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**Katrina vs. Ida:
A Comparative Analysis of FEMA Housing Recovery Efforts with Regard to Vulnerable
Populations**

By
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Senior Project Submitted
In Partial Fulfillment
of the Requirements for a Degree in Environmental Policy

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ABSTRACT

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Katrina vs. Ida: A Comparative Analysis of FEMA
Housing Recovery Efforts with Regard to Vulnerable
Populations

When Hurricane Katrina struck Louisiana in 2005, it revealed disparities in the way that recovery efforts are handled after storms. For example, it demonstrated flaws in the Federal Emergency Management Agency's attempt to provide housing for disaster survivors. The agency failed to adequately accommodate vulnerable populations, including communities of color, low-income individuals, the elderly, and people with disabilities, in its housing recovery process. Since then, efforts have been made to reform the agency and ensure that all individuals, regardless of race, income, education or disability level, are accommodated by FEMA.

However, when Hurricane Ida struck Louisiana exactly 16 years later in 2021, many of the same problems continued to be seen. As such, this thesis seeks to compare FEMA housing recovery efforts after both storms, and analyze the efforts made by the agency to address its inequities after Katrina. This will be done by doing a literary review of Katrina, followed by an examination of legislation and congressional hearing testimonies to analyze the attempts made to reform the agency after Katrina and subsequent storms. Then, Hurricane Ida's aftermath will be examined by looking at news articles and interviews with disaster recovery workers to gauge the extent to which FEMA's reforms successfully addressed its recovery challenges. Finally, the thesis will consider policy recommendations. This analysis will demonstrate that the agency is still struggling to accommodate vulnerable populations in their disaster housing recovery efforts,

largely because of their failure to account for systemic issues that make individuals more likely to face obstacles in the recovery process.

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Introduction

Hurricane Ida struck Louisiana on August 29, 2021, making landfall on the anniversary of Hurricane Katrina, which hit the state exactly 16 years prior in 2005.¹ In addition to striking on the same day of the year, the two storms made landfall only 50 miles from one another.² As such, Ida serves as a reminder of Katrina's intensity and of the massive level of destruction that befell Louisiana in its aftermath. A comparison of the two storms also calls into question similarities in their recovery efforts. For example, the Federal Emergency Management Agency, which leads recovery efforts after federally declared natural disasters, was notorious for its delays and denials of aid, especially for vulnerable populations including low income communities, people of color, the elderly, and people with disabilities. This was exemplified through the agency's struggle to help with rebuilding homes and finding temporary housing options for disaster survivors post-Katrina. Problems with these efforts raise the question of whether or not improvements were made after Katrina to proactively reduce the negative impact of future storms. With this in mind, this thesis seeks to analyze and compare the recovery efforts of Katrina and Ida, gauging the extent to which the changes made post-Katrina improved Louisiana's recovery efforts with Ida. It will specifically consider FEMA's role in providing housing for displaced families, and do so through a lens of race and class, as well as a brief consideration of age and disability level. This will be done by first reviewing current literature on FEMA and Hurricane Katrina disaster recovery. Then, an examination of legislation and congressional hearing testimonies will be done to consider attempts that were made to reform the

¹ Michael Carlowicz, "Hurricane Ida Batters Louisiana," *NASA Earth Observatory*, August 30, 2021, <https://earthobservatory.nasa.gov/images/148767/hurricane-ida-batters-louisiana>.

² Matt Haines, "Six Major Contrasts Between Hurricanes Ida, Katrina," *VOA*, September 1, 2021, <https://www.voanews.com/a/usa-six-major-contrasts-between-hurricanes-ida-katrina/6210227.html>.

agency after Katrina and subsequent storms. This will be followed by a look at Hurricane Ida's aftermath to determine the extent to which FEMA's reforms successfully addressed the recovery challenges seen after Katrina. Overall, despite reforms to FEMA, an analysis of Ida will show that the agency is still struggling to accommodate vulnerable populations in their disaster housing recovery efforts, largely because they fail to account for systemic issues that make individuals more likely to face obstacles in the recovery process. As such, the thesis will conclude with policy recommendations on what FEMA can do to be more accommodating in the aftermath of future storms.

Ida hit Louisiana as a Category 4 hurricane early in the afternoon on Sunday, August 29th, 2021, striking initially at Port Fourchon near the southern edge of the state.³ Prior to making landfall, the hurricane had intensified, fueled as it traveled over the warm water of the Gulf Loop Current.⁴ This increased the wind speeds of the storm to as high as 150 m.p.h., devastating Louisiana communities, especially along the Southeastern coast, with parishes such as Lafourche, Terrebonne, Jefferson, St. John and St. Charles being among the hardest hit.⁵ Residents described the wind as being unlike any other storm they'd experienced before, with roofs being ripped off of homes, trees and power lines being torn down, and tractor trailers getting knocked over.⁶ The hurricane also caused heavy flooding, with some areas receiving 17 inches of rain in the first 20 hours.⁷ Additionally, Ida caused power outages that affected

³ Carlowitz, "Hurricane Ida."; "Port Fourchon," Mapcarta, accessed November 11, 2021, <https://mapcarta.com/21021368>

⁴ Carlowitz, "Hurricane Ida."

⁵ Carlowitz, "Hurricane Ida."; Morgan Lentes, "FEMA administrator testifies on Hurricane Ida response, recovery in Washington," *WDSU*, October 5, 2021, <https://www.wdsu.com/article/fema-hurricane-ida-response-testimony/37867690#>

⁶ ABC News, "Flooding, rain and winds sweep through Louisiana as Ida moves inland | GMA," *YouTube*, August 30, 2021, <https://youtu.be/wtwI8c4YbX8>

⁷ CNBC Television. "Hurricane Ida becomes the fifth-largest hurricane to hit U.S. mainland," *YouTube*, August 30, 2021, https://youtu.be/vQS_ege1xpo

thousands of people, including the entirety of New Orleans, and led to conditions of excessive heat and a lack of oxygen that caused about a dozen deaths. Due to Ida's severity, the storm was labeled as the 5th largest to ever hit the United States' mainland.⁸

In comparison, Katrina started as a Category 3 hurricane and increased to a Category 5, causing storm surges that reached up to 28 ft high; the storm also severely hit New Orleans, which led to the breaking of levees that were supposed to keep the water out of developed areas, causing heavy amounts of flooding and water damage to the city and Louisiana overall, as well as over 1,600 deaths in the state.⁹ The storm also damaged 183,000 homes, caused \$200 billion worth of damage overall, and left 150,000 people jobless.¹⁰ In contrast, Ida had storm surges with heights of only 3-9ft.¹¹ This difference of height in the surges, paired with the strengthening of the city's levee system after Katrina,¹² and the fact that Ida did not hit New Orleans as badly as Katrina did,¹³ allowed the levee to withstand the storm when Ida hit. However, although Ida's storm surges may not have been as destructive as Katrina's, and the levee system remained intact, Ida had greater wind levels, reaching over 20mph greater than Katrina.¹⁴ Additionally, as previously mentioned, Ida caused major power outages, while the generators being used had to rely on an increasingly low supply of gasoline.¹⁵ Indeed, some parishes were harder hit by Ida

⁸ CNBC Television, "Hurricane Ida."

⁹ ABC News. "By the Numbers: Comparing Hurricane Ida to Hurricane Katrina," *YouTube*, August 30, 2021, <https://youtu.be/eBMJSQR66rc>; Haines, "Six Major Contrasts Between Hurricane Ida, Katrina."

¹⁰ Mtangulizi Sanyika, "Katrina and the Condition of Black New Orleans: The Struggle for Justice, Equity, and Democracy," *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast*, ed. Robert D. Bullard and Beverly Wright (Boulder, OH: Westview Press, 2009), 88.

¹¹ Carlowicz, "Hurricane Ida Batters Louisiana."

¹² 11Alive, "Ida Vs. Katrina | Comparing the Impact of Both Storms," *YouTube*. August 31, 2021, <https://youtu.be/hD-7oHxCtP0>.

¹³ Oji Alexander, Virtual interview with author, January 18, 2022.

¹⁴ Haines, "Six Major Contrasts."

¹⁵ Ibid.

than Katrina, causing some residents to feel that Ida was the worst of the two storms. For example, one resident of Jean Lafitte, Louisiana noted, “Katrina was a picnic for us compared to what this one was.”¹⁶ As such, both storms seemed to cause devastating damage to the state in their own ways.

Ida also served as a reminder of the plight and suffering that residents of Louisiana faced following Katrina, as well as the way that this coincided with class and race. Katrina devastated 73% of homes in the areas that were most significantly impacted, with 1 million of those people affected being below the poverty line.¹⁷ Indeed, 90,000 of these individuals lived on incomes that were less than \$10,000 a year¹⁸ About 33% of those impacted were Black, and more than 50% of those who were both Black and low-income did not have a vehicle.¹⁹ As such, Katrina provided a crucial opportunity to determine how FEMA dealt with disasters that affected vulnerable populations.

¹⁶ J. David Goodman, Giulia Hayward, and Sophie Kasakove, "Live Updates: Louisianans Are Urged To Avoid Areas Stricken by Ida," *The New York Times*, August 31, 2021, <https://www.nytimes.com/live/2021/08/31/us/hurricane-ida-updates>.

¹⁷ John K. Pierre and Gail S. Stephenson, “After Katrina: A Critical Look at FEMA's Failure to Provide Housing for Victims of Natural Disasters,” *Louisiana Law Review*, 68, no. 2 (2008): 454, <https://digitalcommons.law.lsu.edu/lalrev/vol68/iss2/6>

¹⁸ Pierre and Stephenson, “After Katrina,” 455.

¹⁹ *Ibid*, 455.

Chapter One: Literary Review

Introduction

Scholarly research of Hurricane Katrina has looked into why the storm was so detrimental to vulnerable populations. Scholars have pointed to systemic race and class inequities as reasoning for why low-income communities of color were especially susceptible to the storm, and specifically point to environmental justice and racism as explanations for these vulnerabilities. Other scholars have looked into historical housing discrimination and the way that this has played in role in whose homes were more likely to face flooding and damage from Katrina. Finally, scholars have criticized FEMA for exacerbating these systemic issues and hindering recovery in vulnerable communities.

Race, Class, and Environmental Justice

Recovery efforts after the storm revealed underlying race and class conflict in New Orleans. Sanyika points, for example, to the first four days following Katrina, where 30,000 New Orleans residents, most of whom were Black, remained stranded between the Convention Center and Superdome in the city, without access to basic necessities such as water, food, or medical attention.¹ Sanyika argues that this lack of help was the result of governmental neglect, exemplified by the fact President Bush was on vacation at the time, and failed to act until prodded by New Orleans' Mayor Nagin to do so.² Bullard and Wright also argue that low-income communities of color were disproportionately impacted by Hurricane Katrina, and that

¹ Mtangulizi Sanyika, "Katrina and the Condition of Black New Orleans: The Struggle for Justice, Equity, and Democracy," *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast*, ed. Robert D. Bullard and Beverly Wright (Boulder, OH: Westview Press, 2009), 93-94.

² Ibid, 93; Kenneth T. Walsh, "The Undoing of George W. Bush: Hurricane Katrina badly damaged the former president's reputation. And it still hasn't recovered," *U.S. News*, August 28, 2015, <https://www.usnews.com/news/the-report/articles/2015/08/28/hurricane-katrina-was-the-beginning-of-the-end-for-george-w-bush>.

the storm uncovered social inequities that had been pushed aside for decades.³ For example, the authors discuss the way that residents of low-income areas often become vulnerable to longer durations of displacement. They allude to a study done by the National Fair Housing Alliance demonstrating racial discrimination after Katrina, where African Americans were found less likely to be called back about apartment leasing, nor were they given applications or shown rental units as often as Whites.⁴ Bullard and Wright also reference the fact that small businesses owned by minorities tend to be disproportionately impacted by disasters because they may not have the resources needed to sustain themselves after disasters occur.⁵ These points demonstrate how the fallout from Hurricane Katrina in part stemmed from race and class inequities, and therefore caused the most damage to low-income communities of color.

More specifically, an analysis of Katrina reveals problems of environmental racism and injustice. Environmental racism refers to the way that low income communities of color are often the areas most affected by natural disasters, toxic waste sites, and other natural and human-made phenomena that negatively affect the environment and public health. Ideas of environmental justice and racism came about in 1978 after North Carolina decided to place PCB waste in a landfill in Warren County rather than Chatham County, where a larger portion of the population were Black and low-income, and where the landfill was privately owned so residents had less of a say in whether or not the waste would be sited there.⁶ Since then, a growing body of research

³ Robert D. Bullard and Beverly Wright. "Race, Place, and the Environment in Post-Katrina New Orleans." *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast*, ed. Robert D. Bullard and Beverly Wright (Boulder, OH: Westview Press, 2009), 19-47.

⁴ Robert D. Bullard and Beverly Wright, "Introduction," *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast*, ed. Robert D. Bullard and Beverly Wright (Boulder, OH: Westview Press, 2009), 4.

⁵ Bullard and Wright, "introduction," 5.

⁶ Spencer Banzhaf, Lala Ma, and Christopher Timmins. "Environmental Justice: The Economics of Race, Place, and Pollution." *The Journal of Economic Perspectives*, 33, no. 1 (2019): 185, <https://www.jstor.org/stable/26566983>.

has looked into environmental justice issues, specifically relating to hazardous waste sites. Krieg has analyzed race and class discrimination in toxic waste siting processes, impacting both communities of color and working class white suburban neighborhoods.⁷ Brook has specifically analyzed the siting of toxic waste facilities on Native American communities.⁸ Bullard and Wright have considered toxic sites in Louisiana, discussing the predominantly Black and low-income Agriculture Street Landfill communities of Gordon Plaza and Press Park in New Orleans, where hazardous chemicals continued to be found even after cleanup was done by the EPA.⁹

The scholarship on environmental justice has expanded to include the extent to which hurricanes and other natural disasters disproportionately impact low-income communities of color. Through this framework, Katrina starkly reveals the intersection of disasters with environmental injustices and racism. Scholars utilizing this framework have examined how environmental racism played a role in the recovery efforts after the storm. For example, Byrnes points to several factors that contributed to Black low-income New Orleanians not being able to return to the city after the storm, including a lack of transportation, lack of financial resources to rebuild their homes, insufficient flood insurance coverage, and low pre-storm home values that prevented them from being able to obtain loans.¹⁰ Byrnes also directly references racial discrimination, questioning why the predominantly white, higher-income neighborhood of St. Bernard was quicker to receive drinking water, electricity, and temporary trailers than the Lower

⁷ Eric J. Krieg, "The Two Faces of Toxic Waste: Trends in the Spread of Environmental Hazards," *Sociological Forum* 13, no. 1 (1998): 4, <http://www.jstor.org/stable/684920>.

⁸ Daniel Brook, "Environmental Genocide: Native Americans and Toxic Waste," *American Journal of Economics & Sociology*, 57, no. 1 (1998): 105, doi:10.1111/j.1536-7150.1998.tb03260.x.

⁹ Bullard and Wright, "Race, Place, and the Environment," 23-25.

¹⁰ W. M. Byrnes, "Climate Justice, Hurricane Katrina, and African American Environmentalism," *Journal of African American Studies*, 18, no. 3 (2013), 308. doi:10.1007/s12111-013-9270-5.

9th Ward, which was predominantly Black and of a lower-income level.¹¹ Additionally, Byrnes considers climate change, which is likely to increase the frequency and severity of natural disasters like Katrina, arguing that this will also disproportionately impact low-income communities of color.¹²

Housing Discrimination

Post-Katrina recovery also revealed discrimination with housing in Louisiana, including obstacles for Black families finding places to live, white flight, and segregation in public housing, all of which forced Black people into the most flood-prone areas of the state. For example, Mizutani discusses that by the 1850s, Black families had been pushed into the areas of New Orleans that had inadequate drainage systems, and when advancements were being made in drainage technologies, white higher-class neighborhoods were prioritized to access these technologies first.¹³ Bullard and Wright point to the post-Civil-War era, where a lack of housing and work for the formerly enslaved forced them to live in the lower back swamps of New Orleans that flooded easily.¹⁴ As time went on into the 1900s, there was also white flight to the suburbs as inner-city housing was left neglected and in short supply.¹⁵ Mizutani considers, for example, legislation that prevented Black people from buying or renting homes in White neighborhoods. Additionally, Mahoney points to federal loan programs such as the Home Owners' Loan Corporation, which based loan approvals on ratings that placed Black

¹¹ Ibid, 308.

