



September 23, 2022

The Honorable Deanne Criswell
Administrator, Federal Emergency Management Agency
500 C Street, SW
Washington, D.C. 20472-0001

The Honorable Marcia L. Fudge
Secretary
U.S. Department of Housing and Urban Development
451 7th Street S.W.,
Washington, DC 20410

Re: Hurricane Fiona Disaster Declaration

Administrator Criswell and Secretary Fudge,

We, the undersigned organizations, are writing to urge you to take immediate action to activate disaster recovery efforts in Puerto Rico in the aftermath of Hurricane Fiona. Having witnessed the failed rollout of FEMA and HUD programs in the immediate aftermath of Hurricane Maria in 2017 and having worked since then to undo its legacy, we urge the agency to take every action to avoid a similar failure in the aftermath of Hurricane Fiona.

Significant challenges in the recovery process after Hurricane Maria must be addressed immediately to prevent further displacement of disaster survivors, an even greater shortage of housing, and a rise in homelessness across Puerto Rico. By learning from the experiences of Puerto Rico's communities and their advocates, FEMA and HUD can provide Puerto Rico with the assistance the island needs to fully recover.

We urge FEMA and HUD to take immediate action on the following issues:

1. **Include municipalities deeply affected by the disaster in the Major Declaration of Disaster:** we request urgent action from FEMA to amend the Major Disaster Declaration approved for Puerto Rico in the aftermath of Hurricane Fiona (DR-4671). The consequences of this disaster have been catastrophic for jurisdictions left outside

the scope of the Individual Assistance coverage. Municipalities such as Loíza, Guánica, and Cabo Rojo, among others, are particularly vulnerable due to damages caused by floods and winds. The racial and impoverished status of these historically disadvantaged communities, together with the fragility of their structures five years after Hurricane María, compel a coherent national response that enables an equitable and just recovery. Although Major Disaster Declarations can be amended to include new jurisdictions, the message communicated at a moment when people still lack safe housing and shelter, power, water, and stable communications is devastating. The immediate amendment of this declaration to include municipalities like Loíza and those in the Southwestern part of the Island is urgent.

2. **Launch a large-scale educational campaign to make residents aware of the availability of FEMA assistance, including eligibility for homeowners without formal title.** 77,000 households were wrongfully denied assistance after Hurricane Maria due to a lack of formal title. FEMA must provide applicants with the information on alternative proof of ownership process when applying for assistance. FEMA must provide instructions directly to applicants for creating declarative statements on ownership and make them available at disaster relief centers. Adequate and culturally appropriate Spanish translation of the statements are imperative and required under Title VI and by FEMA's own equity initiatives towards those who have a primary language other than English.
3. **Ensure that eligible Immigrant Households can apply for FEMA assistance.** 15% of Puerto Rico's residents are immigrants – many of whom live in the areas most impacted by Hurricane Fiona. FEMA must ensure that immigrant communities are aware of eligibility requirements surrounding immigrant households, that eligible households are able to apply, and that they can do so with clear knowledge that applying will not impact their immigration status or trigger any investigation by DHS. Recovery Centers should take care to remove references to DHS and that uniformed DHS personnel are not permitted around recovery centers.
4. **Ensure that disaster assistance reaches affected families in a timely and equitable manner.** FEMA should establish disaster recovery centers and make them accessible in terms of location and operating hours. Disaster Recovery Centers must also be accessible to individuals with disabilities in line with the ADA, and related federal law. There should be no armed guards or police at the entrance to these centers. All non-discrimination policies must be guaranteed. Information on available assistance, home inspections, and application documents should be communicated in Spanish. FEMA must provide the necessary assistance to individuals with disabilities so they can apply for aid.

