



Working to Reduce Poverty in America

Submitted via www.regulations.gov

March 11, 2021

Regulatory Affairs Division, Office of Chief Counsel
Federal Emergency Management Agency
500 C Street SW Washington, D.C. 20472

Re: Docket ID FEMA–2020–0038

To Whom It May Concern:

Chair
Charles Cornelio

President & CEO
Sr. Donna Markham OP, PhD

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Robert McCann

Secretary
Martina O'Sullivan

Treasurer
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Catholic Charities USA (CCUSA) respectfully submits this comment on the proposed Federal Emergency Management Agency (FEMA) Public Assistance (PA) rule, entitled “Cost of Assistance Estimates in the Disaster Declaration Process for the Public Assistance Program,” and published on December 14, 2020. We are concerned about the proposed changes in the published notice and request that FEMA consider distressed and underserved communities to ensure they receive critical PA investment and assistance. These communities are too often overlooked due to the lower economic value of home, facility, and infrastructure losses that are used to determine PA eligibility. Any consideration of new PA Cost of Assistance (COA) policy must include protections for vulnerable communities to avoid exacerbating existing program inequities. The proposed rule, in its current form, is insufficient in meeting the needs of vulnerable populations and would cause irreparable harm.

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member agencies, which operate 3,500 service locations across the country. Last year, 363,000 individuals received disaster assistance from 63 agencies. CCUSA responded to 73 disasters in 32 states and four U.S. territories for wildfires, hurricanes and tornadoes. Our direct relief efforts meet immediate needs and continue, sometimes for many years, with long-term relief efforts to help individuals and families rebuild their lives after a disaster. In so doing, Catholic Charities member agencies routinely witness homes damaged from previous storms that were not declared and become ineligible for assistance in the currently declared disaster. This most often occurs in underserved, rural and otherwise distressed communities who most need the assistance.

The Stafford Act authorizes grants to assist state, tribal, and local governments and certain private non-profit entities with the response to and recovery from disasters following presidentially declared major disasters and emergencies. As a non-profit organization that responds by implementing disaster recovery efforts, CCUSA is concerned with the proposed rule because it increases the risk to disaster survivors and the communities we serve.



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The proposed rule seeks to implement procedural changes to the emergency declaration process that would jeopardize disaster relief in the immediate future for communities that most need assistance. FEMA argues that changes are necessary for the disaster determination process for reasons including inflation and a state's total taxable revenue (TTR) being a more reliable financial indicator. While these changes may reduce the number of declared disasters, it comes at too high a cost for the people we serve. Heightening the bar to declare a federal emergency and release critical disaster relief funds would hinder our ability to serve vulnerable populations affected by a disaster. Our agencies already see how often these communities must wait for years to return to any semblance of pre-disaster normalcy, often with little to no improvements to pre-disaster infrastructure and mitigation measures. PA allows Catholic Charities network agencies in these communities to perform reimbursable activities in coordination with the affected state. Further, disaster-affected Diocesan facilities submit applications for PA to continue their ministries of service in post-disaster environments. In a post-disaster setting where donations and other funding streams are scarce for service providers, PA is often a critical lifeline for our agencies and services. These necessary activities stand to be harmed by the proposed rule as written.

Consistent with the White House Executive Order entitled, "On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,"¹ CCUSA encourages federal disaster policy to consider how it may affirmatively produce more equitable and inclusive communities in areas historically underserved by their government. Indeed, FEMA's own National Advisory Council in its November 2020 report stated the following, "While it is not the role of FEMA to dismantle a series of systems that cause inequity, it is within the role of FEMA to recognize these inequities (and the disparities caused by them) and ensure that existing or new FEMA programs, policies, and practices do not exacerbate them."²

This proposed rule, as written, would cause compounding harm to underserved communities. CCUSA implores FEMA to consider allowing preferential treatment for declaring PA in underserved communities. There are already models to consider. The FEMA Building Resilient Infrastructure and Communities (BRIC) Program automatically reduces the state cost-share to 10% for "small, impoverished

¹ "Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," 20 January 2021: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

² "National Advisory Council Report to the FEMA Administrator," November 2020, at page 11: https://www.fema.gov/sites/default/files/documents/fema_nac-report_11-2020.pdf.

communities.”³ The Individual Assistance declaration process (while still having room for improvement in advancing equity) discretely accounts for the presence of Social Vulnerability Indicators (SVI) in its declaration criteria. CCUSA, from firsthand experience, can affirm that underserved communities frequently have sub-par drainage and mitigation infrastructure, suffer from proximity to poorly regulated industry and other effects of environmental racism, and lack high economic value of assets required to meet the current PA declaration threshold, let alone a higher one. **Any consideration of a new PA COE proposed rule must proactively account for the needs of vulnerable and underserved communities and not exacerbate existing inequities.**

Thank you for the opportunity to submit comments on the proposed rule. Please do not hesitate to contact our offices should you have any questions.

Best,



Brian R. Corbin
Executive Vice President,
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³ “The Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) FY 2020 Building Resilient Infrastructure and Communities (BRIC): https://www.fema.gov/sites/default/files/2020-08/fema_fy20-bric-notice-of-funding-opportunity_federal-register_August-2020.pdf.”