¹² Ibid, 308.

¹³ Julia Mizutani, "In the Backyard of Segregated Neighborhoods: An Environmental Justice Case Study of Louisiana," *Georgetown environmental law review*, 31, no. 2 (2019): 375, <https://www.law.georgetown.edu/environmental-law-review/wp-content/uploads/sites/18/2019/04/GT-GELR190004.pdf>

¹⁴ Bullard and Wright. "Race, Place, and the Environment." 21.

¹⁵ Ibid, 22.

neighborhoods across the U.S. in the lowest-rated category; similarly, the Federal Housing Administration employed zoning and deed restrictions that promoted segregation throughout the country.¹⁶ In Louisiana, this redlining segregated communities, allowing predominantly white neighborhoods to exist in areas of the state that were drained and less prone to flooding.¹⁷ In this way, historical racial discrimination in housing left Black neighborhoods more vulnerable to flooding, exemplifying environmental injustices and setting the stage for these neighborhoods to be most susceptible to a challenging recovery after Katrina.

Additionally, financial problems for low-income Black residents of Louisiana have prevented them from saving money and having adequate flood insurance. Bates and Green point to the fact that average household income levels pre-Katrina in the predominantly Black 9th Ward were about \$30,000, and about 15% of residents in the Lower 9th Ward were forced to put more than half of their monthly income toward housing; this meant that less money could be saved for future needs such as housing repairs after storms.¹⁸ Flood insurance was also not required in many low-income communities of color in New Orleans due to a variety of reasons, including that homeowners had no active mortgages or had mortgages predating regulations on flood insurance.¹⁹ Even when it was required, some residents simply could not afford insurance premiums.²⁰ And in the Lower Ninth Ward, 60% of residents did not have flood insurance because they expected to be protected by the levee system.²¹ In this way, obstacles involving

¹⁶Martha Mahoney, "Law and Racial Geography: Public Housing and the Economy in New Orleans," *Stanford Law Review*, 42, no. 5: (1990),1251-1290, <https://doi.org/10.2307/1228970>

¹⁷ Mizutani, "In the Backyard of Segregated Neighborhoods," 375.

¹⁸ Lisa K. Bates and Rebekah A. Green, "Housing Recovery in the 9th Ward." *Race, Place, and Environmental Justice After Hurricane Katrina: Struggles to Reclaim, Rebuild, and Revitalize New Orleans and the Gulf Coast*, ed. Robert D. Bullard and Beverly Wright (Boulder, OH: Westview Press, 2009), 232.

¹⁹ Bates and Green, "Housing Recovery in the 9th Ward," 232-233.

²⁰ Ibid, 233.

²¹ Ibid, 233.

finances and insurance prevented Black low-income neighborhoods from being able to prepare for Katrina.

These factors contributed to a housing crisis that was predominantly felt by low-income communities of color. This crisis was then exacerbated by Hurricane Katrina, leading to a rise in the homeless population, housing projects not being reopened, and federal programs that neglected to properly account for low-income communities of color. For example, Bullard and Wright point to the fact that the price of rent greatly increased after Katrina due to the resulting shortage of housing, and the homeless population almost doubled in New Orleans.²² Additionally, Sanyika demonstrates that public housing projects were targeted for removal after Katrina, despite there being a continued need for these units, especially in the aftermath of the storm. For example, most housing projects that low-income families of color had lived in were not reopened even though they retained minimal water and structural damage.²³ According to Sanyika, the city claimed the housing units would be rebuilt for mixed-income families, but in the case of the St. Thomas project, these units were rebuilt primarily for higher-income families and subsequently led to gentrification. Bullard and Wright argue that problems with housing predominantly affected Black people; for example, even after accounting for income level, Black communities had vastly different experiences with Katrina than White communities, and were twice as likely to still be living in a trailer three years after the storm.²⁴ Finally, Gotham analyzes the shortcomings of the Community Development Block Grant (CDBG) that was put forth by the Department of Housing and Urban Development for disaster relief after the storm.²⁵ He criticizes

²² Bullard and Wright. "Race, Place, and the Environment," 28.

²³ Sanyika, "Katrina and the Condition." 105.

²⁴ *Ibid*, 30.

²⁵ Kevin F. Gotham, "Reinforcing Inequalities: The Impact of the CDBG Program on Post-Katrina Rebuilding," *Housing Policy Debate*, 24, no. 1 (2014), 192-212. doi:10.1080/10511482.2013.840666.

the waiving of the grant's requirement that 70% of funding would go toward benefitting low and middle income people.²⁶ Gotham also looks into the Road Home Program, which was given funding by the CDBG Program to rebuild homes in Louisiana.²⁷ He is critical of the way money was allocated, where applicants were given funds based on either the cost of damage to their home or the value of their home prior to the storm, depending on whichever option was cheaper.²⁸ This negatively impacted Black homeowners, who were likely to receive funding based on their low pre-storm home value and therefore had larger gaps between the amount of money they were awarded and the actual cost of rebuilding their homes.²⁹ As such, recovery efforts after Hurricane Katrina revealed how problems with housing overlapped with issues of race and class.

FEMA

The Federal Emergency Management Agency (FEMA) has also been criticized for its poor handling of recovery efforts after natural disasters have hit the United States. The agency, which was established in 1979, specifically focuses on the response, recovery and mitigation of hazards.³⁰ Despite this focus, Pierre and Stephenson argue that there were faults with FEMA's assistance programs, exemplified by discrimination within the agency and its failure to provide temporary housing after the Loma Prieta earthquake in 1989, as well as delays and unfair denials of aid after natural disasters and riots occurred in 1992.³¹ The authors then analyze the ways that

²⁶ Gotham. "Reinforcing Inequalities," 196.

²⁷ Ibid, 199.

²⁸ Ibid, 202-203.

²⁹ Ibid, 202-203.

³⁰ Rubin, Olivier, and Rasmus Dahlberg. "Federal Emergency Management Agency, the." In *Oxford Reference*. n.d. Accessed October 28, 2021. <https://www.oxfordreference.com/view/10.1093/acref/9780191829895.001.0001/acref-9780191829895-e-97>.

³¹ Pierre and Stephenson, "After Katrina," 457-470.

these shortcomings continued to be seen after Hurricane Katrina, and argue that FEMA failed to learn from its mistakes with previous disasters.³² For example, they reference trailers that could have been used as temporary housing being left in Arkansas because they did not adhere to size requirements, while Bullard and Wright discuss FEMA's disregard of formaldehyde contaminating the trailers used to house disaster survivors.³³

Additionally, much of the scholarly critique on FEMA's performance with housing in Katrina has focused on the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), including the legislation itself, as well as the way that the act is administered, such as through its trailer program and Short-Term Lodging Program. The Stafford Act focuses on post-disaster temporary housing and recovery efforts, typically operating through Section 403 and 408.³⁴ Section 403 focuses on providing assistance for "immediate threats to life and property," including funds for food, medicine, and emergency sheltering close to a resident's damaged home, in areas such as mass shelters, hotels, and even cruise ships, as was the case for Katrina.³⁵ This then transitions to Section 408, which focuses on providing temporary housing for up to 18 months.³⁶

The legislation of Stafford Act has several flaws, including its shared household rule and its stipulations on rental deposits. Reid criticizes these parts of the Stafford Act, arguing that programs under the act were based on the assumption that people in need of rental assistance

³² Ibid, 476.

³³ Bullard and Wright, "Katrina and the Condition," 35; Pierre and Stephenson, "After Katrina," 490.

³⁴ U.S. Library of Congress, Congressional Research Service, *FEMA Disaster Housing and Hurricane Katrina : Overview, Analysis and Congressional Issues*, RL34087, 1-2.

³⁵ Ibid, 2-5.

³⁶ Ibid, 1-2.

were part of middle class nuclear families.³⁷ With regard to the nuclear family assumption, she points to the shared household rule, which required that people who lived in the same household before the storm file for assistance under one application, and assistance would only be provided for them to cover one temporary housing residence; this meant that if extended family members or roommates decided to no longer live together after the hurricane hit, they would be unable to file separate applications to obtain funds to live in different rental homes from one another.³⁸ As for the middle class assumption, Reid points to the stipulation that in order for applicants to receive funds toward rental assistance, they must be able to put their own money toward a deposit on their rental.³⁹ Reid argues that this requirement is absurd, as those in need of rental assistance likely would not have the funds to put down a deposit.⁴⁰ As such, Reid demonstrates problems with the Stafford Act and how this could negatively impact recovery efforts for residents after Katrina.

Scholars have also criticized FEMA's implementation of the Stafford Act, especially regarding the transition from Section 403 to 408. As aforementioned, the Stafford Act transitions from Section 403, which focuses on providing emergency housing, to Section 408, which focuses on temporary housing for a longer duration.⁴¹ Reid points to several issues with this transition, including the fact that many of those who had applied for aid after Katrina did not know their funding through 403 was ending and that they had to reapply through 408; many of those who did reapply also did not know that the check they received from FEMA was to be

³⁷Megan Reid, "Social Policy, 'Deservingness,' and Sociotemporal Marginalization: Katrina Survivors and FEMA," *Sociological Forum*, 28, no. 4, (2013): 750, <http://www.jstor.org/stable/43653916>.

³⁸ Reid, "Social Policy," 750-752.

³⁹ *Ibid*, 752.

⁴⁰ *Ibid*, 753.

⁴¹ U.S. Library of Congress, Congressional Research Service, *FEMA Disaster Housing and Hurricane Katrina: Overview, Analysis and Congressional Issues*, RL34087, 1-2.

spent on their rent since instructions were sent separately from the check and payments had been made directly to landlords beforehand under Section 403.⁴²

Furthermore, FEMA has been critiqued with regard to their Short-Term Lodging Program. This program, originally run by the Red Cross and transferred over to FEMA in October 2005, accommodated people in hotels and motels until they could return to permanent housing.⁴³ In mid-November, however, FEMA announced that people needed to move out of the hotels and motels by the 1st of December.⁴⁴ Pierre and Stephenson criticize FEMA for their hastiness and inability to give adequate reasoning for their decision.⁴⁵ The authors point to the fact that FEMA programs were designed to be short-term to prevent recipients from becoming dependent on federal aid, though they strongly disagree with this reasoning for the evictions, especially as almost 85,000 FEMA applications were still pending, and there were only 41,800 subsidized hotels and motels available in the area.⁴⁶ This meant that there was not enough temporary housing available, nor did people have access to the funds needed to pay for this housing because of the length of time it took to hear back from FEMA. Finger posits that the evictions may have been motivated by the upcoming Mardi Gras season, which would have created a demand for hotel and motel rooms to accommodate tourists.⁴⁷ With this in mind, FEMA's administration of programs has clearly faced backlash for its seemingly hasty and unsubstantiated decisions.

⁴² Reid, "Social Policy," 744-745.

⁴³ Pierre and Stephenson, "After Katrina," 487.

⁴⁴ Ibid, 487.

⁴⁵ Ibid, 487.

⁴⁶ Ibid, 487.

⁴⁷ Davida Finger, "Post-disaster housing through the lens of litigation: the Katrina housing justice docket," *Loyola Law Review*, 61, no. 3 (2015): 606, https://link.gale.com/apps/doc/A461946701/AONE?u=nysl_ca_unione&sid=bookmark-AONE&xid=036d28cb

Another critique of FEMA's implementation of the Stafford Act can be seen with problems regarding home inspections. One of the requirements to receive aid under Section 408 was that applicants were unable to live at home as a result of damage from Katrina.⁴⁸ Williams argues that it was unfair for FEMA to base their approval of applications on home inspections, as many applicants who were dispersed to other states could not travel back home, leaving the inspectors to only be able to assess the exterior of the home and not see the true extent of the damage.⁴⁹

Additionally, other storms have demonstrated race and class discrimination in FEMA's inspection process. For example, Pierre and Stephenson point to the aftermath of the Loma Prieta Earthquake, where disaster survivors argued that FEMA inspectors were ill-equipped to deal with low income communities of color; this was exemplified by an administrative petition filed by a group of organizations in San Francisco who represented low-income disaster survivors — the petition stated that “biases against people of color and their fear and mistrust of low-income neighborhoods caused... [inspectors] to perform superficial inspections in minority and low-income residences.”⁵⁰ The residents complained that there were no translators for those who did not speak English, and one elderly African American man was upset that an inspector referred to him as “boy”.⁵¹ These examples demonstrate the disconnect between FEMA inspectors and low-income communities of color, further portraying problems with the implementation of FEMA housing policies.

⁴⁸ Damian Williams, “Sheltering Deprivations: FEMA, Section 408 Housing, and Procedural Redesign.” *The Yale Law Journal*, 116, no. 8, (2007): 1885, doi:10.2307/20455779.

⁴⁹ Williams, “Sheltering Deprivations,” 1886.

⁵⁰ Pierre and Stephenson, “After Katrina,” 457, 466.

⁵¹ *Ibid*, 466.

Aside from critiques of the Stafford Act, scholars have also commented on FEMA's confusing process, exemplified by the agency's negligence in giving applicants full and accurate information, as well as its arbitrary denial of applications. Finger points to the 2008 *Ridgely v. FEMA* lawsuit, which alleged that FEMA did not have clear explanations for denying applications, nor did they clearly state qualifications for eligibility.⁵² Additionally, Pierre and Stephenson point to several problems brought up in the *McWaters v. FEMA* lawsuit, including that FEMA failed to provide information about how to renew assistance beyond the initial three months, denied applications to families and individuals with disabilities without clear reasoning why, and generally gave the incorrect impression that people needed to apply for a loan from the Small Business Administration to receive aid for temporary housing.⁵³ Williams also notes that FEMA commonly denied applications in areas that their own mapping data showed to be unlivable.⁵⁴

The agency has also faced criticism for its long wait times. Reid terms this problem as “temporal domination,” where those who are not part of a middle-class nuclear household have neither the finances nor the social resources to wait for aid from FEMA.⁵⁵ She gives the example of a 56-year-old Black woman who found an apartment but needed rental assistance from FEMA to pay for it, and was unsure when she would hear back from the agency despite the offer for the apartment ending soon.⁵⁶ Reid compares this anecdote to the stories of white individuals who had a much more positive experience with the agency, arguing that there is an “immunity of the

⁵² Finger, “Post-disaster housing through the lens of litigation,” 613.

⁵³ Pierre and Stephenson, “After Katrina,” 456-487.

⁵⁴ Williams, “Sheltering Deprivations,” 1886.

⁵⁵ Reid, “Social Policy,” 755.

⁵⁶ Reid, “Social Policy,” 755.

privileged” where certain individuals wait less, and have enough resources so that they are not significantly negatively impacted when they have to wait.⁵⁷

Scholars have also criticized FEMA for having under-qualified political appointees in leadership positions, which they argue hindered the agency’s ability to deal with Katrina’s aftermath. For example, Layzer and Rinfret pointed to the Reagan administration and both Bush administrations, which tended to appoint people loyal to them to high FEMA positions regardless of whether or not those appointees were qualified.⁵⁸ The authors state that this bias, in addition to a heavier focus on the threat of terrorism after FEMA was absorbed into the Department of Homeland Security, made the agency ill-equipped to handle Katrina.⁵⁹ Similarly, a report from the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina also traced FEMA’s lack of preparation for the storm back to the focus on anti-terrorism efforts, as well as a lack of funding for training and a decline in the amount of experts and specialists working for the agency.⁶⁰ As such, biases regarding political appointees and a focus on anti-terrorism could have contributed to shortfalls in the FEMA recovery process after Hurricane Katrina.

As a result of these concerns, efforts have been made to reform FEMA. Rubin and Dahlberg note that Katrina was a turning point in the agency’s history, stating, “[s]erious gaps and flaws in the agency’s procedures and practices were revealed during Hurricane Katrina in

⁵⁷ Ibid, 760.

⁵⁸ Judith A. Layzer and Sara R. Rinfret. *The Environmental Case: Translating Values into Policy*. (Los Angeles: CQ Press, 2019), 546.

⁵⁹ Layzer and Rinfret, “Post-Katrina Lessons,” 546-547.

⁶⁰ U.S. Congress, House, Select Bipartisan Committee to Investigate Preparation for and Response to Hurricane Katrina, *A FAILURE OF INITIATIVE: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, 109th Cong., 2d sess., 2006, H. Rep. 109-337, 152, <https://www.congress.gov/congressional-report/109th-congress/house-report/377/1>.

