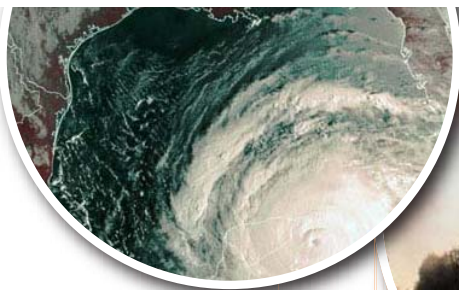




Office of Fair Housing and Equal Opportunity

Disaster Toolkit



EQUAL HOUSING
OPPORTUNITY

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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Dear Fair Housing Partners:

Over the past several years, natural and man-made disasters have devastated many parts of the country, and what echoes in each tragedy is the issue of equitable access to housing. As fair housing advocates, professionals, and providers, we have a responsibility to ensure that everyone has equitable access to safe, sanitary, decent, and accessible housing in the face of a disaster. However, we have learned from experience that housing opportunities have not been equitably afforded and that our disability community has gravely suffered inaccessible housing and inadequate services. Although the Department of Housing and Urban Development does not have the authority to require its partners to develop emergency preparedness plans, we strongly encourage that this toolkit be used to assist fair housing advocates and professionals to begin the dialogue on emergency preparedness within their agencies and to use this toolkit to ensure that fair housing becomes an essential component of state and local disaster plans nationwide.

The Office of Fair Housing and Equal Opportunity's vision of this process is that our fair housing partners will become proactive and, in doing so, will collectively reduce the impact of emergencies on our lives, the communities that we serve, and the community's service providers. We strongly believe that planning for a disaster is essential to ensuring that "affirmatively furthering fair housing" becomes a universal phrase that will be utilized by emergency planning teams in every neighborhood and municipality across the country.

As you develop your plans and begin to address issues such as communication strategies, training, and coordination of resources, please continue to seek the perspective and assistance of your community and to seek opportunities for collaboration. The purpose of this toolkit is to raise awareness, to assist in emergency preparation, and, ultimately, to combat housing discrimination and to further the requirements of the Fair Housing Act in the aftermath of a disaster.

We know that catastrophic events can happen at any time and any place. As fair housing professionals, we have a responsibility to prepare our communities and to ensure that equal housing opportunities are afforded to all especially in the face of tragedy.

Sincerely,

Kim Kendrick

Assistant Secretary for the Office of Fair Housing and Equal Opportunity

EXECUTIVE SUMMARY

The leadership of the Office of Fair Housing and Equal Opportunity (FHEO) strongly believes that, as fair housing professionals, we have a responsibility to ensure that persons affected by disaster are not victimized when searching for a new place to call home. As a measure of prevention and pro-action, FHEO has collaborated with a group of Fair Housing Assistance Program (FHAP) and Fair Housing Initiative Program (FHIP) agencies and other fair housing professionals to develop a fair housing toolkit for emergency preparedness. Toward this end, FHEO engaged the Dixon Group and Emergency Management and Special Needs Consultants to facilitate roundtable discussions to define the role of fair housing in disaster preparedness planning, identify the challenges that fair housing professionals face in responding to disaster situations, develop disaster-related education and outreach initiatives, develop communication strategies, and coordinate enforcement efforts. This document reflects the experiences and input received from the technical work group participants, that included our fair housing partners and FHEO staff, and the framework established by the disaster preparedness plan of Region IV.

Disasters can happen anytime and anywhere, and may force people to flee their homes. During this turbulent time, the immediate need is to find temporary housing for people whose homes have been damaged or destroyed. Once an individual or family has secured temporary housing, the emphasis then transfers to locating and facilitating permanent housing opportunities. These housing opportunities should be afforded to all people, regardless of race, color, sex, disability, national origin, religion, or familial status. This toolkit for fair housing emergency preparedness can be utilized as a basis for planning and can be expanded and modified to meet the needs of your agency. The purpose of this toolkit is to guide and assist fair housing professionals, FHAP and FHIP agencies, and other public servants in their efforts to:

- ◆ Engage in and implement emergency preparedness activities internally
- ◆ Include fair housing processes and protocols as a part of emergency preparedness plans nationwide
- ◆ Develop partnerships and collaborations with agencies tasked with being first- and second-line responders
- ◆ Clarify the fair housing role in emergency response situations

The goal of this toolkit is to remove readiness barriers by providing all communities with strategies, processes, and tools that will help facilitate coordinated fair housing emergency management planning and response activities. The target audience is everyone, including local leaders, responsible for initiating and coordinating emergency management planning efforts throughout the country.

FHEO offers this toolkit as a resource guide and template that can be localized and developed to meet the unique needs of various communities nationwide. As a “living document,” this toolkit is designed to be updated and refined. As FHEO enhances its understanding of disaster preparedness, we will issue modifications to reflect newly revised policies and regulations. The toolkit provides five essential components of an effective fair housing emergency management planning process. Each tab serves as a separate functional component that can be used for different phases of a disaster. The components include the following:

1. **Emergency Management 101:** A fundamental overview of the various phases of emergency management, this section also seeks to define the role of fair housing in the emergency management process.
2. **Continuity of Operations Plan:** This is a step-by-step template that must be customized to ensure the stability of critical functions during a wide range of potential emergencies and events for each agency. In the absence of a continuity of operations plan (COOP), an agency cannot fulfill its mission when a crisis of any size disrupts normal business operations.
3. **Enforcement Responsibilities:** This section provides the protocols and procedures established by FHEO to ensure that, in the aftermath of a disaster, federal, state, and local governments are working in concert to ensure that any alleged housing discrimination does not pose an immediate threat to the life, health, and safety of the victim.
4. **Education and Outreach:** This section is designed to assist fair housing professionals in effectively utilizing education and outreach public service announcements and materials to assist persons seeking housing opportunities and to reinforce that fair housing is not an option, but the law.
5. **Fair Housing 101:** This section provides an abbreviated summary of prohibited housing practices and should be used to assist displaced persons in understanding their rights when seeking housing.

FHEO recognizes that emergency management planning, response, and recovery require considerable time and resources. Nonetheless, it is imperative that fair housing professionals prudently and innovatively utilize and expand upon current partnerships to further the goals and mission of fair housing in emergency preparedness.



EMERGENCY MANAGEMENT 101

Emergency Management 101

INTRODUCTION

This section provides general information about what constitutes a disaster and what your general course of action might be should a disaster occur. It also provides fundamental emergency preparedness activities that should be shared among local officials in order to facilitate a baseline understanding of emergency management.

This section can be used by a senior-level official in your organization to train both staff and fair housing partners who may have a role in a fair housing-related response to a disaster situation.

