

The Honorable Shaun Donovan, Secretary
United States Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410
via email @: Secretary.Donovan@hud.gov

June 26, 2013

Re: Observations and suggestions to the Task Force regarding disaster preparedness, emergency operations and the recovery allocations

Dear Secretary Donovan:

We, the below signed community-based organizations, community development, fair housing, civil rights, smart growth groups and others offer our observations and suggestions for President Obama's Hurricane Sandy Rebuilding Task Force's forthcoming report.

We applaud the improvements Congress and HUD have made in the quality of disaster response to address many of the missteps experienced in recovery efforts over the past decade. The Notice setting out the criteria for obtaining and spending CDBG disaster recovery funds related to superstorm Sandy incorporated a number laudable changes made by Congress in the Disaster Relief Appropriations Act, 2013 (P.L. 113-2) and HUD's constructive response to recent experience. We believe that a number of these additions have driven and will continue to support prompt, transparent, equitable and effective recovery efforts.

The most critical provisions requiring ongoing attention include those supporting a fair distribution of funds to make sure that everyone impacted by the storm has a fair opportunity to rebuild. Additionally, affirmatively furthering fair housing, rebuilding public and assisted housing, directing funds to planning and building sustainable and resilient communities and requiring the creation of good jobs and local contracting through section 3 and related provisions are vitally important. Further, we believe that mandating transparency through the posting of recovery related materials on publicly accessible webpages and responding to written complaints within a specified time should be continued in future disaster recovery notices and requirements. Lastly, we support the strict requirements of the Notice implementing the statutory 'compelling reason' standard prohibiting the reduction of low and moderate income benefit below 50% of allocated funding and the specific time frames within which certain actions and/or phases of the recovery allocation and implementation processes must occur.

We hope that the Task Force will recommend the inclusion of these provisions in future disaster aid and link receipt of funding with compliance from grantees, to continue the progress that Congress and HUD have already accomplished.

Furthermore, we have met several times with multiple stakeholders to review the current disaster framework. Based on our experiences and these conversations, we support the following suggestions for improving the process for disaster recovery in future rounds of Sandy aid and

future disasters. We hope the Task Force will include these suggestions in its report to the President.

Pre-Disaster Planning Elements:

- **RECOVERY PLANNING:** Using the Long Term Recovery Groups as a model, HUD and the grantees should create a statewide, and, subsequently, more local networks to develop major disaster response plans at the county and municipal levels. The groups would include leading CDCs, emergency first responders, government officials and other NGOs. These task forces should meet regularly during the year to review and update their plans and be prepared to execute them when disaster threatens. County and municipal-level task forces should be integrated into existing multi-jurisdictional hazard mitigation planning efforts.
- **CDBG-DR MENU:** Existing CDBG and CDBG-DR Action Plans should be used to advance HUD's pilot initiative announced on March 15, 2013 to develop model programs that provide best practices and a tried and true foundation for ease of development of an Action Plan. A grantee could select programs that have been used and well-received in other areas, for rebuilding in their community and avoid reinventing the wheel.
- **PREPARATION AND EXECUTION OF EMERGENCY COMMUNICATIONS:** Residents affected by disaster need to know where to turn for help, both immediately after a disaster strikes and in the weeks and months afterwards. CDBG-DR plans should require grantees to communicate that information widely, in multiple languages and in a variety of formats (earned, paid and social media), as well as grassroots community outreach for vulnerable populations. Special consideration should be paid to reaching vulnerable populations in the communities in which they live. To that end, centers of information should be established in local and accessible public areas such as libraries and schools. These communication channels should be regularly updated. Consider recommending the national use of the 211 system (both phone and on-line).
- **HOUSING PREPAREDNESS:** Federal agencies should use the Sandy model to establish standing agreements with lenders to provide a moratorium on foreclosures for 120 days and continue loan modification programs with Fannie, Freddie and FHA, and private lenders. A 120 day evictions moratorium should be established for renters, which can be extended by action of the HUD Secretary or grantee. The state should ensure that temporary and permanent housing vouchers are ready for deployment for immediate and longer term use.

