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 KLANDNEY, Commissioner
MICHAEL YAKI, Commissioner

MAURO MORALES, Staff Director
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
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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(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.
This briefing assists the Commission in three purposes. Review the Federal Emergency Management Agency and its role in disaster preparedness and response. Two, evaluate efforts by FEMA to comply with the Robert T. Stafford Disaster Relief and Emergency Act along with other federal civil rights and policies. And three, compare the response of FEMA to significant hurricane systems, including, but not limited to, Hurricanes Harvey and Maria.

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

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

During the course of this testimony and
question and answer period, I caution all speakers, including our Commissioners, to refrain from speaking over each other for the ease of the transcription.

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

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

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

After the Panel presentations, Commissioners will have the opportunity to ask questions within the allotted period of time. And I will recognize Commissioners who wish to speak. I ask my fellow Commissioners to do our part and keep
our Q&A concise. Please be brief.

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

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

II. REMARKS BY COMMISSIONER DEBO ADEGBILE

AND COMMISSIONER MICHAEL YAKI

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

We originally envisioned being present with you in Texas and being on the ground in the way that the Civil Rights Commission through history has traveled around the country to examine the civil
rights implications of issues where they exist.

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

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

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

It is unfortunate, however, that representatives from the state and local government as well as the SBA declined the invitation to participate in this briefing. But I hope they will come forward and provide comments or written testimony.
We encourage everyone impacted by the hurricane who has an experience or story or information that they wish to share as part of the Commission's work to send their written comments for consideration as part of our analysis. And those remarks can be sent to harveybriefing@usccr.gov no later than November 22.

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

CHAIR CANTU: Mr. Yaki, please?

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

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

But it didn't really end there. And that's really why I wanted to look at what happened here because as much as the disaster recovery needed
response is important, the recovery is even more so, 
how we build back communities, how we put people back 
in homes. I want to make sure that we try to make 
them whole. That is really the important mission of 
what the federal government does with its disaster 
relief funds.

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

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

And so, I hope for the people who are 
going to be here speaking today, I have read all of 
your remarks. I appreciate them. They're all 
powerful. And I really want you to focus for the 
purpose of this meeting, for the purpose of this 
hearing, on the issues that we are here to discuss, 
which is whether or not people, because of their skin
color, because of their socioeconomic status, are
treated as second class citizens in the federal
relief efforts following a disaster such as this.
That to me is what I'm concerned about. That's why
I ask. And we put this Commission together, joined
together, to put this hearing and this project
together. But it's really going to be up to you
providing information on the ground to do it.

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

III. PANEL 1

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

This morning we're going to be hearing
first from Francisco Sanchez, President, Emergency
Management Association of Texas. Our second speaker
is Dr. Tricia Wachtendorf, Director of the Disaster
Research Center at the University of Delaware.
Our third speaker, Brittany Gomez, attorney and counselor at law, Equal Justice Works, Texas Rio Grande Valley Legal Aid. Our fourth speaker -- I guess I added Valley, sorry, Rio Grande Legal Aid.

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

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

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

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

As the President of the Emergency Management Association of Texas, I had the opportunity to work with a lot of colleagues from
first responders to emergency managers or partners, either both in public and private sectors, including nonprofits. So, the perspective here, you know, it is an accumulation of those insights. And it's timely, and it's compelling.

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

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

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

For Harris County, let me set the tone
for what Harris County is. For those of you not from Texas or on the Commission not familiar with us, it's the third most populous county in the country, 1,777 square miles. One of the most diverse in the nation. And we've got 34 cities, including the City of Houston, which is the nation's fourth largest city. If you take unincorporated Harris County, that would be the fifth largest city in the country. So, a very urban area that's unique.

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

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

Harris County in response to that and its implications of Harvey formed a long-term recovery committee that sought to be innovative, bringing
together government, private and nonprofit partners
together to do the most we could with the scarce
number of resources.

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

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

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

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

And you look at how programs can help.

You can have up to $35,000 in assistance from FEMA
for home repair. Even if you were to have that number, it forces many to remain in substandard housing, but that said, $35,000 is the maximum.

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

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

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

And look at how the pandemic impacted Black, Hispanic and low-income neighborhoods to a greater degree. And that comes on the heels of Harvey, other storms and now the pandemic.
I think there should be transparency to the process. Consistent feedback from residents across the board is cumbersome. It's confusing. And it can be intimidating.

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

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

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

Disparities in the cost of benefit rations in terms of how you do things like national flood insurance and mitigation projects. The cost of
benefit ratio being like roughly 1:10 leads to investing in neighborhoods that have sufficient and well-priced housing. That leaves communities that are along bayous that are susceptible to flooding, that are low-income, because they will never meet that criteria of a 1:10 benefit ratio.

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

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

And we raise those local dollars. We want to meet unmet needs that are not covered by our federal partners. We then have to spend that money on basic needs and for the kind of assistance that is
eventually funded by the federal government. So the quicker the dollars get here, the more can be invested and the more we can raise those local dollars to meet needs and make that effort go further.

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

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

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

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

MR. SANCHEZ: Oh, sorry.

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

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

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

Although today's briefing is on Hurricane Harvey, the Commission asked me here today in particular to speak to what we know about vulnerabilities too and inequities during disasters. And let me say this, we know a great deal. Many of the lessons have been long learned yet those vulnerabilities persist. Our failure to adequately address them contributed to many of the problems that have been noted in previous testimony to the Commission.

I would like to highlight two themes here today. First, without addressing routine vulnerabilities, inequities in response are
inevitable. Second, failure to adequately address
the process of recovery leads to disparate outcomes
in disasters.

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

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

   For example, stormwater systems are meant
to mitigate the impact of flooding, yet the condition
and capacity of those systems are insufficient in
less advantaged areas. And as planner Marcus
Hendricks notes, racial neighborhood composition is
a strong predictor of the stormwater infrastructure available.

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

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

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

At other times, simply doing something can be used as a justification that steps have been
taken even if it does not fully or appropriately address the problem. In my own work I've found that while some shelters may have the needed accommodations for people with disabilities, the services inside may be unknown or inaccessible to the people for whom they are meant to help.

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

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

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

For years, I've heard from disaster survivors of the challenges associated with post-
disaster recovery processes. In many ways, it's been clear that unless there's been a serious injury or loss of life in the family, the recovery process can be considerably more stressful than the disaster impact period.