2005, and the agency was subsequently reorganized.”⁶¹ Yet, even after this reorganization, scholars have continued to criticize FEMA’s recovery efforts. For example, after Hurricane Harvey, Maria, and Irma hit the United States mainland and Puerto Rico in 2017, FEMA was criticized for its slow recovery efforts, especially with regard to aiding vulnerable populations. One study found that the rebuilding process was quicker for the higher-income neighborhoods of Texas after Harvey, while another study found that FEMA applicants in low-income communities of color received less money from FEMA and were less likely to receive aid from the agency at all.⁶² Additionally, Farber criticized FEMA for its slow response time to Hurricane Maria in Puerto Rico, arguing that despite there being more damage to Puerto Rico than Texas, FEMA’s response in Puerto Rico was severely inadequate compared to Texas.⁶³ He pointed, for example, to there being 3x as many FEMA employees deployed to Texas compared to PR, 3x as many meals delivered in the first 9 days, and \$136 million more approved FEMA payments to Texas than PR after the first 9 days.⁶⁴ Farber attributed these challenges to vulnerabilities in Puerto Rico, including poverty and a weak economy and local government, which he argued was not considered in the disaster preparation process.⁶⁵ He also blames a lack of media attention and political will for why FEMA was unable to adequately provide assistance to Puerto Rico.⁶⁶ These examples demonstrate that even after Hurricane Katrina struck and reforms were made to

⁶¹ Rubin and Dahlberg, “Federal Emergency Management Agency.”

⁶² Aaron B. Flores et al., "Environmental Injustice in the Disaster Cycle: Hurricane Harvey and the Texas Gulf Coast," *Environmental Justice* 14, no. 2 (2021): 150-151, doi:10.1089/env.2020.0039.

⁶³ Daniel A. Farber, "Response and Recovery after Maria: Lessons for Disaster Law and Policy," *SSRN Electronic Journal*, 2018, 760-763, 771, doi:10.2139/ssrn.3174466.

⁶⁴ Farber, “Response and Recovery after Maria,” 760.

⁶⁵ *Ibid*, 771.

⁶⁶ *Ibid*, 771.

FEMA, concern still remains over FEMA's ability to deal with disaster recovery, especially for vulnerable populations.

Overall, a literary review of Hurricane Katrina has revealed systemic, policy, and administrative problems that have prevented vulnerable populations including Black and low-income communities from being adequately accommodated in recovery efforts after the storm. These populations have historically been housed in the most flood-prone areas and have faced barriers in preparing for natural disasters, especially through difficulties in affording housing insurance. They have also been discriminated against in the FEMA housing process, exemplified through inspector bias, an emphasis on nuclear families, and long wait times that disproportionately affect those with limited resources. Even after reforms to the agency, critiques have continued regarding FEMA's slow response time and difficulties with aiding vulnerable populations. The existing literature thus demonstrates a continued need to examine FEMA recovery efforts, with the goal of analyzing the extent to which FEMA has made efforts to improve their agency and become more accommodating to vulnerable populations. As such, this thesis will seek to contribute to this analysis, with the next chapter focusing specifically on post-Katrina legislation and the extent to which it was successful in reforming the agency

Chapter Two: An Examination of FEMA Reforms

Introduction

Hurricane Katrina revealed the inability of the Federal Emergency Management Agency to effectively deal with the aftermath of natural disasters, especially as it related to aiding vulnerable populations with their housing needs. When Katrina directly hit areas with high rates of poverty, elderly populations, people with disabilities, and Black residents, it uncovered FEMA's lack of preparedness to provide for these community members. As such, FEMA has made efforts to reform, as exemplified shortly after the storm with the passage of the Post-Katrina Emergency Management Reform Act of 2006, and more recently with the Disaster Recovery Reform Act of 2018. However, there have been mixed reviews concerning whether or not FEMA was able to successfully reform and prepare for future storms with the passage of these acts. As such, this chapter explores the Post-Katrina Act in order to determine the extent to which it was able to successfully reform the agency and help accommodate the needs of the most vulnerable. First, there will be a discussion of demographic data to examine how disadvantaged community members were affected by Katrina. This will be followed by an exploration of changes made in the Post-Katrina Act, and opinions given in congressional hearings on its effectiveness. Finally, there will be a brief exploration of the Disaster Recovery Reform Act to serve as an analysis for areas in which FEMA still needs to improve with regard to providing aid for housing its most vulnerable disaster survivors. Overall, this analysis will show that despite efforts made to reform the agency, not enough was done to accommodate vulnerable populations.

Vulnerabilities to Katrina

Race, age, income and the presence of a disability are all factors that increase vulnerability levels to natural disasters. This proved to be the case with Katrina, as low-income communities of color, as well as the elderly and those who had disabilities were all disproportionately affected by the storm and faced barriers to recovery.

Prior to Hurricane Katrina, Louisiana had high rates of poverty, making the state especially vulnerable to the storm. Indeed, Louisiana is ranked as having the 3rd highest poverty rate in the country.¹ Poor residents made up 20% of those who were affected by Katrina, with 40% of the most impacted communities also having an income that was two times less than the poverty line.² Louisiana also had lower rates of labor participation than average in the U.S., with men aged 16-65 having a participation rate of 55% compared to the national average of 65%.³ Participation rates for women between the ages of 16-24 were also below average by 5%.⁴ These impoverished communities are important to consider because they are much less likely to have the funds needed to recover from disasters, making them highly susceptible to storms like Katrina.

As aforementioned, it is also crucial to note the relationship between race and class, where communities of color are more likely to be low-income, which makes them more vulnerable to natural disasters. Indeed, as discussed in Chapter 1, many of the same issues that led to high poverty rates for Black people, including segregation, white flight, and redlining, also

¹ U.S. Library of Congress, Congressional Research Service. *Hurricane Katrina: Social-Demographic Characteristics of Impacted Areas*, by Domestic Social Policy Division and Congressional Cartography Program, Library of Congress, RL33141, 2005, 14.

² Ibid, 15-16.

³ Ibid, 20.

⁴ Ibid, 20.

placed them in areas most susceptible to storms. This proved to be true with Hurricane Katrina, where 73% of disaster survivors in Orleans Parish were Black, though they made up only 67.5% of the parish's population.⁵ Similarly, 44% of disaster survivors in Louisiana overall were Black, compared to 33.1% of the population at that time.⁶ In this way, historical issues caused Black communities to face the effects of Katrina more severely.

Race and class have also compounded vulnerabilities in Katrina's recovery efforts. This point was discussed by Paul R. Taylor, President of a construction firm named SRP Development that works to provide affordable housing for individuals with low- and moderate-incomes.⁷ Taylor stated in testimony following Katrina:

The governmental process for assisting the least-served communities is very slow due to the amount of structural rebuilding of impacted families centered on property title, insurance, credit capacity and income limitations. These challenges will continue to cause the low income and historically minority communities to lag behind in the rebuilding efforts.⁸

As Taylor points out, receiving government aid for recovery in a timely manner is dependent upon one's economic situation, and since economic status often overlaps with race, community members of color typically fall at a disadvantage in the recovery process. Additionally, Taylor mentions the necessity of having a title to one's property in order to receive aid. This is known as

⁵ U.S. Library of Congress, Congressional Research Service. *Hurricane Katrina: Social-Demographic Characteristics of Impacted Areas*, by Domestic Social Policy Division and Congressional Cartography Program, Library of Congress, RL33141, 2005, 16; "Orleans Parish, LA Census Data," InfoPlease, last modified February 11, 2017, <https://www.infoplease.com/us/census/louisiana/orleans-parish>.

⁶ U.S. Library of Congress, Congressional Research Service. *Hurricane Katrina: Social-Demographic Characteristics of Impacted Areas*, by Domestic Social Policy Division and Congressional Cartography Program, Library of Congress, RL33141, 2005, 16; "Orleans Parish, LA Census Data," InfoPlease, last modified February 11, 2017, <https://www.infoplease.com/us/census/louisiana/orleans-parish>.

⁷ U.S. Congress, Senate, Subcommittee On Housing And Community Opportunity Of The Committee On Financial Services U.S. House of Representatives, *Solving The Affordable Housing Crisis In The Gulf Coast Region Post-Katrina, Part I*, 110th Cong., 1st sess., Feb 22, 2007, 74

⁸ *Ibid*, 178.

“heirs’ property,” where a homeowner may pass their property onto a family member upon their death, but if the family member does not obtain title of the property in court, they do not legally have title to the land.⁹ This proved to be problematic for low-income residents of Louisiana who could not afford the costs of going to court, and thus could not prove ownership of their property when seeking aid from FEMA, often resulting in the denial of assistance.¹⁰ Again, since race and class overlap, heirs’ property tended to affect Black families.

Another lens with which to view vulnerability is housing, as problems with homeownership and the housing stock were exacerbated by Katrina. Prior to the storm, homeownership rates for occupied houses within the state were only 55%, 11% lower than the national average.¹¹ Additionally, about 25% of homeowners and 46% of renters in areas damaged by the storm had one or more housing challenges, including overcrowding, inadequate plumbing and kitchen facilities, and unaffordable housing.¹² This data demonstrates that many people could not afford their homes, which likely means they also would not be able to afford the cost of recovery after a storm. However, this data also complicates the housing predicament because it begs the question of if the housing stock was insufficient before Katrina, to what extent should FEMA have been responsible for providing aid to rebuild homes after the storm? Should they stick to their mission of returning homes to their pre-storm condition, or should they do more to help vulnerable communities? Regardless of the answer, however, FEMA was still criticized for their lack of preparedness and their inability to aid disadvantaged populations after Katrina.

⁹ Kane, Christy, Beagh, Stephanie, and Sias, Gerren. *Addressing Heirs’ Property in Louisiana: Lessons Learned, Post-Disaster* (2019) 89, https://www.srs.fs.usda.gov/pubs/gtr/gtr-srs244/gtr_srs244_010.pdf.

¹⁰ Kane et al, *Addressing Heir’s Property in Louisiana*, 89.

¹¹ *Ibid*, 23.

¹² *Ibid*, 24.

Lastly, elderly populations are another important vulnerable group that need to be considered, as 80,000 of Louisiana residents impacted by Katrina were at least 65 years old, and over 30% of them lived alone.¹³ It is also important to consider age through an intersectional approach, where out of the elderly populations likely displaced by Katrina, about 15% were poor, and almost 50% identified as having at least one disability.¹⁴ And for 15%, those disabilities inhibited them from going outside without help.¹⁵ Furthermore, of the entire population affected by the storm, 19% of people did not have access to a vehicle, and this increased to 26% for those above the age of 65.¹⁶ As such, elderly populations often faced compounding factors that made them more susceptible to the hardships of the storm.

Overall, race, age, income and disability level all played a role in increasing vulnerability levels to Hurricane Katrina. As discussed in Chapter 1, this led to challenges with FEMA's recovery efforts for vulnerable populations, including discrimination in the home inspection process, long wait times that affected those who did not have the resources to wait, and requirements to pay rental deposits that some disaster survivors could not afford. FEMA faced heavy backlash for their rollout of aid after Hurricane Katrina, which led to legislative efforts being made to reform the agency and better prepare it for future disasters. These changes were reflected in several acts, including sections of the SAFE Port Act, the Pets Evacuation and Transportation Standards Act of 2006, the Federal Judiciary Emergency Special Sessions Act of 2005, the Student Grant Hurricane and Disaster Relief Act, and sections of the John Warner

¹³ Ibid, 17.

¹⁴ Ibid, 17-18.

¹⁵ Ibid, 17-18.

¹⁶ Ibid, 18.

National Defense Authorization Act for Fiscal Year 2007.¹⁷ Most notably, however, were the changes made in the Post-Katrina Emergency Management Reform Act of 2006, or the Post-Katrina Act, which holistically served to reform the agency.¹⁸

The Post-Katrina Act

Reforms to the Stafford Act

The Post-Katrina Act sought to reform FEMA and better accommodate vulnerable populations in the recovery process after natural disasters occurred. This was done by strengthening the Stafford Act's ability to cater to marginalized populations, including by making accommodations for people with disabilities, relaxing restrictions for dispensing aid to reach a wider range of people, making changes to housing policies, and adjusting the employment process.

By making changes to the Stafford Act, the Post-Katrina Act aimed to cater to marginalized populations, both generally and with regard to housing. It focused on providing accommodations for non-English speakers and low-income families.¹⁹ It also addressed housing accessibility issues. For example, the class action lawsuit *Brou v. FEMA* pointed to the lack of accessibility in FEMA's temporary housing trailers for people with disabilities, including for example the lack of grab bars and wheelchair ramps.²⁰ As a result, the Post-Katrina Act focused

¹⁷ U.S. Library of Congress, Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, by Keith Bea, RL33729, 2007, 1.

¹⁸ *Ibid.*

¹⁹ U.S. Library of Congress, Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, by Keith Bea, RL33729, 2007, 35.

²⁰ U.S. Congress. Senate. Subcommittee On Emergency Communications, Preparedness, And Response Of The Committee On Homeland Security House Of Representatives. *Caring for Special Needs During Disasters: What's Being Done for Vulnerable Populations?* 111th Cong., 2nd sess., Jun. 15, 2010, 22

on defining the term “individual with a disability” and worked on ensuring that their housing stock met accessibility requirements.²¹

The Post-Katrina Act also made adjustments that relaxed restrictions for dispensing aid in the rebuilding phase for FEMA applicants. For example, more money was made available to applicants through the Individuals and Households Program (IHP), which helps to cover some of the aid and services needed by residents after disasters, including temporary housing and home repair or replacement, if they do not have adequate insurance coverage.²² The program can also provide funds for vehicle repairs, storage, and help cover the cost of medical, dental, and funeral arrangements.²³ IHP originally allocated a maximum of \$25,000, adjusted annually, to their applicants, with a cap of \$5,000 specifically for housing repairs. However, the Post-Katrina Act removed this cap, thereby allowing applicants to access the total amount of aid available to them through IHP.²⁴ Similarly, the cap of \$10,000 for replacement assistance in the event that an applicant’s home became damaged beyond repair was increased to \$25,000.²⁵ In this way, more money was made available to reach wider populations and support them in their recovery efforts. As such, marginalized low-income communities who may not have received enough money from FEMA to recover after Katrina would ideally be able to receive the funding they needed for future storms.

²¹ U.S. Library of Congress, Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, by Keith Bea, RL33729, 2007, 35.

²² FEMA, "Individuals and Households Program," FEMA.gov, accessed January 20, 2022, <https://www.fema.gov/he/assistance/individual/program>.

²³ FEMA, "Individuals and Households Program."

²⁴ U.S. Library of Congress, Congressional Research Service, *FEMA Disaster Housing: From Sheltering to Permanent Housing*, by Francis X. McCarthy, R40810, 2010, 11-12.

²⁵ *Ibid*, 12.

In an effort to help disaster survivors and marginalized populations, the act also made other changes to improve housing. The act established the “Individuals and Households Pilot Program,” which allowed FEMA the opportunity to rent and make necessary repairs to private apartment units as a way to increase the availability of temporary housing stock after disasters.²⁶ It also made housing assistance funds available for security deposits and the cost of utilities,²⁷ which would be helpful for low-income individuals who would have been unable to afford these costs on their own. Furthermore, new software was implemented to more efficiently convey data to case workers, with the goal of preventing accidental duplicate payments of housing aid to applicants.²⁸ These changes were all made in an effort to smoothen the process of applying for and receiving adequate aid from FEMA to help disaster survivors rebuild their homes.

Reforms to Employment

The Post-Katrina Act also sought to improve FEMA through focusing on the employment process, both by making changes to management positions and working to retain and train staff members. These changes aimed to improve the level of expertise among employees in the agency, as well as ensure that those being hired were competent in areas of disaster recovery and vulnerability levels based on income, race, age, and disability level.

One key area in which FEMA needed to improve employment was its management hiring process. Prior to the storm, individuals who were appointed to administrative roles lacked the experience needed to deal with natural disasters. The most notable example was Michael Brown,

²⁶ Ibid, 13-14.

²⁷ U.S. Library of Congress, Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, by Keith Bea, RL33729, 2007, 36.

