

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Janet Napolitano
Secretary
The Department of Homeland Security
310 7th street, S.W.
Washington, DC 20528

The Honorable Shaun Donovan
Secretary
U.S. Department of Housing and Urban Development
451 7th Street SW
Washington, DC 20410

February xx, 2010

Dear Mr. President, Secretary Napolitano and Secretary Donovan,

On behalf of the Equity and Inclusion Campaign, a coalition of 60 organizations still engaged in Gulf Coast recovery nearly five years after the landfall of Hurricane Katrina, we would like to express both appreciation and deep disappointment in the recent release of the draft National Disaster Recovery Framework (NDRF), a document that does an excellent job of incorporating many of this coalition's recommendations and feedback, but lacks the protection or strength of legal standing as well as the many details related to actual implementation of the framework.

This Administration is to be recognized and celebrated, for it has made great strides in addressing some of the challenges for people in areas still impacted by the devastating hurricanes of 2005 and 2008, especially in the area of strong inter-agency coordination. The NDRF is also to be recognized for its strengths, particularly in recognition of the need for a Federal Recovery Coordinator (FRC) during disasters of scale, recognition of the role of the non-profit sector, the need for wrap-around services including case-management, access to mental health services and special consideration for people with accessibility and functional needs and other vulnerable populations, as well as environmental considerations essential for disaster mitigation. The NDRF is also to be commended for its articulation of the role of Recovery Support Functions (RSFs) in coordination of a high and sudden influx of federal resources and personnel. As a broad framework, the NDRF is a welcome and robust document; inclusion of detailed information would give its intended audience a sense of how and when such plans would be operationalized, particularly in the areas of FRC and RSF roles, responsibilities and authority.

However, if none of the great progress of this Administration is encoded into law such that Americans are afforded legal protections in the event of catastrophic disasters, then projects such as the National Disaster Recovery Working Group are for naught. For example, if the activation and requisite authority of the FRC is not legally obligatory, if Recovery Support Function (RSF) coordinators with management oversight within primary agencies are not legally obligated to do so, then execution of the mission of the RSF's is dangerously compromised and communities everywhere remain vulnerable not only to disaster but to an inadequate and uncoordinated federal response.

We as a nation are approaching the 5th anniversary of Hurricane Katrina. We still do not have a sufficient national disaster housing strategy in place, as required by law in the 2006 Post-Katrina Emergency Management Reform Act (PKEMRA); we still do not have any of the inter-agency coordination or commitment by the federal government to protect us during catastrophic disaster and as a matter of national security encoded into law; across the states of Louisiana, Mississippi and Alabama communities still face deep gaps in storm protection via our wetlands and barrier islands, safe and adequate housing and disaster healthcare response plans and priorities in place --in many ways we as a nation are not in a much stronger position in terms of legal protections and operational recovery plans than we were five years ago.

Community activists and impacted community members took the Administration's Disaster Recovery Working Group's process very seriously, and committed significant time and financial resources to providing data and informing the Working Group's request for stakeholder feedback. It is time for this Administration to capture the work it has accomplished and preserve it for generations to come.

We respectfully request that Secretaries Napolitano and Donovan, as coordinators of the Working Group, work to find solutions to give legal and adequate standing to the recommendations put forward in the National Disaster Recovery Framework, as well as work with staff to develop the details necessary to move the framework from document to operational plan.

Sincerest Regards,

The Equity and Inclusion Campaign

ADDENDUM I: National Disaster Recovery Framework specific response and recommendations

The National Disaster Recovery Framework (NDRF) draft is an important document that presents a welcome opportunity to encode much of the stakeholder feedback the Obama Administration has received into law.

In particular, the Equity and Inclusion Campaign welcomes portions of the NDRF which capture recommendations put forward by 60 organizations that participated in three Equity and Inclusion Campaign convenings, the last of which included members of the Obama Administration on January 7th, 2010 in New Orleans. These supported provisions are listed below with follow-up questions and suggestions on how to make the NDRF stronger.