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

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

Take this widespread and significant challenge and compound it with the vulnerabilities of particular segments of our community. Perhaps it's a lack of accessibility for those with a disability or when document or technology literacy is required to apply for assistance, those without competencies can be disproportionately left out.
Those without access to technologies or unlimited data plans to support their access are further disadvantaged.

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

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

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

I would like to conclude by calling on the Commission to consider how the problems noted throughout a particular disaster life cycle are
rooted in pre-event conditions that serve as precursors to the disaster itself. Thank you.

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

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

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

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

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

This is no doubt the case of those survivors who were and continue to be impacted by
legal issues caused by Hurricane Harvey and the
inequitable distribution of disaster assistance funds
funded and administered by the federal government and
the State of Texas.

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

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

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

Many of our clients struggled with
technology, internet access and live-in rural areas
where there was no public transportation. For
example, a disaster survivor in Sinton, Texas, would
need to drive approximately one hour roundtrip to access a disaster recovery center in either Corpus Christi, Aransas Pass or Rockport, Texas. This often left them to relying on others to drive them or without access to FEMA and other disaster agencies at all.

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

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

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

Yet in the regular course of operation, FEMA consistently relies on the use of unpublished rules in its administration of the Individual and Households Program. FEMA has stated its published policies, the Individual Assistance Program and
Policy Guide, does not actually have the force or effect of law. FEMA's published rules are so vague that hundreds of employees and inspectors who apply those rules fail to do so consistently, resulting in the inequitable distribution of critical funds to disaster survivors.

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

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

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

When a disaster survivor is denied assistance, the language on a FEMA denial language is so ambiguous that no one can effectively appeal the decision without knowing what standard FEMA used to
issue those decisions.

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

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

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

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

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

You would be hard pressed to find a
disaster survivor after Hurricane Harvey who understood the difference. Survivors often thought the ONA program was administered by FEMA and not the state. This is likely due to ONA determinations being written on FEMA letterhead, and ONA appeals being submitted to FEMA and then forwarded to the state.

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

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

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

Requesting a fair hearing is arduous and
traumatizing for a disaster survivor. But if FEMA employees and inspectors were properly trained and more effective quality control measures were implemented, fair hearings would be the exception, not the standard.

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

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

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

Affordable housing options that are available decreased after Hurricane Harvey. And this resulted in renters having to confront a higher cost
of living, additional security deposits and other initial costs that are often prohibitive.

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

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

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

Thank you again to the Commission for your time.

CHAIR CANTU: Thank you, Ms. Gomez. Ms.
Gorczynski, we will now hear from you.

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

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

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

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

So if you think of that and an event of
this magnitude and the community that I serve, the East End District is 16 square miles with a population of about 75,000. Forty percent of the people are approximately identified as Hispanic in the last census and a third speak a language at home other than English.

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

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

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

I also with you remember the images that were broadcasted nationally of the families that were devastated in the region. You know, at the end of
the day, my husband and I had a roof leak in the
ceiling of our nursery. We had a five-week-old baby.
So my husband emptied the nursery, and I tarped over
the carpet and put any bucket, pot, receptacle I could
find to capture rainwater for the following week.

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

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

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

And most importantly, my husband and I
had to have a conversation about at what point we
would leave our home. And so after, you know, talking about it, we decided that the risk of flooding in our townhome was relatively low and frankly we could stay if the first floor flooded if we could keep sanitary conditions on the second or third floor.

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

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

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

There were homes that gave me the most worry had makeshift wheel ramps. They had possessions piled high on the porch. You could see that clearly all sorts of things from blankets to
towels were wet. And the piece that gave me the most pause about it is you know that these were disabled and seniors that were left on their own to find their own solutions.

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

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

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

So when we're talking about our communities and especially Houston, one piece that I want to point out is that the Kinder Institute at
Rice University actually did a calculation. They do this amazing annual survey.

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

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

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

Second, we need to strive for a housing first model. As Ms. Gomez stated, we have people trying to bounce around and get assistance, whether they're renters, apartments, trailers, all of these
things have costs, and they're not long-term solutions.

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

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

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

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

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

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


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

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

Today, I want to offer my perspective as a researcher who focuses on the social, psychological
and policy issues surrounding disasters and
disability.

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

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

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

Both adults and children are less likely
to receive mental health interventions following
disasters. In our own research, we have found
recovery from disasters for people with disabilities
is more complex, more fraught with barriers, requires
additional case management support and simply lasts longer than does recovery for others.

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

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

Note that these factors are in existence before a disaster even occurs. And this research corroborates remarks from Dr. Wachtendorf and also Ms. Chapa. So, we already know based on existing research that people with disabilities are going to be disproportionately impacted even before that first storm raindrop falls.
Third, research and reports following Hurricane Harvey on the experiences of individuals with disabilities together with this existing research that I have just summarized point to a number of implications.

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

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

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

Two, uncertainties surrounding increasingly irregular weather patterns, such as produced the unprecedented rainfall that we saw
during Hurricane Harvey require careful
consideration.

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

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

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

At our Center on Disability and
Development, we know that locating disaster resources
for people with disabilities can be particularly
difficult. So immediately following landfall of Hurricane Harvey, we created a Directory of Resources for survivors with disabilities. But we also collected data on the type, availability and number of these resources and how they fluctuated across time.

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

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

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

You will find references to the research I just discussed, again, in my written testimony. And thank you.
CHAIR CANTU: Thank you for your testimony, Dr. Stough. And thank you also for your written submission. Now we will accept questions from our Commissioners, our colleagues. Yes, Commissioner Yaki.

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

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

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

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

A lot of the documents are in English or
in Spanish. We've experienced cases where initially eligibility determination letters from FEMA, that first round that go out do typically come in the appropriate language.

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

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

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

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

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

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

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

COMMISSIONER ADEGBILE: Thanks Madam Chair. Many of your comments, I think there were some themes that emerged in some of the testimony, and many of the comments take as a baseline that there are certain inequities, and inequality, socioeconomic, and others, some having to do with residential, and resources that are available to
people, and then when the hurricane comes over on top of this, it sort of acts as an amplifier, and there are cascading effects from people who begin in a situation when they don't have adequate supports in the first place.

