



May 15, 2025

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RE: Docket No. DHS-2025-0013 – Request for Information

On behalf of the NAACP Legal Defense and Educational Fund, Inc. ("LDF") and the NAACP<sup>1</sup>, we submit the following comments in response to the Federal Emergency Management Agency's (FEMA) Request for Information (RFI) regarding potential programmatic and organizational improvements to the agency. Black people have long faced racial discrimination in federal disaster recovery programs. The NAACP and LDF have a longstanding interest in ensuring issues of community engagement and environmental justice center the communities most impacted by disasters. The NAACP has also invested heavily in developing a disaster resilience framework that can ensure a broader understanding of the severity of disasters that face Black and low-income communities. In some instances, the NAACP is one of the few organizations on the ground ensuring there are no gaps for communities that have been displaced due to natural and manmade disasters. LDF has also worked to combat racial discrimination in previous disaster recovery programs with both litigation and advocacy.

FEMA must take seriously its responsibility for upholding civil rights protections for Black communities during disaster responses and the recovery period. As FEMA has [acknowledged](#) its programs must be delivered in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status. We urge FEMA to fulfill its role as a coordinating agency; focus on replacing affordable homes when disasters occur, and increasing disaster assistance to renters; ensure communities receive assistance and communication; and ensure that FEMA and recipients of federal disaster funds are following federal civil rights laws in the implementation of their programs.

I. FEMA has previously discriminated against Black communities in disaster responses.

FEMA has previously discriminated against Black people in its disaster responses. A [2022 study](#) found Black disaster survivors receive less government support than their white counterparts even when the amount of damage and loss are the same. [Researchers](#) found that these disparities exist because FEMA disproportionately directs housing assistance and rebuilding efforts during the disaster response period to homeowners and wealthier survivors.

Current disaster recovery [efforts](#) exacerbate racial economic disparities, as people of color experience greater loss from natural disasters, receive less support, lose more wealth, and take longer to recover. This inequitable response leads to disparate outcomes, including exacerbated wealth inequality. Black disaster recovery survivors see their wealth [decrease](#) by \$27,000 on average while white survivors see their wealth increase by \$126,000 on average.

Not only do individual white Americans often receive more aid during disaster recovery, so do the communities in which they live. [Research](#) shows that after a disaster the federal government awards applicants

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<sup>1</sup> LDF has been fully separate from the National Association for the Advancement of Colored People (NAACP) since 1957.

in majority Black neighborhoods on average between five and 10 percent less money, than applicants in white neighborhoods. Moreover, FEMA's [current](#) flood mitigation grant program—which is intended to prevent flood damage in homes—has invested millions of dollars in wealthier, white neighborhoods, but low-income neighborhoods and communities of color have received limited investments from the grant program.

- II. FEMA must coordinate with other federal, state, and local agencies throughout the entire disaster cycle in order to mitigate the impacts of climate change and air, water, and soil quality issues.

Many of the disasters Black communities face are manmade given the United States' [heavy reliance](#) on fossil fuels. Black people are doubly harmed by the concentration of fossil fuel plants and other environmental hazards in their communities and by natural disasters caused by the climate change created by those plants. Years of disproportionately placing fossil fuel industrial plants and other high emission facilities in Black and other frontline communities has led to higher concentrations of air, soil, and water contamination in Black communities. A [2024 study](#) found that Black Americans are more likely to die from causes related to air pollution than all other racial and ethnic groups due to their proximity to environmental hazards. Now these same communities face the consequences of more [severe](#) and frequent disasters due to these [intentional decisions](#). The cycle of disasters then increases the likelihood of additional disasters because of the [byproducts](#) of the original disaster. For example, wildfires are more likely to release black carbon in the air which is a super pollutant that alters weather patterns and accelerates the melting of ice and snow. Thus, it is important for FEMA to coordinate with agencies like the National Oceanic and Atmospheric Administration (NOAA) and the Environmental Protection Agency (EPA) to ensure interagency collaboration. FEMA, in partnership with these agencies, should collect data analysis, provide guidance regarding these disaster cycles, community notices for disaster planning, and fossil fuel usage tracking to ensure that communities have a fighting chance of surviving the disasters heading their way in the near future.

