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Ms. Martin:

We are writing to share our comments on the Florida Department of Economic Opportunity's *State Action Plan for Disaster Recovery*¹ (the "Draft State Action Plan"). Our comments underscore and are intended to supplement the comments submitted by the Hurricane Irma Community Recovery Coalition.

MORE RESOURCES FOR RENTERS

As currently drafted, the Draft State Action Plan does not provide enough resources for renters. Programs to construct new rental housing provide only a third of resources for owner-occupied homes. Low and moderate income renters should be a priority for CDBG-DR funds and the proposed budget should align with the demonstrated need. "Of the FEMA applicants to the IA program from impacted counties, nearly 50 percent live in rental housing; 1,113,657 whom are also of low- and moderate-income."² More rental units across Florida suffered major structural damage than owner-occupied homes. In Miami-Dade County, almost four times as many rental units as homeowner units suffered major structural damage.³ Before and after the storm, renters are more likely to be cost burdened than owners, paying a higher percentage of their household income on housing costs.⁴

DEFINING AFFORDABILITY TO MATCH NEED

The funding that is earmarked to benefit renters requires more clarity in its definition of affordability. Workforce housing is defined in many jurisdictions as significantly higher than 80% AMI. The Draft Action Plan defines affordability with a link that lands in an error page. The source page shows incomes up to 140% AMI. The Draft Action Plan should clearly define affordability requirements not only to emphasize the 80% AMI ceiling, but also should be divided to ensure "the connection between identified unmet needs and the allocation of CDBG-DR resources." Data and budgets should be divided into categories for 30% AMI and below, between 30% and 50% AMI, and between 50% and 80% AMI. Resources should be allocated proportionally and programs designed to incentivize each's demonstrated need.

¹ Florida Department of Economic Opportunity, *State of Florida Action Plan for Disaster Recovery, Draft for Public Comment April 20, 2018*, available at <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

² Florida Department of Economic Opportunity, *Florida Community Development Block Grant - Disaster Recovery (CDBG - DR) Hurricane Irma Unmet Needs Assessment* (April 12, 2018), p. 15, available at: <http://www.flhousing.org/wp-content/uploads/2017/09/April-13-handout-CDBG-DR-Irma-Unmet-Needs-Webinar-Final-4-12-18.pdf>.

³ Florida Department of Economic Opportunity, Table 15, p. 46, available at: available at <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

⁴ Florida Department of Economic Opportunity, Table 17, p. 49, available at: <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

GUARDING AGAINST DISPLACEMENT

The Draft State Action Plan must include “[a] description of how the grantee plans to minimize displacement of persons or entities, and assist any persons or entities displaced.”⁵ To minimize displacement, ELI units and repairs to naturally occurring affordable housing must be prioritized. Affordable housing with existing subsidies should be proactively evaluated for damage and given preference in accessing funds. Renters and homeowners should be given preference to return to their communities as new units become available. Those directly displaced by the storm and those impacted by climate gentrification, particularly low and moderate renters of color, should be given support throughout the construction process to ensure their ability to return to their communities. In all programs, a prohibition on refusing to rent to tenants based on their source of income should be required. Further community oversight should be put in place for the buyout program to ensure that this does not become a land grab mechanism for developers and that communities control their own futures.

AFFORDABILITY PERIODS

The current plan requires only the bare minimum twenty year affordability requirement. Without at least a fifty year affordability period, the CDBG-DR programs will catalyze the displacement and destabilization of low and moderate income families, rather than benefit them. Community Land Trusts and other mechanisms to secure long-term affordability should be prioritized in all sub-grant criteria.

RENTAL ASSISTANCE

Temporary rental and relocation assistance is another urgent and unmet need. Some rental assistance is proposed for homeowners in the housing repair program. This does not address the current and pressing needs of renters displaced from hurricane damaged buildings, nor that of renters displaced after the storm as direct result of climate gentrification.

LOCAL DATA ANALYSIS

The current draft fails to meaningfully consider data below the County level as required by the Federal Register and supporting guidance. HUD’s *Disaster Impact and Unmet Needs Assessment Kit* emphasizes the need for analysis at levels deeper than the County level. “Each grantee must develop a needs assessment to understand the type and location of community needs and to target limited resources to those areas with the greatest need....At a minimum, the needs assessment must:...Describe impacts geographically by type at the lowest level practicable (e.g., county level, zip code, neighborhood, or census tract)...”⁶ “Grantees must understand...[t]he condition of the most vulnerable populations, and [i]nitial planning initiatives at the neighborhood, city, county or regional level.”⁷ Data should be analyzed at the neighborhood and census tract level in order to appropriately shape a proposal to meet the needs of low and moderate income families. Also note that Appendices 2, 7 and 9 leave out Miami-Dade County data.

