scale evacuation of that type.

18 COMMISSIONER ADEGBILE: Madam Chair, if
19 other commissioners have questions, I defer. If not,
20 I have a follow up.

21 CHAIR CANTU: Would any of my colleagues
22 have a question? Should I yield to Commissioner
23 Adegbile?

24 COMMISSIONER ADEGBILE: It looks like
25 Commissioner Yaki has a question. I yield to

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1 Commissioner Yaki.

2 COMMISSIONER YAKI: Thank you. This goes
3 to stuff that a lot of people have touched on, and we
4 just heard of how the disaster magnifies pre-existing
5 disparities that may exist within a community. I'm
6 wondering in particular, in the recovery effort FEMA
7 has the ability to allocate what is called hazard
8 mitigation grants, and I would like to know whether
9 they're going in the areas for these affected
10 communities, where these increasing disparities
11 exist, number one.

12 Number two, I want to know whether, or not any
13 of you have seen a pattern where these local buyouts,
14 and acquisition programs is being used as
15 proportionately as being reported in certain other
16 areas to buy out, and essentially relocate
17 predominantly minority, particularly African
18 American populations in Harris County.

19 MR. SANCHEZ: This is Francisco, I'll
20 just say a little bit about the hazard mitigation
21 grants that come sort of from the federal government,
22 and FEMA in particular. So, a percentage of the
23 disaster cost is sort of bundled into mitigation
24 grants that are provided from FEMA across the state.
25 However, sort of if for example Harvey was a Texas

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1 disaster, that money from the mitigation action
2 grants goes to the state, and then sort of anybody
3 across the state, any jurisdiction can apply for
4 those.

5 But it's not necessarily isolated to that
6 particular community. And then it becomes sort of a
7 competitive process to go, and apply for those.

8 COMMISSIONER YAKI: But is that
9 competitive process itself tilted against helping out
10 lower income communities, which is one of the
11 implications that's been made?

12 MR. SANCHEZ: Not sure of that, because
13 --

14 COMMISSIONER YAKI: Because the matching
15 contribution requirement, et cetera that communities
16 need to come up with if you're a poor community, and
17 you can't come up with the ten, or 20 percent that
18 you need to do, it goes to somebody else who can.

19 MR. SANCHEZ: Correct, and a large of
20 part of that, there's at least two players in that,
21 how that money comes down, how they choose to
22 prioritize who will get the limited pot of money,
23 what priorities they will do in terms of setting that.
24 At the local level, there needs to be that investment
25 in coming up with that match. Which, for some

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1 jurisdictions that are larger, and have more
2 resources isn't quite an issue.

3 But you've got folks in communities that
4 may not have the funds to do that. And then you also
5 have to prioritize at the local level, did we want to
6 tackle that? For example, we were able to use
7 mitigation grant dollars, I can't remember if it was
8 Harvey, or not, but to do a piece on mitigation, and
9 how people can make their homes more resilient, and
10 we made sure that it was available, we will release
11 soon, it's not available only in English, but also in
12 Spanish, and also as ASL.

13 So, you have those various dynamics going
14 on. Can you afford to match? Do you have the
15 resources locally to get to compete for those, and
16 also are you prioritizing at the local level to make
17 sure to tackle those issues of inequities?

18 COMMISSIONER YAKI: Well, let me just do
19 a quick follow up on that, because going to a point
20 that I think Ms. Gomez, and others have made about
21 the fact that FEMA does a lot with homes, but not as
22 much with renters. To what extent can these grant
23 funds be used to rehabilitate and stabilize rental
24 housing rather than just ownership housing so that
25 people aren't having to be relocated, or move, or

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1 whatever has happened to a lot of different
2 communities, rental communities especially post
3 disaster.

4 MR. SANCHEZ: So, a couple of
5 observations on that, one is you've got these various
6 players at the federal level from how to deal with
7 housing, to FEMA dollars, and some other agencies. I
8 will tell you on the rental side you do have a
9 disparity in that FEMA provides individual existence,
10 direct money that don't have to be repaid to
11 homeowners, and then an option for renters is SBA,
12 which provides low interest loans. And so, you're
13 putting renters in a capacity where they have to get
14 a loan, or owners of a property receive money that
15 doesn't have to be paid back.

16 So, I think exploring those kinds of
17 issues, and what inequities lie there is certainly of
18 some value. And I will tell you in terms of the
19 monies that are available, one of the things that's
20 challenging is that every round of dollars tends to
21 come with different sets of requirements, and
22 standards. And so, our hope is that those evolve for
23 the better, but every route of mitigation dollars
24 from any number of federal agencies has to be
25 vantaged, and of course what the latest rules are,

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1 and sometimes they're better, sometimes they're not.

2 But I think baking in the kind of
3 framework that prioritizes diversity, equity,
4 inclusion, and recognizing that we need to move these
5 vulnerable communities as the focus for recovery, and
6 not bringing them back to normal, but bringing them
7 to a state of resilience that really ought to be the
8 priority.

9 COMMISSIONER YAKI: Thank you. Veronica?

10 MS. CHAPA GORCZYNSKI: Thank you. As an
11 observer, and a former program officer, we've been
12 working on the apartment complex, and the multifamily
13 question for, in my experience, over a decade, and we
14 haven't gotten it right, and that's going to need
15 more research specifically. Because renters are
16 placed at a disadvantage, and we don't accommodate
17 for what happens when whole apartment complexes are
18 unlivable. We struggle with that, and it's everything
19 from let's get them temporary assistance to what's
20 the baseline of sanitary, and safe, how long can we
21 let them stay in there?

22 And the result is we still have stories,
23 I think I saw one in the news last week that was
24 talking about mold in apartment complexes, and
25 whether or not their project placed voucher could be

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1 moved, and portable, and I know Brittany will know
2 more about that piece. So, I would urge more
3 research, and partnership on how we do this
4 differently, because the number is increasing.

5 When I worked on the initial plan from
6 the state of Texas, and I was on a team, the HUD, the
7 request was 3 billion dollars for the state of Texas,
8 and Harvey, I don't remember what the total was, I
9 think it was seven. I know for Harris County it was
10 1 billion, and the city of Houston is 1 billion
11 dollars. From that, I can't tell you how much went
12 to hazard mitigation, or how much is going into
13 apartment complexes, because there's a difference,
14 can we rehab what's there, do we build something new
15 in a new place?

16 And when you build something new, it's an
17 additional three years to kind of get that in the
18 unit from a war in getting the ground done. So, this
19 is -- I think you hit on a key issue, it's very
20 complex, and I definitely want to encourage more
21 research on this. I'll defer to Brittany, you've been
22 so patient, but I know you've been on the ground
23 working on this issue for years too.

24 COMMISSIONER YAKI: Yeah, I want to hear
25 from Brittany too. One of the things that I

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1 encountered when we were dealing with the Loma Prieta
2 earthquake was that FEMA still had a vision of America
3 as 1950s single family homes with white picket
4 fences, and it's making me think like they still
5 haven't quite deviated from that model yet. So,
6 Brittany, if you could just answer, you had your hand
7 up, and then I'll defer back to Commissioner
8 Adegbile.

9 MS. PERRIGUE-GOMEZ: Yes, of course. So,
10 I believe the allocation of funding was around 5
11 billion dollars for areas, and I think that excludes
12 potentially Harris County, their allocation was
13 slightly different. But you're right. Ideally, I
14 would love to see mitigation funding, at least from
15 Hurricane Funding, be reallocated toward a direct
16 renter program since they were excluded completely
17 from the initial allocation of CDBGDR funding
18 programs that renters would benefit from, that
19 homeowners currently get under the Homeowners
20 Assistance Program is additional rental assistance.

21 Utility assistance, transportation
22 assistance, appliance reimbursement, and security
23 deposit assistance for when they are temporarily
24 displaced. All of those things are things renters
25 also need, and can benefit from. The funding for

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1 CDBGDR was allocated for the affordable rental
2 program, which I touched on briefly in my opening
3 statement, and not for its direct housing assistance.
4 mitigation funding could be used to address that
5 issue, but the affordable rental program's maximum
6 rent policy allows renters to charge up to 30 percent
7 of 65 percent of the area median income, and that's
8 according to GLO's own house, and guidelines, which
9 HUD had approved for this disaster.

10 Generally, HUD public housing
11 requirements limit the maximum rent of a low-income
12 individual to 30 percent of their income. Ultimately
13 in the broad scope, what this means is extremely low-
14 income, and very low-income individuals will be
15 excluded from the affordable rental program, because
16 they won't be able to afford to rent those places.
17 Additionally, one example that just comes off to me
18 off the top of my head, and this may have changed
19 more recently.

20 But If I can remember correctly, only one
21 apartment complex is being built in Corpus Christie
22 Texas, it is 25 units, and like I mentioned, extremely
23 low-income, and very low-income individuals won't
24 qualify for that. And one way you could very easily
25 make this requirement accessible to renters who were

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1 impacted by Hurricane Harvey is by putting a
2 requirement that some of those units be capped at 30
3 percent of their income, as well as giving preference
4 to Hurricane Harvey survivors, since the money was
5 intended to repair damage from Hurricane Harvey.

6 CHAIR CANTU: Thank you. Commissioner
7 Adegbile, is this a question that can go to the next
8 panel? Oh, Commissioner Gilchrist hasn't -- is this
9 something that can wait until the next panel, or do
10 you need to do it now?