Deputy Secretary Roy Bennardi appropriately defined fair housing's role in a speech addressing the Atlanta field office, stating, "[The Department of Housing and Urban Development (HUD)] is not a first responder; that is the job of others. But HUD will act within our mission to assist communities to recover from disasters."¹

As part of the nation's housing agency, the Office of Fair Housing and Equal Opportunity (FHEO) will:

- ◆ Train and prepare for disasters
- ◆ Anticipate and evaluate specific disasters as they occur
- ◆ Decide quickly on the most effective actions and their timing within the context of HUD's overall mission and responsibility
- ◆ Ensure HUD's objectives and action plan include fair housing goals
- ◆ Execute and adjust the action plan as needed to accomplish fair housing objectives

The role of fair housing is to ensure that emergency and transitional housing is identified in a manner that provides equal opportunities to all. This includes identifying accessible housing that will accommodate larger families.

- ◆ **Support first responders.** Technical assistance and support should be provided to the frontline first responders—identify where temporary housing can be set up. Communication in this regard should be two ways: First responders need to be made aware of fair housing laws and also need to act as conduits of information when housing issues arise.
- ◆ **Expedite investigations.** When a complaint is received in a locale that has been declared a disaster area, a process for expediting investigations should be in place. HUD or another enforcement entity should be ready to intervene immediately to ensure that information about the violation and its disposition is communicated through the local media, so that others may be educated and further violations prevented.

¹ Quote from Deputy Secretary Roy Bennardi at the Atlanta Field Office Director's meeting, 2005.

- ◆ **Identify Insurance discrimination.** Often there are disparities in insurance coverage and settlements according to the location of a property affected by a disaster. Legal services organizations with expertise in insurance discrimination should be identified and recruited to review disaster insurance policies for low-income and disabled populations. Flyers and handouts detailing the basics of what should be covered by insurance can be disseminated after a disaster to help educate and inform those affected.

Emergency Management Systems

HUD has a vital role in delivering assistance and resources during the recovery phase of a disaster. The Department's involvement in disaster relief is to assess damage to HUD property, assist in securing temporary or permanent replacement housing, assist in implementing recovery housing programs for individuals, and provide technical assistance in economic and housing redevelopment for the community.² Because housing is an essential component of recovery, it is imperative that HUD and its partners work together in all phases of disaster. Building relationships among HUD, fair housing partners, and emergency managers, combined with planning and open communication before a disaster occurs, will facilitate disaster responses that are better informed and include all sectors of the community. Forging partnerships with other federal, state, and local emergency managers before the occurrence of disasters will allow fair housing professionals to deliver efficient, timely, and consistent response and recovery services when a disaster occurs.

To achieve a well-coordinated system of disaster and emergency response or recovery, the principal staff of fair housing enforcement and advocacy agencies should familiarize themselves with key components of emergency management, such as the Incident Command System 6 (ICS) used by the Federal Emergency Management Agency (FEMA), local fire departments, and other first responders. Every administrator should also understand the Emergency Services Functions (ESF) system utilized by FEMA in disasters. This primer provides an overview of the emergency management system in the United States. It covers all five phases of emergency management, placing a special emphasis on preparedness.

EMERGENCY MANAGEMENT STRUCTURE

The emergency management system comprises federal, state, and local government agencies; nonprofit organizations; businesses; and other private-sector entities. To coordinate these efforts, offices of emergency management are established at the federal, state, and local levels. Fair housing agencies (state or not-for-profit) should work hand in hand with their corresponding offices of emergency management to ensure that fair housing issues are addressed during all phases of disaster.

As of March 2003, President Bush consolidated several federal agencies to create the U.S. Department of Homeland Security (DHS). FEMA became the Emergency Preparedness and Response Division (EPR). Because the acronym FEMA is well established, and publicly recognized, it continues to be used by DHS.

²HUD briefing for Kansas City Area Office Staff 2001.

Local Office of Emergency Management

Local offices of emergency management (OEM) differ among jurisdictions. There may be offices at the town, city, or county level that reside within public safety agencies (i.e., fire department or law enforcement). Alternatively, there may be a separate agency that reports to the executive or governing body of that locality. (To find local offices, contact a local public safety agency or state office of emergency management.)

Disaster relief begins and ends at the local level. Each local jurisdiction has plans in place to deal with an assortment of emergencies, including fire, property destruction, hazardous materials incidents, terrorist attack, and medical emergencies. Some jurisdictions have stronger, more practiced plans than others. It is the responsibility of the OEMs to understand how different disasters will affect local jurisdictions. This requires an intimate knowledge of the locality's industry, public works, transportation, infrastructure, special populations, socioeconomic levels, hazard vulnerabilities, capabilities, resources, and other characteristics. Some of the principal responsibilities of the local OEMs are to:

- ◆ Coordinate the disaster mitigation, preparedness, response, and recovery efforts of public and private entities within a locality
- ◆ Initiate and support collaborative disaster planning initiatives and develop a comprehensive disaster plan
- ◆ Provide opportunities for training, drills, and other exercises that test the capabilities of the jurisdiction
- ◆ Develop and implement various public disaster preparedness and education programs
- ◆ Establish communication systems among agencies to ensure effective and reliable means for communicating
- ◆ Maintain a comprehensive inventory of local resources and contacts

State Offices of Emergency Management

Each state has an OEM that works closely with FEMA and the other local offices within the state. The state office is critical to the region in that it assists in the declaration of a state disaster or request for a presidential declaration. The OEM works with the governor, who is responsible for making a state declaration and forwarding a request to the federal government.

Additionally, the primary responsibilities of the state OEM are to:

- ◆ Coordinate state emergency programs, usually with a range of programs operating in a variety of state agencies
- ◆ Develop a comprehensive state plan for disaster mitigation, preparedness, response, and recovery
- ◆ Ensure that state resources are in place to support local entities in all phases of emergency management
- ◆ Serve as a link between local OEMs and FEMA
- ◆ Apply, monitor, and disseminate financial assistance from the federal government

- ◆ Carry out statewide emergency management activities

Federal Office of Emergency Management

The federal government provides assistance to states to supplement their resources. FEMA assistance may take the form of fiscal support, technical assistance, or information about materials, personnel resources, and research. Some of its primary responsibilities are to:

- ◆ Gather information from a state about impacted localities and inform the President about disaster declarations
- ◆ Develop and, when necessary, activate the National Response Plan, which details how federal agencies coordinate and mobilize resources when a presidential declaration is issued
- ◆ Promote emergency management initiatives in disaster preparedness, response, recovery, and prevention throughout the country
- ◆ Develop training materials and information for state and local entities
- ◆ Advocate and allocate funding for state and local offices of emergency management

FEMA provides a list of all state offices of emergency management at www.fema.gov/about/contact/statedr.shtm. This site provides more information about each state's OEM.