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

I'm just trying to think about the various populations who are having difficulty, and disparities in the impact. Hurricanes are terrible for everybody, but it does seem that part of your testimony suggests that resources seem to get concentrated to those who have the most, rather than those who have the least. And my point is not that those who have had substantial losses, and are of
means, should not have the help of their government when there's a natural disaster.

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

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

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

COMMISSIONER YAKI: Ms. Wachtendorf has her hand up.

CHAIR CANTU: Please.

DR. WACHTENDORF: I'll just add a little bit and (audio interference). I think one thing to clarify with that as well, is that it's not only the fact that, so we're looking at compounded impacts. And so when we start thinking about the fact that if we go back to my example, and we've heard it from others about access to the forms, and the filing, which is a huge, onerous, bureaucratic nightmare for everyone who is involved in a post disaster experience, the consequence of that is detrimental across the board.
And it is even more so for those communities that you mentioned. So, the fact that if we're looking at not having access to technology, or bandwidth, that means you can't go on the computer to upload those. You can't reupload, it takes time, you missed the deadlines, and there are financial consequences associated with that. If those documents are written in such a way that make it difficult not only based on language, but based on age for example.

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

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

CHAIR CANTU: Thank you. Commissioner -
COMMISSIONER GILCHRIST: Madam Chair?

CHAIR CANTU: Yes? Commissioner Yaki.

COMMISSIONER GILCHRIST: Commissioner Gilchrist, I think --

(Simultaneous speaking.)

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

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

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

CHAIR CANTU: Hi, please.

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

So, the area that I represent in East Houston, and East Harris County are some of the oldest
parts of the community, but I've seen this in other areas, such as the Rio Grande Valley. So, part of the reason I really want us to rethink the delivery of services through a poverty framework is because what that means in Texas for so many reasons is that the highest likelihood is that folks that are on SSDI.

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

So, when we're thinking about how we offer assistance, you have the challenges that the neighborhoods that are probably the oldest, that have the concentration of older apartment units, older single-family homes, homes that haven't been lead abated, that have the highest propensity, or density of people who are disabled, or elderly that stayed in original neighborhoods for example, all those folks
are going to be impacted in a disparate way, and they have the least amount of resources.

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

CHAIR CANTU: Thank you, thank you. Colleagues?

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

COMMISSIONER GILCHRIST: You're fine.

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

COMMISSIONER GILCHRIST: Not a problem.

MR. SANCHEZ: I'll be super brief. I do want to echo Veronica's context, and how we need to tackle this problem. Particularly you talked about what conditions are there before disaster. The thing seems to be let's get people to a new state, to normal. But we're talking disaster, after disaster, after disaster. So, the state of normal keeps being
lesser than it was before in terms of opportunity.

So, we're continuing to put people under -- the framework seems to be let's get them where they were before the storm.

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

We've seen the diminishment of disaster recovery centers, one of the panelists talked about that earlier in terms of having to drive for hours. During Hurricane Ike, we had 36 disaster recovery centers. During Hurricane Harvey, which was -- and that was for Harris County alone, not the region. You talk about Hurricane Harvey, which was second costliest storm, we had 16 disaster recovery centers in this region where people had to drive hours, or wait in line, or were not focused on those communities
that needed most, and so we created local recovery
centers, and took it to those neighborhoods, and we
have to be cognizant of those things.

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

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

And I'll close with this, it needs to be
more coordinated. DNSAP, sort of nutritional
assistance, and food assistance, DSNAP, to get it, you have to wait in line for hours, A through C goes on Monday, D through F goes on Tuesday, and the rest of the week they only get one more shot. And when you go to DSNAP, you can't currently be on SNAP, which is fine, but the vast majority of people that are applying for DSNAP are eligible for SNAP, for whatever reason, they're not doing it.

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

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

MS. PERRIGUE-GOMEZ: Yes, this is Brittany Gomez. I just want to make one really quick comment focusing on a particular legal issue that I think is a massive barrier for low-income families across the state of Texas, not just in our service area, is the home ownership, and heirship property issues. This year FEMA expanded the documentation that it is allowing for individuals to prove
alternative homeownership, in Texas we have very interesting, and very complicated real property laws in place.

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

I think that there needs to be an in-depth analysis, and maybe even a separate committee that focuses on title issues in the state of Texas that are acting as barriers for low-income individuals. In my written testimony, I provided you a story of a client that I represented for several years trying to obtain clear title for him to be able to just qualify for FEMA. It was very complicated, and arduous, and he was a wonderful client, who was a veteran, but he was elderly, and we worked very hard for him, and he ultimately did not get FEMA assistance, or SVA assistance going forward.
So, real property is a barrier impacting people's ability to recover. And at TRLA we do real property title clearing as disaster preparedness. And so maybe there needs to be some sort of incentive to help encourage that within the communities.

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

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

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

So, we're already looking at -- Veronica mentioned the 400 dollars that folks, almost 50 percent of our community can't come up with for an
emergency expense, that was pre-COVID, imagine where
we're at now. So, in terms of flood insurance, aside
from the disparities, things that you could tackle
right now are why can't you put that on a payment
plan for your flood insurance program? Why do you
have to pay that up front? Why can't it be built
into escrow, and things like that?

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

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

MR. SANCHEZ: I am not, I know there's an
active debate, as there is every time the national
flood insurance program has to be renewed, where that
cost burden should fall, so I know that's still
currently the legislative process. I would imagine
now, or the next time that there's a renewal, that's
an opportunity to look at that. Every few years you
have the whether or not Congress will reinstate the
national flood insurance programs, and these continuing debates as to who should bear the burden of the cost if you're in an area that's prone to flooding. But right now, or the next cycle would seem like ideal times to tackle that issue.

COMMISSIONER GILCHRIST: Thank you very much.

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

COMMISSIONER ADEGBILE: Commissioner Kladney has his hand up.

CHAIR CANTU: Thank you. Commissioner Kladney?

COMMISSIONER ADEGBILE: Dave, we need --

(Simultaneous speaking.)

COMMISSIONER YAKI: David you're on mute.

