

HURRICANE IRMA COMMUNITY RECOVERY COALITION

May 4, 2018

Heather Martin
Community Development Block Grant - Disaster Recovery Program
Department of Economic Opportunity
107 East Madison Street
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Tallahassee, Florida 32399-4120
via email CDBG-DR@DEO.MyFlorida.com

RE: PUBLIC COMMENT ON THE STATE ACTION PLAN FOR DISASTER RECOVERY

Ms. Martin:

We are writing because our communities need an equitable recovery process. It is what we deserve and what federal law requires. As leaders of community-based organizations across the state, we were on the frontlines hours after Hurricane Irma passed and remain embedded in communities still struggling to recover today.

As you finalize the Florida Department of Economic Opportunity's *State Action Plan for Disaster Recovery*¹ (the "Draft State Action Plan"), we ask that you ensure equity for renters, provide more localized geographic and demographic data analysis, and extend the public comment period to allow for meaningful community participation. These changes are essential in order for the plan to benefit low and moderate income families in impacted communities. We would also welcome the opportunity to meet in person and discuss the realities on the ground in more depth.

EQUITY FOR RENTERS

As currently written, the Draft State Action Plan does virtually nothing to meet the urgent needs of low- and moderate-income tenants across the state. The Draft State Action Plan acknowledges, and the Federal Register requires, that at least 70 percent of Community Development Block Grant - Disaster Recovery ("CDBG-DR") funds must specifically benefit low and moderate income persons. According to the February 9, 2018 Notice published by the United States Department of Housing and Urban Development ("HUD"), the Draft State Action Plan must "[e]valuate all aspects of recovery including housing (interim and permanent, owner and rental, single-family and multifamily, affordable and market rate, and housing to meet the needs of persons who were homeless pre-disaster)..."² Low-income households, and low-income households of color in particular, are disproportionately likely to be renters.

The Florida Department of Economic Opportunity's own *Florida CDBG-DR Hurricane Irma Unmet Needs Assessment*, published on April 12, 2018, lays out the overwhelming needs that renter households faced before and after Hurricane Irma. "Of the FEMA applicants to the IA program from impacted counties, nearly 50 percent live in

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 United States Department of Housing and Urban Development, *Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recovery Grantees* (Feb. 9, 2018) FEDERAL REGISTER, 83 FR 5844, p. 81, available at: <https://www.federalregister.gov/d/2018-02693/p-81>.

rental housing; 1,113,657 whom are also of low- and moderate-income.”³ 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.⁴ 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.⁵

Despite the unmet needs of renters in Florida, the Draft State Action Plan overwhelmingly favors owner-occupied units. The only budget lines dedicated to renters are funded at only a third of the level of homeowner programs. Low and moderate income homeowners in our community need and deserve assistance to recover, but it should not come at the cost of assistance to renters. Homeowners and renters in our community deserve equitable distribution of resources.

The “Workforce Affordable Rental New Construction Program” proposed in the Draft State Action Plan raises several concerns. While the program budget estimates 100% of the funds will benefit low and moderate income households (80% of Area Median Income [AMI] and below), the narrative description is vague and potentially misleading with respect to the links provided and discrepancies in how workforce housing is defined in different jurisdictions. We ask that the Florida Department of Economic Opportunity clarify this definition and limit rents to those affordable to renter householders at 80% AMI and below.

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.”⁶ To minimize displacement, new units should be at least as affordable as they were before the storm, if not more affordable. The “action plan must contain... a description of how the grantee's programs will promote housing for vulnerable populations... [and prevent] low-income individuals and families with children (especially those with incomes below 30 percent of the area median) from becoming homeless.” The Draft State Action Plan acknowledges that “[l]ow levels of affordable rental housing for extremely-low income (< 30 percent AMI) households across the disaster affected counties shows a clear need for additional housing,”⁷ but fails to effectively prioritize or incentivize assistance for these households.

The Plan underscores that re-development may “result in higher rents or pressure to sell to someone who will rebuild a second home or vacation rental property, leading to less affordable housing stock for the workforce.”⁸ In order to meet the needs of these households after the storm, tiered affordability levels and incentives to prioritize units at lower AMI levels, especially Extremely Low Income (ELI) units, is essential. Given the Allocation Notice requirement that: “The action plan must contain... A description of the connection between identified unmet needs and the allocation of CDBG–DR resources” the Plan should identify the unmet needs of households below 30% AMI as one category, between 30% and 50% AMI as a second category, and between 50% and 80% as a final category of unmet needs. Resources should be allocated proportionally and programs designed to incentivize each’s demonstrated need with a further adjustment that compensates for the reality that households in the lowest and middle categories have proportionally more need because of their relative lack of discretionary resources and an increased risk of becoming homeless.