²⁸ U.S. Congress, Senate, Subcommittee On Emergency Communications, Preparedness, And Response Of The Committee On Homeland Security House Of Representatives. *PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission*. 111th Cong., 1st sess., March 17, 2009, 35.

the head of FEMA, who was ridiculed for his lack of knowledge in Katrina's aftermath.²⁹ For example, when discussing the high casualty rate associated with the storm, Brown told CNN, "Unfortunately, that's going to be attributable a lot to people who did not heed the advance warnings... I don't make judgments about why people chose not to leave but, you know, there was a mandatory evacuation of New Orleans."³⁰ Brown's statement clearly demonstrates his ignorance concerning the situations that residents of Louisiana found themselves in, including socioeconomic constraints such as a lack of available transportation that prevented them from evacuating their homes before the storm hit. His ignorance revealed the need for more experienced employees in leadership positions at FEMA. Indeed, there were other individuals available who had Principal Federal Official training and were therefore better equipped to handle the disaster, but they were overlooked when Brown was chosen.³¹ Considering the lack of expertise among FEMA's administrators during Katrina, the Post-Katrina Act aimed to increase the level of experience that future administrators had prior to heading the agency, including a "demonstrated ability in and knowledge of emergency management and homeland security" as well as "not less than 5 years of executive leadership and management experience in the public or private sector."³² Additionally, Regional Administrators would be chosen by the head administrator "after consulting with State, local, and tribal government officials in the region" and with the stipulation that they would "consider the familiarity of an individual with the

²⁹ "Michael D. Brown," NNDB: Tracking the Entire World, accessed January 17, 2022, <https://www.nndb.com/people/932/000102626/>.

³⁰ Ibid.

³¹ U.S. Congress, House, Select Bipartisan Committee to Investigate Preparation for and Response to Hurricane Katrina, *A FAILURE OF INITIATIVE: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, 109th Cong., 2d sess., 2006, H. Rep. 109-337, 135.

³² U.S. Library of Congress, Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, by Keith Bea, RL33729, 2007, 15.

geographical area and demographic characteristics of the population.”³³ These changes are beneficial because they would help to not only ensure that those holding management positions would have experience with natural disasters, but would also afford local government officials the opportunity to have a say in the process, thus strengthening the relationship between the local, state, and federal levels of government. Additionally, requiring knowledge of geographic and demographic data would allow Regional Administrators to have a better understanding of the unique social and economic problems facing communities, hopefully allowing them to better cater to these communities during disasters. In this way, though environmental justice was not addressed in the Post-Katrina Act, perhaps these provisions could, in theory, indirectly ensure that administrators consider environmental injustices and better accommodate the most vulnerable populations in the aftermath of natural disasters.

Finally, the Post-Katrina Act also sought to improve the employment process by focusing on the retainment and proper training of workers. Prior to Katrina, a large number of experienced employees, including leaders, disaster specialists, and qualified staff started to leave the agency in what was called the “FEMA brain drain.”³⁴ This was largely due to a decrease in morale after George Bush hired inexperienced political appointees to hold positions in FEMA during his administration.³⁵ This brain drain, in turn, hindered FEMA’s ability to deal with disasters. A lack of experienced workers can create obstacles for housing recovery when FEMA applicants need assistance with their application process and cannot find anyone to provide them with adequate

³³ Ibid, 20.

³⁴ U.S. Congress, House, Select Bipartisan Committee to Investigate Preparation for and Response to Hurricane Katrina, *A FAILURE OF INITIATIVE: Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina*, 109th Cong., 2d sess., 2006, H. Rep. 109-337, 152.

³⁵ Steven J. Balla and Jr. William T. Gormley, *Bureaucracy and Democracy: Accountability and Performance* (Washington: CQ Press, 2017), Google Books, Chapter 1.

information. In an attempt to resolve this problem, the Post-Katrina Act aimed to incentivize employment within FEMA, offering bonuses for those who were hired and stayed with the agency, while also developing a plan for a Surge Capacity Force that specifically dealt with enhancing the number of trained employees sent out to help with disasters.³⁶

These changes to employment, in addition to the changes made to the Stafford Act under the reforms of the Post-Katrina Act, aimed to improve the recovery process for disaster survivors, including those most vulnerable. It is therefore important to consider the extent to which these reforms were actually successful in helping marginalized populations.

Analyzing the Success of the Post-Katrina Act

Some FEMA government officials have lauded the Post-Katrina Emergency Management Reform Act as being a success, considering it a major improvement to FEMA's disaster preparedness strategies. For example, Richard Skinner, the inspector general at the Department of Homeland Security, stated:

FEMA is stronger today than any time in its history. This, I believe, is due to three events: first, the merger of FEMA into DHS in 2003; second, the lessons learned from Hurricane Katrina; and, finally, the passage of the Post Katrina Reform Act... The Post Katrina Act not only set the tone for the important role that FEMA plays in the department in the nation's emergency management framework; it strengthened FEMA's position in the department and helped it enhance its preparedness and response functions, both structurally and operationally...³⁷

While commending the strides that FEMA sought to make through the Post-Katrina Act, Skinner also recognized that the process would not be quick and easy, adding “but major changes, such

³⁶ U.S. Library of Congress, Congressional Research Service, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, by Keith Bea, RL33729, 2007, 20-21.

³⁷ U.S. Congress, Senate, Subcommittee On Emergency Communications, Preparedness, And Response Of The Committee On Homeland Security House Of Representatives. *PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission*. 111th Cong., 1st sess., March 17, 2009, 5.

as those called for in the act, requires time.”³⁸ In this way, Skinner had a positive yet realistic approach to the Post-Katrina Act, recognizing that the act had benefits but they would not be immediately realized.

Similarly, Craig Fugate, who took on the role of FEMA Administrator in 2009, also praised the act. He stated:

The importance of PKEMRA to the emergency management community cannot be stressed enough. For the first time, it gave FEMA clear guidance on its mission and priorities, and provided us with the authorities and tools we needed to become a more effective and efficient agency, and a better partner to State, local, territorial, and Tribal governments.³⁹

Fugate declared his support for the act and its ability to not only make FEMA more effective, but also to help the agency successfully collaborate with other levels of government. With regard to FEMA’s increased effectiveness, Fugate emphasized focusing on the Post-Katrina Act over the Stafford Act, as this would allow FEMA the ability to begin preparing their response to disasters even before a disaster became federally declared.⁴⁰ Fugate also noted the act’s focus on the “Whole Community,” which highlighted the need to work with non-profit organizations, as well as the private sector and citizens, in FEMA’s response efforts.⁴¹ He believed this approach helped make the Post-Katrina Act successful. For example, he pointed to FEMA’s collaboration with various agencies after storms hit the U.S. in 2011, including the Georgia Emergency Management Agency to provide free legal assistance to disaster survivors after storms hit the southeast in 2011, the Alabama Department of Mental Health to provide counseling for survivors

³⁸ Ibid, 5.

³⁹ U.S. Congress, Senate, Subcommittee On Emergency Preparedness, Response, And Communications Of The Committee On Homeland Security House Of Representatives, *Five Years Later: An Assessment of the Post-Katrina Emergency Management Reform Act*, 112th Cong., 1st sess., Oct 25, 2011, 7.

⁴⁰ Ibid, 5-6

⁴¹ Ibid, 7.

after tornadoes hit the state, and Missouri's Housing Task Force to house students in the upcoming school year after Hurricane Irene.⁴² As such, Fugate demonstrated the ways in which the Post-Katrina Emergency Management Reform Act helped to better prepare FEMA to deal with natural disasters, thereby arguing that it improved the agency.

At the same time, there have also been concerns that the Post-Katrina Act has not done enough to deal with housing recovery efforts for the most vulnerable groups after storms, particularly low-income individuals. For example, Mayor Ray Nagin of New Orleans compared different parts of the city three years after the storm, stating:

We are still a tale of two cities. We have about 72 to 75 percent of our population back in the City of New Orleans... But if you go into areas like the Lower Ninth Ward... you still will see devastation. And there are lots of slabs from demolished homes in that area and throughout the city. We are still working back and forth with FEMA on whether the cost of removing those slabs will be a cost that is eligible for reimbursement. So we are a tale of two cities.⁴³

Mayor Nagin pointed out that though progress had been made within New Orleans, the predominantly low-income neighborhoods of color within the Lower Ninth Ward were still struggling to rebuild years after the storm had hit, and it was still unclear whether or not FEMA would be able to help with funding parts of the rebuilding process. In this way, even after the Post-Katrina Act was established, vulnerable populations were still not provided with housing in a timely manner.

⁴² Ibid, 7-8.

⁴³ U.S. Congress, Senate, Subcommittee On Economic Development, Public Buildings, And Emergency Management Of The Committee On Transportation And Infrastructure House Of Representatives, *Federal Emergency Management Agency's Response To The 2008 Hurricane Season And The National Housing Strategy*, 110th Cong., 2nd sess., Sept 23, 2008, 7-8.

There have also been concerns regarding inadequate accommodations for individuals with special needs and disabilities. For example, Mary Troupe, the executive director of the Mississippi Coalition of Citizens with Disabilities, stated:

Before Katrina, we urged state emergency management agencies, FEMA, Homeland Security, and state agencies to come together and work together to form a plan that addressed the unique needs of individuals with disabilities and those with special needs, but to no avail.

We were literally told, ‘We have our plans, and we know what we’re doing. We’ll tell you what you need to know when you need to know it.’

Today, I am sad to report that there is still resistance, even after the lessons learned from Katrina, and we are concerned about further disaster relief, recovery, and reconstruction efforts in the Gulf Coast areas.⁴⁴

Troupe criticized not only FEMA, the federal government, and the Post-Katrina Act, but also the state government for failing to work with community members to provide accommodations for people with disabilities. Her concerns demonstrate that even though the Post-Katrina Act made strides to be inclusive, if there is no meaningful effort and collaborative planning made by FEMA to build off of the act, problems regarding inclusivity will continue.

Similarly to Troupe and Young, Marcie Roth, the Senior Advisor for Disability Issues in the U.S. Department of Homeland Security, addresses the intersectionality between individuals with disabilities and low-income communities, further discussing the inability of the Post-Katrina Act to adequately meet the needs of individuals. She commented:

Because a disproportionate number of people with disabilities live below the poverty line, frequently have less mobility than the general population, and are often more dependent on external assistance, this population felt the impact of Hurricane Katrina quite severely... (PKEMRA) provided a much-needed mandate to integrate the needs of people with disabilities and those with access and

⁴⁴ U.S. Congress, Senate, Subcommittee On Emergency Communications, Preparedness, And Response Of The Committee On Homeland Security House Of Representatives. *PKEMRA Implementation: An Examination of FEMA's Preparedness and Response Mission*. 111th Cong., 1st sess., March 17, 2009, 36-37.

functional needs, into general emergency management planning, response and recovery. However... many of the same problems were seen again during Hurricanes Gustav and Ike just a few years later. Many people were still turned away from shelters, information was inaccessible to individuals who were deaf or blind, services required under disability rights laws were not being provided...⁴⁵

Roth explained that there is often an overlap between populations that have disabilities and those that are impoverished, which makes it difficult for them to get the resources that they need when disasters hit. She also discussed that though the Post-Katrina Act made efforts to consider the needs of individuals with disabilities, subsequent hurricanes such as Ike and Gustav demonstrated the act's failure to effectively do so. As such, the Post-Katrina Act continues to leave behind a need for inclusivity that must be addressed to cater to the most disadvantaged populations.

Concerns about FEMA housing efforts after the Post-Katrina Act could also be seen when disasters hit Arkansas in 2007. Mike Ross, a Congressman from Arkansas, detailed his experiences after storms struck his state:

On February 24, 2007, severe storms and tornados ripped through the town of Dumas and Desha County, Arkansas. This small Delta community has a population of about 5,000 people and the median household income is \$26,628... the Governor of Arkansas requested an emergency declaration from FEMA... I... requested that FEMA transfer some of the 8,420 new, fully furnished and never used manufactured homes located three hours away at a FEMA staging facility in Hope, Arkansas to the families in need. These homes were originally purchased for Hurricane Katrina victims, but never made it to them either... FEMA said no... after 13 days of waiting, working, and prodding to the point of our story becoming national news, FEMA finally offered to give the state of Arkansas 30 used and/or refurbished mobile homes and travel trailers from the staging facility in Hope, but

⁴⁵ U.S. Congress. Senate. Subcommittee On Emergency Communications, Preparedness, And Response Of The Committee On Homeland Security House Of Representatives. *Caring for Special Needs During Disasters: What's Being Done for Vulnerable Populations?* 111th Cong., 2nd sess., Jun. 15, 2010, 8.

only if the state would pay to transport them and set them up for victims who remained homeless for 2 weeks.⁴⁶

Ross' experiences with FEMA seem to demonstrate the difficulty of trying to work with the agency, specifically regarding procedural obstacles that prevented the agency from providing aid if a federal disaster declaration had not been made. However, David R. Paulison, the Director of FEMA from 2005 to 2009,⁴⁷ defended the agency's role in Arkansas, arguing that after extensive analysis, no federal declaration was made for FEMA to get deployed because it was determined that the state was capable of dealing with the aftermath of the storm.⁴⁸ Regardless, Paulison discussed FEMA's recognition that even though there was not a federal declaration, which inhibited their ability to provide housing through the Stafford Act, the agency still understood the problem and tried to find other legal pathways to offer trailers to affected communities.⁴⁹ With this in mind, FEMA housing recovery becomes more nuanced, begging the question of who should be responsible for providing aid, and how can bureaucracy be streamlined when temporary housing is physically available for people who need it after a disaster?

A Consideration of Hurricane Harvey, Maria and Irma

As exemplified through the testimonies given at congressional hearings on the effectiveness of the Post-Katrina Act of 2006, it appears that though some progress has been made, much still needs to be addressed concerning FEMA's role in providing housing for disaster survivors, especially to accommodate the most vulnerable populations. This need

⁴⁶ U.S. Congress. Senate, Subcommittee On Economic Development, Public Buildings And Emergency Management Of The Committee On Transportation And Infrastructure House Of Representatives, *Post-Katrina Temporary Housing: Dilemmas and Solutions*, 110th Cong., 1st sess., March 20, 2007, 1-2.

⁴⁷ "Paulison, R. David," AllGov, Accessed March 10, 2022, <https://www.allgov.com/officials/paulison-r-david?officialid=28626>.

⁴⁸ *Ibid*, 71-75.

⁴⁹ *Ibid*, 71-75.

continued to be seen after Hurricane Maria, Harvey, and Irma, as well as California wildfires, hit the United States in 2017.⁵⁰ Maria, Harvey and Irma were only three of the 17 named storms of the 2017 Atlantic hurricane season, but these three alone caused \$265 billion worth of damage in areas such as Texas, Florida, Alabama, Puerto Rico and the U.S. Virgin Islands.⁵¹ Hurricane Harvey initially struck Rockport on the Southeast coast of Texas as a Category 4 hurricane, causing heavy rain, flooding, power outages, and 68 deaths.⁵² Hurricane Irma passed near Puerto Rico as a Category 5 and struck Florida as a Category 4, causing a storm surge, as well as flooding and power outages to both areas.⁵³ The storm caused 11 directly related deaths and 115 indirectly related deaths ranging from accidents to floodwater infections and stress-related cardiac diseases.⁵⁴ Hurricane Maria caused severe damage to Puerto Rico, expanding upon the damage that Irma had already done when it struck PR as a Category 4 storm.⁵⁵ It also left locals without power, water, and food, as well as limited help from the government, especially as the storm hit during the end of the hurricane season when resources were stretched thin.⁵⁶ About 4.8 million households applied for assistance from FEMA as a result of both the 2017 hurricanes and wildfires, which was more than the total number of applications from the previous 10 years.⁵⁷ FEMA worked to meet the needs of these disaster survivors, though the agency recognized in its

⁵⁰ U.S. Department of Homeland Security, FEMA, *2017 Hurricane Season FEMA After-Action Report*, (2018) v, https://www.fema.gov/sites/default/files/2020-08/fema_hurricane-season-after-action-report_2017.pdf.

⁵¹ Ibid.

⁵² Aaron B. Flores et al., "Environmental Injustice in the Disaster Cycle: Hurricane Harvey and the Texas Gulf Coast," *Environmental Justice* 14, no. 2 (2021): 150-151, doi:10.1089/env.2020.0039.

⁵³ "Deaths Related to Hurricane Irma --- Florida, Georgia, and North Carolina, September 4–October 10, 2017," *Centers for Disease Control and Prevention*, last modified May 28, 2019, https://www.cdc.gov/mmwr/volumes/67/wr/mm6730a5.htm#B1_down.