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

MR. SANCHEZ: I'll address this, Francisco, just some broad issues, maybe not FEMA specific, but something I see across the spectrum is
there's a challenge in translation in providing real
time services in terms of being able to have
particularly for example deaf, and hard of hearing.
Being able to have translations not only in shelters,
but also in the recovery process. Those are often
times, you need that ability on site, in the moment,
the appeals process is cumbersome, the application
process is cumbersome.

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

I think we're right now at sort of the
minimum, I would urge folks that are more expert at
that than I am, I think we need the ability to not
only -- and also to provide at the local level, I
think there's always challenges, and I think there's
always opportunities to improve. Now, if we provide
emergency public information, recovery information,
and those kind of critical issues in formats that are accessible to the community, not to get ahead of myself, we've actually got an exciting announcement coming up next Tuesday of how we're improving some things here in Harris County.

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

One thing that did work well that I think was organic in Harvey, we have a lot of organizations that came up from vulnerable communities. These disadvantaged communities of colors, disabled communities, and others that came up, and were part of the recovery process that had not been before because of the magnitude of Harvey. We need to welcome them to the table, and we need to empower
them to be a part of the process. Aside from language, the cultural understanding they bring, to be able to translate those services in those communities is essential, and something that would be valuable to the process.

COMMISSIONER KLANDNEY: Dr. Stough?

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

At that time, following Hurricane Harvey, there was a Disability Task Force on Emergency Management. I served on that advisory committee, we produced our own after-action report based on surveys of the disability community; and also, of our partner disability organizations and service providers that were a part of that task force; and we found shortcomings in four areas— with respect to communication about the impending hazard of Hurricane
Harvey, with respect to sheltering, with respect to evacuation, and then also with respect to state and federal resources.

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

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

COMMISSIONER KLADNEY: Thank you. And I know this will shock my colleagues, but I only have one more question. And that would be at the shelters, I understand there weren't facilities for service animals, power dependent people, wheelchair dependent people, autism, or IDD folks. And I was wondering if FEMA ever provided instruction, or education to Harris County emergency management personnel on caring for persons with disabilities during natural disasters. I guess more specifically instruction on
ADA, the Rehabilitation Act, or civil rights under the Olmstead case. Does anybody know if that's ever happened from FEMA?

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

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

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

DR. STOUGH: There are examples of good provisions for people with disabilities inside of shelters, and there are examples of bad practices. And I would say that those shelters that are run by the American Red Cross are official shelters in the
state of Texas, but you also have a lot of pop-up shelters. And in those kinds of situations, you have volunteers, you have churches, you have people who may not be very educated about disability-related issues. This does not remove them from the responsibility to make things successful, but just an explanation for in part, what occurs there.

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

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

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

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

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

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

MR. SANCHEZ: This is Francisco, I'll just say a little bit about the hazard mitigation grants that come sort of from the federal government, and FEMA in particular. So, a percentage of the disaster cost is sort of bundled into mitigation grants that are provided from FEMA across the state. However, sort of if for example Harvey was a Texas
disaster, that money from the mitigation action
grants goes to the state, and then sort of anybody
across the state, any jurisdiction can apply for
those.

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

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

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

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

MR. SANCHEZ: Correct, and a large of
part of that, there's at least two players in that,
how that money comes down, how they choose to
prioritize who will get the limited pot of money,
what priorities they will do in terms of setting that.
At the local level, there needs to be that investment
in coming up with that match. Which, for some
jurisdictions that are larger, and have more
resources isn't quite an issue.

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

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

COMMISSIONER YAKI: Well, let me just do
a quick follow up on that, because going to a point
that I think Ms. Gomez, and others have made about
the fact that FEMA does a lot with homes, but not as
much with renters. To what extent can these grant
funds be used to rehabilitate and stabilize rental
housing rather than just ownership housing so that
people aren't having to be relocated, or move, or
whatever has happened to a lot of different communities, rental communities especially post disaster.

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

So, I think exploring those kinds of issues, and what inequities lie there is certainly of some value. And I will tell you in terms of the monies that are available, one of the things that's challenging is that every round of dollars tends to come with different sets of requirements, and standards. And so, our hope is that those evolve for the better, but every route of mitigation dollars from any number of federal agencies has to be vantaged, and of course what the latest rules are,
and sometimes they're better, sometimes they're not.

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

COMMISSIONER YAKI: Thank you. Veronica?

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

And the result is we still have stories, I think I saw one in the news last week that was talking about mold in apartment complexes, and whether or not their project placed voucher could be
moved, and portable, and I know Brittany will know
more about that piece. So, I would urge more
research, and partnership on how we do this
differently, because the number is increasing.

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

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

COMMISSIONER YAKI: Yeah, I want to hear
from Brittany too. One of the things that I
encountered when we were dealing with the Loma Prieta earthquake was that FEMA still had a vision of America as 1950s single family homes with white picket fences, and it's making me think like they still haven't quite deviated from that model yet. So, Brittany, if you could just answer, you had your hand up, and then I'll defer back to Commissioner Adegbile.

MS. PERRIGUE-GOMEZ: Yes, of course. So, I believe the allocation of funding was around 5 billion dollars for areas, and I think that excludes potentially Harris County, their allocation was slightly different. But you're right. Ideally, I would love to see mitigation funding, at least from Hurricane Funding, be reallocated toward a direct renter program since they were excluded completely from the initial allocation of CDBGDR funding programs that renters would benefit from, that homeowners currently get under the Homeowners Assistance Program is additional rental assistance. Utility assistance, transportation assistance, appliance reimbursement, and security deposit assistance for when they are temporarily displaced. All of those things are things renters also need, and can benefit from. The funding for
CDBGDR was allocated for the affordable rental program, which I touched on briefly in my opening statement, and not for its direct housing assistance. Mitigation funding could be used to address that issue, but the affordable rental program's maximum rent policy allows renters to charge up to 30 percent of 65 percent of the area median income, and that's according to GLO's own house, and guidelines, which HUD had approved for this disaster.

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

But if I can remember correctly, only one apartment complex is being built in Corpus Christie Texas, it is 25 units, and like I mentioned, extremely low-income, and very low-income individuals won't qualify for that. And one way you could very easily make this requirement accessible to renters who were
impacted by Hurricane Harvey is by putting a requirement that some of those units be capped at 30 percent of their income, as well as giving preference to Hurricane Harvey survivors, since the money was intended to repair damage from Hurricane Harvey.