I. Section VII describes the function and purpose of a Federal Recovery Coordinator

The Equity and Inclusion Campaign strongly supports the creation of a Federal Recovery Coordinator. This role would play an essential function in facilitation of federal assistance coordination and collaboration with local, state and tribal governments, and captures Equity and Inclusion Campaign participant recommendations for increased and consistent coordination among federal agency and local partners. Overall the responsibilities included in the NDRF as proposed for the Federal Recovery Coordinator are consistent with Equity and Inclusion Campaign recommendations and values.

However, important details are missing from the NDRF as to implementation of the Federal Recovery Coordinator. They include:

- What measures or parameters of disaster trigger the assignment of a Federal Recovery Coordinator?
- Where is the Federal Recovery Coordinator located, and what authority will the position have over multiple and collaborating federal agencies?
- What authority will the Federal Recovery Coordinator have to carry out duties as described, including facilitation of federal funding streams and solutions to assistance gaps and overlaps?
- What authority and specific mandate will the Federal Recovery Coordinator have to promote inclusiveness and participation in recovery?
- How will the position, roles and responsibilities of the Federal Recovery Coordinator become incorporated into federal law such that disaster impacted communities are guaranteed the benefits and necessary coordination of federal resources and agencies associated with this position?

II. Section VIII describes the function and purpose of Recovery Support Functions

The Recovery Support Functions section of the NDRF creates an operational plan for essential coordination of federal agencies, as recommended by the Equity and Inclusion Campaign based on post-disaster recovery experiences. Further, the Recovery Support Function mandate and timeline are to be commended for coordination with and complementary functions to the Emergency Support Functions. In particular, the NDRF is to be commended for its coordination

of simultaneous emergency response and long-term recovery strategy and support. Proposed coordinating agencies in each of the six function areas reporting to the Federal Recovery Coordinator are holistic in addressing the full spectrum of simultaneous needs emerging post-disaster and necessary for a full and equitable recovery.

However, important details are missing from the NDRF as to implementation of the Recovery Support Functions. They include:

- What authority will proposed coordinating agencies have over other primary agencies in the implementation of the function's mission?
- When will proposed coordinating agencies be permanently assigned, particularly in the function areas of Community Planning and Capacity Building and Infrastructure Systems?
- Equity and Inclusion Campaign welcomes the spirit and intent of each of the Recovery Support Functions, including Community Planning and Capacity Building, Economic Development, Health, Social & Community Services, Housing, Infrastructure Systems and Natural and Cultural Resources. However, it is unclear from the NDRF when and how the spirit and intent of this document will translate to clear guidelines for implementation?
- How will the position, roles and responsibilities of the Recovery Support Functions become incorporated into federal law such that disaster impacted communities are guaranteed the benefits and necessary coordination of federal resources and agencies associated with this organization?

III. Additional recommendations related to long-term disaster recovery

While the Community Considerations section of the NDRF strengthens the framework's commitment to accessibility and wrap-around services necessary to a full recovery as well as environmental and other considerations related to disaster mitigation, it is further recommended that the Obama Administration work with Congress to amend the Stafford Act to:

- 1) Ensure that recommendations put forth by the NDRF are afforded the force of federal law
- 2) Ensure adequate and accessible housing during both short term disaster response and long term disaster recovery vis-à-vis Sections 403 and 408 of the Act, as put forth by the Senate Disaster Subcommittee in its February 2009 report, *Far From Home*.
- 3) Pursuant to sections 402, 403 and 502 of the Stafford Act be it recommended that language including "The President may-" be amended to "The President shall-", in order to bolster the strength of the NDRF and its requisite recommendations for managing long term disaster recovery and mitigation in such a way that streamlines federal efforts and advances local and/or regional social and economic interests during the recovery process.

This document is respectfully submitted to the Obama Administration Long-Term Disaster Recovery Working Group on behalf of the Equity and Inclusion Campaign, in response to the Working Group's request for stakeholder feedback. The Equity and Inclusion Campaign is a Gulf Coast wide federal advocacy campaign working to promote a just and equitable recovery. Equity and Inclusion welcomes the intent, spirit and purpose of the Long-Term Disaster Recovery Working Group as an essential mechanism to reform flawed disaster mitigation and response throughout the nation. This document is a compilation of feedback from community leaders in Alabama, Mississippi and Louisiana, all of whom have experienced first-hand the effects of an inadequate and uncoordinated recovery in the aftermath of catastrophic Hurricanes Katrina, Rita, Gustav and Ike.