⁵⁴ "Deaths Related to Hurricane Irma."

⁵⁵ "Hurricanes Irma and Maria: Impact and Aftermath," *RAND*, accessed March 16, 2022, <https://www.rand.org/hsrd/hsoac/projects/puerto-rico-recovery/hurricanes-irma-and-maria.html>.

⁵⁶ Ibid.

⁵⁷ U.S. Department of Homeland Security, FEMA, *2017 Hurricane Season FEMA After-Action Report*, (2018) vi, https://www.fema.gov/sites/default/files/2020-08/fema_hurricane-season-after-action-report_2017.pdf.

“2017 Hurricane Season FEMA After-Action Report” that there were staffing shortages, inadequacies in agency processes that created difficulties in supplying resources, and challenges in providing temporary and permanent housing options for survivors.⁵⁸ This was especially true for those in Puerto Rico and the Virgin Islands, many of whom had to wait well over 90 days to be placed out of emergency congregate shelters.⁵⁹

Government officials have also had concerns about FEMA’s disaster recovery efforts after the 2017 storms. For example, Reed Clay, the Chief Operating Officer under Texas Governor Greg Abbott, commented on bureaucratic delays that hinder FEMA’s recovery process. He stated:

Even within the centralized Disaster Recovery Centers, already traumatized survivors must navigate a confusing gauntlet of federal agencies, state agencies, and relief organizations. And multiple organizations send multiple inspectors to the same property, then debate and delay the actual delivery of services because everyone wants to be the payer of last resort. Families would recover faster if FEMA would develop a tiered IA structure that delivers grant funds to families based on damage assessments regardless of who else might be supporting the survivors. This needs to be regardless of insurance status.⁶⁰

Clay points to unnecessary complications in aid allocation, where each organization has their own process for giving out funding instead of having one streamlined process to ease the load on disaster survivors. He also criticizes these agencies for allegedly trying to wait for other organizations to provide funding so they do not have to do it themselves. Clay’s critiques reveal that even after the Post-Katrina Act worked to relax restrictions in the aid allocation process, there were still challenges to receiving aid in the aftermath of the 2017 storms.

⁵⁸Ibid, vi-39.

⁵⁹Ibid, vi-39.

⁶⁰ U.S. Congress, Senate, Committee On Homeland Security House Of Representatives, Preparedness, Response, And Rebuilding: Lessons From The 2017 Disasters, 115th Cong., 2nd Sess., March 15, 2018, 77.

Clay's also makes the argument that there are complications with the housing process, as well. He states:

...the temporary housing program has been slowed by trying to coordinate procedures and ensure compliance at three different levels of government... in order for the cooperation to work, states must truly be relieved of complying with the tangle of federal regulations governing the temporary housing program... even FEMA...struggles to efficiently deliver housing solutions while complying with these regulations.⁶¹

Clay points to difficulties with providing housing to disaster survivors caused by regulations that complicate the process. Indeed, he criticizes not only federal government for this complexity but also state government, adding:

Texas itself must do a better job of removing regulatory obstacles from the successful delivery of temporary housing solutions. The patchwork of codes and local ordinances that crisscross the state has made it extremely difficult to design a one-size-fits-all solution to immediate housing needs. Take for example, the RV and Manufactured Home solution - the most widely used FEMA program. Many areas, such as the City of Houston, do not permit the installation of RVs or manufactured homes.⁶²

In this way, Clay argues that trying to provide housing while complying with the regulations of each level of government has unnecessarily complicated housing disaster recovery. As such, he advocates for a more streamlined approach, where local, state and federal governments should try to reduce the complexity of their regulations during disasters in order to meet the immediate housing needs of disaster survivors.

Similarly, Representative Sheila Jackson Lee of Texas expressed concern about housing and denials of FEMA applications, specifically regarding communities of color. She stated:

⁶¹ Ibid, 78.

⁶² Ibid.

I had more than 300-plus individuals gathered in my district... [with] denials, people in hotels that were crying and frustrated about whether they could stay or find housing... I have a text on my phone from a pastor who indicates that inspectors came and there was 4 feet of water and they said it was 4 inches and denied... the numbers of denials in our community were enormous. They particularly hit minority communities.⁶³

Lee demonstrates that disaster survivors continued to be arbitrarily denied in the FEMA application process despite showing clear need for assistance. This is exacerbated by inspectors who complicated the process when there were errors in their inspections. Furthermore, her statement indicates that these denials specifically affected communities of color, populations that are already especially vulnerable to disasters. As such, the aftermath of the 2017 disasters show that even after the Post-Katrina Act attempted to reform FEMA, the agency still struggled to provide housing and assistance to disaster survivors and vulnerable populations in need.

Disaster Recovery Reform Act

In order to work on some of these concerns related to both housing and FEMA's disaster preparedness more generally, in 2018 the Disaster Recovery Reform Act was passed (as a subset of the Federal Aviation Administration Reauthorization Act of 2018).⁶⁴ This act focused on increasing funding toward mitigation efforts, providing more assistance for individuals and households, and working to support states, localities, tribes and territories (SLTTs) in their recovery efforts.⁶⁵ With regard to the latter, the act provided assistance to other levels of government to help them deal with disasters, exemplified by their management costs provision which expands the amount of money that FEMA can use to reimburse SLTTs for their recovery

⁶³ Ibid, 44.

⁶⁴ U.S. Department of Homeland Security, FEMA, *Disaster Recovery Reform Act (DRRA) Annual Report*, (2019) 1 https://www.fema.gov/sites/default/files/2020-07/fema_DRRA-annual-report_2019.pdf.

⁶⁵ Ibid, iv.

efforts through the Public Assistance and Hazard Mitigation Grant Programs.⁶⁶ This deferral to SLTTs can be seen in relation to housing through Section 1211 of the act, State-Administered Direct Housing, which allows FEMA to provide grants and reimbursements through a two-year pilot program to state, tribal, and territorial governments for helping to temporarily and permanently house disaster survivors.⁶⁷

Additionally, FEMA expanded funding to its housing programs. Section 1212 of the act focused on expanding assistance to individuals and households by creating two distinct grant caps for Housing Assistance and Other Needs Assistance as opposed to just one cap encompassing both, while Financial Temporary Housing Assistance and items relating to accessibility needs were not included in the maximum amount offered, allowing for more money to be used on other kinds of assistance.⁶⁸ Furthermore, Section 1213 of the act granted FEMA permission to spend more money on repairs as part of their previously established Multi-Family Lease and Repair Program, a program that allows the agency to rent and repair certain homes as a strategy to provide temporary housing for those who needed it.⁶⁹ In this way, the agency worked on making more money available for disaster survivors to rebuild their homes.

These provisions were meant to improve the efficiency and strength of FEMA disaster recovery processes, especially after the 2017 disasters.⁷⁰ However, officials have continued to express concern over the general lack of housing available, despite FEMA's best efforts to

⁶⁶ Ibid, 3.

⁶⁷ Ibid, 13.

⁶⁸ Ibid, 17.

⁶⁹ "Multifamily Lease and Repair Program," FEMA.gov, accessed January 24, 2022, <https://www.fema.gov/fact-sheet/dagagu-imdae-mich-suli-peulogeulaem>.

⁷⁰ U.S. Congress, Senate, Subcommittee On Economic Development, Public Buildings, And Emergency Management Of The Committee On Transportation And Infrastructure House Of Representatives, *An Assessment Of Federal Recovery Efforts From Recent Disasters*, 116th Cong., 1st sess., October 22, 2019, 10.

provide housing options for disaster survivors. For example, Christopher Currie of the Government Accountability Office discussed that providing short-term and long-term housing options will continue to be a difficulty, pointing out, "... following the California wildfires, local officials faced challenges identifying shelter for displaced survivors, in part due to a housing shortage that existed before the wildfires."⁷¹ This example goes back to the complications of trying to provide housing after Katrina when the pre-storm housing options were already slim. This may point to more structural housing issues that need to be addressed, which may perhaps go beyond the scope of FEMA's response and recovery duties.

Additionally, state representatives have shown concern over the fact that certain disasters have not become not federally declared, preventing survivors from being able to access aid from FEMA. For example, Representative Sam Graves of Montana detailed his irritation with the fact that FEMA based their approval of aid on timelines that unfairly excluded residents whose homes were flooded during a storm, forcing those residents to return the money FEMA had originally awarded them. He stated:

... when it rains ... it takes a long time for that water to get to us. Then when you couple that with the Corps of Engineers releasing more and more water through the reservoirs coming down... and it breaks the levees, and it floods people out. So it's very frustrating to me when we're dictating or putting out these dates based on this weather event and that weather event when we have people that flooded... Yet they're not eligible for assistance.⁷²

His testimony reveals the continued challenge of deciding whether or not a disaster should be federally declared, opening up the opportunity for FEMA aid to be accessed by survivors. On the one hand, FEMA will only be deployed to handle a disaster if it is determined that state and local governments are unable to handle the disaster on their own. However, as exemplified

⁷¹ Ibid, 23.

⁷²Ibid, 46.

through Graves' testimony, those dealing with disasters feel that declarations should extend to them. This leads to the difficult question of whether more disasters should be federally declared, whether FEMA should do more to support state and local governments, or if something else can be done to help those affected by non-federally declared natural disasters.

Overall, Hurricane Katrina unveiled the areas in which the Federal Emergency Management Agency needed to improve, which led to efforts to reform the agency through the Post-Katrina Act of 2006. Later, the Disaster Recovery Reform Act of 2018 was also passed after Hurricane Maria, Harvey, and Ida demonstrated that FEMA was still struggling to accommodate vulnerable populations in its recovery process. Though both of these acts have aimed to improve FEMA, testimonies given at congressional hearings demonstrate that much still needs to be resolved, both generally and in regard to temporary and permanent housing for disaster survivors. With this in mind, it is important to analyze the latest storms that have hit the U.S. to continue tracking FEMA's role in recovery. As such, the next chapter will seek to analyze the agency's rollout of aid and assistance for the most recent hurricane to hit Louisiana, Hurricane Ida.

Chapter Three: An Analysis of Hurricane Ida

Introduction

After the devastating aftermath of Hurricane Katrina and the federal government's subsequent efforts to reform FEMA through the Post-Katrina Act and Disaster Recovery Reform Act, questions have arisen concerning whether or not FEMA would be able to sufficiently deal with recovery for future storms. This question resurfaced exactly 16 years after Katrina hit Louisiana when Hurricane Ida made landfall in the state, leaving a wake of devastation and the need to provide both temporary and permanent housing for disaster survivors. As such, this chapter seeks to explore FEMA's role in recovery after Ida, examining quantitative data of the agency's allocation of aid, as well as reactions from disaster survivors and NGO employees concerning these efforts. In doing so, this chapter seeks to simultaneously delve deeper into issues of race, class, age and disability conflict, serving as a comparison to Katrina by analyzing the extent to which FEMA has successfully reformed to accommodate the state's most vulnerable populations.

Hurricane Ida caused significant damage to communities along the coast of Southeast Louisiana, mostly through wind damage and power outages. Wind levels reached 150 m.p.h., knocking down trees and power lines throughout the state, as well as a transponder in New Orleans that completely cut off power in the city.¹ Other major power outages occurred in the parishes of Jefferson, Lafourche, St. John, and Iberia.² These outages impacted over a million

¹ Oliver Laughland, "Like a Monster Tried to Get In": New Orleans, Scarred by Katrina, Surveys Ida's Wreckage," *The Guardian*, August 31, 2021, <https://www.theguardian.com/us-news/2021/aug/30/hurricane-ida-new-orleans-damage-katrina>.

² Carlie K. Wells, "Hurricane Ida Hit Southeast Louisiana a Month Ago. Here's Where We Stand with Recovery," *NOLA.com*, September 30, 2021, https://www.nola.com/news/hurricane/article_bb0c2268-2144-11ec-8dce-672b7a624bed.html.

residents immediately following the storm,³ with thousands of residents still without power over a month later.⁴ This was especially devastating for vulnerable community members, including elderly populations and people with disabilities. These individuals needed machines that relied on electricity, and they were also acutely impacted by high heat levels in Louisiana when there was no access to air conditioning.⁵

Hurricane Ida also decimated Louisiana homes. Estimates showed that about half of the homes in Grand Isle retained damage after the storm, while in Lafourche Parish, 75% of homes (about 14,000) were damaged.⁶ As for the town of Pointe-aux-Chênes in Terrebonne Parish, residents reported that only 14 houses survived the storm.⁷ This forced residents to temporarily inhabit any shelter they could find, staying with neighbors if possible, and in some cases, squeezing 10 people into a standard-sized trailer.⁸

FEMA's Response to Ida

Considering the high level of damage caused by Ida, President Biden officially approved a disaster declaration for Louisiana on August 29, 2021, thereby giving FEMA permission to

³ Marlene Lenthang, "Louisiana 1 Week After Ida: Widespread Power Outages Persist, Death Toll Mounts," ABC News, September 4, 2021, <https://abcnews.go.com/US/louisiana-week-ida-widespread-power-outages-persist-death/story?id=79829978>.

⁴ Rashad Robinson, "Hurricane Ida's Destruction Was the Result of Years of Systemic Racism," Salon, October 5, 2021, <https://www.salon.com/2021/10/05/do-black-lives-matter-hurricane-idas-destruction-was-the-direct-result-of-systemic/>.

⁵ Emily Woodruff, "'They Were Forgotten': For People with Disabilities, Few Good Options During Disaster," NOLA.com, September 20, 2021, https://www.nola.com/news/healthcare_hospitals/article_7a09c908-1804-11ec-ba31-770a47c11095.html.

⁶ Rebekah Riess and Kelly McCleary, "Louisiana Offering Travel Trailers and Other Housing to Those Left Without a Home After Hurricane Ida," CNN, October 5, 2021, <https://www.cnn.com/2021/10/05/us/louisiana-hurricane-ida-temporary-housing-shelter-program/index.html>.

⁷ Louisiana Public Broadcasting, "The Plight of Pointe-Au-Chien | Louisiana Spotlight | LPB," *YouTube*, January 31, 2022, <https://youtu.be/f3hVBy-pyaw>.

⁸ Robinson, "Hurricane Ida's Destruction."

provide funding and assistance to the state.⁹ Since then, the federal government has provided over \$2.5 billion toward Louisiana recovery in the form of housing and other needs assistance, Small Business Administration loans, and payments for flooding and unemployment insurance.¹⁰ Over 552,000 residents were approved for individual assistance¹¹ out of more than 800,000 applicants overall.¹² FEMA also set up 25 Disaster Recovery Centers, 8 of which were still in use as of December. Additionally, the agency advised over 14,600 disaster survivors about repairing and rebuilding their homes, gave out expedited rental assistance to over 152,000 residents, 64% of which were low-income and may not have received assistance otherwise, and temporarily housed 22,183 people in the immediate aftermath of the disaster.¹³ Furthermore, FEMA sought to accommodate accessibility needs, such as by including ramps when building homes.¹⁴ These measures demonstrate that FEMA is working to not only help with recovery efforts after Ida, but also that they are seeking to be inclusive of Louisiana's most vulnerable populations.

At the same time, however, there is still work to be done by FEMA to provide housing for Louisiana residents. As of January 19th in Lafourche Parish, 211 temporary housing units

⁹ The White House, *President Joseph R. Biden, Jr. Approves Louisiana Disaster Declaration*, Press Statement. August 30, 2021. <https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/29/president-joseph-r-biden-jr-approves-louisiana-disaster-declaration-3/>.

¹⁰ "Three Months Since Ida, Over \$2.5 Billion in Federal Assistance for Louisianans," *FEMA*. Press Release. December 1, 2021, <https://www.fema.gov/press-release/20211201/three-months-ida-over-25-billion-federal-assistance-louisianans>

¹¹ FEMA, "Three Months Since Ida."

¹² Federal Emergency Management Agency (FEMA), OpenFEMA Dataset: Disaster Declarations Summaries - Individuals and Households Program - Valid Registrations - v1. Retrieved from <https://www.fema.gov/api/open/v1/IndividualsAndHouseholdsProgramValidRegistrations> on January 21, 2022, 11:45 AM EST.

¹³ FEMA, "Three Months Since Ida."