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

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

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

COMMISSIONER ADEGBILE: So, I just wanted to understand two things about the testimony we've heard. We've heard a little bit about a CDBG exclusion for renters, and I want to know if anybody has an understanding about what the rationale would be for that in light of the inequities that seem to flow from it, and then with respect to the after-action reports that were described, I'm trying to
understand if any of those reports speak to the
demographic inequities that you all have been
identifying.

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

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

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

There's a question as to where, or how
that number was calculated, and the GLO state action
plan, it does indicate that they may not have excluded
insurance when calculating the total number of needs
in the suggested care. So, currently the state action
plan indicates that 6.9 billion dollars of unmet
housing need for homeowners, but if you would exclude
insurance from that, that actually would result in an
unmet need of 2 billion dollars.

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

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

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

And this is another instance in which paying attention to the experiences of the people with disabilities is overlooked again. So, I don't
have a good answer, all I can do is more research.

COMMISSIONER ADEGBILE: Do those reports speak about racial inequities?

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

COMMISSIONER ADEGBILE: Thank you.

CHAIR CANTU: Commissioner Gilchrist.

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

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

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

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

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

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

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

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

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

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

MS. CHAPA GORCZYNSKI: Sure, and sir if I may, part of the reason I really hammer on it is I have seen for years, people in my community do not ask for help, or assistance. They're going to figure it out themselves, they're going to figure it out with their family, and they're just going to get it done because that's all we're able to do in their eyes. So, I know we can do better, it's because I've knocked on the door, or I've had friends that knocked on the door, and they know that we're from the neighborhood, or that I'm affiliated with the parish, we get other results.
And we're able to help in a different way. And the problem is now getting too big beyond us to just have the one discussion on what do we do with FEMA? It's going to have to be these community-oriented solutions, and they're going to be difficult, they're not going to be easy. But in my personal experience when we have to find out how we're going to help Ms. Smith down the street, those are the folks to help me get it done.

COMMISSIONER GILCHRIST: Thank you very much, appreciate it.

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

IV. BREAK

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

V. PANEL TWO

CHAIR CANTU: Welcome back. I will now
briefly introduce the order of the panelists in the order they're going to speak for our second panel. Our first speaker is Chauncia Willis, co-founder and chief executive officer of the Institute for Diversity and Inclusion in Emergency Management. Our second speaker will be Kathy Flanagan-Payton, president, and CEO of Fifth Ward Community Redevelopment Corporation.

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

MS. WILLIS: Okay, well thank you, thank you Madam Chair, and distinguished members of the commission. My name is Chauncia Willis, and I serve as the chief executive officer for the Institute for Diversity and Inclusion in Emergency Management, I-DIEM, and I'm ever so grateful for the opportunity to share information with you today regarding the federal government's response to Hurricane Harvey, as well as to highlight my organization's innovative
work in prioritizing equity as a solution to reduce the impact of disasters on marginalized communities across the United States, and globally.

Systemic policies, programs, and practices create, and contribute to disproportionate disaster impact among low-income communities, and people of color. Vulnerable, under served, and, or marginalized communities are forced into high risk, high exposure living situations contributing for an increased risk for loss of life, and property which increases vulnerability, and decreases resilience.

In 1967, Dr. Martin Luther King delivered a speech he described the other America.

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

As discussed earlier today, the emergency management system as we know it, one that aims to
reduce the harmful effects of hazards, and disasters does not work the same way for everyone. Some benefit from it, and some are further harmed by it. Those that are affluent, that are middle class white homeowners et cetera have the expectation of justice, and full recovery in the unfortunate event of an unforeseen disaster.

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

A system that does not provide full, or timely recovery, a system that is more likely to deny requests for assistance. A system that delays, and prevents recovery in a methodical fashion. This other system does not recognize that biased policies such as redlining, and segregation increase a community's exposure to hazards, and in fact sees the members of that community as acceptable losses. This other emergency management system operates within the
construct that those that live in higher value neighborhoods, that are educated, and that have more access to resources are thus more valuable, and deserving of full recovery, and a greater share of funding resources to mitigate against future disasters.

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

In fact, history tells us that these groups are sacrificed first, and their collective needs for restoration post disaster are considered last. Based on a post disaster survey, 45 percent of affected residents during Hurricane Harvey said that they were not getting help, and that number rose to 64 percent amongst Black residents. More alarming, approximately 40 percent of those applications were denied without reason, while others were denied
because their homes were located in flood zones, and thus they were required to carry flood insurance.

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

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

In emergency management, we call it disaster recovery. There are many federal, and state organizations that are now touting equity as their focus because of the Biden Administration's equity
mandate, but their actions are performative. They are doing what they need to do to check the box by hiring untrained equity consultants, and failing to make the bold, sweeping changes that will actually impact people, and how they are treated in disaster.

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

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

In closing, while natural disasters do
not discriminate, their long-term impact disproportionately falls on marginalized groups. The marginalized homeowners must wait the longest, often years to receive assistance, and complete their recovery. That delay, and that lack of predictability harms survivors, and causes irreversible damage to children, to families, and seniors who suffer unnecessarily because of this lengthy process.

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

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

MS. FLANAGAN-PAYTON: Good morning, and thank you Commissioner Cantu, and I appreciate the conversation, and the dialogue that has taken place thus far. I am Kathy Flanagan-Payton, and I have the awesome honor to be a native resident of the community that I serve known as Houston's fifth ward. I represent an organization, the Fifth Ward Community
Development Corporation, a nonprofit organization, a Neighbor Works charter affiliate.

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

Eliminate blight, attract investment, and resources, encourage commercial, and business development, coordinate government, and public service, and offer a sense of destination, and creative place making. The finished product is a healthy, and vibrant community for residents, and visitors alike. Much has been said about underserved communities, and I want to emphasize that this conversation is long overdue.

And while we only reference Hurricane Harvey, I can attest that the residents, and families in Fifth Ward are even going back to recovery as far back as Hurricane Ike in 2008. Yes, today, four plus
years post Hurricane Harvey, and now followed by numerous other natural disasters to include Hurricane Imelda, the ongoing COVID pandemic, and the recent winter storm Uri, Fifth Ward Community Redevelopment Corporation put on its CEMA hat to encourage recovery efforts.