Moreover, disasters create other air, water, and soil quality issues. For example, after earthquakes, hurricanes, and wildfires, the sudden movement can release elements that have highly [toxic properties](#) into the air. High winds associated with many of these disasters, as well as tornadoes often carry flying dust, debris from destroyed buildings and structures, as well as asbestos that may be released from older buildings. Wildfires carry significant other risks given the amount of smoke and debris in the air as well as the release of [pollutants](#) like black carbon, carbon monoxide, particulate matter to name a few. In New York, NAACP members are concerned regarding the burning forests in Canada and air pollution that drifts to their state. FEMA should expand its pre-disaster mitigation work to better coordinate with agencies such as the EPA and the U.S. Department of Health and Human Services, as well as state and local air, environmental, and health agencies, to ensure people have access to protective gear, filters, and proper air quality testing and up-to date information regarding the safety in breathing the air. To develop a comprehensive preventative framework, FEMA must better coordinate with agencies and departments like the Department of Interior and the EPA to ensure a holistic approach to restoring ecosystems such as wetlands that can help prevent wildfires from being so severe.

Most disasters also impact access to water. From floods to hurricanes, these types of disasters can devastate a community's water infrastructure and service lines. Indeed, wildfires, earthquakes, tornadoes, and other disasters can impair water infrastructure because of the impact to [systems](#). Flooding can lead to [well contamination](#) as well as waste contamination, debris, and chemicals seeping into [service lines](#). After the tornadoes in Rolling Fork, Mississippi, the entire water plant toppled to the ground, leaving the community without working water infrastructure. In working with NAACP branches following a disaster, members have highlighted confusion regarding whether their water is safe to drink or not. For example, in Altadena, California, certain members highlighted the need for additional FEMA resources to help people understand how to work with the local department of water to better understand water contamination after the wildfires. In New York, NAACP members shared that increased flooding has led to additional concerns regarding replacing water infrastructure. FEMA is well-situated to address these needs. The NAACP Detroit members highlighted how FEMA can model swift response as over \$900,000 was awarded to the city in 2024 for flood mitigation. They highlighted that these resources were needed to fill gaps with state and local resources. FEMA needs additional

resources devoted towards ensuring communities can have swift access to safe, drinking water after a disaster as well as immediate access to temporary water systems for the community to utilize post-disaster.

The soil in communities often ends much more [contaminated](#) following disasters due to [chemical spills](#), complex debris cleanup, and [siting](#) for temporary and permanent “cleanup” locations that are in or near frontline communities. NAACP branches and state conferences have often had to request additional information from FEMA regarding other agency involvement such as the EPA and Army Corps of Engineers regarding cleanup measures to better understand timeline and what next steps will be taken to clean up hazards. FEMA must increase technical and other assistance to streamline these processes and increase transparency for soil contamination decisions regarding toxic waste cleanups and disaster recovery.

III. FEMA should increase disaster assistance to renters and focus on replacing affordable homes when disasters occur.

Currently, renters do not receive similar disaster recovery benefits to homeowners in several FEMA programs, which results in racial disparities in disaster assistance. These inequitable programs include the Individual and Households Program (IHP), which provides financial assistance and direct services to eligible individuals and households affected by disasters. On average, homeowners receive 2 1/2 times the IHP assistance renters receive. Total disbursements between 2006 and 2018 were \$9 billion for homeowners compared with \$2.5 billion for renters. Furthermore, after Hurricane Katrina, 29% of single-family homes were damaged in Louisiana versus 35% of rental units. Yet while 62% of homeowners received disaster recovery assistance, only 18% of renters got [similar aid](#). These disparities lead to [racial inequities](#) because only 44% of Black Americans in the United States own their homes, compared with 74% of white Americans. Additionally, Many renters, and [especially low-income renters](#), do not even apply for Individual assistance (IA) funds because they believe that they will not receive funding.