5. **Provide clear and accurate information regarding the rights of people living in flood zones to apply and obtain disaster assistance.** Only a very small percentage of homeowners in Puerto Rico maintain flood insurance. FEMA should recognize the lack of resources of the local population to obtain affordable flood insurance and the impact of a rapidly changing landscape, as demonstrated by the Advisory Base Flood Elevations (ABFEs) maps approved after Hurricane Maria. It is important to stress that the Flood Insurance Rate Map (FIRM) has not been amended since 2009.
6. **Activate the Disaster Housing Assistance Program to ensure Puerto Rican survivors displaced to the continental United States have an affordable place to call home while they get back on their feet.** DHAP provides displaced households with temporary rental assistance, covering the cost difference between what a family can afford to pay and their rent, capped at a reasonable amount. All families receiving DHAP rental assistance are provided wrap-around case management services to help them find permanent housing solutions, secure employment, and connect to public benefits. On May 14, 2018, FEMA rejected a formal request for DHAP made by the Governor of Puerto Rico in December 2017 in the aftermath of Hurricane Maria. FEMA and HUD can start to rectify this historical wrong by immediately activating the program.
7. **Require the local governments to create and develop displacement minimization strategies and ensure that necessary relocations prioritize climate and environmental justice, community social issues, and adequate access to essential services.** Following Hurricane Maria, Puerto Rico has seen a massive displacement of its population. The recovery process has subsequently sought to displace those that remained from their homes with inadequate relocation assistance in disregard to their human rights. We fear that the Hurricane Fiona response will accelerate this process. To receive federal funds, FEMA must request that the territorial government create and implement strategies that minimize displacement and ensure that where necessary, households are provided the ability to relocate to communities of their choice in line with the principles of climate and environmental justice, housing justice, and their human rights.
8. **Request that the DHS Office of the Inspector General, along with the HUD Office of the Inspector General, investigate the failure to progress on Hurricane Maria long-term recovery goals.** The failure of the multi-billion-dollar effort to recover from Hurricane Maria has placed the island at risk of a disaster like Hurricane Fiona. Both departments must audit large contracts (at or above \$5 million) issued throughout the Hurricane Maria recovery process using either CDBG-DR, MIT or FEMA funds. The results of these audits must be made publicly available in both English and Spanish.

9. **Implement a community oversight and monitoring structure for Hurricane Fiona response and recovery.** The territorial government, national contractors, and the federal government have failed to ensure that the needs of the Puerto Rican people regarding housing, infrastructure, utilities, and mitigation have been met. We request that federal programs implemented to assist the island following Hurricane Fiona include affirmative language creating a community oversight and monitoring structure. This structure must be composed of community members and their advocates, have direct input on the policies and procedures of response and recovery programs, and possess the ability to veto such policies and procedures where necessary to preserve and protect impacted communities.

10. **Suspend all Hurricane Maria-related recoupment payments while the Hurricane Fiona period of assistance is in effect.** Hurricane Maria survivors in Puerto Rico have been subjected to recoupment actions by FEMA – even after successfully appealing an initial denial of aid. Many households targeted by the agency for recoupment received notifications of the process only in English and cases were quickly turned over to the Treasury Department – condemning many households to extreme poverty without the ability to contest this determination. Continued payment requirements will significantly impact the ability of those households to recover from Hurricane Fiona. As a result, FEMA must cease any ongoing recoupment processes and request that the Treasury Department pause any ongoing payment requirements for Hurricane Maria survivors.

FEMA’s Equity Action Plan includes an action titled “People First - Achieving Equitable Outcomes for Disaster Survivors”. Under ‘Barriers to Equitable Outcomes’ FEMA identified that “IA knows that disasters have a disproportionate impact on lower income persons, families, and communities that are historically under-resourced, underserved, and underrepresented”, and that “IA must build more equitable outcomes, reduce administrative burdens, increase eligibility for underserved and vulnerable applicants, increase access, and improve external messaging.” We urge you to immediately ensure that your actions and intended impacts on barriers identified in your Equity Action Plan are fully implemented and operationalized.

These requests have been created through the experiences and knowledge of impacted communities in Puerto Rico who have direct experience interfacing with FEMA and HUD during the disaster recovery process. FEMA committed to a “People First Approach” in its 2022-2026 Strategic Plan, arguing that “FEMA decisions about policy and program implementation must be routinely informed by how they will impact underserved communities.” HUD recommitted itself to removing barriers to equity and addressing systemic inequities within its programs in its 2022-2026 Strategic Plan. As advocates for these underserved communities, we urge you to listen to them and immediately implement these requests.

Sincerely,

National Low Income Housing Coalition

LatinoJustice PRLDEF

Hispanic Federation

Fair Share Housing Center

PolicyLink

Community Justice Project

Texas Appleseed

National Housing Law Project

Partnership for Inclusive Disaster Strategies

Louisiana Fair Housing Action Center

Center for Constitutional Rights

Power 4 Puerto Rico Coalition

Pro Bono Net

Evangelical Lutheran Church in America

National Coalition for the Homeless

Global Network of Movement Lawyers

Movement Law Lab

Texas Housers

Sacramento Regional Coalition to End Homelessness

University Network for Human Rights

National Homelessness Law Center

Ayuda Legal Puerto Rico

Taller Salud

Mujeres de Islas

Proyecto Matria

Fundación Bucarabón

Organización Boricúa de
Agricultura Ecológica de PR

CAM Bartolo

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