11 COMMISSIONER ADEGBILE: They're actually
12 some of them on some of what we've heard.

13 CHAIR CANTU: Okay, follow up questions,
14 do I have consent from the commissioners to keep the
15 panel a little longer? Hearing no objection, you've
16 only got five more minutes folks, because we do have
17 a hard close on this.

18 COMMISSIONER ADEGBILE: So, I just wanted
19 to understand two things about the testimony we've
20 heard. We've heard a little bit about a CDBG
21 exclusion for renters, and I want to know if anybody
22 has an understanding about what the rationale would
23 be for that in light of the inequities that seem to
24 flow from it, and then with respect to the after-
25 action reports that were described, I'm trying to

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1 understand if any of those reports speak to the
2 demographic inequities that you all have been
3 identifying.

4 Is there ever a recognition, and a coming
5 to terms with those experiences, some of which you've
6 been talking about today. If not, why not?

7 CHAIR CANTU: Do I hear a panelist
8 wanting to respond?

9 MS. PERRIGUE-GOMEZ: So I think -- sorry,
10 this is Brittany Gomez again. I think one issue
11 regarding why renters have been excluded may actually
12 come down to the numbers. If you look at some of the
13 data that GLO used, and cited in its state action
14 plan, which was subsequently approved by HUD, there
15 might be an indication that the homeowner's unmet
16 need is substantially larger than that of a renter's
17 unmet need after Hurricane Harvey.

18 There's a question as to where, or how
19 that number was calculated, and the GLO state action
20 plan, it does indicate that they may not have excluded
21 insurance when calculating the total number of needs
22 in the suggested care. So, currently the state action
23 plan indicates that 6.9 billion dollars of unmet
24 housing need for homeowners, but if you would exclude
25 insurance from that, that actually would result in an

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1 unmet need of 2 billion dollars.

2 Whereas if you did the same thing for
3 renters, which was allocated for 2.7 billion dollars,
4 excluding insurance from that, it's 2.6. That's a
5 large discrepancy. And so I think it comes down to
6 data. I think there's also a conciliation agreement
7 in which HUD, and the state of Texas came to after
8 Ike, and Dolly regarding the same thing, the
9 conciliation agreement ultimately determined that
10 direct financial assistance for renters was
11 necessary.

12 COMMISSIONER ADEGBILE: Dr. Stough on the
13 after-action fees?

14 DR. STOUGH: Yes, and I have to say, I'm
15 continually befuddled. I mean, I look at these after-
16 action reports, I look for recommendations for people
17 with disabilities, or functional and access needs,
18 and I'm continually surprised, frankly. What I can
19 say is that populations with disabilities have come
20 late to discussions about civil rights behind people
21 of color, or people who don't speak English as a first
22 language.

23 And this is another instance in which
24 paying attention to the experiences of the people
25 with disabilities is overlooked again. So, I don't

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1 have a good answer, all I can do is more research.

2 COMMISSIONER ADEGBILE: Do those reports
3 speak about racial inequities?

4 DR. STOUGH: The one that I'm
5 referencing, the "Eye of the Storm," I'd have to go
6 back, and look at that. Nothing about seniors,
7 nothing about people with mobility impairments, or
8 hearing impairments, I'd have to back through that.
9 You have a link to it in my report.

10 COMMISSIONER ADEGBILE: Thank you.

11 CHAIR CANTU: Commissioner Gilchrist.

12 COMMISSIONER GILCHRIST: Thank you Madam
13 Chair. This comment is for Ms. Veronica. I was most
14 intrigued by reading your testimony that you wanted
15 to see more collaboration with additional groups to
16 participate with FEMA. Why do you feel like that's
17 not happened to any large degree?

18 MS. CHAPA GORCZYNSKI: I think Francisco
19 touched on it a little bit in that they weren't a
20 part of the process previously, because the
21 government came in, and handled it. What I saw
22 differently in this storm was, in the community we
23 serve, the Hispanic Spanish speaking churches became
24 shelters. That's where people had confidence to go,
25 and ask for help, whatever the help was. We also saw

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1 a lot more on social media.

2 And so, what I was trying to say is that
3 these storms are getting bigger. The process, and
4 the bureaucracy of government, by just the premise
5 that we're here, it's not working in delivering. And
6 so asking for groups that understand the
7 neighborhood, that have cultural competency, that
8 have local knowledge that can understand how we
9 approach people for assistance. There are
10 neighborhoods, and everyone here knows a neighborhood
11 I would argue, that you could not knock on the door,
12 and say I'm here from the government, and I'm here to
13 help.

14 COMMISSIONER GILCHRIST: Thank you for
15 that. Just give me an example of what type of groups
16 you are referring to.

17 MS. CHAPA GORCZYNSKI: So, there's always
18 challenges for the faith-based community, a lot of
19 smaller churches really stepped it up, and they asked
20 for donations, they didn't ask for reimbursement. On
21 the next panel you have a wonderful woman named Kathy
22 Flanagan-Payton, and she's going to give you her
23 story, and what she's done, and she has done things
24 outside of the box.

25 She's a community resource organization

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1 that maybe light help in the long-term recovery, but
2 started doing more to help preposition resources as
3 the storm was coming in. We have a large number of
4 community development corporations that maybe haven't
5 helped on the front-end piece. I saw interesting
6 innovations among school districts, and I don't know
7 how school districts, because I've not had that
8 benefit, interact with FEMA, or HUD.

9 But where they, in areas where shelters
10 couldn't be setup, were setting up spaces beyond the
11 Red Cross requirements. They were having people come
12 volunteer, and they were asking for donations. So,
13 the smaller organizations that are embedded in the
14 community. And here are some key things to consider,
15 they are not going to loan you money, and ask you to
16 be reimbursed, they just don't have it.

17 But they know the people in the
18 neighborhood, they're asking for the donations, and
19 they're coalescing their resources, and you can do
20 that across pocket neighborhoods all across Houston,
21 and I would probably argue other cities all over the
22 country too. So, I don't have a perfect definition
23 for you commissioner, but I think where people
24 haven't been there before, they need to be invited to
25 participate, and they need to give you their

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1 recommendations, and solutions of how they can help
2 you.

3 And then government will tell us from a
4 bureaucracy perspective, we're not going to duplicate
5 benefits, or allow for them to participate.

6 COMMISSIONER GILCHRIST: Thank you very
7 much for that. And I guess one of the consistent
8 themes I've heard throughout your testimonies today
9 is accessibility. Making sure that whatever we have
10 in place is accessible to the people we're trying to
11 serve. So, that's kind of what I was getting at,
12 thank you so much for those comments, I appreciate
13 that.

14 MS. CHAPA GORCZYNSKI: Sure, and sir if
15 I may, part of the reason I really hammer on it is I
16 have seen for years, people in my community do not
17 ask for help, or assistance. They're going to figure
18 it out themselves, they're going to figure it out
19 with their family, and they're just going to get it
20 done because that's all we're able to do in their
21 eyes. So, I know we can do better, it's because I've
22 knocked on the door, or I've had friends that knocked
23 on the door, and they know that we're from the
24 neighborhood, or that I'm affiliated with the parish,
25 we get other results.

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1 And we're able to help in a different
2 way. And the problem is now getting too big beyond us
3 to just have the one discussion on what do we do with
4 FEMA? It's going to have to be these community-
5 oriented solutions, and they're going to be
6 difficult, they're not going to be easy. But in my
7 personal experience when we have to find out how we're
8 going to help Ms. Smith down the street, those are
9 the folks to help me get it done.

10 COMMISSIONER GILCHRIST: Thank you very
11 much, appreciate it.

12 CHAIR CANTU: Thank you Commissioner
13 Gilchrist. Well, I can see why this panel had a
14 difficult time getting off the stage, because you
15 were so well prepared, and you were so informative,
16 so I really appreciate you very much. We're going to
17 take a 10-minute break, and come back at 48 minutes
18 after the hour. So, I'll see you in ten minutes, and
19 thank you very much for the panel, you did terrific.

20 **IV. BREAK**

21 (Whereupon the above-entitled matter
22 went off the record at 1:38 p.m. and resumed at 1:48
23 p.m.)

24 **V. PANEL TWO**

25 CHAIR CANTU: Welcome back. I will now

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1 briefly introduce the order of the panelists in the
2 order they're going to speak for our second panel.
3 Our first speaker is Chauncia Willis, co-founder and
4 chief executive officer of the Institute for
5 Diversity and Inclusion in Emergency Management. Our
6 second speaker will be Kathy Flanagan-Payton,
7 president, and CEO of Fifth Ward Community
8 Redevelopment Corporation.

9 Our third speaker is Julia Orduna,
10 southeast Texas regional director, Texas Housers. Our
11 fourth speaker is Dr. Shao-Chee Sim, vice president
12 for applied research, Episcopal Health Foundation.
13 And our fifth speaker, our final speaker for panel
14 two is Ben Hirsch, director of strategic
15 partnerships, West Street Recovery. And we'll start
16 with you Ms. Willis, please proceed.