Comprehensive Emergency Management

Although OEMs differ among states and localities, they are all based on broad concepts that are defined primarily by FEMA. FEMA's approach, which is adapted at the state and local levels, is termed comprehensive emergency management (CEM) and is accomplished by establishing partnerships with all levels of government and the private sector. These partnerships consider all types of disasters and their impacts through organized analysis, planning, decision-making, and assignment of available resources to prepare for, respond to, mitigate, and recover from the effects of all hazards. Disasters are usually grouped in the following categories:

- ◆ **Natural:** Hurricanes, earthquakes, tornadoes, floods, volcano eruptions, wildfires, snow/ice storms, and extreme heat
- ◆ **Man-made:** Large fires, hazardous material spills, explosions, major transportation accidents, terrorist events, use of weapons of mass destruction, and civil unrest
- ◆ **Technological:** Utility failures, information technology failures (often a subset of natural or man-made disasters)

PHASES OF EMERGENCY MANAGEMENT: LIFE CYCLE OF DISASTERS

To help agencies understand the functions of emergency and disaster management, FEMA has established five phases of emergency management based on a "life cycle" concept of disasters that has since been adapted by state and local emergency management authorities. A disaster is described as a cycle because its

phases may flow into each other with no definitive beginning or endpoint. These five phases are described below.

Awareness

To prepare and respond effectively to an emergency situation, citizens need to be informed about the potential hazards and dangers of their geographic area and to learn about the best responses to these conditions. Different parts of the country face unique climate extremes (e.g., floods, forest fires, hurricanes, tornadoes, heavy snows, or extreme cold or warm temperatures). To prepare for these conditions, people need to find out what has happened in their area in the past and learn how survivors coped with the conditions.

Mitigation

One goal of prevention is to avert loss of life and property from natural disasters. Traditionally, prevention is structural in nature and includes measures such as zoning and land use controls to prevent occupation of high-hazard areas (the most common example is floodplain management), barrier construction to deflect disaster forces (such as levees for flooding or snow sheds on railroads or highways), building codes to improve disaster resistance of structures, and insurance to reduce the financial impact of disasters. At FEMA, the Mitigation Division administers the following nationwide risk reduction programs and congressionally authorized efforts:

- ◆ The National Dam Safety Program
- ◆ The National Earthquake Hazards Reduction Program
- ◆ The National Flood Insurance Program
- ◆ The National Hurricane Program
- ◆ The Hazard Mitigation Grant Program
- ◆ Flood Mitigation Assistance Program
- ◆ Pre-Disaster Mitigation authorized by the Disaster Mitigation Act of 2000

Some emergencies, such as chemical explosions, hazardous materials spills, and fires, can be prevented. Emergency management agencies try to prevent emergencies and disasters by educating businesses and the public on what to do to avert these types of events before they occur. Some prevention activities that have been instituted at the national level include public announcements designed to encourage the public to use smoke detectors, prevent forest fires, and safely use space heaters.

Preparedness

Preparedness consists of the following elements.

Planning

Plans developed by emergency management at the federal, state, or local level describe how emergency response and recovery will be carried out among agencies and organizations. Plans establish specific roles and responsibilities and identify critical resources for emergency management (i.e., personnel, equipment,

shelters, and transportation). Plans take into account highly vulnerable populations and infrastructure within a community.

State and local fair housing enforcement and advocacy agencies should work closely with their emergency management counterparts to integrate response and recovery mechanisms, especially those designed to meet the anticipated needs of the disabled community during a disaster.

At the federal level, the National Response Plan,³ developed and maintained by FEMA, outlines the actions of the federal government in disaster response and recovery and details agency responsibilities. This is a good example of an integrated emergency management response plan.

Between disaster response and recovery, in order to continue to provide critical services to clients in the aftermath of a disaster, service providers must be prepared for potential damage to facilities, loss of equipment, and destruction of vital records. Continuity of operations plans (COOP) ensure that organizations can continue to meet their core missions, even in an emergency, by preparing contingencies for and redundancies to its operations in advance. Each state is responsible for producing and maintaining emergency operations plans or continuity operations plans. These plans are essential for any business entity to recover and restore services after a disaster. Fair housing professionals should work with state OEMs to offer a coordinated approach to ensuring that affirmative fair housing opportunities are incorporated during the recovery phases of disaster.

For more information on COOP, see the following:

- ◆ The Small Business Administration at www.sba.gov/starting_business/planning/basic.html
- ◆ NPower's *Nonprofit Guide to Business Continuity and Disaster Recovery* at www.npower.org/resources/guides/index1.htm
- ◆ FEMA's *Emergency Management Guide for Business and Industry* at www.fema.gov/pdf/library/bizindst.pdf
- ◆ For more information on individual and family preparedness, advice, and checklists see the websites for FEMA at www.ready.gov, the American Red Cross at www.redcross.org/services/disaster, and the National Organization on Disability's Emergency Preparedness Initiative at www.nod.org/emergency.

Local OEMs also have integrated emergency response plans. Fair housing principals should collaborate with first responders (i.e., fire department, law enforcement, and emergency management) in their respective jurisdictions during planning processes. This will provide education and outreach opportunities as well as assisting first responders with understanding the role of fair housing during the recovery phase.

Community plans have also been developed by many local homeownership and community groups. These plans outline emergency procedures, including local meeting places, for the public. It is imperative that state and local fair housing agencies ensure that community plans are not discriminatory and that they meet the needs of the disabled population.

³ The Federal Response Plan outlines the roles and responsibilities of federal government agencies and other entities during a federally declared disaster. Information on the FRP is available at [\[http://www.training.fema.gov/emiweb/IS/is800a.asp.\]](http://www.training.fema.gov/emiweb/IS/is800a.asp)

Training

FEMA's national emergency training center provides opportunities for emergency managers, firefighters, elected officials, and other emergency personnel to take classes in many aspects of emergency management. Courses offer instruction on all aspects of emergency management, including the design of emergency plans, emergency exercises, and evaluation of building and community features that make them vulnerable to disasters. The center also provides special workshops and seminars for citizens. Similar courses are also offered by many states.

Exercises

Plans may not work if they are not tested before they are put into practice. Exercises can range from discussions of specific problems to full-scale practice of procedures to be followed during a disaster scenario. Exercises bring together all emergency personnel, agencies, and, in some cases, community members who would respond to and be affected in a real disaster. Government agencies, businesses, communities, and schools are encouraged to conduct drills to test the feasibility of their plans. Because the disabled often experience difficulties with mobility, it is especially important for the network to help emergency management agencies ensure that their plans address accessibility issues when developing plans for temporary housing (e.g., accessible routes to temporary housing and accessible features in the housing units).