The objective of this document is to address the spectrum of needs faced by vulnerable populations in order to reduce the harmful impact of both the current recovery as well as forthcoming disasters. It is broken down into three primary issue areas, including Intra-Governmental Coordination, Accessibility and Vulnerability, and Mitigation, all of which are required to meet the needs of the most vulnerable populations during short-term disaster response and long-term disaster recovery.

However, one common theme appears throughout: that of the need for the U.S. Government, as a federal authority, to take primary duty and responsibility in instances of catastrophic disaster, for which the scale and scope of resources and coordination are simply too much for state and local authorities to shoulder, especially during which times the capacity of local and state officials is significantly diminished as they cope with their own displacement and that of their families. Further, this responsibility must be encoded into law vis-à-vis the Robert T. Stafford Disaster Relief Act. The manner in which the U.S. Government assumes this responsibility must ensure that the needs of the most vulnerable are prioritized.

Currently, the Stafford Act places almost all disaster response at the discretion of the President of the United States. The Stafford Act obligates state governments to undertake the primary responsibility for even catastrophic disasters. With varying success, state governments respond to the task of disaster recovery by negotiating with FEMA and HUD and lobbying Congress to waive requirements of the Stafford Act, as well as agency rules and regulations governing resources such as the Disaster Community Development Block Grant (CDBG) program. Therefore, under the Stafford Act, people affected by disasters are subjected to widely different governmental responses dependent upon the priorities of state and local officials. The impact of these differential approaches to disaster response, recovery and rebuilding disproportionately affect the most vulnerable in our communities – the poor, disabled, children, elderly, minorities and immigrants. It is therefore also imperative that when assessing whether disaster recovery has been successful, particular attention should be paid to determining whether these vulnerable groups have recovered and are living in sustainable and safe living conditions. The Stafford Act must be broadened to include an additional clause designed for catastrophes that specifically outlines the role of the federal government when a measured amount of destruction and displacement occurs in an area of the country.

In order to enact a timely and equitable recovery, the U.S. Government must establish the duties of national government and the rights of displaced people for the purpose of ending displacement and ensuring the recovery of people and communities, in accordance with international human rights standards such as the United Nations' Guiding Principles on Internal Displacement.

In the area of Intra-Governmental Coordination, the U.S. Government should:

- Promote better coordination of resources, as managed by federal, state and local authorities, by eliminating or waiving incompatible timelines, rules and regulations. For example, after Hurricane Katrina, hazard mitigation funds from FEMA came late in the process, as did new elevation guidance. Homeowners wanting to repair, rebuild and return received one source of funding relief from disaster CDBG to compensate for damage to the home. This formula did not account for the cost to rebuild at new elevations required by FEMA. Later, FEMA grants were advertised to provide funds for re-building at elevation. Many impacted communities, including those in coastal Alabama, did not receive promised CDBG funding despite support by local officials. Inter-agency coordination of all resources, regulations and guidelines would enable citizens to plan their own redevelopment process from beginning to end. Further, continuing unmet needs such as those in coastal Alabama must be assessed and addressed.
- Anticipate simultaneous needs in short-term disaster response and long-term disaster recovery to address the full spectrum of recovery needs. Hurricane Katrina demonstrated without a doubt that beyond pre-emptive mitigation, immediate disaster response needs to anticipate a full recovery and set systems in place to adequately address long-term solutions in advance of a prolonged crisis, which many areas of the Gulf Coast continue to experience.
- Ensure that pre-emptive and post-disaster planning is community driven, in that local authorities have clear plans in place and community residents have access to and participate in the creation of those plans. Community driven plans will better assess vulnerabilities and vulnerable populations within communities in order to best mitigate disaster impacts.
- Designate a Disaster Medical Coordinator. Coordination is essential to disseminate information and deploy trained health care professionals and resources in the aftermath of disaster. Ensure that disasters of regional impact safeguard against differential outcomes in distribution of resources through regional coordination throughout the disaster impacted area. Coordination should occur across national, state, and local levels of government and include non-profits in order to best ensure effective delivery of supplies and resources by first responders. Resources should be designed to promote accessibility, including language access, as well as special consideration and response plans for people with disabilities, the elderly and other populations. The government must further ensure portability of medical records and access to medical attention for displaced persons.
- Build upon the progress the Obama Administration has made by encoding inter-agency coordination into law to ensure protection in advance of future disasters.
- Promote accountability in the area of communication and displaced persons, especially pertaining to the disbursement and flexibility of funds and other relief programs. Coordinated communication should provide consistent information within and between federal as well as local agencies and communicate effectively the availability and processes for recovery programs and varied funding streams. Federal data tracking systems should be able to interface with those of state and local agencies. Provision of matching grant money at the federal level would further help to increase the capacity of voluntary organizations active in disaster (VOADS) operating at the state level.