17 MS. WILLIS: Okay, well thank you, thank
18 you Madam Chair, and distinguished members of the
19 commission. My name is Chauncia Willis, and I serve
20 as the chief executive officer for the Institute for
21 Diversity and Inclusion in Emergency Management, I-
22 DIEM, and I'm ever so grateful for the opportunity to
23 share information with you today regarding the
24 federal government's response to Hurricane Harvey, as
25 well as to highlight my organization's innovative

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1 work in prioritizing equity as a solution to reduce
2 the impact of disasters on marginalized communities
3 across the United States, and globally.

4 Systemic policies, programs, and
5 practices create, and contribute to disproportionate
6 disaster impact among low-income communities, and
7 people of color. Vulnerable, under served, and, or
8 marginalized communities are forced into high risk,
9 high exposure living situations contributing for an
10 increased risk for loss of life, and property which
11 increases vulnerability, and decreases resilience.
12 In 1967, Dr. Martin Luther King delivered a speech he
13 described the other America.

14 One America that serves, and supports the
15 lives, and livelihoods of white Americans, and
16 another America that is punitive, hostile, and
17 apathetic to people of color, the poor, and otherwise
18 under-represented groups. Now, at a granular level,
19 and much like the two Americas that Dr. King
20 described, there are two emergency management systems
21 operating in this country, and those two systems have
22 tremendous impact on marginalized people before,
23 during, and after disasters.

24 As discussed earlier today, the emergency
25 management system as we know it, one that aims to

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1 reduce the harmful effects of hazards, and disasters
2 does not work the same way for everyone. Some benefit
3 from it, and some are further harmed by it. Those
4 that are affluent, that are middle class white
5 homeowners et cetera have the expectation of justice,
6 and full recovery in the unfortunate event of an
7 unforeseen disaster.

8 The emergency management system has the
9 policies, and programs that were put in place to
10 assure them a full, and timely recovery post
11 disaster. Those neighborhoods are restored faster,
12 and if there is significant damage, they are provided
13 with more funding to move to a safer, less hazard
14 prone location. Conversely, the other America must
15 endure the impact of the other emergency management
16 system.

17 A system that does not provide full, or
18 timely recovery, a system that is more likely to deny
19 requests for assistance. A system that delays, and
20 prevents recovery in a methodical fashion. This
21 other system does not recognize that biased policies
22 such as redlining, and segregation increase a
23 community's exposure to hazards, and in fact sees the
24 members of that community as acceptable losses. This
25 other emergency management system operates within the

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1 construct that those that live in higher value
2 neighborhoods, that are educated, and that have more
3 access to resources are thus more valuable, and
4 deserving of full recovery, and a greater share of
5 funding resources to mitigate against future
6 disasters.

7 The overarching goal of disaster policies
8 both then, and today has been to restore economic
9 stability, and wealth to land, and homeowners. The
10 federal response to Hurricane Harvey is a repeat of
11 many other disasters that have occurred throughout
12 history. The government has never prioritized the
13 most vulnerable within our society in times of
14 disaster. The working poor, immigrants, Indigenous
15 groups, people with disabilities, and the list goes
16 on.

17 In fact, history tells us that these
18 groups are sacrificed first, and their collective
19 needs for restoration post disaster are considered
20 last. Based on a post disaster survey, 45 percent of
21 affected residents during Hurricane Harvey said that
22 they were not getting help, and that number rose to
23 64 percent amongst Black residents. More alarming,
24 approximately 40 percent of those applications were
25 denied without reason, while others were denied

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1 because their homes were located in flood zones, and
2 thus they were required to carry flood insurance.

3 Of course, this is a luxury for lower
4 income residents. Disasters should not be seen as
5 singular events, they are an ongoing phenomenon used
6 to authorize, and impose further suffering on
7 vulnerable groups. It is post disaster that we see
8 redistricting lines shift, and voter suppression. It
9 was after Katrina that we saw disaster
10 gentrification, where an entire city was absolutely
11 shifted in terms of demographics to become majority
12 White.

13 FEMA denied recovery funding to thousands
14 of African American people post disaster when they
15 denied heirs property rights, which forced them to
16 leave the city they love. As you see, disasters have
17 immediate impact on under-served communities, and
18 long-term impacts. When an entire group of people
19 are intentionally allowed to suffer physical,
20 emotional, and economic harm, one might call it a
21 crime against humanity.

22 In emergency management, we call it
23 disaster recovery. There are many federal, and state
24 organizations that are now touting equity as their
25 focus because of the Biden Administration's equity

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1 mandate, but their actions are performative. They
2 are doing what they need to do to check the box by
3 hiring untrained equity consultants, and failing to
4 make the bold, sweeping changes that will actually
5 impact people, and how they are treated in disaster.

6 In fact, there has been no move to
7 intentionally hire, or contract nonwhite led disaster
8 management firms to lead major, or minor disaster
9 response, and recovery efforts. This is significant,
10 because disaster recovery firms come into a community
11 to provide the initial damage assessments, to provide
12 inspections, and to supplement state resources. FEMA
13 has no requirement for cultural competency training
14 for contractors, its inspectors, or for anyone of
15 their work force.

16 And so they continue to contact firms
17 that have not been trained with a focus on diversity,
18 equity, and inclusion. This will lead to a repeat of
19 disproportionate impact. Our organization believes
20 that disaster equity must be implemented as the
21 primary focal point for federal response, and
22 recovery. I-DIEM deploys disaster equity response
23 teams post disaster to assess equity, and federal
24 response in recovery.

25 In closing, while natural disasters do

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1 not discriminate, their long-term impact
2 disproportionately falls on marginalized groups. The
3 marginalized homeowners must wait the longest, often
4 years to receive assistance, and complete their
5 recovery. That delay, and that lack of
6 predictability harms survivors, and causes
7 irreversible damage to children, to families, and
8 seniors who suffer unnecessarily because of this
9 lengthy process.

10 Equity should be a commitment, and
11 embedded into all of our policies, and programs. We
12 must prioritize the people, and focus on humanity
13 with approaches that ensure equity in transaction.
14 And currently we are doing the most for the most.
15 Thank you for your time.

16 CHAIR CANTU: I apologize, you ended four
17 seconds early, thank you very much. Thank you Ms.
18 Willis. So, I'll call on Ms. Flanagan-Payton next.

19 MS. FLANAGAN-PAYTON: Good morning, and
20 thank you Commissioner Cantu, and I appreciate the
21 conversation, and the dialogue that has taken place
22 thus far. I am Kathy Flanagan-Payton, and I have the
23 awesome honor to be a native resident of the community
24 that I serve known as Houston's fifth ward. I
25 represent an organization, the Fifth Ward Community

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1 Development Corporation, a nonprofit organization, a
2 Neighbor Works charter affiliate.

3 And unofficially what I'm going to
4 reference as a CEMA, a community emergency management
5 agency, because we often respond to the needs of our
6 community. We are a catalytic organization committed
7 to building, and preserving an inclusive Fifth Ward
8 community by developing places, and opportunities for
9 people to live, work, and play. And as a steward of
10 Houston's historic Fifth Ward, and comprehensive
11 community developer, Fifth Ward seeks to enhance the
12 quality of life for individuals, and families.

13 Eliminate blight, attract investment,
14 and resources, encourage commercial, and business
15 development, coordinate government, and public
16 service, and offer a sense of destination, and
17 creative place making. The finished product is a
18 healthy, and vibrant community for residents, and
19 visitors alike. Much has been said about under-
20 served communities, and I want to emphasize that this
21 conversation is long overdue.

22 And while we only reference Hurricane
23 Harvey, I can attest that the residents, and families
24 in Fifth Ward are even going back to recovery as far
25 back as Hurricane Ike in 2008. Yes, today, four plus

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1 years post Hurricane Harvey, and now followed by
2 numerous other natural disasters to include Hurricane
3 Imelda, the ongoing COVID pandemic, and the recent
4 winter storm Uri, Fifth Ward Community Redevelopment
5 Corporation put on its CEMA hat to encourage recovery
6 efforts.

7 And to continue to help Fifth Ward
8 residents recover from the travesty of even Hurricane
9 Harvey storms, the flooding, and we've met basic
10 needs, provided emergency financial assistance, we've
11 restored homes, provided temporary relocation,
12 offered housing case management, and construction
13 management services for our clients. In addition to
14 our targeted service area of the greater fifth ward,
15 we've had to extend our recovery efforts to bordering
16 communities.

17 To include Kashmere Gardens, Trinity
18 Gardens, the Homestead area, and limited parts of
19 Sedagas, Pleasantville, and the East End. The
20 demographic makeup of each of these areas are largely
21 African American, and Hispanics, and low to moderate
22 income families, many living below poverty. Our
23 recovery efforts are an extension of our work that we
24 were chartered to do 32 plus years ago serving
25 vulnerable communities.

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1 We never thought our emphasis would be on
2 disaster recovery. Our work commenced immediately
3 following the storm as we began to receive, and
4 distribute donated supplies, and materials. This is
5 critically important, as government funds, and access
6 to such in communities like fifth ward is almost
7 insulting. It's a day late, and a dollar short. It
8 appears that the system is designed to further beset,
9 and defeat those who need the resources, and help the
10 most.

11 The system, and process are cumbersome,
12 restrictive, inadequate in most cases, and
13 inequitable. Responses from beneficiaries suggest
14 that those with less get less, and those with more,
15 get more. The reality is that those with less
16 actually need more. We don't know what it will take
17 for our government to understand, and appreciate
18 that. In areas like Houston's Fifth Ward, the process
19 of applying for assistance was cumbersome, and the
20 return was disappointing at best.