Community and Family Preparedness

Communities, individuals, and families can be better prepared for disasters by educating themselves and taking steps to have essential supplies, contact lists, and other resources set aside before a disaster. FEMA, other federal agencies, and national emergency organizations have developed tools to help communities, individuals, and schools prepare themselves to function during an emergency before assistance can be provided.

All fair housing enforcement and advocacy agencies should promote disaster preparedness and education among personnel. The more quickly personnel can recover, the more quickly they can help clients in need.

Fair housing agencies can provide information to local service agencies that can promote disaster preparedness and education for both personnel and clients.

Response

During the response phase, the role of emergency management is to alert and notify both the public and partner agencies (when possible), protect citizens and property, provide for public welfare, and restore critical services. The emergency management players use key resources and activate the emergency plans during the onset, impact, and immediate restoration of critical services in the aftermath of a disaster. Because large disasters often overwhelm the capacity of the impacted locality, state and possibly federal resources supplement the response of local emergency management agencies and volunteer organizations. In addition to local emergency first responders, non-government relief agencies (i.e., American Red Cross, Salvation Army, etc.) have a role and are usually on the scene to assist with feeding and sheltering immediately following a disaster. Some examples of activities that occur during response include:

- ◆ Activating the emergency operations plan
- ◆ Providing emergency rescue and medical care, fire fighting, and urban search and rescue

- ◆ Providing emergency infrastructure protection and recovery of lifeline services (i.e., restoring electric power and other major utilities)
- ◆ Activating the emergency operations center
- ◆ Evacuating impacted or threatened populations
- ◆ Opening shelters and provision of mass care
- ◆ Managing fatalities

Recovery

In the recovery phase, actions are taken after the immediate impact of the disaster has passed. The goal of recovery is to stabilize a community and to restore some semblance of normalcy. This phase can often last years after a disaster. Although different disasters call for different types of recovery services, typical recovery actions include:

- ◆ Disaster debris cleanup
- ◆ Damage assessment
- ◆ Coordination and dissemination of financial assistance to individuals and governments
- ◆ Rebuilding of roads, bridges, and key facilities
- ◆ Sustained mass care for displaced human and animal populations
- ◆ Temporary and permanent housing relocation services
- ◆ Burial of displaced human remains
- ◆ Full restoration of lifeline services
- ◆ Mental health and pastoral care
- ◆ Volunteer coordination and management
- ◆ Community outreach campaigns to provide information and ensure access to services for those affected by the disaster

EMERGENCY ESCALATION AND THE DECLARATION PROCESS

Depending on the magnitude of the incident, a disaster situation can escalate from the local to the state or federal levels. The larger the scope of the emergency, the more resources are required to meet ensuing needs. When a disaster occurs, first responders (i.e., fire, police, and emergency medical teams) and any additional resources are deployed using the incident command system (ICS).

The ICS is a universally accepted command and control system initiated at the disaster site. It establishes an incident commander and a hierarchy of support staff needed to address the situation. Using principles of communication, coordination, collaboration, and cooperation, all emergency personnel immediately know their roles and responsibilities in the hierarchy and to whom they are to report. These roles are often outlined within the emergency plans before the disaster occurs. Generally, resource allocation and mobilization are handled in the field at the disaster site; however, during large incidents or disasters, the local emergency management agency may open an emergency operations center (EOC)⁴ to facilitate coordination and communication. The EOC also utilizes the ICS.

When the local emergency management system is overwhelmed and resources are limited, the locality will often reach out to regional partners or to the state office of emergency management (or to both) to request assistance. The governor may decide to declare a state emergency in order to release state resources (e.g., personnel, equipment, and funding) to the impacted locality. This decision is based on damage and needs assessment that measures the impact of the disaster on individuals, public facilities, and infrastructure. In some instances, where the need for state support is obvious, the release of resources may be instantaneous. In cases where the impact is marginal, it may take several weeks or months for the local jurisdiction to “prove” its need to the state.

When a disaster overwhelms the capabilities of the state, the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act are implemented, and the governor, as mandated by the Act, must submit a request for a Presidential Disaster Declaration so that federal resources can be released. At times, the request may precede documentation (as is the case in a catastrophic disaster), but ultimately the governor will need to provide a preliminary damage assessment (PDA) that documents the severity and magnitude of the events. Additionally, the State Emergency Plan must be activated; the nature and amount of state and local resources committed, or the amount that is expected to be needed to alleviate the impact of the disaster, must be described. An estimate of the type and amount of assistance needed under the Stafford Act must also be provided.

To make a case for a presidential declaration, the local and state emergency management will work with other entities to measure the impact. For instance, the American Red Cross will often provide the local or state emergency management agency with a damage assessment of residences that have been impacted and an estimate of recovery costs.

⁴ This is an operations center that is situated away from the disaster site and staffed by critical government agencies and other select entities to enhance coordination, communication, and decision-making among agencies to support the response in the field. Some jurisdictions are equipped with state-of-the-art EOCs with advanced communications, telecommunications, and mapping capabilities, whereas others may have only the basics—a phone, radios, and a television.

On the basis of a governor's request, the President may declare that a major disaster or emergency exists, thus activating those federal programs that are designated to assist in the response and recovery effort. The declaration process can be instantaneous (such as in the case of the September 11, 2001, terrorist attacks) or it could take several weeks or months. To find out the status of the disaster, groups must work with emergency management officials. Federal disaster assistance available under a major disaster declaration falls into three general categories:

- ◆ **Individual Assistance:** Aid to individuals, families, and business owners. Individuals can access FEMA individual assistance through an 800 telephone number that FEMA publishes after a disaster occurs. Eligibility requirements will be released at the time of the disaster. In addition to FEMA assistance, nonprofit relief organizations and other governmental agencies may also be providing assistance to those impacted.
- ◆ **Public Assistance:** Aid to public and certain private nonprofit entities for specified emergency services and the repair or replacement of disaster-damaged public facilities. Agencies involved in the response to or recovery from a disaster are eligible for reimbursement of the costs caused by the disaster. To obtain this assistance, it is necessary for agencies to have a written record and to keep track of expenditures, hours worked, and other details. Agencies should work with emergency management officials to determine what types of expenditures should be tracked and how to best track them.
- ◆ **Mitigation Assistance:** Aid to improve infrastructure conditions that will lessen the impact of a similar disaster in the future.

As service providers, it is critical to learn the specifics of the FEMA programs so that clients can be instructed on how to obtain assistance after being impacted by a disaster. FEMA assistance may not be adequate for full recovery, so often the nonprofit agencies and organizations within the community will work together to meet remaining needs and provide additional assistance.