Post- Disaster Response Elements:

- **HOUSING COUNSELING:** CDCs and other NGOs within the disaster area (and/or with a proven capacity to assist) should be deployed first to assist with housing counseling needs in affected communities. Preference should be given to HUD-certified counseling agencies that have the skills and expertise to provide critical housing counseling to local residents. Impacted families and individuals turn to their local community organizations first, and these groups are best positioned to respond to their needs. HUD certified agencies are experts in providing counseling services and that expertise should be leveraged. Affected individuals and housing counselors should be able to access a centralized source of information that identifies HUD approved funding programs. In addition, housing counseling centers should

be located in central and accessible locations. Counseling services should be provided for housing, mental health, case management, and other social service needs. Residents need to know which programs and funding sources are legitimate, to eliminate confusion and potential fraudulent representation.

- **CAPACITY & RESPONSE RESOURCES:** CDCs and NGOs that provide immediate and short term response services, including housing counseling, will require timely additional resources. Housing counseling providers, for example, will need to train counselors about new programs and resources available to affected individuals as well as to expand their intake and service capacity to meet the immediate demands of their communities. Additional resources are needed for organizations to finance rehabilitation and rebuilding efforts, as well as support services for the community.
- **SHARE DATA:** Federal and state agency collected and reported data about the impact of a disaster should be shared between federal and state agencies, as well as CDCs and NGOs, through a centralized database during the disaster response to ensure transparency and accessibility.
- **RESTORE COMMUNITIES:** Local residents should be allowed the first opportunity to return to their communities or, as close to where they live or work, to promote and preserve the diversity of our communities. A list of affected residents should be maintained that collects information (and potentially individual identifiers) to be shared with CDCs and NGOs, to provide affected individuals the right of first refusal at housing opportunities.
- **PROVIDE RELIEF TO ALL:** Residents (undocumented, non-traditional families, extended families) should be identified and assisted regardless of status. Disaster recovery efforts should focus on connecting these families with CDCs and others who specialize in working with vulnerable populations.

Notice, Implementation and Oversight Requirements

- **FAIR ALLOCATION:** Data should be collected and used in a manner that allocates recovery resources and assistance based on the share of people at various income levels (e.g. very low income, extremely low income) impacted by the storm. Allocations by grantees should be proportional to accurately determine rental and homeownership needs. Resources should be allocated based on rebuilding cost, taking into account needed resiliency measures. Scarce resources should be awarded through a process that provides everyone an equal opportunity to benefit and not first-come first-served.
- **AFFIRMATIVELY FURTHERING FAIR HOUSING:** HUD should ensure that disaster recovery Action Plans are designed in a manner that Affirmatively Furthers Fair Housing. Grantees should be required, within 120 days of the disaster, to modify their Analyses of Impediments to Fair Housing (AI) to address the impacts of the disaster on impediments to fair housing choice. HUD's Office of Fair Housing and Equal Opportunity should provide technical assistance to grantees in analyzing and addressing impediments to fair housing choice.

- **PRESERVING AND REBUILDING PUBLIC, ASSISTED AND AFFORDABLE HOUSING:** HUD should require that, to the maximum extent feasible, public, assisted and lower-income housing is preserved and, if necessary, replaced. Grantees should not be allowed to use recovery funding to displace lower-income households from their pre-disaster communities and housing to areas of low opportunity. Grantees should be required to include, in the Action Plan, an assessment of need for persons in need of accessible or assisted housing, particularly people with disabilities, and a program, or components of relevant programs, that assure the provision of rehabilitated or replacement housing for such persons and families. All such rehabilitation and development must comply with sustainability principles set forth below.
- **PLANNING AND BUILDING SUSTAINABLE COMMUNITIES:** HUD should ensure that disaster recovery Action Plans are designed in a manner that advance resiliency, sustainability and green infrastructure.