21 Citizens were frustrated by a process
22 largely centered around technology, and access
23 without regard to the limited access of those living
24 in poverty, and those lacking tech savvy,
25 particularly seniors, and those who are disabled.

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1 You see less than 40 percent of the residents in Fifth
2 Ward really have access to technology, and the
3 internet. To reduce the burden, and deficits
4 presented by this inequitable process, we availed
5 Technology Kiosk, and counselors who are dedicated to
6 assisting individuals, and families in applying only
7 to be disappointed by the lack of support, and the
8 ineligibility letters that they often, and frequently
9 got.

10 Fifth Ward's efforts quickly expanded in
11 response to the need to assist families with clean
12 out, muck, and gut, and emergency needs. For the
13 first two weeks we deployed volunteers with required
14 materials, and supplies daily to assist families, and
15 eventually transitioned to Friday, and Saturday
16 deployment of approximately 130 volunteers daily
17 during the immediate recovery efforts. Timing is
18 optimal to minimize destruction, and loss.

19 And neither the state, nor FEMA are
20 optimal in circumstances where time is of essence.
21 The circumstances after Hurricane Harvey, and Houston
22 were no different. No government organizations stand
23 ready to serve with increasing capacity, and our
24 understanding of needs within the community.
25 Government, and FEMA response efficiencies while

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1 improving, are far from optimal, and the disparities
2 among the most vulnerable continue to grow.

3 Recovery is often impeded by due process.
4 To date, we've assisted more than 500 families in
5 complete recovery, and rebuild of their homes, and
6 1500 families with a disbursement of 7 million
7 dollars for families impacted by Harvey all from
8 project resources, and philanthropy. With complete
9 clean out, muck, and gut, furniture moving,
10 additional supplies to remediate mold and other
11 toxins caused by the water damage repairs, and
12 emergency financial unmet needs.

13 This work is in addition to the countless
14 families who were served as a part of our distribution
15 of dry goods, personal items, none perishables, and
16 go boxes equipped with mucking tools, contractors,
17 trash bags, masks, gloves, and cleaning supplies for
18 those that assist, but supplies were limited, and
19 resources were unavailable. However, the resources
20 again to support these families are from private
21 philanthropists.

22 As an organization working in the
23 community, many have adjusted to a new norm as
24 recovery is relative, and we continue with intake,
25 and vetting for additional victims. And our total

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1 portfolio today, four years later is still in excess
2 of 400 clients who still have varied, and ongoing
3 needs for recovery services. We have, and continue
4 to care for residents, to assess need, clean muck,
5 and gut flooded homes, coordinated receipt, and
6 distribution of cleaning, and personal supplies, and
7 provide support to families of the service providers
8 in need of basic assistance.

9 Why do we do this? Because people do not
10 trust the government. It's discouraging that so many
11 still have not received assistance. Today, our
12 efforts are more focused on comprehensive repair, and
13 rebuilding services, emergency financial assistance,
14 and we continue to be a hub for area community groups,
15 faith-based groups, and elected officials to
16 coordinate, warehouse, and distribute donated
17 supplies. Priority is continued to be given to those
18 families who were declined by FEMA without insurance,
19 and experiencing other vulnerabilities.

20 During the peak of recovery, Fifth Ward
21 CRC actually had to hire 6, and a half full time staff
22 to meet the ongoing demands of recovery, counseling,
23 administrative, and operation managers, to design
24 projects, and case management systems, and added
25 additional skilled contractors who were engaged for

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1 home assessments, and inspections. Who covered the
2 cost of that, who carries the burden? The nonprofit
3 organization.

4 Why? Because we have the organizational
5 experience, and capacity to do owner occupied home
6 rehabilitation, and have managed community
7 development block grant, and social service block
8 grant funds for owner occupied home rehabilitation,
9 and recovery programs in the past. Additionally, we
10 continue to offer, and have storage containers, and
11 off-site warehouses for additional supplies ready to
12 respond each year during Hurricane season, and the
13 ongoing needs.

14 Because it seems that our government
15 doesn't believe that we'll be hit by disaster again.
16 Recognizing the financial strains, and
17 vulnerabilities, Fifth Ward CRC made emergency
18 financial assistance up to 1500 dollars available to
19 clients to mitigate income loss from disaster,
20 minimize foreclosures resulting from increased living
21 expenses, and homelessness, and assist with the
22 utilities, or unmet expenses.

23 These resources have supported both
24 recovery from weather related disasters, and now the
25 pandemic. Lastly, Fifth Ward CRC has developed plans

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1 of hosting a long-term recovery resource center
2 staffed with housing counselors, case workers,
3 volunteer legal services, and computer kiosks for
4 residents use in long term recovery efforts, and
5 plans. Filing claims, printing, and scanning
6 documents, and staying electronically connected
7 during their transitions.

8 Our services are not exclusive to a
9 particular ethnicity, or economic class, and we're
10 able to assist families up to 400 percent of the
11 federal poverty line, but we have established
12 criteria that prioritize assistance based on need.
13 The demands from impacted families --

14 CHAIR CANTU: Ms. Payton, I'm going to
15 interrupt. And I know you're doing so much; it takes
16 you so long to describe it.

17 MS. FLANAGAN-PAYTON: Thank you.

18 CHAIR CANTU: So, I'm grateful, grateful,
19 grateful for you. I do apologize for interrupting.

20 MS. FLANAGAN-PAYTON: No problem.

21 CHAIR CANTU: And I also apologize to Mr.
22 Aguilar, you're our panelists, so I'll call on you
23 last, I'll save the best for last. After Ms. Payton
24 I'm going to call on Ms. Orduna.

25 MS. ORDUNA: Good afternoon

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1 commissioners. I'd like to donate this time to
2 Delores Torres, and Urleen Flowers, two Harvey
3 Forgotten Survivors Caucus members who passed away
4 while waiting for their home to be repaired by
5 government funded programs. My name is Julia Orduna,
6 and I attend today as southeast regional director for
7 Texas Housers, whose staff has worked to understand
8 government policies, and practices involved with
9 disaster recovery, and relief.

10 And the disaster recovery experience of
11 low-income survivors focusing on racial equity, and
12 civil rights issues since Hurricane Rita in 2008.
13 FEMA's disaster programs during Hurricane Harvey
14 created discriminatory effects for low-income, and
15 marginalized communities which raised several civil
16 rights concerns. Their damaged documentation
17 processes generate inaccurate data, which results in
18 unfair distribution of FEMA funds, and ultimately
19 compound the effects of uncoordinated program
20 administration.

21 That further produces disparate racial
22 impact in the subsequent allocation of much greater
23 amounts of CDBG funding for long term recovery.
24 Programs must be administered with empathy,
25 understanding, and the urgency that is demanded by

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1 the experience of disaster survivors. Their lives
2 are no longer intact. Their homes, and possessions
3 are destroyed. In the wake of disaster, many do not
4 have time to trudge through multiple application
5 processes, track down paperwork, and find extra money
6 to pay for notary services, faxing services, printing
7 services, and all the other documentations that
8 require financial support.

9 The FEMA program needs to recognize the
10 unique needs confronted by low-income people of
11 color, people with disabilities, and senior citizens.
12 Adopting an informed approach to program
13 administration, where there is enough flexibility to
14 work with survivors, and tailor these eligibility
15 requirements to the available documentation and
16 capacity of survivors will assist FEMA in
17 understanding the cost, and difficulty in navigating
18 their programs.

19 The FEMA needs assessment is the first of
20 many applications for recovery that survivors are
21 required to submit. Government agencies have pushed
22 to develop significant outreach strategies in order
23 to target hard to reach survivors. If government
24 wanted to fully reach marginalized classes of
25 survivors, the needs assessment should be used as the

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1 main point of entry for the entire disaster recovery
2 apparatus. Sharing data between government agencies
3 involved in both recovery and rebuild efforts would
4 ensure that survivors have been touched by any
5 program do not get left behind.

6 It is easier for agencies to withdraw
7 people from a program after confirming they no longer
8 have that need for assistance than for survivors to
9 submit multiple applications to different sources of
10 assistance in time of crisis, and possibly lose the
11 opportunity to recover. I also referenced the effect
12 of FEMA's programs in perpetuating segregated
13 neighborhoods. In 2018, Texas Housers acquired FEMA
14 individual assistance denial rate data for
15 homeowners, and renters affected by Hurricane Harvey.

16 The overall denial rate of homeowners was
17 26 percent. Those who reported an income as over
18 70000 dollars a year only had an ineligibility rate
19 of 10 percent. While those making less than 15000
20 dollars a year had a denial rate of 46 percent. As
21 the household income climbed, their likelihood of
22 being approved by FEMA also increased. Also,
23 potentially discriminatory is FEMA's claim
24 determination, which is certified by FEMA field
25 inspectors.

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1 Poorly trained inspectors, and
2 inspectors who cannot communicate in the survivor's
3 native language lead to potential discrimination. We
4 found racial inequities in FEMA's verified lost
5 documentation. A property value-based assessment,
6 which reduces the survivor's ability to obtain
7 adequate compensation to rebuild their homes. And
8 FEMA programs do not provide financial support to
9 relocate to safer areas, which further widens the gap
10 for ability to recover for people of color.