CONCLUSION

This primer serves as an introduction to and brief overview of the complex emergency management system within the United States. It also shows how developing relationships with emergency management officials now will allow for better communication and collaboration when a disaster occurs. In turn, these relationships enable service providers to meet the needs of their clients in more effective ways.

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EMERGENCY RESOURCES FOR FAIR HOUSING

HUD Disaster Assistance Frequently Asked Questions (FAQ)

Introduction: This section of the kit provides a variety of sample documents, frequently asked questions and definitions to aid fair housing professionals with developing tools that will assist the agency in defining its role; implementing Memorandums of Understanding (MOU) to create clearly defined partnerships during disaster recovery; and a sample disaster plan that details a number of FHEO's processes when responding to disasters.

The Department's Office of Community Planning and Development compiled a list of Frequently Asked Questions during a disaster to provide Community Development Block Grant Recipients (CDBG) with standard guidance and protocols.

1. What is the [statutory authority](#) for the disaster recovery funds?

CDBG Supplemental Appropriation statutory language by year

Military Construction Appropriations and Emergency Hurricane Supplemental Appropriations Act, 2005 (Public Law 108-324, approved October 13, 2004): Community Development Block Grant funds are "for use only for disaster relief, long-term recovery, and mitigation in communities affected by disasters designated by the President between August 31, 2003 and October 1, 2004, except those activities reimbursable by the Federal Emergency Management Agency or available through the Small Business Administration, and for reimbursement for expenditures incurred from the regular Community Development Block Grant formula allocation used to achieve these same purposes." "[A]t least 50 percent of the funds under this heading must benefit primarily persons of low and moderate income unless the Secretary makes a finding of compelling need." "[A]ny project or activity underway prior to a Presidential disaster declaration may not receive funds under this heading unless the disaster directly impacted the project." "[E]ach state shall provide not less than 10 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the state under this heading." See Federal Register notice.

Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (P.L. 105-277): CDBG disaster funds are "for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal years 1998 and 1999, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers." "[A]t least 50 percent of the funds under this heading must benefit primarily persons of low- and moderate-income unless the Secretary makes a finding of compelling need." "[E]ach State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading." "[A]ny project or activity underway prior to a Presidentially declared disaster may not receive funds under this heading unless the disaster directly impacted the project." See Federal Register notice. This includes grant numbers beginning with: B-99-DK.

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (P.L. 105-276): CDBG disaster funds for the city of Oklahoma City, for a revolving loan pool that is subject to the following requirements and conditions: (1) amounts in the pool shall be available only for the purpose of making loans to carry out economic development activities that primarily benefits the bombing area, and covering costs involved in administering the loan pool; (2) amounts shall be available for use from the loan pool only to the extent that the amounts contributed to the loan pool (or committed to be contributed) from non-Federal sources equal or exceed two times the amounts provided; (3) any repayments of principal and interest from loans made by the pool shall be deposited in the pool and shall be available for use for loans under these requirements; (4) amounts in the pool may not be used to provide loans to any agency or entity of the Federal Government or any State government or unit of general local government; (5) amounts provided by this appropriation shall be available for use from the loan pool only if the city of Oklahoma City agrees to deposit in the pool the proceeds from any amounts that are repaid to the city under loans made by the city using amounts appropriated under Public Law 104-19. The grant number is B-98-MO-40-0003.

For CDBG disaster funds appropriated for any fiscal year 1999 and beyond, "not more than \$250,000 may be used for the non-Federal cost-share of any project funded by the Secretary of the Army through the Corps of Engineers." This includes any CDBG disaster grant number beginning with: B-99 or a later year.

1998 Supplemental Appropriations and Rescissions Act (P.L. 105-174): CDBG disaster funds are "for use only for disaster relief, long-term recovery, and mitigation in communities affected by Presidentially declared natural disasters designated during fiscal year 1998, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers." "[A]t least 50 percent of the funds under this heading must benefit primarily persons of low- and moderate-income unless the Secretary makes a finding of compelling need." "[E]ach State shall provide not less than 25 percent in non-Federal public matching funds or its equivalent value (other than administrative costs) for any funds allocated to the State under this heading." See Federal Register notices dated October 22, 1998 (63 FR 56763-56780), March 10, 1999 (64 FR 11943-11945), and September 3, 1999 (64 FR 48411) for rules governing the use of funds. This includes grant numbers beginning with: B-98-DD.

1997 Emergency Supplemental Appropriations Act for Recovery from Natural Disasters, and for Overseas Peacekeeping Efforts, Including Those in Bosnia (P.L. 105-18): CDBG disaster funds are "for use only for buyouts, relocation, long-term recovery, and mitigation in communities affected by the flooding in the upper Midwest and other disasters in fiscal year 1997 and such natural disasters designated 30 days prior to the start of fiscal year 1997, except those activities reimbursable or for which funds are made available by the Federal Emergency Management Agency, the Small Business Administration, or the Army Corps of Engineers." See Federal Register notices dated September 8, 1997 (62 FR 47343-47358) and June 29, 1998 (63 FR 35135-35137) for rules governing the use of funds. This includes grant numbers beginning with: B-97 or 98-MU, UU, DU, or NU.

Omnibus Consolidated Rescissions and Appropriations Act of 1996 (P.L. 104-134): CDBG disaster funds are for expenses and repairs related to fiscal year 1996 Presidentially declared flood disasters through April 26, 1996. This includes grant numbers beginning with: B-96-MR, UR or DR.

Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-Terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995 (P.L. 104-19): CDBG disaster funds are "to assist property and victims damaged and

economic revitalization due to the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995." The grant number is B-95-MO-40-0003.

Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (P.L. 103-327): CDBG disaster funds are for expenses in the cities of Los Angeles and Santa Monica resulting from the January 1994 earthquake in Southern California. An additional amount of CDBG disaster funds are "to be used to assist States, local communities, and businesses in recovering from the flooding and damage caused by Tropical Storm Alberto and other disasters." This includes grant numbers beginning with: B-94-MG, MA or DA.

Emergency Supplemental Appropriations Act of 1994 (P.L. 103-211): CDBG disaster funds are for "expenses resulting from the January 1994 earthquake in Southern California or the Midwest Floods of 1993." With respect to funds "used by recipients affected by the Midwest flood of 1993 for the purpose of hazard mitigation through flood plain real property acquisition or relocation," ... "such activities will be subject to the requirements of section 3 and 4 of the Hazard Mitigation and Relocation Assistance Act of 1993" that essentially limits the use of funds to voluntary acquisitions and reuse of the real property in perpetuity to uses "compatible with open space, recreational, or wetlands practices." This includes grant numbers beginning with: B-94-MF, UF, DF, ME, or UE.