Grantees should be required to include, in the Action Plan, an assessment of areas that have experienced repetitive loss and of the impact of rising sea levels over at least 50 years, and a program to provide such data in an interactive GIS format on official grantee websites.

HUD should require that CDBG-DR programs, including federally-funded planning grant programs, implement the Federal Partnership for Sustainable Communities Livability Principles or an acceptable substitute and require consideration of a forward-looking risk assessment that includes the impact of rising sea levels over a planning horizon of at least 50 years.

HUD should recommend that Grantees support three complementary planning programs to assist towns with recovery and conduct planning and implementation within a regional context:

- 1) Regional Cooperation Programs: which encourage the voluntary formation of multi-municipality partnerships supported with dedicated staff and funding resources.
- 2) NGO-led Recovery and Resiliency Networks: which will field recovery and resiliency managers and coordinators to work directly with municipalities over at least 3 years to plan and manage the recovery and future resiliency process; staffed by NGOs and FEMA to enable quick start-up, facilitate philanthropic support and ensure coordination.
- 3) Integrated Hazard Mitigation Plans: which align more comprehensive county-wide plans with the State Hazard Mitigation plan and identify actionable implementation activities including land use, capital improvement, investment frameworks, development and mitigation, advanced to construction readiness.

Grantees should operate asset management programs for water, wastewater and stormwater infrastructure that: 1) inventory and assess current systems 2) ensure upgrades to new standards that minimize risk over a fifty year horizon; and 3) provide technical and financial resources, especially for distressed municipalities.

Grantees should adopt performance-oriented cost/benefit metrics for evaluating transportation, water and energy infrastructure investments that integrate resiliency, sustainability and equity and integrate related cross-discipline benefits including but not limited to stormwater management, recreational, air quality, and beautification.

- **GOOD JOBS THROUGH SECTION 3 AND RELATED PROVISIONS:** HUD should require that each grantee prepare and publish a Section 3 plan that describes how the grantee and all subrecipients will employ residents and engage contractors of impacted communities as required by Section 3 of the Housing and Urban Development Act of 1968 [12 U.S.C. §1701u]. Grantees should be required to report Section 3 data in their Quarterly Performance Reports.
- **INTEGRATION OF STATE / LOCAL RESOURCES AND CDBG-DR ALLOCATIONS:** HUD should require that beneficiary jurisdictions maximize the leveraging of CDBG-DR funds, and not use CDBG-DR funds to replace existing state and local resources.
- **PUBLIC PARTICIPATION AND TRANSPARENCY:** HUD should require public hearings on applicant draft Action Plans and a minimum of ten days for public comment on plans or any revisions, which should be posted along with any related materials on a central web site for each grantee. HUD should provide, within 30 days of the disaster, an official website with information on all allocation and spending decisions from the federal Sandy-rebuilding supplemental fund. HUD should recommend that FEMA hold public hearings on grantees' draft Hazard Mitigation Administrative Plans and a minimum of ten days for public comment on plans or any revisions which should be posted along with any related materials on a central web site for each grantee. The Federal Emergency Management Agency should work with HUD to develop and implement data collection procedures which facilitate long term recovery as well as emergency response. Data used to develop and implement emergency response and recovery efforts should be available on official grantee websites.
- **HUD ROLE IN PLANS REVIEW AND OPTIMIZING OPERATIONAL SUCCESS:** Title 24 of the Code of Federal Regulations §570.480(c) is not the appropriate standard by which HUD should review draft Action Plans. HUD should require that Action Plans operationally link recovery programs to national goals. HUD should require that Action Plans exhibit programmatic capacity to comply with certifications submitted by applicants. The reporting requirements must allow grantees, HUD and the public to understand whether outcomes reflect statutory and Plan intent.

Much has been learned over the past decade about how to assess post disaster need and direct critical funding in ways which result in more equitable allocation and constructive intervention. We hope that these observations and suggestions will contribute to that progress.

We would welcome the opportunity to discuss these observations with the appropriate HUD representatives.

Very truly yours,

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