Several FEMA policies increase the harm to renters. One of the reasons renters receive less funding is because renters cannot receive IA to cover the cost to repair structural damage to their homes under FEMA regulations and can only receive funds for personal property damage. Small landlords are not eligible for IA from FEMA to repair their properties and must instead rely on insurance claim payouts or apply for loans from the SBA or private lenders. Many landlords either rehabilitate properties and subsequently charge higher rents or stop operating the property as rental housing – which reduces the [housing stock](#). FEMA should provide more opportunities to include renters in IA programs, and give more balanced funding between renters and homeowners in the IHP. FEMA should also allow renters and small landlords to receive IA to help repair damages that happened during the disaster. Furthermore, as a condition of grant funding, FEMA should place a ban on evictions and rent spikes during a disaster and the recovery period which should be implemented to the same effect FEMA would do for foreclosure protections. This would keep more low- income renters in their homes.

Due to the lack of existing affordable housing and the inadequate amount of affordable housing that has been rebuilt after previous disasters, it is pivotal that FEMA encourage grantees to first address rebuilding affordable housing after a disaster. After past disasters, affordable housing stock is often lost and never rebuilt, exacerbating the affordable rental housing crisis and displacing low-income families. When Hurricane Ike devastated Galveston Island, Texas, in 2008, it [destroyed](#) more than 500 low-income public housing units. Nearly five years later, only [40](#) public housing units had been rebuilt. Low-income housing was also slow to return to New Orleans after Hurricane Katrina. Before the storm devastated New Orleans in 2005, the city had 7,700 public housing apartments, 5,146 units were occupied. Following Katrina, the U.S. Housing and Urban Development (HUD) announced a plan to tear down over 4,500 apartments—and [only build 800](#) new units. FEMA should strengthen coordination with HUD for long term recovery needs for communities, especially as it relates to HUD’s [implementation](#) of Community Development Block Grant Disaster Recovery (CDBG-DR) grant funds.

FEMA should ensure that state and local jurisdictions who receive FEMA disaster funds prioritize 1 for 1 replacement of any lost federal or state-assisted housing and increase the total affordable units available in the jurisdiction. FEMA should also make funds available to landlords to rehabilitate rental properties and include strict rent-increase limitations for FEMA program eligibility. Finally, FEMA should require rental homes developed with FEMA disaster funds remain affordable housing for at least 30 years at rents that are within reach to the entire range of people affected by the disaster. This ensures that people who may make 50% or less of the Average Median Income (AMI) and are impacted by a disaster have new rental units built that they could afford.

IV. FEMA should provide better communication to communities during and after a disaster regarding individual and other assistance

At an individual and systemic level, FEMA does not provide consistent communication to community groups regarding disaster recovery efforts. It also does not provide consistent case managers to disaster survivors to help them understand the disaster recovery system and how to interact with all the agencies outlined above as well as the many others that are related to individual assistance, appeals, housing, and more. Because there are now fewer FEMA staff in any one location, FEMA is using technical staff who are based outside their typical regions to manage local issues. Normally, there are consistent FEMA points of contact regarding individual assistance and community resource issues. However, given the reduction in staff, community members bear the brunt of these layoffs with waves of differing FEMA staff who are cycled in and out of communities and are not consistently available to discuss individual assistance, appeals, and other resources.