Emergency Supplemental Appropriations for Relief From the Major Widespread Flooding of the Midwest Act of 1993 (P.L. 103-75): CDBG disaster funds are for use "only in areas affected by the Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters." Funds "shall be used only to repair, replace, and restore facilities damaged or to continue service interrupted by Midwest floods, high winds, hail and other related weather damages of 1993 and other disasters that are essential to public health and safety." This includes grant numbers beginning with: B-93-MF, UF or DF.

Supplemental Appropriations Act of 1993 (Public Law 103-50): CDBG disaster funds are "for use only for the repair, renovation, or replacement, or other authorized community development activities affecting structures damaged or destroyed by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar, and other Presidentially declared disasters," or "for use only in areas impacted by Hurricane Andrew, Hurricane Iniki, or Typhoon Omar." This includes grant numbers beginning with: B-93-MH, UH, DH, SH, or DI.

HUD Disaster Assistance Frequently Asked Questions (FAQ)

1. How does a community or state [become a disaster recovery grantee](#)?

From time to time, Congress may appropriate supplemental CDBG funds to help communities recover from major federally declared disasters. HUD will notify potential grantees if and when funds become available. HUD does not have discretionary funds available for disaster recovery.

The October 13, 2004, supplemental appropriation provides for grants to states (including Indian tribes) to be administered by each state in conjunction with its community development block grants program. HUD analyzed needs data and determined grant allocations, which were published in the Federal Register December 10, 2004.

To receive its allocation, each state must submit an Action Plan to its local HUD field office in accordance with the Federal Register Notice.

2. What [rules](#) govern these grants?

Most disaster recovery grants are made from CDBG supplemental appropriations, so, in general, the regular CDBG rules apply except as they have been modified by a statute or a Federal Register Notice. **2004 Supplemental Appropriation ("DJ" grant numbers)**

- ◆ Notice of Disaster Recovery Funds Availability and Waivers [FR-4959-N-01](#), published December 10, 2004
- ◆ All civil rights and fair housing statutes govern these grants.

HUD Disaster Assistance Frequently Asked Questions (FAQ)

1. What's involved in [reviewing an Action Plan](#)?

Reviewing the Action Plan

HUD Field Office staff review the Action Plans for CDBG supplemental grants for disaster recovery submitted by each disaster recovery grantee for completeness, eligibility, and substance before preparing a grant agreement. CPD representatives work directly from the applicable Notice, which lists the required elements for the submission.

The initial Action Plan submission to the field office may be in paper or online in the Disaster Recovery Grant Reporting (DRGR) system. The required application form (SF 424) and the certifications must be signed and submitted in paper form to the Field Office. (Either way, the grantee must submit the Action Plan in DRGR prior to submitting its first performance report.)

Action Plan review usually begins before the actual submission to the Field Office. HUD staff usually discusses program requirements with grantees prior to the submission to ensure rapid processing of applications.

For additional information regarding the requirements for review go to the following website:
<http://hudatwork.hud.gov/po/d/progproc/disaster/actionplan.cfm>.

2. [What office can HUD staff call](#) with a request for a waiver or extension or questions?

Staff in the Disaster Recovery and Special Issues Division at headquarters work on CDBG supplemental appropriations for disaster recovery. Call 202-708-3587 and ask for Jan Opper or Jessie Handforth Kome for guidance on how to request waivers and extensions or with your program questions.

E-mail also works for getting your questions answered:

[Jan C. Opper@hud.gov](mailto:Jan_C_Opper@hud.gov)

[Jessie Handforth Kome@hud.gov](mailto:Jessie_Handforth_Kome@hud.gov)

HUD Disaster Assistance Frequently Asked Questions (FAQ)

1. What [reports](#) are required? How often?

Three types of reports are required:

1. Quarterly reports in the Disaster Recovery Grant Reporting or (DRGR) system are due 30 days after the end of each calendar quarter. A grantee's first report is due 30 days after the first complete calendar quarter after it receives its grant.
2. Annual financial summary reports in DRGR are due with the fourth quarterly report and with every fourth report thereafter.
3. Quarterly Federal Cash Transaction Reports (on paper to the field office) are due 30 days after the end of each calendar quarter from the start of the grant. Failure to submit a FCTR in a timely manner results in a flag (stop order) on the grantee's LOCCs account.

Note that these grants do not have a program year. We keep track of them by calendar quarters.

1. How do I [access the Disaster Recovery Grant Reporting](#) (DRGR) system?

DRGR is a password protected internet based reporting system grantees use to submit action plans and reports and HUD staff use to review grantee submissions and to generate reports to Congress. The website to access this information is: <http://hudatwork.hud.gov/po/d/progproc/disaster/accessdrgr.cfm>.

2. For grants made under the December 10, 2004, notice, must grantees [distribute funds](#) for housing, economic development and public facilities in the same proportions as HUD used for calculating the overall distribution formula?

No. Each grantee must distribute funds in accordance with the greatest needs in its state.

Sample Memorandum of Understanding

This document can serve as a model Memorandum of Understanding to clearly define a fair housing agency's role in disaster recovery. This sample MOU creates obvious delineations between FHEO, the FHAP and other disaster recovery agencies.

Memorandum of Understanding between U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity, U.S. Department of Agriculture Office on Civil Rights, Florida Commission on Human Relations, Fair Housing Assistance Program Agencies in the State of Florida, Fair Housing Initiative Program Organizations in the State of Florida, and Other Participating Entities for Statewide Disaster Efforts

This Memorandum of Understanding (MOU) is between the U.S. Department of Housing and Urban Development Office of Fair Housing and Equal Opportunity (herein after FHEO), the U.S. Department of Agriculture, Office on Civil Rights (hereinafter USDA), and the Florida Civil Rights Partners comprised of the Florida Commission on Human Relations (FCHR), Fair Housing Assistance Program (herein after FHAP) agencies and Fair Housing Initiative Program (herein after FHIP) organizations and other participating parties (OPP), throughout the State of Florida which are responsible for enforcing the Federal and State Fair Housing Act, as amended, and local fair housing ordinances throughout the State of Florida; and,

Whereas proactive intervention will be offered in a timely manner to the residents of the State of Florida to minimize the potential increase in housing discrimination due to loss of homes as a result of a natural disaster.

Therefore, we agree,

That FHEO is the principal federal entity responsible for creating equal housing opportunities for all persons living in America by administering and enforcing laws that prohibit discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status and disability;

That particular activities carried out by FHEO and USDA include implementing and enforcing the Fair Housing Act and other civil rights laws, Title VI of the Civil Rights Act of 1964, Section 109 of the Housing and Community Development Act of 1974, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Title IX of the Education Amendments Act of 1972, and the Architectural Barriers Act of 1968;

That USDA is principally responsible for ensuring compliance with applicable laws, regulations, and policies in all programs conducted by USDA or programs receiving Federal financial assistance from USDA, for the benefit of USDA customers, and employees regardless of race, color, national origin, gender, religion, age, disability, sexual orientation, marital or family status, political beliefs, parental status, protected genetic information or because all or part of an individual's income is derived from any form of public assistance.