¹⁴ Dan Copp, "Housing for residents displaced by Ida remains a challenge in Terrebonne and Lafourche," *Houma Today*, January 25, 2022, <https://www.houmatoday.com/story/news/2022/01/26/after-ida-housing-remains-challenge-terrebonne-and-lafourche/9208505002/>

provided by FEMA were in use, though 983 were still pending.¹⁵ Similarly in Terrebonne Parish, 153 units were in use, while just under 1,400 were still pending.¹⁶ And unfortunately, despite the work of the Post-Katrina Act and the DRRRA, this situation is not unique to Ida. For example, when Hurricane Laura hit the state in August 2020, it took over a year for all Louisiana residents to receive temporary housing.¹⁷ And again, this impacted vulnerable populations the most. For instance, one disaster survivor of Hurricane Laura, who waited 10 months to receive temporary housing from FEMA, discussed that she had to keep moving from one friend or family's house to another, and this was especially difficult for her because she was a diabetic, which meant she had to continuously keep setting up her dialysis equipment as well as rely on fast food which was bad for her blood pressure.¹⁸ As the situation with Ida's survivors suggests, problems with housing persist despite legislation being passed to reform the agency.

FEMA has also tackled the recovery process by providing funding and reimbursements to the state government dealing with the aftermath of the storm. FEMA has promised to cover 90% of the state-implemented and state-run Hurricane Ida Sheltering Program,¹⁹ which focuses on providing housing options such as hotels, RVs, trailers, barges, and base camps to areas that were heavily impacted by Ida and do not have other housing options available.²⁰ This funding falls in line with the DRRRA's management costs provision that focuses on expanding the amount

¹⁵ Copp, "Housing for residents."

¹⁶ Ibid.

¹⁷ Sophie Kasakove and Katy Reckdahl, "Three Months After Hurricane Ida, Residents Are Still Waiting for FEMA Housing," *NY Times*, December 5, 2021, <https://www.nytimes.com/2021/12/05/us/hurricane-ida-fema-housing.html>

¹⁸ Kasakove and Reckdahl, "Three Months After Hurricane Ida."

¹⁹ Mark Ballard, "Louisiana starts temporary housing program for people who lost homes to Hurricane Ida," *The Advocate*, October 4, 2021, https://www.theadvocate.com/baton_rouge/news/politics/article_f5bae43a-255e-11ec-8e29-ff051fc8ad76.html

²⁰ Riess and McCleary, "Louisiana Offering Travel Trailers."

of money FEMA can use to reimburse other levels of government in their recovery efforts.²¹ And the program has been considered a step in the right direction, as the state level of government does not seem to need to jump through the same bureaucratic hoops that FEMA has had to.²² This has allowed the state to distribute temporary homes at a much quicker rate, where 1,200 families were able to move into trailers in the beginning of December, with 800 more trailers expected to have soon been in use, as well.²³ Indeed, Deanne Criswell, the current FEMA Administrator, stated, "At FEMA, we say that disaster response is locally executed, state-managed and federally supported... I am proud of how well we supported our state and local partners in responding to this storm."²⁴ As such, it would seem that the state and federal levels of government are diligently working together to ensure that housing needs are being met for the residents of Louisiana. However, it is also important to note that the state's efforts have also been considered slow-going despite it trying to work at a faster pace than FEMA. With this in mind, it is still crucial to analyze both FEMA's role in Ida's recovery, as well as areas where the agency may still need to improve, even when paired with state-led efforts.

Quantitative Analysis of FEMA Recovery Efforts

Considering FEMA's difficulties with accommodating vulnerable populations after past disasters, I decided to begin my research with a quantitative analysis of the agency's distribution of financial aid through the Individuals and Households Program (IHP). This analysis sought to

²¹ FEMA, "Disaster Recovery Reform Act (DRRA) Annual Report," FEMA.gov, last modified 2019, https://www.fema.gov/sites/default/files/2020-07/fema_DRRA-annual-report_2019.pdf, 1.

²² Rebekah Castor, "Louisiana prepares to move 2,000 Hurricane Ida victims into travel trailers," *FOX News*, November, 2021, <https://www.foxnews.com/us/louisiana-hurricane-ida-victims-travel-trailers>.

²³ FEMA, "Three Months Since Ida,"

²⁴ Morgan Lentz, "FEMA administrator testifies on Hurricane Ida response, recovery in Washington," *WDSU*, October 5, 2021, <https://www.wdsu.com/article/fema-hurricane-ida-response-testimony/37867690#>

answer the question of how FEMA has distributed its aid for Ida recovery, and to what extent there were inequities, specifically regarding low-income communities, BIPOC individuals, elderly populations, and people with disabilities. I hypothesized that for both Ida and Katrina, there would be higher average IHP awards for high-income neighborhoods than low-income neighborhoods. As for populations with disabilities or those who were 65 and over, I did not expect to find any patterns regarding IHP aid distribution. It is possible that communities with higher levels of elderly and disabled populations could receive more aid to account for the accessibility measures that would have to be added to their housing units, but I predicted that if this was indeed the case, it would not be high enough to show any discernible patterns in the data.

In order to test these hypotheses, raw data on FEMA registrations and Louisiana demographics were examined. FEMA average IHP amounts were obtained through an OpenFEMA Dataset entitled “Individuals and Households Program - Valid Registrations.”²⁵ Demographic data including race, income level, elderly populations, and populations with disabilities were obtained through IPUMS National Historical Geographic Information System.²⁶ Comparisons of this data across zip codes showed no clear patterns of either race, populations over 65, or populations with disabilities being correlated to FEMA aid distribution. However, it seemed that income levels had a negative relationship with aid distribution, where communities with higher rates of poverty were receiving more money on average from FEMA than

²⁵ Federal Emergency Management Agency (FEMA), OpenFEMA Dataset: Disaster Declarations Summaries - Individuals and Households Program - Valid Registrations - v1. Retrieved from <https://www.fema.gov/api/open/v1/IndividualsAndHouseholdsProgramValidRegistrations> on January 21, 2022, 11:45 AM EST.

²⁶ Steven Manson, Jonathan Schroeder, David Van Riper, Tracy Kugler, and Steven Ruggles. IPUMS National Historical Geographic Information System: Version 16.0 [dataset]. Minneapolis, MN: IPUMS. 2021. <http://doi.org/10.18128/D050.V16.0>

communities above the poverty line. In other words, the more impoverished a community was, the more money it received from FEMA. This observation contrasted the hypothesis that higher-income communities would receive more money from the agency.

In order to confirm this pattern, a regression analysis was run. This analysis looks at the relationship between two variables and tests the extent to which an independent variable will have an effect on a dependent variable. The regression was run with the average IHP amount at the zip code level being the dependent variable, and the independent variables being the percentage of each zip code population that was Black, White, below the poverty line, over the age of 65, identified as having a disability, or owned property. The regression also included the median income level of each zip code as an independent variable. Therefore, the analysis tested whether or not neighborhoods were Black, White, below the poverty line, etc. would affect the amount of money allocated to them through FEMA's Individuals and Households Program. With regard to race, the regression showed that both Black and White populations had a statistically significant negative relationship with average IHP amounts per zip code, where zip codes with higher percentages of each of these races correlated with lower average IHP amounts. This means that respectively, the more Black people there were in a neighborhood, and the more White people there were in a neighborhood, the less money they would receive from FEMA. Interestingly, White populations had a slightly stronger negative relationship than Black populations, indicating that zip codes with higher percentages of White residents would receive less aid from FEMA than Black residents of similar percentages would. With regard to percentages of the population within a zip code over the age of 65, the higher these populations, the more aid would be received from FEMA, results being statistically significant. Similarly, zip codes with higher percentages of populations that have disabilities also received more aid from

FEMA. However, populations with higher percentages of poverty were only statistically significant in a regression that did not account for disability and median income levels as independent variables, showing a positive relationship with average IHP amounts per zip code. This means that areas with higher levels of poverty received, on average, more money through IHP. Overall, however, these regressions had low R-squared values, indicating that the independent variables did not have a large effect in determining the amount of aid allocated by FEMA through the Individuals and Households Program.

Considering that these observations differed from my original hypotheses, I also decided to examine a regression with the same variables for Hurricane Katrina. Similarly to Hurricane Ida, poverty levels had a positive relationship with IHP values, while Black and White populations both had negative relationships. These relationships also had a low R-squared value, indicating a weak connection.

This data is important to consider because it demonstrates that at least in terms of aid allocation, FEMA may be working to ensure a fair and equitable distribution of aid to the communities that need it most. It is clear, however, that something is missing from the data analysis that might explain the dissatisfaction among community members. The question then becomes, where is the disconnect between FEMA's allocation of aid and the agency's ability to actually meet the needs of its most vulnerable populations.

Qualitative Analysis of FEMA Recovery Efforts

Problems with FEMA Application Process

One explanation for the disconnect between the data and perceived inequities regarding FEMA aid distribution could be that the data does not consider other factors that may have prevented the allocated aid from being enough for vulnerable community members. For example,

there are flaws with the appeals process that could alienate disadvantaged applicants. Hannah Roberts, the Disaster Response and Operations Manager at SBP New Orleans, an organization dedicated to disaster recovery,²⁷ spoke about FEMA's confusing appeals process. She stated that when an applicant is denied, there are different denial codes which determine how they must appeal, as well as different words that must be used — if the applicant does not understand this, or if they do not know about the timeline in which they must appeal, it can complicate the process.²⁸ This can be especially difficult for low-income individuals who may not have finished high school²⁹ and may be confused about application requirements. This confusion throughout the process relates back to problems seen after Katrina, including a lack of clear information about how to complete applications, as well as arbitrary denials in aid and unclear procedures. In this way, it seems that despite FEMA's efforts to reduce the complexity of its application, disadvantaged disaster survivors may still struggle with this process and consequently be unable to access aid from FEMA.

Additionally, there can also be complications with the FEMA helpline. For example, Roberts discussed that employees may give applicants incorrect information, which can further disrupt the appeal process.³⁰ There are also barriers to accessing the helpline in the first place. For instance, Patty Ferguson-Bohnee, who is part of the Pointe-au-Chien Indian Tribe, stated, "People still don't have very good phone service down there... And you don't have any internet service at all."³¹ Steve Zimmer, a retiree from United Way of Southeast Louisiana, discussed

²⁷ SBP, "Disaster Management | About Us | SBP USA," SBP, January 24, 2017, <https://sbpusa.org/about-us>.

²⁸ Hannah Roberts, Virtual interview with author, December 1, 2021.

²⁹ Roberts, Virtual interview.

³⁰ Ibid.

³¹ Carly Berlin, "Without federal recognition, coastal tribes struggle to access FEMA aid," *Southerly*, November 22, 2021, <https://southerlymag.org/2021/11/22/federal-recognition-coastal-tribes-fema/>

that this complex process dissuades people who need the money from appealing.³² Therefore, the confusing FEMA appeal process can prevent individuals, especially the most vulnerable, from accessing the funds needed for recovery.

An Examination of Race and Class

The data also fails to consider how race and class play a role in exacerbating vulnerabilities. For example, an NPR podcast looked into federal aid distribution after flooding in Texas, following the story of two families, one that was White and well-off and another that was Black and working-class.³³ The father of the White family was able to take time away from work, received \$30,000 from FEMA because the family owned a home that was destroyed, and found a temporary house to rent 6 weeks after the flood.³⁴ Meanwhile, the mother of the Black family had to continue working, received only \$2,666 for housing but need to use it toward buying a car so that she could drive to work and carry her kids to school, and only found shelter through a coworker who offered a spare room to the mother and her entire family; she also tried applying for other FEMA and SBA forms of assistance but found that she did not qualify.³⁵

The podcast continued on to say:

Richer people, white people, they're more likely to be homeowners, and those same people are more likely to get aid after a disaster, in part because of programs like buyouts that specifically help homeowners who have lost their houses. Poorer people, people of color, people who are more likely to rent, people arguably who need cash the most after a major disaster, are less likely to get it from the federal government.³⁶

³² Steve Zimmer, Virtual interview with author, December 14, 2021.

³³ Shereen M. Meraji, "When Disaster Strikes," *NPR*, Podcast audio, March 6, 2019, <https://www.npr.org/transcripts/700539867>.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

The findings of this podcast demonstrate that other factors, including that white families are more likely to be homeowners, as well as have enough money saved and have some form of transportation to tide them over when disasters hit, which make them likely to receive more money from FEMA and be able to use that money toward their rebuilding process. These factors reveal that even if FEMA's allocation of aid may not be inherently discriminatory, systemic racism and classism prevent this aid distribution from being equitable. Additionally, it points to key information missing from the data, which is that it lacks a breakdown of the demographics of those who applied for aid and were denied. This information could potentially show correlations between class, race and those who were denied assistance.

Heirs' Property

Systemic problems such as heirs' property also complicate FEMA aid distribution, creating obstacles specifically for Black low-income residents. As discussed in previous chapters, heirs' property refers to when property is passed down among family members but not legally documented in court systems, which makes it difficult to prove ownership of the property.³⁷ This problem has typically affected low-income families who could not afford to go to court,³⁸ and these families are often Black, as well. FEMA has historically relied on deeds as evidence of property ownership to prevent fraud, thereby alienating these vulnerable community members. In order to remedy this situation, FEMA recently enacted a new policy that would allow applicants to provide other means of proof of ownership to receive aid, effective for all

³⁷ Kane, Christy, Beaugh, Stephanie, and Sias, Gerren. 2019, *Addressing Heirs' Property in Louisiana: Lessons Learned, Post-Disaster*: 89, https://www.srs.fs.usda.gov/pubs/gtr/gtr-srs244/gtr_srs244_010.pdf.

³⁸ Kane, *Addressing Heirs' Property in Louisiana*, 89.

natural disasters declared since August 23, 2021.³⁹ Despite their efforts, however, difficulties with heir's property continued to be seen with Ida. One example can be seen with Sterling Guidry, a disaster survivor who was told that he could provide proof that he paid taxes on his property as proof of ownership since he did not have a deed; however, the tax office was closed and could not be reached in person or by phone.⁴⁰ Guidry also had the option of staying at a motel or shelter, but the hotels were full and Guidry had dogs and chickens, which prevented him from being able to stay in a shelter; as such, he and his daughter had to sleep either in their vehicle or in a tent.⁴¹ After CBS heard his story, they were able to contact FEMA, and the agency agreed to accept a handwritten letter as proof, expediting his case so that he could receive funds to start rebuilding his home.⁴² However, Guidry also stated that in total, he had only \$200, and there were thousands of others in similar situations to his.⁴³ With this in mind, it is clear that though FEMA has made efforts to work through some of the systemic problems that prevent people from being able to access aid, certain circumstances, such as tax offices being closed, continue to create obstacles for vulnerable populations to receive needed aid.

Government Distrust

Another key factor not considered in the data regards those community members who have not applied for aid because they distrust the government or because they feel like they have received no help from the agency, and it is also crucial to recognize the way this often overlaps

³⁹ Bracey Harris, Lindsey Davis and Dasha Burns, "FEMA closes gap that prevented many Black families in South from receiving disaster aid," NBC News, September 2, 2021, <https://www.nbcnews.com/news/us-news/fema-closes-gap-prevented-many-black-families-south-receiving-disaster-n1278328>

⁴⁰ CBS News, "Louisiana dad and daughter living out of truck, waiting for FEMA help to rebuild home destroyed by Hurricane Ida," *CBS News*, September 29, 2021, <https://www.cbsnews.com/news/hurricane-ida-louisiana-fema-assistance-home-destroyed/>

⁴¹ CBS News, "Louisiana dad and daughter living out of truck."

⁴² *Ibid.*

⁴³ *Ibid.*

with race and class. For example, Talisa Clark, an activist from a Black community, stated: "You want to know what's been going on to help these people? Pretty much nothing... There are no state or federal boots on the ground to help. It's looking like a Third World country's efforts down here."⁴⁴ This demonstrates the way that vulnerable BIPOC populations are upset with the government for not physically coming to their communities and helping with the clean-up process. These feelings of neglect create distrust among these populations, which makes them less likely to seek help from FEMA. In this way, even if FEMA may be giving more money out to low-income applicants, this does not account for the low-income vulnerable communities who may not have applied to FEMA because of government distrust and are therefore not accounted for in the data even as they continue to struggle with the housing recovery process. And it also does not account for other ways in which disaster survivors want but are not receiving help from the agency.