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

To include Kashmere Gardens, Trinity Gardens, the Homestead area, and limited parts of Sedagas, Pleasantville, and the East End. The demographic makeup of each of these areas are largely African American, and Hispanics, and low to moderate income families, many living below poverty. Our recovery efforts are an extension of our work that we were chartered to do 32 plus years ago serving vulnerable communities.
We never thought our emphasis would be on
disaster recovery. Our work commenced immediately
following the storm as we began to receive, and
distribute donated supplies, and materials. This is
critically important, as government funds, and access
to such in communities like fifth ward is almost
insulting. It's a day late, and a dollar short. It
appears that the system is designed to further beset,
and defeat those who need the resources, and help the
most.

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

Citizens were frustrated by a process
largely centered around technology, and access
without regard to the limited access of those living
in poverty, and those lacking tech savvy,
particularly seniors, and those who are disabled.
You see less than 40 percent of the residents in Fifth Ward really have access to technology, and the internet. To reduce the burden, and deficits presented by this inequitable process, we availed Technology Kiosk, and counselors who are dedicated to assisting individuals, and families in applying only to be disappointed by the lack of support, and the ineligibility letters that they often, and frequently got.

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

And neither the state, nor FEMA are optimal in circumstances where time is of essence. The circumstances after Hurricane Harvey, and Houston were no different. No government organizations stand ready to serve with increasing capacity, and our understanding of needs within the community. Government, and FEMA response efficiencies while
improving, are far from optimal, and the disparities among the most vulnerable continue to grow.

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

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

As an organization working in the community, many have adjusted to a new norm as recovery is relative, and we continue with intake, and vetting for additional victims. And our total
portfolio today, four years later is still in excess of 400 clients who still have varied, and ongoing needs for recovery services. We have, and continue to care for residents, to assess need, clean muck, and gut flooded homes, coordinated receipt, and distribution of cleaning, and personal supplies, and provide support to families of the service providers in need of basic assistance.

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

During the peak of recovery, Fifth Ward CRC actually had to hire 6, and a half full time staff to meet the ongoing demands of recovery, counseling, administrative, and operation managers, to design projects, and case management systems, and added additional skilled contractors who were engaged for
home assessments, and inspections. Who covered the cost of that, who carries the burden? The nonprofit organization.

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

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

These resources have supported both recovery from weather related disasters, and now the pandemic. Lastly, Fifth Ward CRC has developed plans
of hosting a long-term recovery resource center
staffed with housing counselors, case workers,
volunteer legal services, and computer kiosks for
residents use in long term recovery efforts, and
plans. Filing claims, printing, and scanning
documents, and staying electronically connected
during their transitions.

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

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

MS. FLANAGAN-PAYTON: Thank you.

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

MS. FLANAGAN-PAYTON: No problem.

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

MS. ORDUNA: Good afternoon
commissioners. I’d like to donate this time to Delores Torres, and Urleen Flowers, two Harvey Forgotten Survivors Caucus members who passed away while waiting for their home to be repaired by government funded programs. My name is Julia Orduna, and I attend today as southeast regional director for Texas Housers, whose staff has worked to understand government policies, and practices involved with disaster recovery, and relief.

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

That further produces disparate racial impact in the subsequent allocation of much greater amounts of CDBG funding for long term recovery. Programs must be administered with empathy, understanding, and the urgency that is demanded by
the experience of disaster survivors. Their lives
are no longer intact. Their homes, and possessions
are destroyed. In the wake of disaster, many do not
have time to trudge through multiple application
processes, track down paperwork, and find extra money
to pay for notary services, faxing services, printing
services, and all the other documentations that
require financial support.

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

The FEMA needs assessment is the first of
many applications for recovery that survivors are
required to submit. Government agencies have pushed
to develop significant outreach strategies in order
to target hard to reach survivors. If government
wanted to fully reach marginalized classes of
survivors, the needs assessment should be used as the
main point of entry for the entire disaster recovery apparatus. Sharing data between government agencies involved in both recovery and rebuild efforts would ensure that survivors have been touched by any program do not get left behind.

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

The overall denial rate of homeowners was 26 percent. Those who reported an income as over 70000 dollars a year only had an ineligibility rate of 10 percent. While those making less than 15000 dollars a year had a denial rate of 46 percent. As the household income climbed, their likelihood of being approved by FEMA also increased. Also, potentially discriminatory is FEMA's claim determination, which is certified by FEMA field inspectors.
Poorly trained inspectors, and inspectors who cannot communicate in the survivor's native language lead to potential discrimination. We found racial inequities in FEMA's verified lost documentation. A property value-based assessment, which reduces the survivor's ability to obtain adequate compensation to rebuild their homes. And FEMA programs do not provide financial support to relocate to safer areas, which further widens the gap for ability to recover for people of color.

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

This under assessment of FEMA damage of actual damages suffered by rental units means that too little assistance is provided to renters by FEMA, and because FEMA assessments are the basis of subsequent CDBGDR funding allocations between homeowners, and renters, the renter survivors who are
largely people of color do not get a fair allocation of funds for their needs. The coordinated collection, and compilation of accurate data on disaster survivors is necessary to allocate the money fairly across different geographics, and populations, ensuring different income levels, housing tenures, and ethnicities are fairly proportionally assisted. Thank you for the opportunity to testify in focusing on this important matter.

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

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

The foundation of EHF is committed to transforming the health of our communities by going beyond just the doctor's office. By providing grants
working with collaborations, and community partners, and providing research, EHF supports solutions that address the underlying causes of poor health. The foundation operates as a supporting organization of the Episcopal Diocese of Texas, and works to help 12 million people across the 57 counties in southeast Texas.

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

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

We were very interested in finding out how best to provide this forum where residents, and
communities most impacted by the hurricane could voice their experiences, and challenges in recovering from the disaster. In the interest time, I'll skip the mapping analysis, I'll go right in, in terms of the polling projects that we had done in the aftermath of Hurricane Harvey.

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

Areas that stood out the most were people applying for disaster assistance, and repairing damages to their home. What we also found was that White and Hispanic Texans who applied for FEMA, or SVA assistance were more likely than Black residents who applied to say their application was approved, 34 percent compared to 20 percent and 13 percent respectively.
Two thirds of the residents reported that they suffered property damages, and environment disruptions as a result of lost income due to Hurricane Harvey. We also found that among those whose homes were damaged, about half said they had homeowners, or renter's insurance. And roughly a quarter had flood insurance. Again, lower income residents, black, and Hispanics, were all less likely to report as having any type of insurance.