That FCHR is the principal State agency, mandated by the Florida Legislature, to prevent and eliminate unlawful discrimination by ensuring the people of Florida are given equal access to housing, employment, and certain public accommodations. As such, FCHR holds statewide jurisdiction.

That FHAP agencies strengthen fair housing efforts by helping individual State and local governments administer laws of their own and conduct investigations that are consistent with the Federal Fair Housing Act;

That FHIP organizations and other participating entities assist the fair housing efforts by among other things, formulating or carrying out programs to prevent or eliminate discriminatory housing practices through outreach and education;

That a natural disaster could create imminent loss of homes to thousands of residents in our State;

That preventing the potential increase of discriminatory housing practices is the principal responsibility of FHEO, USDA, FCHR, FHAP, FHIP agencies and other participating entities throughout the State of Florida;

That FHEO, USDA, FCHR, FHAP, FHIP agencies and other participating entities collectively recognize that cooperative education and outreach efforts are vital tools in assisting residents, housing providers and recipients of federal funds in understanding their rights and protections under Federal, State and local Fair Housing Acts/Ordinances throughout the State of Florida;

That FHEO, USDA, FCHR, FHAP, FHIP and other participating entities' collaborative efforts to timely and properly implement the Statewide Fair Housing Disaster Plan preserves the integrity of fair housing education and enforcement;

That collaborative fair housing education and enforcement efforts will assist FHEO, USDA, FCHR, FHAP, FHIP agencies and other participating entities in recognizing the early warning signs of discriminatory housing practices throughout the State of Florida, and thereby give immediate attention to instruct the public of their rights under the Federal, State, and local Fair Housing Acts/Ordinances throughout the State of Florida;

That collaborative fair housing education and enforcement efforts will better equip the public in seeking the resources within the various jurisdictions of FHEO, FCHR, FHAP, FHIP agencies and other participating entities throughout the State of Florida to exercise their rights to file housing discrimination complaints;

That FHEO, USDA and FHAP agencies throughout the State of Florida will expeditiously address and investigate all allegations of housing discrimination based on race, color, religion, sex, national origin, familial status and disability brought to their attention during and after its Disaster Efforts.

We collectively agree also to follow all appropriate and relevant provisions identified in the Statewide Fair Housing Disaster Plan to increase our ability to immediately implement fair housing education and enforcement efforts in the areas impacted by all natural disasters affecting all counties and jurisdictions within the State of Florida.

Accordingly, We agree to identify and appoint a Disaster Liaison during the early predictions of or immediately after the onset of a confirmed disaster to inform, counsel, evaluate, coordinate, plan, advise and directly participate in all emergency fair housing efforts to facilitate elements of the disaster by complying with the guidelines identified in the Statewide Fair Housing Disaster Plan.

Therefore, this MOU affirms the objectives of FHEO, USDA and the Florida Civil Rights Partners comprised of FCHR, FHAP agencies, FHIP organizations and other participating entities throughout the

The Office of Fair Housing and Equal Opportunity and the
Fair Housing Volunteer Technical Work Group Toolkit

State of Florida to comply with the requirements identified in the Statewide Fair Housing Disaster Plan as declared herein.

Agreed and signed this _____ day of _____, 2007.

(Append the requisite number of signature names and titles)

HUD Secretary or Assistant Secretary for Fair Housing and Equal Opportunity

USDA Secretary or Undersecretary

10 FHAP Agencies in Florida

9 FHIP Agencies

Other Participating Entities

Sample of Key Terms and Acronyms

For the purposes of the National Incident Management System, the following terms and definitions apply.

Awareness: The continual process of collecting, analyzing, and disseminating intelligence, information, and knowledge to allow organizations and individuals to anticipate requirements and to react effectively.

Emergency: Any natural or man-made situation that results in or may result in substantial injury or harm to the population or substantial damage to, or loss of, property.

Emergency Operations Centers (EOCS): Also called Expanded Dispatch, Emergency Command and Control Centers. EOCs are used in various ways at all levels of government and within private industry to provide coordination, direction, and control during emergencies. EOC facilities can be used to house Area Command activities as determined by agency or jurisdiction policy.

Emergency Operations Plan (EOP): The plan that each jurisdiction has and maintains for responding to appropriate hazards.

Evacuation: Organized, phased, and supervised dispersal of civilians from dangerous or potentially dangerous areas, and their reception and care in safe areas.

First responder: Local police, fire, and emergency medical personnel who first arrive on the scene of an incident and take action to save lives, protect property, and meet basic needs. First responders may include federal, state, or local responders.

Functional area: A major grouping of the functions and tasks that agencies perform in carrying out awareness, prevention, preparedness, response, and recovery activities.

Homeland Security Presidential Directive-5 (HSPD-5): A presidential directive issued on February 28, 2003, and intended to enhance the ability of the United States to manage domestic incidents by establishing a single, comprehensive national incident management system.

Incident: An occurrence—either a man-made or a natural phenomenon—that requires action by emergency service personnel to prevent or minimize loss of life or damage to property or natural resources.

Incident Command Post (ICP): The location at which the primary command functions are executed. The ICP may be co-located with the incident base or other incident facilities.

Incident Command Systems (ICS): A standardized on-scene emergency management concept specifically designed to allow its user(s) to adopt an integrated organizational structure equal to the complexity and demands of single or multiple incidents without being hindered by jurisdictional boundaries. Some jurisdictions use the term Incident Management Systems (IMS) to describe such an organization. For purposes of the NIMS, the terms are intended to be synonymous.

Incident Manager (IC): The individual responsible for the management of all incident operations at the incident site.

Joint Operations Center (JOC): Following a significant terrorist threat or an actual incident that falls within the criminal jurisdiction of the United States, the FBI, acting on behalf of the Department of Justice, will establish a Joint Operations Center, depending on the size and complexity of the incident, to bring together the necessary investigative/law enforcement assets to respond to and resolve the threat or incident.

Life-cycle operations: Examples of mechanisms for awareness, prevention, preparedness, response, and recovery include:

- ◆ Threat, risk, and vulnerability assessments;
- ◆ Information management and intelligence coordination;
- ◆ Grant assistance; and
- ◆ A national training and exercise system.

Major disaster: As defined under the Stafford Act, any natural catastrophe (including any hurricane, tornado, storm, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused by the disaster.

Mitigation: Those activities designed to alleviate the effects of a major disaster or long-term emergency or long-term activities to minimize the potentially adverse effects of a future disaster in affected areas.