- Put in place state and local community positions to manage disaster recovery and who will work in concert with the Administration as well as local non-profit organizations. These individuals should be hired in long term positions and reduce agency turn-over, as is the current FEMA practice.
- Enforce regulations and rules already encoded into law, such as Fair Housing laws and environmental regulations. Any waiver requests should be reviewed for negative impacts on low-income families in advance, to better ensure that CDBG and other funding streams are truly meeting the needs for which they were intended. Similarly, Fair Housing regulations should be enforced so as to discourage NIMBYism, while encouraging the timely construction of replacement housing. Energy projects such as Richton Salt Dome and Kemper County Coal Plant in Mississippi should be similarly assessed for impact on local communities.
- Promote program speed and flexibility in order to allow non-profit and faith-based organizations to secure resources and deploy them quickly. Ensure that non-profits are incorporated into long term disaster recovery discussions and promote ways for the non-profit community and government to partner and collaborate to meet the needs of communities. Create federal grant opportunities and programs to allow non-profits and faith-based organizations the ability to secure adequate resources that can be utilized quickly and encourage participation of displaced persons in their own recovery process.
- Ensure flexibility and preparation in privacy laws to help congregations, non-profits and other community or faith-based groups to locate and assist members. Privacy laws, regulations and releases should be reviewed to adequately protect privacy but facilitate collaboration between federal, state and local authorities as well as non-profits to promote flexibility in times of catastrophic disaster.
- Recognize non-profits and faith-based organizations as principle points of contact for community members, and involve community based organizations in policy-making from pre-disaster planning through response and recovery. Policies for immediate response and long term recovery should explicitly involve non-profits and faith-based communities and provide them a separate line of funding to increase the capacity of such organizations as they serve the needs of the most vulnerable, especially for those entities already receiving government funds, such as local continuums of care, or other nonprofits that have been approved as state contractors.

In the area of Accessibility and Vulnerability, the U.S. Government should:

- Post-disaster services in the areas of education, healthcare and housing should address mobility within a system where the most vulnerable populations often experience transience. Communities rebuild and recover when access to all of these services is available; for example, accessibility of rental housing is strongly linked to availability of schools as well as hospitals or medical care. Long term disaster planning must anticipate the full spectrum of needs of neighborhoods and communities as they begin to rebuild; short term disaster response must similarly anticipate these long term and holistic needs.
- Ensure equitable access to disaster healthcare to better address needs of vulnerable populations. Medical and mental health care are especially crucial during disasters, when regional hospitals may be damaged or destroyed. A system to protect the needs of the most vulnerable must be put in place so that people have access to medical attention, especially when health needs are elevated. This system should address short term disaster response as well as long term solutions. Mental health resources must be funded and accessible for persons impacted by disaster.