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

Hispanic residents are somewhat more likely to report receiving such help, but otherwise the share who received help does not defer too much by race, income, or geography. However, what we are seeing also is that a growing share of affected residents are saying that their lives are back on
track, but three in ten said that their lives remain
disrupted.

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

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

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

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

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

And I wanted to fill in with some quotations from a neighborhood research project at West Street Recovery I'm working on that I think adds some, unfortunately some pain, and some detail. So, this is a conversation between two community members who are interviewing each other about the disaster. One of them said and then like I said, my mind said it changes about all that, you know, how the government treats people, and I mean how the government looks at certain individuals, and certain neighborhoods like ours the way they do.
Yes, I know because it's eye opening, but at the same time it's enough to make you mad. Because you know if you don't fit into certain criteria, you mean just nothing to the government. Right, it devalues you. Yeah, so that doesn't help your self-esteem none whatsoever, knowing no matter what you do, you're still going to be considered nothing, or expendable by this government. So, you know, it's like why believe in America?

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

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

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

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

I think that that's a really important quote when we're thinking about what the FEMA application process should look like, and could look like. The second thing is that we need to stop denying people for having heirship property. Families have heirship property because often they don't have the resources to transfer title, or because they're using a collective economic strategy to survive in a
situation of declining wealth, declining opportunities, and structural oppression.

It's not an accident, it's often an intentional choice that there are good reasons for families to keep collective ownership of a property. It's a colonial mentality that only one person can own one piece of land, and that's being perpetuated by that rule. The USDA knows that over 20,000 black families lost houses because of their heirship property barrier after Katrina.

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

There are private case management firms that make a ton of money, and their wealth is increased through these processes, and the wealth of
people that live in deteriorated homes, that have
been deteriorated through no fault of their own,
let's keep in mind that people face racial barriers
to employment, they face language barriers to
employment, they are denied aid.

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

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

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

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

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

MR. AGUILAR: Thank you Ms. Cantu. And thank you Kathy, Chauncia, Julia, and Ben, and Shao-Chee. I'm going to try not to cover what's already been covered in the previous panels as well. So, yes, I am Tomas, and I work with Living Hope
Wheelchair Association, and we've been around 15 years, and part of the theme of what I'm going to present today is, so we started as a mutual aid, as they call it, organization. When budget cuts for our members who are mostly injured, spinal cord injuries, and are now in wheelchairs, budget cuts, so you no longer have the medical supplies that you need to live, right?

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

So, pretty much what we're saying is for some communities, imagine not speaking English, you're living as a citizen, a resident of this area, where residents of Houston, if you look at some buildings on Rice University campus, most of the highways, anywhere you go, construction on those is
being done by, among others, Spanish speaking folks.

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

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

Right after Harvey, a lot of folks were buying damaged mobile homes because they just painted it over, and it's better than the moldy place they live in. Or people just continued to live in -- and if you know anything about trying to clean a mobile home after a disaster, it's almost impossible, right?
So, when you have these conditions, you cannot get to places, it's hard even to go, and apply.

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

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

We needed data for data's sake, right? I'm like well what's up with that? Although we need data because we want to match them with agencies
giving aid, or what not, I don't want to over burden
the person, so I'm just going to ask for this type of
data that allows them to get aid. I understand this,
you have good intentions, or it could be a university,
or a hospital, they want data for data's sake, and
that's all fine on a certain level.

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

Talk to folks on the ground, there's
groups with recovery, other folks, they're on the
ground, we're there, we're not going anywhere, right?
So, when you're designing these policies, when you're
designing the rules, include folks that are on the
ground, and not just mid-level groups, but include
everyone, right? And perhaps even include people
affected, right? That's not a novel idea, but it
does happen.
We talk about language access, let's think about language justice, and disaster justice, right? We don't want to just tweak these systems, so we might make the application process smoother, but when we talk about justice, we want to question the systems themselves, right? Disaster recovery, disaster is a constant state of being, it'll get worse, and for some communities, social disasters, the lack of jobs, the lack of income, or access to medical, those are everyday life.

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

CHAIR CANTU: Thank you. Thank you Mr. Aguilar, and I really appreciate your optimism. I appreciate the positive statements of all of the panel, you all have showed me why I'm really proud to be a part of the Texas community, and the U.S. community. Americans are innovators, and we're innovators first. So, this panel has done a terrific
job of sharing how wide the problem is, and offering
some really cogent potential solutions that I'm
optimistic about.

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

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

MR. HIRSCH: Thank you for the question.

COMMISSIONER ADAMS: That's all right.

MR. HIRSCH: I think there is two things
I would suggest, one is as I said in my spoken
testimony, any document that another government has
should be moved from government to government. So,
for example the IRS has income information, and the
counties, and cities have home ownership information, so that's one thing I would suggest, and maybe an applicant could opt into it.

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

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

So, for example we have people, one of the streets we work on, Kellett Street, everyone on the street got 5 and a half feet of water in their house. So, when two people, 8911, and 8915 prove that there was five feet of water, the house in
between them clearly also got five feet of water. So, what I think is that the burden of proof should be lowered, and I think it's a very fair question, how would we do that?

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

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

Unfortunately, I've been in a car accident, and experienced that, it's not an advertisement for Geico. But that's what I would suggest, is that a more accessible, and human process should be applied, and that pictures are great, but the idea that if you didn't have a pre-disaster
picture, and one of the things that happened is that gets combined with that bias that people have.

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

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

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

COMMISSIONER ADAMS: I want to make sure that the record is clear on this, because there will be a transcript that the staff will build off. Are you suggesting you have incidents of FEMA employees saying you're a Black person, your house is decrepit, or are they just leaving that impression with somebody?
MR. HIRSCH: That's a great point of clarification, they're leaving that impression. And I would also add that in the zip code we mostly work, the approval rate was 12 percent for FEMA applicants. So, there is a number there, that maybe these people's experience of their own life is accurate.

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

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

COMMISSIONER ADEGBILE: Commissioner Kirsanow raised his hand.