It is nearly impossible for people impacted by disasters to keep up with the points of contact for FEMA disaster recovery efforts as people are cycling in and out of other disaster locations for short stints of time. NAACP branch leaders in Kent County, Michigan highlighted that, in the past, FEMA partnered with residents to expedite the aid process. Now, the process of just figuring out who is the FEMA contact for an issue and ensuring the community member connects with that FEMA staff is an exhausting and difficult process for community-based and service organizations. Moreover, since the FEMA cuts, FEMA has reduced its communication with organizations who it typically shares information with regarding recovery efforts, making it harder for community-level dissemination of information to happen. The NAACP has asked multiple times to be put on certain distribution lists regarding recovery efforts on disasters in communities where we have impacted members. Because of cuts in resources, national staff at the NAACP as well as local leaders have to constantly explain issues to regional and national FEMA staff with varying levels of experience, training, and authority to fix issues that arise. This same issue happens with survivors when trying to explain their personal survivor story. FEMA should implement a case management system like those utilized by HUD-certified housing counseling programs, which utilize local knowledge and consistent contacts to assist families in navigating the housing assistance process.

Additionally, groups like the NAACP has shared for years that the appeal process is confusing and that the agency should completely change its framework from leading with a [likely denial](#) of assistance. NAACP members have highlighted that many are hesitant to even complete FEMA assistance applications as they do not believe they will receive any assistance. FEMA would be better served to explain to individuals first, how to build a successful application, and then to share specific reasons for why their application was denied. Moreover, data regarding denials and appeals has been hard to obtain from FEMA. Being able to better understand how many applications are being accepted, number of denials, and number of successful appeals will allow for more accountability overall.

V. FEMA should comply with its civil rights responsibilities and ensure that Black communities have equal access to FEMA resources during disaster responses and during the recovery period.

FEMA must ensure that all jurisdictions that receive federal disaster FEMA funds are adhering to civil rights laws. This includes Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA),

and the Fair Housing Act. Discrimination in a recipient's emergency response measures violates Title VI. FEMA and its grantees are also subject to the ADA, which prohibits discrimination against people with disabilities and requires FEMA to ensure that all programs, activities, and facilities are accessible to individuals with disabilities. Under the Fair Housing Act, federal jurisdictions or recipients of federal funding cannot discriminate in housing related activities based on protected characteristics, like race, color, national origin, religion, sex, disability or familial status. This means that when jurisdictions get FEMA disaster funds to build new housing from the Hazard Mitigation Grant Program, those jurisdictions have to ensure that recipients do not discriminate in dispersing those funds. Finally, the Stafford Act directs the agency to distribute supplies, process applications, and provide relief and assistance "in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, national origin, sex, age, disability, English proficiency, or economic status."

To ensure jurisdictions that receive FEMA disaster funds are complying with civil rights laws, FEMA should routinely collect and analyze information about the potentially affected populations to help ensure effective, nondiscriminatory allocation of resources and services. NAACP branch and state conference leaders urge FEMA to work with community organizations to build more flexible policy frameworks that allow for culturally competent recovery efforts. This includes ensuring that community members are consulted in the disaster recovery effort. FEMA should also proactively share information about emergency-related services to diverse racial, ethnic and Limited English Proficient (LEP) populations and seek input from diverse racial, ethnic and LEP populations to determine how best to tailor emergency planning, response, and recovery efforts.

## VI. Conclusion

Previous FEMA disaster recovery responses have discriminated against Black people, by depriving them of critical disaster assistance funds and equitable disaster responses. FEMA can remedy this by increasing disaster assistance to renters; adequately replacing affordable homes when disasters occur; ensure Black communities receive assistance and clear communication; and ensure that FEMA and recipients of federal disaster funds are following federal civil rights laws in the implementation of their disaster recovery programs. FEMA has an affirmative duty to guard against discrimination so Black people and communities of color are not being discriminated against during a disaster related event. Thank you for the opportunity to submit our responses to the RFI. If you have any questions, please contact Abre' Conner, Director of the Center for Environmental and Climate Justice for the NAACP, at [aconner@naacpnet.org](mailto:aconner@naacpnet.org) or David Wheaton, Assistant Policy Counsel, at [dwheaton@naacpldf.org](mailto:dwheaton@naacpldf.org).

Sincerely,

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