- Approach education in an equitable manner, so as to provide the best resources to children and parents, especially in post-disaster settings. Access to and uninterrupted quality education that restores community will facilitate a speedier recovery for families and communities.
- Recognize that privatization of public goods such as the charter school system may promote continued displacement of children when or if they fail to meet charter school requirements.
- Ensure access to adequate quantity and quality of temporary emergency housing that integrates long-term solutions in advance of prolonged displacement.
- Review and revise FEMA's pilot program in small rental repair, in order to bring more permanent housing back on-line quicker in post-disaster settings. FEMA should be able to identify landlords quickly in order to implement repairs, per the recommendations put forth by the Senate Disaster Subcommittee in its 2009 report *Far From Home*.
- Ensure that housing resources directed towards long term recovery are equitably distributed according to housing type breakdown prior to disaster and that post-disaster recovery resources prioritize the restoration of housing units and affordable housing relative to the need evidenced by the most vulnerable. For example, the Louisiana Road Home Program distributed 90% of their funds towards homeowners and 10% towards rental housing in the City of New Orleans, although prior to Katrina the city maintained a housing type breakdown of 50% rental occupancy. Therefore, distribution of housing funds did not allow for the return of many renters. Ensure that all housing is adequately addressed, with particular attention to rental housing.
- Review CDBG and other disaster relief program regulations for income requirements as well as literacy level necessary to complete applications; further review definition of "residence" and allow for proof of residency to be demonstrated in non-traditional ways, such as statements from congregation leaders, landlords or community-based organizations.

In the area of Mitigation, the U.S. Government should:

- Promote coastal restoration that incorporates a tiered line of defense. Healthy barrier islands are the first line of defense against tropical storms and hurricanes by breaking up the storm and reducing its intensity. Marshes are the second line of defense. For every 2.7 miles of marshes, 1 foot of storm surge is absorbed. Those living along the coast are forced to rely on their third line of defense, levees, when state and federal officials focus on levees for flood protection. Issues of long-term sustainability and disaster mitigation must incorporate the restoration of barrier islands and marshes.
- Dedicate funding to authorized mitigation projects. Administration officials acknowledge that there are billions of dollars of unfunded coastal restoration projects that have already been authorized by Congress. The Army Corps of Engineers must coordinate with state and regional authorities to prioritize wetlands restoration over waterway navigation. The Army Corps should be directed to use dredged sediment for the beneficial use of restoration, rather than dumping it beyond the Continental Shelf, as is the current practice.
- Tailor region-wide solutions when disasters have region-wide impact, so that impacted areas have a better ability to draw down funds equitably.
- Recognize that public school systems could play a primary role in identifying and assisting not only students, but also their families. Schools are logically positioned to be major crisis and ongoing counseling intervention sites, in connection with health and mental health professionals. Indeed they are often the first to see the concrete impact of mental health issues on children. To achieve these objectives requires a strategic, long-term commitment from educational leaders, increased resources, and focused policy.

- Invest in hazard mitigation and quality, affordable housing in advance of disaster to protect vulnerable populations and avoid disaster exacerbated “pre-existing” damage for low-income homeowners and renters.
- Allocation of resources and a formula for which allocation is devised should be public and transparent in advance of disaster. Local jurisdictions must be transparent in acknowledgement of what disaster relief needs are, so that communities may respond and resources are allocated accordingly. Such transparency would mitigate abuse of federal regulations and waivers, such as in the area of Fair Housing requirements.
- Ensure that appropriate and adequate numbers of disaster vouchers are disbursed and that adequate housing is available for voucher holders. Ensure that adequate Shelter Plus Care, Housing Choice, as well as Veterans Supportive Housing (VASH) vouchers are available. Ensure adequate quantity of quality housing is available for the most vulnerable populations, especially those at 30% or below of AMI and that individuals at 30% AMI or below do not “fall through the cracks”.
- Review occupancy criteria for HUD affordable housing, recognizing that most homeless persons have criminal records given that homelessness itself is routinely criminalized.
- Ensure access and availability of case management by federal authorities, such that federal employees have access and share uniform information and are trained in cultural sensitivity.

Again, the Equity and Inclusion Campaign welcomes the significant progress made by the Obama Administration in addressing the current crisis as well as creating solutions to mitigate impacts in the event of future disasters. However, vulnerable populations across the nation will always be just that- vulnerable to the disastrous effects of catastrophe. The Administration must work with Congress to ensure that communities do not suffer differential outcomes dependent on the sitting administration or competing priorities of local officials; the U.S. government must make protection a federal responsibility and in so doing encode that responsibility into law, for the protection and resilience of all generations to come.