11 FEMA data reports both the real property,
12 and personal property loss of homeowners, but only
13 determines the unmet need of renters based on their
14 personal property loss. When analyzing FEMA's Harvey
15 allocations, Texas Housers found that though renters,
16 and homeowners made up roughly equal percentages of
17 total applications received by FEMA, 84 percent of
18 assistance was received by homeowners while only 16
19 percent was offered to renters.

20 This under assessment of FEMA damage of
21 actual damages suffered by rental units means that
22 too little assistance is provided to renters by FEMA,
23 and because FEMA assessments are the basis of
24 subsequent CDBGDR funding allocations between
25 homeowners, and renters, the renter survivors who are

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1 largely people of color do not get a fair allocation
2 of funds for their needs. The coordinated
3 collection, and compilation of accurate data on
4 disaster survivors is necessary to allocate the money
5 fairly across different geographics, and populations,
6 ensuring different income levels, housing tenures,
7 and ethnicities are fairly proportionally assisted.
8 Thank you for the opportunity to testify in focusing
9 on this important matter.

10 CHAIR CANTU: Thank you for your eloquent
11 statement. Dr. Sim, we're going to hear from you
12 now.

13 DR. SIM: Thank you so much Commissioner,
14 and also to your fellow commissioners. Thank you so
15 much for this opportunity to appear before you, so
16 that I could discuss Episcopal Health Foundation's
17 survey finding, and mapping analysis of FEMA
18 application, and approval data in the aftermath of
19 Hurricane Harvey. My name is Shao-Chee Sim, I'm the
20 VP for research innovation, and evaluation at
21 Episcopal Health Foundation located in Houston,
22 Texas.

23 The foundation of EHF is committed to
24 transforming the health of our communities by going
25 beyond just the doctor's office. By providing grants

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1 working with collaborations, and community partners,
2 and providing research, EHF supports solutions that
3 address the underlying causes of poor health. The
4 foundation operates as a supporting organization of
5 the Episcopal Diocese of Texas, and works to help 12
6 million people across the 57 counties in southeast
7 Texas.

8 After Hurricane Harvey hit the Gulf
9 Coast, EHF took an intentional approach to learn
10 about how others were responding to this disaster.
11 We watched federal, state, and local governments
12 respond to this crisis. We also reached out to our
13 peers in the foundation's sector, forced us to think
14 together to understand the approaches. One huge gap
15 quickly emerged, which is data.

16 Funders, policy makers, and
17 stakeholders, community stakeholders wanted to better
18 understand the extent, and magnitude of the impact.
19 Not just at an aggregated level, but at a
20 neighborhood, and individual level. As good
21 stewards, funders want to know how we can best devote
22 our limited resources to help those most impacted in
23 a disaster.

24 We were very interested in finding out
25 how best to provide this forum where residents, and

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1 communities most impacted by the hurricane could
2 voice their experiences, and challenges in recovering
3 from the disaster. In the interest time, I'll skip
4 the mapping analysis, I'll go right in, in terms of
5 the polling projects that we had done in the aftermath
6 of Hurricane Harvey.

7 We partnered with Kaiser Family
8 Foundation to conduct a randomized probability-based
9 survey to capture the experience, challenge, and
10 needs of Texans residing in the effected 24 county
11 region. At both three months, and 12 months after
12 the hurricane. All of these reports can be accessed
13 on our foundation website, episcopalhealth.org. So,
14 very briefly, three months after Hurricane Harvey,
15 what we found was that nearly half of the affected
16 residents said they were not getting the help they
17 needed to recover from the hurricane.

18 Areas that stood out the most were people
19 applying for disaster assistance, and repairing
20 damages to their home. What we also found was that
21 White and Hispanic Texans who applied for FEMA, or
22 SVA assistance were more likely than Black residents
23 who applied to say their application was approved, 34
24 percent compared to 20 percent and 13 percent
25 respectively.

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1 Two thirds of the residents reported that
2 they suffered property damages, and environment
3 disruptions as a result of lost income due to
4 Hurricane Harvey. We also found that among those
5 whose homes were damaged, about half said they had
6 homeowners, or renter's insurance. And roughly a
7 quarter had flood insurance. Again, lower income
8 residents, black, and Hispanics, were all less likely
9 to report as having any type of insurance.

10 Immigrants who were living along the
11 Texas Gulf Coast were also more likely than their
12 native-born neighbors to suffer from income losses as
13 a result of Hurricane Harvey. So, what happened one
14 year after the hurricane? Some of the data that we
15 were able to estimate based on our randomizer was
16 that in addition to federal disaster assistance,
17 about three in ten said that they received help paying
18 for housing, and healthcare from a local, or national
19 charity.

20 Hispanic residents are somewhat more
21 likely to report receiving such help, but otherwise
22 the share who received help does not defer too much
23 by race, income, or geography. However, what we are
24 seeing also is that a growing share of affected
25 residents are saying that their lives are back on

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1 track, but three in ten said that their lives remain
2 disrupted.

3 Again, the data shows us that affected
4 residents who were Black have lower incomes, or live
5 in the golden triangle region, were more likely to
6 say that their lives are still disrupted, and less
7 likely to say they are getting the help they need
8 with recovery. So, in the wake of Harvey, many
9 affected residents, particularly those that are
10 Black, Hispanic, or have lower income, report
11 financial problems such as falling behind in their
12 rent, or mortgages, having problems paying for food,
13 taking on extra work, or borrowing money from
14 friends, and relatives to make ends meet.

15 This polling data consistently showed
16 that Black and Hispanic Texans and those that have
17 lower income were impacted disproportionately by the
18 disaster at both three months, and one year after
19 Hurricane Harvey. As a foundation we had widely
20 disseminated the mapping analysis, and polling
21 results in 2017, and 2018. Beyond just trying to get
22 median coverage, our staff, our colleagues have made
23 data presentations to various government agencies,
24 funders, and, or community stakeholder groups.

25 Thank you so much again for the

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1 opportunity to make brief remarks for the commission.
2 I'd be happy to answer any questions later on, and
3 all our reports are accessible on our website. Thank
4 you.

5 CHAIR CANTU: Thank you very much,
6 appreciate you. Now, I'm going to call on Mr. Hirsch.

7 MR. HIRSCH: Thanks so much for having
8 me, and I just want to say thank you to the people on
9 this call that are doing the incredible, and
10 difficult work, and I've been lucky to collaborate
11 with a lot of you guys over the last four years, so
12 I just want to acknowledge that. I think that the
13 people that have spoken before me have done a really
14 good job explaining at a large scale what's going on.

15 And I wanted to fill in with some
16 quotations from a neighborhood research project at
17 West Street Recovery I'm working on that I think adds
18 some, unfortunately some pain, and some detail. So,
19 this is a conversation between two community members
20 who are interviewing each other about the disaster.
21 One of them said and then like I said, my mind said
22 it changes about all that, you know, how the
23 government treats people, and I mean how the
24 government looks at certain individuals, and certain
25 neighborhoods like ours the way they do.

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1 Yes, I know because it's eye opening, but
2 at the same time it's enough to make you mad. Because
3 you know if you don't fit into certain criteria, you
4 mean just nothing to the government. Right, it
5 devalues you. Yeah, so that doesn't help your self-
6 esteem none whatsoever, knowing no matter what you
7 do, you're still going to be considered nothing, or
8 expendable by this government. So, you know, it's
9 like why believe in America?

10 America doesn't believe in me. And
11 that's a quote from a conversation between two really
12 good friends of mine, Mal Moses, and Doris Brown whose
13 homes were destroyed both by Hurricane Harvey, and I
14 think that really captures the experience of being a
15 person that lives in Northeast Houston, and trying to
16 interact with the government to recover. So, I think
17 that the problem has been really well outlined.

18 And what I want to say is that there are
19 three changes that could be made that would be really
20 impactful to improve how FEMA interacts with
21 communities. The first is that the administrative
22 burden on people applying needs to be lowered. It
23 needs to be lowered immediately, and there's a lot of
24 information that people have to apply that the
25 government already know. And this is something that

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1 residents express over, and over.

2 Why do I need to provide the deed to my
3 house when the deed is at the tax office? Why can't
4 one government agency ask for another government
5 agency to supply it? I'm going to just read a quote
6 explaining this from these interviews. A lot of these
7 agencies will ask you; do you have any pictures?
8 Pictures, I was fighting for my life. I'm sorry, I
9 forgot to take a picture, you know what I'm saying?

10 I'm sorry I forgot to take a picture of
11 me in the water in the dark. I'm sorry I forgot to
12 take a picture of my wet car totally destroyed full
13 of water. You know, this is silly stuff, it's crazy,
14 it's demoralizing, it's really something to have to
15 pose the truth over, and over again to these people.
16 These people who will never talk to you again, just
17 so that they'll help you.

18 I think that that's a really important
19 quote when we're thinking about what the FEMA
20 application process should look like, and could look
21 like. The second thing is that we need to stop
22 denying people for having heirship property. Families
23 have heirship property because often they don't have
24 the resources to transfer title, or because they're
25 using a collective economic strategy to survive in a

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1 situation of declining wealth, declining
2 opportunities, and structural oppression.