³ 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>.

⁴ 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>.

⁵ 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>.

⁶ United States Department of Housing and Urban Development, p. 92, available at: <https://www.federalregister.gov/d/2018-02693/p-92>.

⁷ Florida Department of Economic Opportunity, p. 50, available at: <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

⁸ Florida Department of Economic Opportunity, p. 71, available at: <http://www.floridajobs.org/docs/default-source/community-development-files/2018-state-of-florida-cdbg-dr-action-plan-draft.pdf?sfvrsn=2>.

Longer affordability periods of fifty years or more are also essential. The current plan requires only the bare minimum twenty year affordability requirement. Without these provisions, the CDBG-DR programs will catalyze the displacement and destabilization of low and moderate income families, rather than benefit them.

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.

DATA ANALYSIS & RACIAL IMPACT ASSESSMENT

The current draft fails to meaningfully consider data below the County level as required by the Federal Register and supporting guidance. The draft also does not take into account any racial, ethnic or national origin disparities that may result from the proposed programs. 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...”⁹ 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.

HUD’s *Disaster Impact and Unmet Needs Assessment Kit* goes on to emphasize 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)...”¹⁰ “Grantees must understand...[t]he condition of the most vulnerable populations, and [i]nitial planning initiatives at the neighborhood, city, county or regional level.”¹¹ However, even at the county level, data has been omitted in the Draft Plan. For instance Appendices 2, 7 and 9 leave out Miami-Dade County.

Without this more comprehensive geographic and demographic analysis, programs like Home Buyout and others raise serious risks of displacing communities of color and violating Federal civil rights law.

INSUFFICIENT OPPORTUNITY FOR 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. Our Hurricane Irma Community Recovery coalition served thousands of residents in the aftermath of Hurricane Irma and has been conducting a series of community resilience meetings with the goal of improving disaster response networks in low-income communities. We are disappointed in the lack of outreach to our communities, but remain ready and eager to share what we have learned.

⁹ 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>.

¹⁰ 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>.

¹¹ 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.

In South Florida, we have hosted meetings with residents from Dania Beach and Hollywood, Little Haiti, Liberty City and Homestead to address and overcome the various conditions that affected emergency response and recovery during Hurricane Irma. Residents have also identified unmet needs, established emergency communication networks, and named neighborhood captains to organize volunteers and distribute information after a storm.

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.”¹²

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.”¹³ “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.”¹⁴ 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.

In addition to the priorities laid out above, we urge you adopt further recommendations put forth by Community Justice Project, Florida Legal Services, and Legal Services of Greater Miami in their respective comment letters.

As hurricanes and other climate emergencies quickly becoming the new norm, we have an obligation not just to rebuild housing and physical infrastructure, but to invest in people and strengthen communities. Leaving out renters and communities of color further destabilizes families and entire neighborhoods. This is an important moment for Florida. Let’s be better and bolder by leaning into an equitable plan for recovery, together.

Sincerely,

Andrea Mercado, [NewFL Majority](#)

Marleine Bastien, [FANM](#)

James Lopez, [Power U Center for Social Change](#)

Stephanie Porta, [Organize Florida](#)

David Caicedo, [Florida Student Power Network](#)

Denise Diaz, [Central Florida Jobs with Justice](#)

Jonathan Fried, [WeCount!](#)

Phillip Agnew & Rachel Gilmer, [Dream Defenders](#)

Alana Greer & Meena Jagannath, [Community Justice Project](#)

Marcia Olivo, [Miami Workers Center](#)

Gepsie Metellus, [Sant La Haitian Neighborhood Center](#)

Annie Lord & Evian White De Leon, [Miami Homes For All](#)

Adrian Madriz, [SMASH](#)

Gretchen Beesing, [Catalyst Miami](#)

Nejla Calvo & Maria Alvarez, [Legal Services of Greater Miami](#)

¹² 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](https://www.hudexchange.info/resources/documents/Disaster_Recovery_Disaster_Impact_Needs_Assessment_Kit.pdf).

¹³ United States Department of Housing and Urban Development, p. 136, available at: <https://www.federalregister.gov/d/2018-02693/p-136>.

¹⁴ United States Department of Housing and Urban Development, p. 140, available at: <https://www.federalregister.gov/d/2018-02693/p-140>.