Lack of Federal Recognition for Indigenous Tribes

As for indigenous groups, there are also unique challenges presented by a lack of federal recognition that prevent these populations from receiving FEMA aid, as well. Certain tribes, including the Pointe-Au-Chien Tribe, the United Houma Nation, and the Isle de Jean Charles band of Biloxi-Chitimacha-Choctaw Tribe, are not federally recognized, which prevents them from applying for public federal assistance after storms.⁴⁵ Chief August "Cocoa" Creppel of the United Houma Nation, expressed his concern about this lack of recognition, stating:

⁴⁴ Brad Brooks, "A month after Ida's landfall, Louisianans decry 'Third World' conditions," *Reuters*, October 6, 2021, <https://www.reuters.com/world/us/month-after-idas-landfall-louisianians-decry-third-world-conditions-2021-10-05/>

⁴⁵ Roby Chavez, "Why some Indigenous tribes are being left behind in Louisiana's Ida recovery," *PBS*, October 20, 2021, <https://www.pbs.org/newshour/nation/why-some-indigenous-tribes-are-being-left-behind-in-louisianas-ida-recovery>

They'll send billions of dollars to other countries and won't take care of their own people. We were the first people here, but we get treated worse than ... third-class citizens. There are times I'll tell people, we were the First Nation, but we feel like we are a forgotten nation.⁴⁶

Additionally, Theresa Dardar, a member of the Pointe-Au-Chien tribe, stated, “It is frustrating and very hurtful because I hate seeing my community like this. I would like to see my community rebuilding instead of having to wait so long for help.”⁴⁷ Additionally, one woman stated that the only help her town has received has been from family members, and she questioned why people from the federal government have not come to help clean up her community.⁴⁸ Indeed, tribe members stated that a month after Ida struck their community, they still did not have water, gas, or electricity, nor did they have any sort of communication with FEMA; they also worried that they still would not have sufficient resources even after FEMA did finally help them.⁴⁹ In this way, though the agency may not be directly at fault for their inability to grant public aid assistance to certain tribes, there is nonetheless an obstacle that prevents FEMA resources and funds from being accessible to communities who need it.

Temporal Domination

FEMA aid allocation also affects vulnerable populations through temporal domination.⁵⁰ According to Reid, temporal domination refers to the fact that the long process involved in allocating aid will negatively impact disadvantaged communities because they may not have sufficient resources to sustain themselves while waiting for aid.⁵¹ For example, the low-income

⁴⁶ Chavez, “A month after Ida’s landfall.”

⁴⁷ Ibid.

⁴⁸ Ibid, [27:50-28:05]

⁴⁹ Ibid, [44:10-45:42]

⁵⁰ Megan Reid. “Social Policy, ‘Deservingness,’ and Sociotemporal Marginalization: Katrina Survivors and FEMA,” *Sociological Forum*, 28, no. 4, (2013): 750, <http://www.jstor.org/stable/43653916>.

⁵¹ Reid, “Social Policy,” 750.

Black and Indigenous populations who have to go through extensive processes to receive aid because of their's property and a lack of federal recognition, respectively, will consequently have to spend longer amounts of time waiting for aid, and may also struggle with limited resources as they are forced to wait. Another example can be seen with the way that applicants must wait long hours to be able to speak with FEMA representatives.⁵² The entire process is also worsened by the long wait times involved with both the FEMA application process and the 90-day appeal process if an application is denied.⁵³

Temporal domination can take a toll on individuals. For example, Joy Herbert, a disaster survivor, tried for weeks on end to obtain funds from FEMA, stating, ““We’ve gotten told we’re going to get housing assistance, rental assistance, personal property from FEMA and that all just...I don’t know...we got the runaround.””⁵⁴ This statement demonstrates the frustration that residents feel about not only the waiting process involved in receiving aid, but also the lack of information given to them regarding how long this process will take. Bobby Strawhorne, a resident of Lafourche Parish, further discussed the wait involved in this allocation process, stating, ““It’s a slow process, very slow...If I’m not on the couch, I’m sleeping in the recliner, but I don’t sleep at night. I’m staying up trying to protect what I’ve got left.””⁵⁵ The fact that Strawhorne feels the need to stay awake to protect his belongings highlights the real problems that may arise while residents are forced to wait for aid from FEMA. In this way, being made to

⁵² Berlin, “Without federal recognition.”

⁵³ Roberts, Zoom Interview.

⁵⁴ Shannon Heckt, ““It’s still dire” Louisianans living in dangerous conditions waiting for federal help months after Hurricane Ida,” *WGNO*, November 11, 2021, <https://wgno.com/hurricane-ida/its-still-dire-louisianans-living-in-dangerous-conditions-waiting-for-federal-help-months-after-hurricane-ida/>

⁵⁵ Morgan Lentes, “FEMA administrator testifies on Hurricane Ida response, recovery in Washington,” *WSDU*, October 5, 2021, <https://wgno.com/hurricane-ida/its-still-dire-louisianans-living-in-dangerous-conditions-waiting-for-federal-help-months-after-hurricane-ida/>

wait long periods of time before receiving aid from FEMA can be detrimental to disaster survivors.

This waiting game also poses a serious threat to populations that are elderly or have disabilities. These vulnerable populations are the most likely to be significantly impacted and not have the necessary resources to accommodate them during natural disasters.⁵⁶ In the few days after Ida passed through Louisiana, people with disabilities and their families faced dwindling supplies, heat that could be deadly, power outages that affected their ability to use medical devices, and the struggle to evacuate, especially when drives that were hours long could be painful for these individuals.⁵⁷ Considering that all of these issues arose in only the first few days after the storm, it is clear that the longer these populations would be made to wait for aid and resources the worse the situation could become. As such, temporal domination in the FEMA aid allocation process is not only frustrating, but it can also be extremely harmful to vulnerable populations.

It is important to recognize, however, that FEMA representatives have addressed the concern about long waiting times. For example, with regard to providing temporary housing options, FEMA spokesman Gerard Hammink stated, “I apologize the process goes slowly but just want people to understand some of the elements that go into the process, like installing electric, plumbing utilities and inspections to make sure it’s all safe.”⁵⁸ This statement demonstrates that though FEMA has been slow to provide housing for disaster survivors, it is

⁵⁶ Cara Schulte, “People with Disabilities, Older People at Risk after Hurricane Ida: Storm Highlights Need for Inclusive Disaster Planning in the US,” *Human Rights Watch*, September 7, 2021, <https://www.hrw.org/news/2021/09/07/people-disabilities-older-people-risk-after-hurricane-ida>.

⁵⁷ Woodruff, “They Were Forgotten.”

⁵⁸ Copp, “Housing for residents.”

important to recognize the difficulty of the situation as well, where time and effort must go into ensuring that these housing options are actually livable.

Covid-19

Finally, it is crucial to discuss the way that FEMA has dealt with unforeseen events not envisioned in the reform process. The Covid pandemic has impacted FEMA's allocation of aid, such as by complicating the inspection process. Due to Covid restrictions, FEMA has declared that some applicants may not need inspections based on their answers to certain questions in their application, while inspections for applicants who do need them will be administered using a remote inspection method, either over-the-phone or using video conferencing.⁵⁹ According to Evan Anthony, the FEMA Appeals Assistance Program Manager at SBP, this means that inspectors can no longer enter the homes of applicants, which makes it difficult for the homes to be properly assessed and for applicants to receive money.⁶⁰ Reese May, the Chief Strategy and Innovation Officer at SBP, stated that because of the pandemic, applicants are now being called on the phone and being asked to describe the damage instead of having home inspections, which further complicates the process.⁶¹ Additionally, the pandemic has also left individuals unemployed or responsible for paying hospital bills,⁶² which can compound with the effects of the storm and make them more vulnerable in the recovery process. Therefore, Covid has potentially exacerbated the inequities faced by disadvantaged communities as they apply for FEMA aid and work to recover from storms.

⁵⁹ U.S. Federal Emergency Management Agency, *FEMA POLICY: Pandemic Remote Inspection Process Individuals and Households Program Policy (Interim)*, FEMA Policy FP 104-009-17 (2020) 1-2, <https://www.fema.gov/sites/default/files/2020-06/RemoteInspectionProcess.pdf>

⁶⁰ Evan Anthony, Virtual interview with author, December 8, 2021.

⁶¹ Reese May, Virtual interview with author, February 17, 2022.

⁶² Anthony, Virtual interview.

Positive Views of FEMA

Despite there being complications with FEMA, some NGO workers believe the agency is doing a great job in their recovery efforts. For example, Steve Zimmer discussed that though FEMA may struggle to implement equitable practices at the larger level, there are also individuals working within the agency who care and do their best to provide aid to those affected by disasters.⁶³ Indeed, he stated that FEMA has been an invaluable partner, and that he has had a positive relationship with the agency at the ground level.⁶⁴ The desirability of having on-the-ground FEMA workers seems to be a common theme in the recovery process, as this is the very thing that Black and Indigenous residents wanted to see in their communities. As such, it may be useful for FEMA to strengthen these face-to-face relationships with disaster survivors as a way to improve their agency.

Zimmer has also argued that FEMA's initial denial of applications is actually a beneficial strategy. He argued that this helps to narrow down aid distribution to those who really need it, stating that if equity is the goal, then the problem is not turning down applications, it is making sure that people who actually need the aid appeal and stick with the system.⁶⁵ This view makes sense, though it is arguably complicated by the idea of temporal domination and long wait times associated with the appeals process. As such, it is clear that there is no easy answer to whether or not FEMA's denial process is fair and equitable, with there being both pros and cons to the system.

Overall, an analysis of FEMA's housing recovery efforts after Hurricane Ida has demonstrated that despite the implementation of the Post-Katrina Act and DRRA, and regardless

⁶³ Zimmer, Virtual interview.

⁶⁴ Ibid.

⁶⁵ Ibid.

of why it may take so long for FEMA to allocate aid, there are still problems with the allocation system that impede the recovery process for disaster survivors, especially for those most vulnerable. In this way, even though an analysis of FEMA data may demonstrate a positive relationship between poverty levels in communities and the amount of aid received through the agency's Individuals and Households Program, this relationship is weak and it also does not account for the systemic and FEMA-related obstacles that would prevent vulnerable populations from sticking with the application process or receiving the enough money to sufficiently rebuild their homes to pre-storm levels. The data alone does not consider the complexity of the application and appeal process, the problem of heirs' property, or the general distrust of government. It also does not consider temporal domination for vulnerable community members, nor the fact that indigenous populations cannot apply for aid if they are not federally recognized at the government level. Therefore, even if the data may show promising trends in FEMA's allocation of aid, this data alone is not sufficient in reflecting the agency's actual performance. In fact, a further qualitative analysis has revealed that there are still flaws in FEMA's recovery process, especially as it relates to providing accommodations for vulnerable populations. Indeed, similar problems can be seen with both Katrina and Ida, including challenges with heirs' property requirements, temporal domination, and the struggle to accommodate low-income families, BIPOC individuals, elderly populations and those with disabilities. The inability to adequately provide for these groups after disasters continues to stem from systemic issues within FEMA, the government, and societal institutions. As such, this leads to the complex question of what else can be done to ensure that these problems are dealt with so that vulnerable populations are better served in future disasters.

Chapter Four: Policy Recommendations

Introduction

Upon analyzing FEMA's role in providing housing to disaster survivors after Hurricane Ida, it is clear that despite efforts to reform the agency, there are still problems that need to be addressed to ensure that the most vulnerable populations are accommodated after disasters strike. Indeed, the problems with heirs' property, temporal domination, arbitrary denials of FEMA applications and inadequate staffing that were revealed after Katrina continued to be seen in the aftermath of Ida, as well. Furthermore, these challenges to recovery through FEMA continue to disproportionately affect disadvantaged communities, including low-income individuals, BIPOC communities, the elderly, and people with disabilities. As such, it is important to consider the obstacles that still exist within FEMA and identify ways that the agency can be improved to better serve communities in future disasters. With this in mind, this chapter seeks to explore different policy options that FEMA could potentially implement for the future. The chapter will begin with suggestions for procedural improvements to FEMA's inspection process, followed by ideological changes that need to be made within the agency, and then consider broader systemic changes that may extend beyond FEMA's jurisdiction but are still crucial to include within the conversation.

Procedural Improvements

Concrete procedural changes that could be made to FEMA include an incorporation of aerial imagery into its inspection process. As mentioned in previous chapters, disaster recovery has been complicated by discrimination and bias in the inspection process. Hurricane Ida has added another layer of complexity to the situation as the disaster hit during the Covid-19 pandemic, which prevented inspectors from entering homes at all, thereby forcing FEMA to rely

on phone calls with disaster survivors to assess their damage.¹ As such, drones and aerial imagery should be added to enhance the inspection process. These could help clearly show visible exterior damage to homes and also reduce bias in the inspection process by relying on images as opposed to the word of individual inspectors.

Another key procedural recommendation is to consolidate FEMA's application process. The current system uses separate applications for different government agencies, including FEMA, the Small Business Administration (SBA), and the Department of Housing and Urban Development (HUD); yet, these agencies all collect about 70% of the same information within their applications as one another.² Furthermore, the application process between these agencies can be confusing and complex. For example, disaster survivors need to first apply to FEMA and be rejected by the agency in order to apply to SBA and be rejected by that agency, to then be able to reapply to FEMA to receive additional funds.³ This complicated process deters disaster survivors from continuing on with their application, preventing them from accessing the crucial funds that they need to rebuild their homes and lives after disasters. And for the survivors who do try to persevere and stick with the long process, they may fall victim to temporal domination, where the most vulnerable will not have the time and resources necessary to wait for aid from federal agencies. To solve this problem, FEMA, SBA and HUD can work together to create one combined application that disaster survivors would be able to fill out at once to verify their eligibility for the programs of all three agencies.⁴ This approach would ideally lessen the burden on disaster survivors while still ensuring that FEMA, SBA, and HUD are all able to receive the

¹ Reese May, Virtual interview with author, February 17, 2022..

² Reese May, "SBP Advocacy: OneApp - A Single Application for Federal Disaster Assistance," SBP, April 8, 2021, 1.

³ May, "SBP Advocacy," 1.

⁴ Ibid, 2.

information necessary to determine the eligibility of applicants in receiving aid. As such, the three agencies should combine their application process to improve clarity and decrease the length of time it takes for people to recover from disasters.

Systemic Reforms to FEMA

Along with procedural changes, it is also crucial to consider systemic reforms that can be made to FEMA, including cultural changes focused on better communication with disaster survivors. An analysis of both Katrina and Ida's aftermath has demonstrated that one of the biggest challenges FEMA has had with implementing recovery efforts is a disconnect between the agency and the disaster survivors they are trying to help. As previously discussed in Chapters 1 and 2, this disconnect could be seen with Katrina quite clearly when agency administrators were unable to immediately respond to the storm because they were on vacation, or when Michael Brown stated that residents had time to evacuate before the storm hit, which discounted the constraints that prevented them from being able to leave. It could also be seen with the arbitrary evacuations of many of the temporary housing units after Katrina, specifically with the Short-Term Lodging Program. With regard to both Ida and Katrina, this disconnect between FEMA and disaster survivors can also be seen in the lack of clear communication regarding the application process and reasons for aid denial. Additionally, despite efforts to reform the agency and accommodate vulnerable populations, there still seems to be a struggle to ensure that needs based on income, race, age, education level and disability level are being met, where applicants may be elderly, may not have completed high school, or may not have access to get online, and it is quite difficult for the agency to meet people where they are at.⁵ As such, there is a clear need for FEMA to work on better connecting with disaster survivors. This can be done by

⁵ Hannah Roberts, Virtual interview with author, December 1, 2021.

reinterpreting ideas of equity, switching the agency away from a risk-cautious approach to a more collaborative approach with disaster survivors, better accommodating individuals with regard to Transitional Shelter Assistance, and enhancing education and outreach strategies. Implementing these reforms can work on institutional problems within the agency and help ensure that vulnerable populations are being accommodated in the disaster recovery process.

One way that FEMA must work to institutionally reform itself is by rethinking the way it interprets the Stafford Act's position on equity. Steve Zimmer from the United Way of Southeast Louisiana stated that despite equity seeming to be the new buzzword within FEMA, the agency has been slow to incorporate equity into its practices.⁶ For example, Section 308(a) of the act states, “the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.”⁷ However, according to the National Low Income Housing Coalition (NLIHC), an organization that is dedicated to providing affordable housing to low-income residents,⁸ FEMA has interpreted this position to mean that they cannot provide special accommodations and extra funding for disaster survivors on the basis of these demographic factors.⁹ As such, FEMA may be neglecting to consider how systemic problems might make it necessary to provide extra funding and resources to the disadvantaged populations who may need it. Indeed, NLIHC has also pointed out that other federal agencies have interpreted their

⁶ Steve Zimmer, Virtual interview with author, December 14, 2021.