3 It's not an accident, it's often an
4 intentional choice that there are good reasons for
5 families to keep collective ownership of a property.
6 It's a colonial mentality that only one person can
7 own one piece of land, and that's being perpetuated
8 by that rule. The USDA knows that over 20000 black
9 families lost houses because of their heirship
10 property barrier after Katrina.

11 This has been known for almost 20 years,
12 and the government has the power to change that rule,
13 so I hope that this testimony does something to do
14 that. And the final thing is that the idea of
15 deferred maintenance, or that there were problems
16 that predate a storm. That is essentially punishing
17 low-income home owners for being poor. That is what
18 it is. And it is fair to say that in a moment where
19 a huge amount of capital is being injected into a
20 city post disaster, there are consultants, as someone
21 mentioned earlier there are equity consultants that
22 make a ton of money.

23 There are private case management firms
24 that make a ton of money, and their wealth is
25 increased through these processes, and the wealth of

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1 people that live in deteriorated homes, that have
2 been deteriorated through no fault of their own,
3 let's keep in mind that people face racial barriers
4 to employment, they face language barriers to
5 employment, they are denied aid.

6 In our interviews, what people said is
7 that they felt that FEMA inspectors had rejected the
8 whole neighborhood in their mind before they went
9 into a single home. And we heard stories of
10 applicants who said they got a rejection text message
11 within ten minutes of the FEMA inspector leaving
12 their house. I would love to think that those stories
13 were exaggerations, except for that I've heard so
14 many of those stories, and we have so much
15 documentation.

16 The feeling that the FEMA application
17 process, and the federal aid process is giving people
18 is this, this is another quote from this paper. It
19 was like we're living in a throw away zone, the area
20 I stay in, it's like you know, the people with power,
21 the people with money, they think everybody here is
22 expendable. But you know, nothing, you can't just
23 sweep people under the carpet without nothing being
24 done, or said about it, and I've had enough.

25 And I think that that's really important,

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1 the idea of entire communities being considered
2 expendable, or less worthy, that their lives don't
3 matter is something that is being communicated to
4 them by the way that interacting with governments is
5 quote, disaster. And it's amplifying previously
6 existing inequalities, and at each stage residents
7 are asked to make changes in their life, and changes
8 in the way they operate to access aid when all the
9 power is with the government, and the government
10 could easily make changes to make that aid more
11 accessible.

12 And so, I think that the onus is really
13 on FEMA, and also on the state, and city agencies to
14 make those changes, to make just recovery possible.
15 Thanks.

16 CHAIR CANTU: Thank you Mr. Hirsch, that
17 was a very powerful presentation. I would like now
18 to call on Tomas Aguilar, director recovery
19 coordinator for the Living Hope Wheelchair
20 Association.

21 MR. AGUILAR: Thank you Ms. Cantu. And
22 thank you Kathy, Chauncia, Julia, and Ben, and Shao-
23 Chee. I'm going to try not to cover what's already
24 been covered in the previous panels as well. So,
25 yes, I am Tomas, and I work with Living Hope

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1 Wheelchair Association, and we've been around 15
2 years, and part of the theme of what I'm going to
3 present today is, so we started as a mutual aid, as
4 they call it, organization. When budget cuts for our
5 members who are mostly injured, spinal cord injuries,
6 and are now in wheelchairs, budget cuts, so you no
7 longer have the medical supplies that you need to
8 live, right?

9 So, they started meeting together,
10 collecting, pooling resources, and giving it out to
11 each other. 15 years later we have a warehouse, two
12 small warehouses, and we give out wheelchairs,
13 catheters, spikers at no charge at all. The reason
14 I gave a little bit of context is when we're looking
15 at, and talking about natural hazards, or disasters,
16 hurricanes, earthquakes, fires, we -- right after
17 Hurricane Harvey, we came up with a survey, and an
18 easy to report preexisting conditions in a time of
19 disaster.

20 So, pretty much what we're saying is for
21 some communities, imagine not speaking English,
22 you're living as a citizen, a resident of this area,
23 where residents of Houston, if you look at some
24 buildings on Rice University campus, most of the
25 highways, anywhere you go, construction on those is

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1 being done by, among others, Spanish speaking folks.

2 You get injured on the job, and when
3 you're a low-wage worker, your body is your source of
4 income, your tool, right? So now it's broke. So,
5 living in a disaster condition, surviving day to day,
6 sometimes hour by hour, that is the reality for many
7 people here. So, add a layer of natural disaster,
8 add Hurricane Harvey to it. So then it makes
9 everything worse, and now on top of that, add the
10 pandemic, or the winter freeze.

11 So, everything that's been talked about
12 today, it's like accessing the system, if you can't
13 access it, or if you may not have documentation, so
14 you don't even try, right? Where do you go? Or there
15 may be a large agency, which they require certain
16 documents, because their federal dollars are
17 connected to it, it excludes so many different
18 people. We've talked about folks that rent, and let's
19 look a little deeper, trailer homes, right?

20 Right after Harvey, a lot of folks were
21 buying damaged mobile homes because they just painted
22 it over, and it's better than the moldy place they
23 live in. Or people just continued to live in -- and
24 if you know anything about trying to clean a mobile
25 home after a disaster, it's almost impossible, right?

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1 So, when you have these conditions, you cannot get to
2 places, it's hard even to go, and apply.

3 You get there, and collect all this
4 information, and in a different language. Oh, but we
5 translated it, and then you get this document, and
6 it's translated, and it's very legalese, and what
7 not, and it's like what? And then it's hard to
8 complete the application, you just give up. Imagine
9 calling all these systems, 211, 311, all these
10 different systems, and just to get to your language
11 is an ordeal, right?

12 And then when you get there, you're being
13 told things that are, these are the rules, this is
14 what you have to send. So, what I'm trying to say is
15 there's a lot of different layers to look at any
16 population, right? With us, we look at social
17 vulnerability index, right? Our folks live
18 everywhere, because you have to- "I am staying with
19 a friend." So, it's really hard to get counted
20 sometimes. So, we're being asked to provide data all
21 the time, and most of the time it doesn't result in
22 anything.

23 We needed data for data's sake, right?
24 I'm like well what's up with that? Although we need
25 data because we want to match them with agencies

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1 giving aid, or what not, I don't want to over burden
2 the person, so I'm just going to ask for this type of
3 data that allows them to get aid. I understand this,
4 you have good intentions, or it could be a university,
5 or a hospital, they want data for data's sake, and
6 that's all fine on a certain level.

7 But we can't keep burdening folks in the
8 middle of a disaster, right? So, we have these
9 situations that hit some communities harder than
10 others, right? We've heard from the panelists all
11 the different ways that certain communities are
12 consistently being ignored, and the result's always
13 the same. We make a few steps forward, but it's
14 always the same, right? The good thing is there can
15 be some change we think, in FEMA, and the government's
16 role.

17 Talk to folks on the ground, there's
18 groups with recovery, other folks, they're on the
19 ground, we're there, we're not going anywhere, right?
20 So, when you're designing these policies, when you're
21 designing the rules, include folks that are on the
22 ground, and not just mid-level groups, but include
23 everyone, right? And perhaps even include people
24 affected, right? That's not a novel idea, but it
25 does happen.

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1 We talk about language access, let's
2 think about language justice, and disaster justice,
3 right? We don't want to just tweak these systems, so
4 we might make the application process smoother, but
5 when we talk about justice, we want to question the
6 systems themselves, right? Disaster recovery,
7 disaster is a constant state of being, it'll get
8 worse, and for some communities, social disasters,
9 the lack of jobs, the lack of income, or access to
10 medical, those are everyday life.

11 So, what if we thought, and we start
12 rethinking the whole disaster recovery complex, and
13 the government's response. I know we have it in us,
14 and I know there's plenty of great ideas, and voices
15 on the ground, so I would invite the government to
16 come, and have a chat, and let's work on a solution,
17 something different. We can do better than what we
18 have right now, thank you.

19 CHAIR CANTU: Thank you. Thank you Mr.
20 Aguilar, and I really appreciate your optimism. I
21 appreciate the positive statements of all of the
22 panel, you all have showed me why I'm really proud to
23 be a part of the Texas community, and the U.S.
24 community. Americans are innovators, and we're
25 innovators first. So, this panel has done a terrific

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1 job of sharing how wide the problem is, and offering
2 some really cogent potential solutions that I'm
3 optimistic about.

4 I'm going to turn now to my colleagues,
5 I see Commissioner Adams already has his hand up,
6 that's a good way to catch my eye, because my eyes
7 are jumping across the screen. Commissioner Adams.

8 COMMISSIONER ADAMS: Thank you very much
9 Madam Chair. My question is for Mr. Hirsch. Mr.
10 Hirsch, you testified, at least in your written
11 testimony about the FEMA applications requiring
12 paperwork, proof of income, you call it extensive
13 documentation of damage. You indicated that these
14 folks are expected to go through the arduous work of
15 collecting the documents. What would you propose
16 replace documents, such as photographs, or other
17 evidence of damage? What would you propose replace
18 these arduous documents?

19 MR. HIRSCH: Thank you for the question.

20 COMMISSIONER ADAMS: That's all right.

21 MR. HIRSCH: I think there is two things
22 I would suggest, one is as I said in my spoken
23 testimony, any document that another government has
24 should be moved from government to government. So,
25 for example the IRS has income information, and the

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1 counties, and cities have home ownership information,
2 so that's one thing I would suggest, and maybe an
3 applicant could opt into it.