RACIAL & ETHNIC DATA ANALYSIS

The Draft State Action Plan does not take into account racial, ethnic or national origin data, and therefore fails to address potential disparities that may result. In their Notice on the Federal Register, HUD states that “[g]rantees must also assess how planning decisions may affect members of protected classes, racially and ethnically concentrated areas, as well as concentrated areas of poverty...” and include a “description of how the grantee plans to minimize displacement of persons or entities....”⁸ Communities of color have been under-invested in by our leaders for generations and face an even tougher road to recovery. An effective Action Plan must consider and directly combat this inequity.

⁵ United States Department of Housing and Urban Development, p. 92, available at: <https://www.federalregister.gov/d/2018-02693/p-92>.

⁶ Florida Department of Economic Opportunity, pp. 80, 85, available at: <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

⁷ HUD, *Disaster Impact and Unmet Needs Assessment Kit*, p. 5, available at: https://www.hudexchange.info/resources/documents/Disaster_Recovery_Disaster_Impact_Needs_Assessment_Kit.pdf.

⁸ Florida Department of Economic Opportunity, pp. 91, 92, available at: <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

INSUFFICIENT OPPORTUNITY FOR CITIZEN/COMMUNITY PARTICIPATION

The Draft State Action Plan was developed without sufficient outreach to directly impacted residents and grassroots organizations serving vulnerable communities. We urge the Florida Department of Economic Opportunity to extend the public comment period so that all Floridians, especially those in the most impacted and distressed areas, have a meaningful chance to weigh in on this plan. Community organizations offer a wealth of information that can help define, refine, and improve the Draft State Action Plan. We are members of the Hurricane Irma Community Recovery Coalition that served thousands of residents in the aftermath of the storm and has been conducting a series of community resilience meetings with the goal of improving disaster response networks in low-income communities. Residents have identified unmet needs, established emergency communication networks, and named neighborhood captains to organize volunteers and distribute information after a storm. We are ready and eager to share what we have learned.

The need for non-government input was stressed by the HUD in their *Disaster Impact and Unmet Needs Assessment Kit*: “What is the engagement of the citizenry? Grantees need to determine if the broader public has been engaged in planning and recovery efforts to date. Are needs being communicated by the public that have not been heard or captured by the entities gathering impact data? A grantee with a deep and comprehensive understanding of the public’s perspective and level of engagement will be better able to define and prioritize unmet needs.”⁹

LANGUAGE ACCESS

Troublingly, outreach and communications materials were not translated into Haitian Kreyòl, the primary language of a large number of impacted households in Miami-Dade, Broward, and Monroe counties. Nor does it appear that outreach was conducted in Haitian Kreyòl using diverse forms of communication such the radio or other means to ensure wide dissemination. DEO’s main website acknowledges the need for language access by providing a Kreyòl landing page, but fails to provide information on the CDBG-DR funds in this language. This lack of language-accessibility violates not only the terms of the Federal Register: “Grantees are responsible for ensuring that all citizens have equal access to information about the programs, including persons with disabilities and limited English proficiency (LEP). Each grantee must ensure that program information is available in the appropriate languages for the geographic areas to be served.”¹⁰ “The grantee must make the action plan... available to the public on its website and on request. In addition, the grantee must make these documents available in a form accessible to persons ...with limited English proficiency.”¹¹ This lack of language accessibility also violates Title VI of the Civil Rights Act and its protections against discrimination on the basis of national origin. Immigrant communities were particularly vulnerable in the aftermath of Irma and must be considered under this plan.

Thank you for your attention to these issues.

Sincerely,



Alana Greer
Co-Director

⁹ HUD, *Disaster Impact and Unmet Needs Assessment Kit*, p. 6, available at:

https://www.hudexchange.info/resources/documents/Disaster_Recovery_Disaster_Impact_Needs_Assessment_Kit.pdf.

¹⁰ United States Department of Housing and Urban Development, p. 136, available at: <https://www.federalregister.gov/d/2018-02693/p-136>.

¹¹ United States Department of Housing and Urban Development, p. 140, available at: <https://www.federalregister.gov/d/2018-02693/p-140>.