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

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

CHAIR CANTU: Is there someone in
particular you'd like to answer that?

COMMISSIONER KIRSANOW: Anybody who has any information.

CHAIR CANTU: Anyone on the panel please.

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

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

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

COMMISSIONER KIRSANOW: Thank you.

MR. HIRSCH: I'd love to send you our report of these interviews, but one thing that we hear consistently, or two things, inspectors that
don't go into the house, so they just stand in the
yard, and then someone gets denied. So, that's a
sign that they didn't really take the issue
seriously. Or that they're under staffed, right?
That's a problem that could be solved. And another
one, visible mold in their house, and being told that
their home is livable.

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

COMMISSIONER YAKI: Mr. Aguilar.

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

Comments to that effect, right, and it's
like well how you live, and the person asks, you know,
in Spanish (foreign language spoken), and they're
like how do you live, what do you mean, how do I live,
and you know, and then it kind of dies out there,
right? So, there's ways that aren't as explicit as
saying in this case you're Latino, blah, blah, blah,
and that's your fault. You don't have to say that
when you have those dialogues like that, and there's
this resistance right from the start.

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

CHAIR CANTU: Yes, Commissioner Kladney.

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

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

COMMISSIONER KLABDNEY: Thank you very
much.

MS. FLANAGAN-PAYTON: Thank you.
CHAIR CANTU: Commissioner Gilchrist?

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

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

COMMISSIONER GILCHRIST: I'm sorry?

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

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

COMMISSIONER GILCHRIST: Okay, thank you.

Anybody else want to weigh in on that?
MS. ORDUNA: This is Julia, I would just like to say that I do believe that lots of people do try, and appeal, and go through the appeal process, which is also a very tedious process for people. I will mention that I worked with someone that was affected by Harvey, is still living in a gutted home, and she was affected also by Imelda.

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

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

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

MR. HIRSCH: Just to say that we've helped a number of families to appeal, and a number of those appeals have been successful. So, instead
of filing a complaint, I mean a family's main interest
is to get the aid that they need, so that's been our
approach.

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

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

No, because we're so far removed from
that. If you're a rancher staying in a trailer, a
transient staying here, and there, it's a different
world, but there's thousands, and thousands, and
thousands of people living like that. Thank you.

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

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

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

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

CHAIR CANTU: Okay, there you go.

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

Was that well publicized, or was it
something -- because I hear that people were concerned about applying for federal aid because of their immigration status in this country, I'm just wondering if anyone here has any information about that.

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

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

But yes, we did refer, and there was
information everywhere, but just because you drop off a flyer, or get an email, that's just the tip of it, right?

COMMISSIONER YAKI: Got it.

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

COMMISSIONER ADEGBILE: Thank you. I just wanted to come back to the conversation about the perceptions, and, or experiences with race disparities, or feeling that people are being treated differently on the basis of their race by the government. Some of what I hear is that there's a perception that there are traces of the structural assessment that disadvantage neighborhoods that may be, that are not racially segregated by law, but there are many neighborhoods that by virtue of history, and practices of Texas, and elsewhere are racially identifiable neighborhoods. Their census tracks that are minority majority neighborhoods, very often they're not minority majority neighborhoods by accident, there is a history that's led to them, including a government involved history that has helped define some of these
neighborhoods, and so they are characterized that way, and they're known to be that way, and very often it may affect property values, and comparative property values.

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

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

And we know that these things are not made up, because there are recent studies where black people have been in a home, a biracial couple, a black person is in a home showing their home, and the
appraiser will value the home less than when an appraiser comes back, and the White spouse is in the home, and, or the Black art, and accouterments of African American tradition are taken down from the interior of the home, and the appraiser, again -- this is not in a FEMA context, I want the record to be clear.

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

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

MS. WILLIS: Commissioner, if I may, this is Chauncia once again, for the Institute for Diversity and Inclusion and Emergency Management. I've been an emergency manager for almost 25 years.
There are many things that FEMA could do to make disaster response, and recovery more equitable. As we discussed earlier, training the cadre of responders, and inspectors not only in antiracism, but also in basic cultural competency.

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

It's important to mention that that cost benefit analysis is inequitable. Anything that adds more complexity to recovering is inequitable. A lot of these programs, and proofs of insurance, or proofs of documentation to protect the federal government, not the people they're serving. It's done to, in their minds, mitigate fraud. But there is only ever one percent of fraud that is occurring in many of these disasters.
So, you're protecting 1 percent of a chance for fraud. The majority of people are denied because they are being turned away because of a likelihood, or a thought that there is a likelihood of fraud, similar to looting. It just doesn't happen in the way that the media may report, or the federal government feels it occurs. It's not happening in that way. So, a lot of what we're seeing, and what the data is proving, frankly, is that bias, and racism come to the table. If you have it with you as an inspector, you bring that to the job.

If you have bias, or any element of discrimination inherently within you, you bring that to disaster response, you bring that to preparedness. You bring that to mitigation, and funding decisions. We haven't even discussed infrastructure, because honestly a lot of this could be mitigated by providing funding to lower income neighborhoods, but unfortunately mitigation funding just doesn't go to these lower income communities, and it's because of discrimination.

So, there's more to discuss, but I see the chair giving me the signal, so thank you.

VI. CLOSING

CHAIR CANTU: Chauncia Willis, I see the
other panelists nodding at your powerful statements,
and I am very grateful for it. I apologize we're not
going to have enough time, because I've got to give
information to the general public listening, that
there is going to be an opportunity to supplement the
record, and that you and panelists can do this.

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

And in advance, they're going to keep
working on this, so in advance I'm going to thank
them for going through, and combing through all this
information, and incorporating it into a report. The
record for the briefing shall remain open for the
next 30 days. If panelists, or members of the public
would like to submit materials, they can submit to
the commission, but no later than November 22nd.
November 22nd, 2021.
The email is very easy, it's one word, Harvey briefing, harveybriefing@usccr.gov. If you mail it, our address is OCRE Public Comments Attention Harvey Briefing, U.S. Commission on Civil Rights. And our address is 1331 Pennsylvania Avenue Northwest, suite 1150 Washington D.C., 20425. This commission encourages the use of mail to give public comments due to the pandemic. So, don't phone it in, don't try to come to our office.

VII. ADJOURN MEETING

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

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