4 The second thing is if you've ever, in
5 our experience, one of the things that you have to be
6 able to demonstrate is the difference between before,
7 and after a storm. So, I don't know about you, but
8 I've never walked around my house, and taken pictures
9 of the four corners of the house every few months in
10 case a disaster is going to come through for example.
11 I think it is true that some visual indication of
12 damages is fair to ask for people.

13 But what I think is having done the
14 application, and appeal process with many, many
15 people, and being someone who is incredibly
16 privileged, and has a master's degree, the amount of
17 documentation that you're asked to provide is a lot,
18 and that the thresholds should be lower. The burden
19 of proof should be lower, particularly when there are
20 actually maps of where it flooded.

21 So, for example we have people, one of
22 the streets we work on, Kellett Street, everyone on
23 the street got 5 and a half feet of water in their
24 house. So, when two people, 8911, and 8915 prove
25 that there was five feet of water, the house in

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1 between them clearly also got five feet of water.
2 So, what I think is that the burden of proof should
3 be lowered, and I think it's a very fair question,
4 how would we do that?

5 COMMISSIONER ADAMS: If I might follow
6 up, let's talk about how far it should be lowered.
7 In the example you just gave with the two houses got
8 flooding, and the one in between that obviously
9 probably did, is it your suggestion that there be no
10 obligation whatsoever to show damage for that house
11 with documents, or photographs, is that what you're
12 suggesting?

13 MR. HIRSCH: My suggestion is not that
14 there would be no documentation, but I think for
15 example, if you've ever gotten in a car accident, the
16 kind of documentation you have to give where you write
17 a little paragraph, or you talk to the insurance
18 adjuster on the phone to describe what happened,
19 Geico can approve a claim based on that.

20 Unfortunately, I've been in a car
21 accident, and experienced that, it's not an
22 advertisement for Geico. But that's what I would
23 suggest, is that a more accessible, and human process
24 should be applied, and that pictures are great, but
25 the idea that if you didn't have a pre-disaster

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1 picture, and one of the things that happened is that
2 gets combined with that bias that people have.

3 You're a Black person, your house was
4 decrepit before, I mean I'm going to say, that's what
5 we heard, and so --

6 COMMISSIONER ADAMS: And so, this is
7 something FEMA adjusters, or investigators are
8 telling people? That you're a Black person, your
9 house is decrepit?

10 MR. HIRSCH: Well, that's what in our
11 testimony, in our interviews that we've done about
12 how people felt, and what their experience was, they
13 said that their whole neighborhood had been rejected
14 based on preconceived notions of how people lived in
15 those areas. And I think if you, I see the director
16 of Fifth Ward nodding your head there, and I think
17 that's a pretty consistent impression that people in
18 northeast Houston --

19 COMMISSIONER ADAMS: I want to make sure
20 that the record is clear on this, because there will
21 be a transcript that the staff will build off. Are
22 you suggesting you have incidents of FEMA employees
23 saying you're a Black person, your house is decrepit,
24 or are they just leaving that impression with
25 somebody?

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1 MR. HIRSCH: That's a great point of
2 clarification, they're leaving that impression. And
3 I would also that in the zip code we mostly work, the
4 approval rate was 12 percent for FEMA applicants.
5 So, there is a number there, that maybe these people's
6 experience of their own life is accurate.

7 MS. WILLIS: Fifth Ward can attest that
8 there are families that their houses are being told
9 that they're depreciable, and not supported.

10 CHAIR CANTU: Okay, any other
11 commissioners would like --

12 COMMISSIONER ADEGBILE: Commissioner
13 Kirsanow raised his hand.

14 CHAIR CANTU: Thank you, I didn't see
15 that.

16 COMMISSIONER KIRSANOW: I just wanted to
17 drill down a little bit more, because this gets to
18 the crux of it. First of all, thank you very much
19 for your testimonies. How is it that FEMA is leaving
20 this impression? What are they saying, what are they
21 doing that leaves the impression in the minds of
22 homeowners that they're being treated differently
23 because their homes are decrepit because they're
24 black?

25 CHAIR CANTU: Is there someone in

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1 particular you'd like to answer that?

2 COMMISSIONER KIRSANOW: Anybody who has
3 any information.

4 CHAIR CANTU: Anyone on the panel please.

5 COMMISSIONER KIRSANOW: Let us know what
6 is being said by FEMA representatives, and what's
7 been reported that they have said that could give the
8 impression that FEMA is rejecting them, or treating
9 them differently on the basis of race.

10 MS. FLANAGAN-PAYTON: This is Kathy
11 Payton from Houston's Fifth Ward. We've had a number
12 of instances directly in Fifth Ward where the housing
13 stock is greater than 40 years old. And so the value
14 of the current home is depreciated, and they are being
15 told specifically that the value of the home makes
16 them ineligible to receive the benefits. And it's
17 not as blatant, and directly to say that it's because
18 they're Black.

19 But it's because of the age, and the
20 condition of the housing stock in the area, and their
21 home as well.

22 COMMISSIONER KIRSANOW: Thank you.

23 MR. HIRSCH: I'd love to send you our
24 report of these interviews, but one thing that we
25 hear consistently, or two things, inspectors that

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1 don't go into the house, so they just stand in the
2 yard, and then someone gets denied. So, that's a
3 sign that they didn't really take the issue
4 seriously. Or that they're under staffed, right?
5 That's a problem that could be solved. And another
6 one, visible mold in their house, and being told that
7 their home is livable.

8 The home is clearly not livable, and
9 being told they're livable, and that gives them the
10 impression that they're expected to live in a
11 dangerous situation, that that's acceptable to the
12 government.

13 COMMISSIONER YAKI: Mr. Aguilar.

14 MR. AGUILAR: Yes, I would like to add,
15 and again, these are interviews taking place right
16 after Harvey, and visiting homes. We raised a small
17 amount of funds to help folks out, and among the
18 comments as well is, and I will clarify, not just
19 FEMA, but the different types of aid coming in,
20 comments such as well, it was already moldy to begin
21 with, and you don't mind living, that was a comment,
22 you don't mind living that way.

23 Comments to that effect, right, and it's
24 like well how you live, and the person asks, you know,
25 in Spanish (foreign language spoken), and they're

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1 like how do you live, what do you mean, how do I live,
2 and you know, and then it kind of dies out there,
3 right? So, there's ways that aren't as explicit as
4 saying in this case you're Latino, blah, blah, blah,
5 and that's your fault. You don't have to say that
6 when you have those dialogues like that, and there's
7 this resistance right from the start.

8 It's how you live, it's loaded, right? I
9 just want to throw that in there, because it's not
10 always very straight forward.

11 CHAIR CANTU: Yes, Commissioner Kladney.

12 COMMISSIONER KLADNEY: I'm sorry, I'm a
13 little confused, but when you said Ms. Payton, that
14 your people in your ward were told the house is
15 depreciated, are they saying that the house isn't
16 worth repair, or that they just would as soon not
17 repair it, or just pay whatever it's worth, and leave
18 it as it is? I'm confused on that.

19 MS. FLANAGAN-PAYTON: The house isn't
20 worth repairing, and, or they couldn't identify the
21 damages that were actually sustained by that
22 particular storm, and either way the claim is denied.

23 COMMISSIONER KLADNEY: Thank you very
24 much.

25 MS. FLANAGAN-PAYTON: Thank you.

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1 CHAIR CANTU: Commissioner Gilchrist?

2 COMMISSIONER GILCHRIST: Thank you Madam
3 Chair, I just want a quick follow up on this. So,
4 these reports that the panelists are raising, I'm
5 curious to know if any of these allegations were
6 reported directly to FEMA? And that's for anybody
7 that wants to answer.

8 COMMISSIONER YAKI: I think we raised
9 them at the first hearing, I did.

10 COMMISSIONER GILCHRIST: I'm sorry?

11 COMMISSIONER YAKI: I raised those at the
12 first hearing that we had with the FEMA
13 representatives back a few months ago.

14 MR. AGUILAR: I can answer for us. Any
15 of our constituents, whether they're documented,
16 undocumented, whether you have a record, we value
17 privacy, and confidentiality, and the purpose for us
18 is to try to match them with aid wherever it may come
19 from. But we take seriously this idea of not sharing
20 this information. Sometimes we share aggregate data,
21 and we have, but we don't match it up. So, in cases
22 like that, I would answer no, but it's a bigger
23 context to look at. Yeah, for those reasons.

24 COMMISSIONER GILCHRIST: Okay, thank you.
25 Anybody else want to weigh in on that?

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1 MS. ORDUNA: This is Julia, I would just
2 like to say that I do believe that lots of people do
3 try, and appeal, and go through the appeal process,
4 which is also a very tedious process for people. I
5 will mention that I worked with someone that was
6 affected by Harvey, is still living in a gutted home,
7 and she was affected also by Imelda.

8 And when the Imelda inspector came, which
9 we know that FEMA should apply, give assistance for
10 whatever, that storm, that was dedicated to that
11 storm, she was flooded in Imelda, and the inspector
12 told her that all the damages that were currently in
13 her home were Harvey based. And so, her denial
14 letter, as a previous panelist said, it said home is
15 safe to occupy. That was her denial. And she
16 applied, or she appealed several times, and she
17 continued to be denied.