⁷ *Statement for the Record of the National Low Income Housing Coalition*, Hearing on “FEMA Priorities for 2022: Stakeholder Perspectives,” Presented to the Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings, and Emergency Management United States Housing of Representatives, February 16, 2022.

⁸ “About Us,” *National Low Income Housing Coalition*, Accessed February 19, 2022, <https://nlihc.org/about>.

⁹ *Statement for the Record of the National Low Income Housing Coalition*

legislation in a way that provides necessary funding to vulnerable populations.¹⁰ Therefore, FEMA must do the same and change their interpretation of the Stafford Act to allow them to provide extra services and funding to meet the needs of these populations. This could, for example, follow the environmental justice framework put forth by Bullard that advocates for targeting a larger allocation of resources toward those that need it most.¹¹ It could also focus on combatting discrimination in the inspection process by enhancing mandatory trainings to teach inspectors about prejudices with regard to race, income, age, education and disability level, which would hopefully lead to fairer and more equitable aid allocations for disaster survivors. Making these institutional and procedural changes would therefore allow FEMA to promote equity in its disaster recovery and better accommodate the needs of vulnerable community members.

One barrier that prevents FEMA from achieving equity is the ideologically conservative risk-cautious approach it has taken when allocating aid to applicants. For example, Reese May of SBP discussed the fact that FEMA emphasizes preventing fraud, waste, and abuse, especially after these issues arose in some of the previous programs they had implemented, and this approach has created obstacles to ensuring that those who need aid are able to receive it.¹² This, in turn, has fostered a sense of mistrust in the federal government by disaster survivors, which for many of whom, this may be their first experience dealing directly with the government at all.¹³ As a solution, May stated:

¹⁰ Ibid, 5.

¹¹ Robert D. Bullard, "Environmental Justice in the 21st Century: Race Still Matters," *Phylon (1960-)*, 49, no. 3/4 (2001): 55, doi:10.2307/3132626.

¹² Reese May, Virtual interview with author, February 17, 2022.

¹³ May, Virtual interview.

The most important thing we can remember going into a community is not “protect FEMA resources from the potentially fraudulent.” ... let these people know that you’re here because you care and that you have resources and that there are some certain things that we can do to access those together.¹⁴

In this way, May highlighted the importance of changing how FEMA looks at aid allocation, stressing the need to move away from the belief that applicants are likely to abuse the system, as this focus on fraud undermined the agency’s goal of helping survivors recover from natural disasters. Instead, it is crucial to take a more collaborative approach, working together with disaster survivors to ensure they are able to receive the aid they need.

Another way that FEMA can address its institutional problems is by making improvements to its Transitional Shelter Assistance (TSA), which provides temporary hotel rooms to disaster survivors.¹⁵ This program requires daily fees, security deposits and that require disaster survivors to have credit cards to be able to participate, which creates obstacles for low-income survivors who may not be able to financially meet the requirements of the program.¹⁶ Additionally, the program was suddenly cut short in Puerto Rico after Hurricane Maria,¹⁷ illustrating the same issues discussed in Chapter 1, where Katrina disaster survivors had to suddenly evacuate out of their temporary housing units provided under the Short-Term Lodging Program without giving adequate reasoning why. As such, FEMA needs to address the obstacles that prevent disaster survivors from being able to access the sheltering program, doing so by removing the hotel requirements that would prevent low-income individuals from being able to stay there temporarily. Additionally, FEMA needs to stick to its promises of sheltering residents

¹⁴ Ibid.

¹⁵ *Statement for the Record of the National Low Income Housing Coalition.*

¹⁶ Ibid.

¹⁷ Ibid.

for a full 18 months, or at the very least better communicate with disaster survivors about their reasoning for abruptly ending the programs. By adhering to these recommendations, FEMA will hopefully be able to improve its ability to accommodate disaster survivors, specifically those who are low-income and therefore more vulnerable to the effects of storms.

Education and Outreach

Finally, in an attempt to improve the relationship between FEMA and the general public, it is also crucial for the agency to focus on their education and outreach strategies. There is a clear need for FEMA to educate people on their programs and services not only in the aftermath of storms, but also more generally as a preventative measure before storms occur, especially in disaster-prone areas. The need for this strategy became apparent as May stated:

When people apply, they don't know what they can get from FEMA. Many think that all their repairs will be handled by FEMA, they'll be made whole that way, which isn't true. Many think that FEMA can replace all of their lost content — also not true. Many think that FEMA will find them — incorrect. It's an applicant-based system, you have to apply.¹⁸

Furthermore, he notes that though about 96% of FEMA applicants accept the first award that FEMA gives them, close to half of the remaining 4% who appeal for a better award are able to receive additional assistance from FEMA.¹⁹ In this way, May demonstrates the lack of knowledge that disaster survivors have regarding FEMA aid, thereby revealing a need to provide more information to the general public about the topic. This information can be disseminated through direct contact between FEMA employees and the public, or the agency can work with community organizations to educate them on how to spread the word, as well. These strategies

¹⁸ May, Virtual interview.

¹⁹ Ibid.

are to some extent already in place, but more needs to be done to further them and strengthen the education and outreach programs in place to engage with the public.

Education and outreach should also involve expanding the information shared through databases to the public and academic community.²⁰ Currently, FEMA does not share information about why applicants were denied aid from the agency, nor what the demographics of those applicants denied were.²¹ In fact, for the data I collected, FEMA did not share demographic data at all. Fortunately, I was able to find and cross reference this data with demographic information from the National Historical Geographic Information System. However, the missing data, specifically with regard to application denials, prevented me from being able to see the extent to which there were inequities involving race, income, age, and disability level in the aid allocation process. Additionally, FEMA does not collect information on what happens to participants after they accept the aid and leave the program.²² This information would be useful in analyzing the extent to which the funds they received from FEMA were enough to make their homes livable again after the storm. As such, FEMA should collect and disseminate these forms of information to the public and academic community. Doing so would allow for more transparency within the agency and help to identify areas where inequities still exist in the aid allocation process, which can be used as a concrete point upon which FEMA can work on these inequities and improve itself as an agency.

FEMA's Approach to Equity

Luckily, there do seem to be some attempts to move toward more equity within the agency. For example, FEMA sent out a Request for Information to the public for ways that it

²⁰ *Statement for the Record of the National Low Income Housing Coalition.*

²¹ *Ibid.*

²² *Ibid.*

could work on equity, environmental justice, and climate change resiliency strategies, encouraging participants to submit comments to the agency or attend public meetings to share their thoughts.²³ FEMA received comments from a range of stakeholders, including organizations, individuals, and state, local and tribal governments.²⁴ These comments, many of which were discussed above, point to the need for better communication and outreach from the agency, improvements to the sharing of data, reduced complexity of the application process to apply for aid, and an expansion of eligibility and transparency within the application process as solutions for how the agency can become more equitable and navigable for disaster survivors.²⁵ FEMA has also been working to develop an Equity Enterprise Steering Group, which aims to look holistically at FEMA as an agency and identify areas to improve equity in its services and programs.²⁶ Additionally, the agency has made efforts to have critical conversations on equity with their employees, exemplified by their “Equity Stand Down” event, where they taught employees about laws and different strategies for incorporating equity, such as where to place Disaster Recovery Centers.²⁷ Furthermore, the agency has focused on expanding its Critical Needs Assistance to be inclusive of disaster survivors who need temporary housing and have not been able to vacate their damaged home. While it is great that FEMA seems to be trying to identify and work on areas of improvement, it is also no secret that past efforts at reforms have been less than fruitful. With this in mind, it is crucial to continue to monitor the agency and

²³ U.S. Department of Homeland Security. FEMA, *FEMA Request for Information Summary Report*, (2021) 1, https://www.fema.gov/sites/default/files/documents/fema_rfi-summary-report_climate-change-and-equity_20210813.pdf

²⁴ Ibid.

²⁵ Ibid.

²⁶ "FEMA Announces Initial Initiatives to Advance Equity," *FEMA*, Press Release, July 21, 2021, <https://www.fema.gov/press-release/20210721/fema-announces-initial-initiatives-advance-equity>.

²⁷ Ibid.

advocate for the implementation of these policy recommendations to ensure that the most vulnerable populations are accommodated after disasters occur.

Systemic Reforms Beyond FEMA

An analysis of the ways that FEMA could improve as an agency also reveals the need to look beyond FEMA as the source of a solution. In addition to the bureaucratic problems that are associated with running the agency, many of the obstacles that disaster survivors face stem from the institutional systems in place that make certain populations more vulnerable to disasters. Considering that FEMA's mission is simply to return a home to its pre-storm condition, it does not fall within the agency's jurisdiction to work on systemic issues outside of this scope, such as federally recognizing indigenous tribes, addressing poverty and homelessness, and dealing with heirs' property. As such, much of this work falls to other federal, state, and local agencies and organizations to address.

Indigenous tribes not being recognized as legitimate by the federal government is a key systemic problem that causes barriers to disaster recovery. Tribes such as the Pointe-au-Chien have been unable to apply for federal public assistance from FEMA because the federal government has failed to recognize them, which has prevented them from accessing necessary aid and resources to rebuild and recover. This complicated recognition process goes beyond FEMA and hints at the systemic institutional problems that are a part of this process. For example, Dr. Laura Kelley, a tribal historian at Tulane University, stated:

It's kind of a really odd situation when you think about it... prove you're an Indian, you know, prove who you are. We don't really ask that of any other groups that I can think of. And it's a complicated and it's an onerous process... [and] you're asking that we use basically Eurocentric-type documents... church records, marriage records, baptisms...²⁸

²⁸ Louisiana Public Broadcasting, "The Plight of Pointe-Au-Chien." February 25, 2022. [10:30-15:39]

Kelley highlights two key challenges with the recognition process, one of which is that indigenous groups are required to prove their identities in a way that other people are not expected to. Additionally, she points to the fact that this identity needs to be proven through Eurocentric records. These problems are inherently discriminatory on the basis of race because they not only discredit the identities of indigenous tribes, but they also box indigenous identities within standards that do not consider the cultures and social practices of these tribes. This then translates to a lack of access to federal aid after disasters. As such, the solution must extend beyond FEMA to include an examination of the federal systems that dictate whether or not tribes will be federally recognized, as well as an inquiry into different culturally-sensitive methods that can be used to verify this recognition.

An examination of the systemic issues that prevent FEMA aid allocations from being fair and equitable must also consider poverty and homelessness. These conditions are often exacerbated by natural disasters, leaving those who were already struggling worse off. The NLIHC suggests that FEMA should expand its temporary housing program and access to its mass shelters to residents who were homeless before the storm as a strategy to best help these vulnerable populations.²⁹ However, the ability to do so is complicated by FEMA's stance on returning disaster survivors to the pre-storm condition of their homes. This position limits the agency's jurisdiction to assist individuals with housing if the individuals were homeless before the storm. Though it would indeed be worthwhile for FEMA to consider this stance as it relates to homeless populations, the search for a solution to poverty and homelessness can not only be undertaken after disasters occur — it needs to extend beyond FEMA and consider the prevailing systemic failures that have allowed for these problems to exist in the first place. As such, it is not

²⁹ *Statement for the Record of the National Low Income Housing Coalition.*

necessarily FEMA's obligation to provide housing to those who were homeless before a natural disaster event occurred. Instead, it is up to other forms of federal, state, and local governments to consider the institutional factors that contribute to poverty and homelessness and provide the necessary assistance to vulnerable populations to combat them.

Additionally, challenges involving heirs' property calls for changes to both FEMA and government systems overall. As discussed in Chapter 3, FEMA has made efforts to expand the documentation they are willing to accept as proof of home ownership, but there are still obstacles to this process that prevent residents from receiving aid. More needs to be done proactively at both the government and community level to prevent this problem from occurring with future storms. For example, policymakers need to be aware of heirs' property and keep it in mind when crafting housing legislation.³⁰ There also needs to be more education and outreach to homeowners with title issues so that they can work to resolve this problem before it is made worse by natural disasters.³¹ Furthermore, the federal government should follow the lead of groups like Louisiana Appleseed that have fought to enact legislation such as the "Heirship Affidavit", which aims to make it easier and less expensive for homeowners to receive a clear title to land in the event that the original owner did not leave a will behind.³² These strategies can help ensure that obstacles to recovery involving heirs' property are resolved before storms hit, which can lessen the strain on both FEMA and disaster survivors in figuring out eligibility for housing assistance.

³⁰ Kane, Christy, Beaugh, Stephanie, and Sias, Gerren. *Addressing Heirs' Property in Louisiana: Lessons Learned, Post-Disaster* (2019) 89, https://www.srs.fs.usda.gov/pubs/gtr/gtr-srs244/gtr_srs244_010.pdf.

³¹ Kane et al, *Addressing Heir's Property in Louisiana*, 92.

³² *Ibid*, 91.

At the same time, FEMA has a unique opportunity to combat poverty and homelessness after disasters occur. As such, regardless of the fact that poverty, homelessness, and challenges to gaining federal recognition need to be tackled at an institutional level outside of FEMA, there should still be efforts made within the agency, as well. Much of this work should exist through developing better connections between FEMA and the general public, as this would create opportunities to foster personal relationships between employees and disaster survivors, which can encourage a more collaborative solution-oriented approach to providing aid to survivors. More concretely, FEMA should allow those who were homeless before storms to access their mass shelters, as this could provide a unique chance for these individuals to meet their basic needs.

Overall, changes need to be made both to FEMA and to the institutional systems in place that perpetuate inequalities for vulnerable groups. Efforts should be made to bridge the gap between FEMA and the general public, and this can be done through ideological shifts within the agency, as well as concrete reforms that would include education and outreach to community members, a consolidation of the application process, adjustments to the Transitional Shelter Assistance Program, the use of aerial photography and PPE during the inspection process, and an expansion of data collection. These changes to the agency need to be paired with a look at systemic issues including federal recognition of indigenous tribes, the proliferation of poverty and homelessness, and problems with heirs' property. These recommendations can help to make the agency more inclusive of all, and ensure that vulnerable populations are being well accommodated in the housing recovery process after disasters hit.

Conclusion

A comparative analysis of FEMA's housing recovery efforts after Katrina, the 2017 hurricane season, and Ida reveal the need for reforms to both the agency and institutional systems in order to better accommodate vulnerable populations. These hurricanes caused severe damage to Louisiana and the United States, leaving behind a need to provide shelter and resources for those impacted by the storm. However, vulnerable populations including BIPOC communities, low-income families, the elderly and people with disabilities struggled the most with accessing adequate resources and housing options from FEMA after the storms. Indeed, many of the same challenges facing these vulnerable populations after Katrina also continued to be seen after Ida, even after legislation such as the Post-Katrina Act and the DRRA were passed in an attempt to reform the agency. As such, it is clear that despite these attempts at reform, more still needs to be done to ensure that FEMA will be inclusive of vulnerable community members in its disaster housing recovery efforts.

A key takeaway from this analysis is that the systemic issues which cause vulnerabilities to certain communities also serve to exacerbate inequalities in the recovery process after natural disasters occur. In order to combat this problem, change must be made both to FEMA and extending beyond the agency. It is crucial to look more closely at systemic issues such as poverty, homelessness, racism, and the lack of recognition for federal tribes. A failure to do so will allow for these problems to continue to compound on one another to make the most disadvantaged populations even more vulnerable. As a federal agency involved with disaster recovery, FEMA itself must play a role in examining these issues so that for the future, vulnerable communities will not continue to be neglected in recovery efforts.

It is also crucial to recognize that this need for reform is heightened by the threat of climate change. As we continue to emit more greenhouse gasses into the atmosphere, the climate will continue to be altered, with there likely being an increase in global temperatures that will lead to a higher frequency and severity of storms now and in the near future. These storms will continue to wreak havoc on communities and disproportionately affect the most vulnerable populations largely because of systemic issues that force the most vulnerable to live in areas likely to be hit worst by the storm, and because these populations will not have easy access to rebuild and recover after disaster strikes. And with the threat of these storms ever increasing, it is crucial for the Federal Emergency Management Agency to act now to reform itself and ensure that it is doing its best to protect and accommodate its most vulnerable disaster survivors. With this in mind, FEMA must heed the lessons learned from Ida, Katrina, and all the storms in between to move forward and finally implement meaningful, equitable reforms within its agency.

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