18 So, she did not get any FEMA assistance
19 for her damages in Imelda because her home is still,
20 and continues to be devastated by Hurricane Harvey.

21 COMMISSIONER GILCHRIST: Thank you,
22 anybody else want to weigh in on that?

23 MR. HIRSCH: Just to say that we've
24 helped a number of families to appeal, and a number
25 of those appeals have been successful. So, instead

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1 of filing a complaint, I mean a family's main interest
2 is to get the aid that they need, so that's been our
3 approach.

4 MR. AGUILAR: I would like to add another
5 thing to this. So, when I got the information for
6 this panel, and I was reading it, and I was
7 questioning, if the goal is yes FEMA, but the goal is
8 to help them to have a just recovery, right? A
9 recovery that is fair, and equitable, and how can we
10 change the things that aren't working, and build on
11 the things that are? If that's one of the goals, in
12 our communities, we're so far removed from -- we do
13 have a few folks that have applied to FEMA, and some
14 that have actually gotten it.

15 But most are so far removed from that, so
16 we're depending on maybe local, county charities, and
17 all this, but it's the same thing. How do we recover
18 for this? How do we survive this disaster, right?
19 So, if the goal is an overarching, we need to make
20 this better, and all this, I think what I offer isn't
21 so much FEMA, it's the whole process, right? And I
22 think it's a worthy goal, and I think FEMA has a large
23 role to play in it. But I would be lying if I said
24 yeah, FEMA listened.

25 No, because we're so far removed from

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1 that. If you're a rancher staying in a trailer, a
2 transient staying here, and there, it's a different
3 world, but there's thousands, and thousands, and
4 thousands of people living like that. Thank you.

5 COMMISSIONER GILCHRIST: Thank you.
6 That's all I have Madam Chair.

7 COMMISSIONER ADEGBILE: Madam Chair, I
8 think you're on mute, are you calling on me, or
9 Commissioner Yaki?

10 CHAIR CANTU: I apologize, I'm sorry.
11 All right, the queue is Michael Yaki, then Debo
12 Adebile, and then I saw another hand, who was it?
13 Okay, that's the queue.

14 COMMISSIONER YAKI: I think it's both our
15 hands showing at this point.

16 CHAIR CANTU: Okay, there you go.

17 COMMISSIONER YAKI: I had a quick
18 question, first of all, the heir property thing sort
19 of blows my mind. But it goes into the whole issue
20 of documentation in general, and I want to reference
21 specifically to the Latinx, or Hispanic community.
22 To what extent was it made public that FEMA aid was
23 available to, regardless of your documentation status
24 in terms of Hurricane Harvey.

25 Was that well publicized, or was it

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1 something -- because I hear that people were
2 concerned about applying for federal aid because of
3 their immigration status in this country, I'm just
4 wondering if anyone here has any information about
5 that.

6 MR. AGUILAR: Yeah, sure. With us, we
7 would assess, very few people are owners, if folks
8 were owners, we would explain what we knew of FEMA,
9 and we had a process to get them to the office, or to
10 get someone to help them. And we would explain what
11 we knew, we had a fact sheet of it. But also, just
12 because that's -- anyone can apply, you don't have to
13 be this, and that, there's still all these other
14 barriers that Ben, and others mentioned as well,
15 right?

16 And that complicates itself when you
17 start throwing it through another language, and also
18 culture's a big thing, and what your background is.
19 Like Ben said he has a master's, and he found it
20 confusing. So, yeah, so when it was relevant in our
21 surveys, yes, here, and this is what it is, and this
22 is what we understand, we would always send them
23 there, but very few people, because most of our
24 community in wheelchairs, trailer homes, and renting.

25 But yes, we did refer, and there was

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1 information everywhere, but just because you drop off
2 a flyer, or get an email, that's just the tip of it,
3 right?

4 COMMISSIONER YAKI: Got it.

5 CHAIR CANTU: Thank you. Okay, and after
6 Adegbile, I'm going to have to do a hard stop unless
7 there's someone who really needs to get in a last
8 word. You've got the last word commissioner Adegbile.

9 COMMISSIONER ADEGBILE: Thank you. I
10 just wanted to come back to the conversation about
11 the perceptions, and, or experiences with race
12 disparities, or feeling that people are being treated
13 differently on the basis of their race by the
14 government. Some of what I hear is that there's a
15 perception that there are traces of the structural
16 assessment that disadvantage neighborhoods that may
17 be, that are not racially segregated by law, but there
18 are many neighborhoods that by virtue of history, and
19 practices of Texas, and elsewhere are racially
20 identifiable neighborhoods.

21 Their census tracks that are minority
22 majority neighborhoods, very often they're not
23 minority majority neighborhoods by accident, there is
24 a history that's led to them, including a government
25 involved history that has helped define some of these

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1 neighborhoods, and so they are characterized that
2 way, and they're known to be that way, and very often
3 it may affect property values, and comparative
4 property values.

5 So, what I'm hearing is that there is, in
6 a sense, some of the structures, and the history, the
7 claims of race in America are leading to a factor
8 where, when aid is being doled out after a hurricane,
9 some of the structures and history is (audio
10 interference) for people that have already been
11 disadvantaged in these neighborhoods, are having that
12 disadvantage in a sense compounded by some things
13 that are not within their control.

14 But then separately I did here that there
15 is some conduct, there is some circumstantial
16 evidence of workers that may be otherizing, or making
17 assumptions about the value, standing in a yard to
18 make a judgement about what's inside, and what the
19 condition of a home is, or making assumptions more
20 broadly that people feel. That they feel when they're
21 having these experiences.

22 And we know that these things are not
23 made up, because there are recent studies where black
24 people have been in a home, a biracial couple, a black
25 person is in a home showing their home, and the

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1 appraiser will value the home less than when an
2 appraiser comes back, and the White spouse is in the
3 home, and, or the Black art, and accouterments of
4 African American tradition are taken down from the
5 interior of the home, and the appraiser, again --
6 this is not in a FEMA context, I want the record to
7 be clear.

8 The example that I'm giving is a well
9 described example, people can google it, and find it,
10 it's not in a FEMA context, but I'm just suggesting
11 that there are ways in which people can discern that
12 people are being treated differently by virtue of
13 where they live, and assumptions that are being made.
14 So, what I'd like to hear in light of that is do you
15 have any concrete suggestions about how we can have
16 FEMA more justly, and equitably respond to hurricane
17 disasters?

18 What are the one, or two things that you
19 think could help FEMA more justly, or equitably
20 provide its service, which is in everybody's
21 interest?

22 MS. WILLIS: Commissioner, if I may, this
23 is Chauncia once again, for the Institute for
24 Diversity and Inclusion and Emergency Management.
25 I've been an emergency manager for almost 25 years.

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1 There are many things that FEMA could do to make
2 disaster response, and recovery more equitable. As
3 we discussed earlier, training the cadre of
4 responders, and inspectors not only in antiracism,
5 but also in basic cultural competency.

6 Which is to respect, and understand the
7 culture, and the languages of the people, and the
8 neighborhoods, and communities that they're entering,
9 and serving. That's just one basic step. And when
10 we discuss the issue of denial rates for lower income
11 communities, for communities of color, that is
12 actually proven by data. So it is not inferred, it
13 is not a perception, it is proven. And there are many
14 articles that are available, and research that is
15 being done, and has already been done on these
16 subjects.

17 It's important to mention that that cost
18 benefit analysis is inequitable. Anything that adds
19 more complexity to recovering is inequitable. A lot
20 of these programs, and proofs of insurance, or proofs
21 of documentation to protect the federal government,
22 not the people they're serving. It's done to, in
23 their minds, mitigate fraud. But there is only ever
24 one percent of fraud that is occurring in many of
25 these disasters.

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1 other panelists nodding at your powerful statements,
2 and I am very grateful for it. I apologize we're not
3 going to have enough time, because I've got to give
4 information to the general public listening, that
5 there is going to be an opportunity to supplement the
6 record, and that you and panelists can do this.

7 But the general public also has that
8 access to us. So, let me give you that information.
9 This brings to end the briefing part of our meeting,
10 and I'd like to thank the opportunity to thank all
11 our panelists, it's been very informative. And on
12 behalf of the entire commission, I want to thank the
13 panelists for sharing their expertise with us. Also,
14 again, thank the staff, they've worked very, very
15 hard in the past two months during a pandemic to pull
16 this virtual hearing together.

17 And in advance, they're going to keep
18 working on this, so in advance I'm going to thank
19 them for going through, and combing through all this
20 information, and incorporating it into a report. The
21 record for the briefing shall remain open for the
22 next 30 days. If panelists, or members of the public
23 would like to submit materials, they can submit to
24 the commission, but no later than November 22nd.
25 November 22nd, 2021.

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1 The email is very easy, it's one word,
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7 commission encourages the use of mail to give public
8 comments due to the pandemic. So, don't phone it in,
9 don't try to come to our office.

10 **VII. ADJOURN MEETING**

11 Please use the address 1331 Pennsylvania
12 Avenue Northwest, suite 1150 Washington D.C., 20425.
13 I want to thank you all, it's been a blessed day, I
14 have learned so much from all of you. The briefing
15 has ended, be safe.

16 (Whereupon, the above-entitled matter
17 went off the record at 3:01 p.m.)
18

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