Mobilization: The process and procedures used by all organizations federal, state, and local for activating, assembling, and transporting all resources that have been requested to respond to or support an incident.

National Incident Management System (NIMS): A system mandated by HSPD-5 that provides a consistent nationwide approach for federal, state, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity. To provide for interoperability and compatibility among federal, state, and local capabilities, the NIMS includes a core set of concepts, principles, and terminology. HSPD-5 identifies these as the incident command system; multi-agency coordination systems; unified command; training; identification and management of resources (including systems for classifying types of resources); qualifications and certifications; and the collection, tracking, and reporting of incident information and incident resources.

National Response Plan (FRP): A plan mandated by HSPD-5 that integrates federal government domestic awareness, prevention, preparedness, response, and recovery plans into one all-discipline, all-hazards plan.

Office of Emergency Management (OEM): The office at state and local levels where all emergency management functions are housed and coordinated.

Preparedness: The activities necessary to build and sustain performance across all of the other domains. Preparedness is part of the life cycle of a specific incident in that it includes the range of deliberate, time-sensitive tasks that need to occur in the transition from prevention to response. Preparedness can also be characterized as a continuous process or cycle. Preparedness involves efforts at all levels of government and within the private sector to identify risks or threats, to determine vulnerabilities, to inventory resources available to address those vulnerabilities, and to identify requirements or shortfalls, resulting in a preparedness plan to remedy shortfalls over time.

Prevention: Actions to avoid an incident, to intervene to stop an incident from occurring, or to mitigate an incident's effects. It involves actions to protect lives and property and to defend against attacks. It involves applying intelligence and other information to a range of activities that may include such countermeasures as deterrence operations; heightened inspections; improved surveillance and security operations; investigations to determine the full nature and source of the threat; public health surveillance and testing processes; immunizations, isolation, or quarantine; and law enforcement operations aimed at deterring, preempting, interdicting, or disrupting illegal activity.

Private sector: Nongovernmental organizations, including voluntary organizations. These organizations can provide essential services to victims regardless of their eligibility for federal or state assistance. Volunteers enhance community coordination and action at both the national and local levels.

Public Information Officer (PIO): Official at headquarters or in the field responsible for preparing and coordinating the dissemination of public information in cooperation with other responding federal, state, and local agencies.

Recovery: Those actions necessary to restore the community back to normal and to bring the perpetrators of an intentional incident to justice. It entails the development, coordination, and execution of service and site restoration plans; the reconstitution of government operations and services; individual, private-sector, and public assistance programs to provide housing and to promote restoration; long-term care and treatment of affected persons; additional measures for social, political, environmental, and economic restoration; evaluation of the incident to identify lessons learned; post-incident reporting; and development of initiatives to mitigate the effects of future incidents.

Response activities: To address the immediate and short-term effects of an emergency or disaster. Response includes immediate actions to save lives, protect property, and meet basic human needs.

Resource management: An efficient incident management requires a system to identify available resources at all intergovernmental levels in order to enable timely and unimpeded access to resources needed to prepare for, respond to, or recover from an incident. Resource management under the NIMS includes mutual-aid agreements, the use of special federal teams, and resources mobilization protocols.

Resources: All personnel and major sources of equipment, supplies, and facilities available, or potentially available, for assignment to incident or event tasks on which status is maintained.

Staging area: A location set up at an incident where resources can be placed while awaiting a tactical assignment. Staging areas are managed by the Operations Section.

Terrorism: The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

Unified Area Command: A Unified Area Command is established when incidents under an Area Command are multi-jurisdictional.

Unified Command: An application of ICS used when there is more than one agency with incident jurisdiction. Agencies work together through their designated Incident Commanders at a single ICP to establish a common set of objectives and strategies and a single Incident Action Plan.

Volunteer: Any individual accepted to perform services by the lead agency, which has authority to accept volunteer services (examples: see 16 U.S.C. 742f(c)). A volunteer is subject to the provisions of the authorizing statute and the NCP.

Weapon of mass destruction (WMD): Any device, material, or substance used in a manner, in a quantity or type, or under circumstances evidencing intent to cause death or serious injury to persons or significant damage to property.

Sample of FHEO's Regional Disaster Plan

The Office of Fair Housing and Equal Opportunity's (FHEO's) Region IV was hit with major disasters over the past several years. Of necessity, the Region IV office has successfully taken the lead in preparing FHEO in formulating a disaster plan. The sample document provided here is a sample of the plan created by Region IV.

Preparation

Planning, training, and implementation of a coordinated disaster plan response is essential to the Department's relief efforts in assisting communities and maximizing effective use of the Department of Housing and Urban Development's (HUD's) resources.

Regional Office Actions: The Regional Director shall ensure that the Regional Office Disaster Team takes necessary steps for regional and field operational disaster readiness.

Establish a Regional Disaster Recovery Team: The Regional Director will designate a Regional Disaster Recovery Team consisting of the following:

- ◆ The Region Director as Chair
- ◆ The Deputy Regional Director as the Disaster Coordinator
- ◆ The Director of each program area—the Office of Community Planning and Development (CPD), the Office of Public and Indian Housing (PIH), the Office of Multifamily Housing Programs (MFH), the Office of Fair Housing and Equal Opportunity (FHEO), the Office of General Counsel (OGC), and the Office of the Inspector General (OIG)
- ◆ The Public Affairs Officer as Disaster Communications Lead

Training of Disaster Recovery Teams: The Disaster Recovery Team members should review appropriate disaster-related documents and attend training sessions. The Regional Disaster Coordinator, working with the Regional Training Officer, will be responsible for the training activity. Sessions will be conducted at least semiannually, with one session in the month prior to the start of hurricane season. The training will include building knowledge of the Federal Emergency Management Agency (FEMA), the American Red Cross, emergency management, and other federal agency disaster responsibilities. Other training activities will include use of communications equipment and preparing proper reports for use by the Department.

Disaster Plan All-Employee Orientation: The Disaster Coordinator has direct responsibility to coordinate the briefing and training of Region IV employees regarding disaster roles and responsibilities.

Establish Communication Process: Internal communication concerning employee status is critical. The Regional Director must be able to identify employee status in an affected area. The Communications Lead will work with the Office of Administration and the team to ensure that proper communications protocols are in place.

HUD Employee Hotline Number: The region, in coordination with headquarters, will establish an 800 telephone number to be operational and available 24 hours per day, 7 days per week, at the onset of a disaster.

All employees will be encouraged to carry this number with them. Employees in an affected area will call to indicate their status as soon as possible. The Regional Director will compile all employees' status, and will notify headquarters and the Field Office Director (FOD) of the status of employees in each affected field office.

Communications: Communication devices will be obtained for each Field Policy and Management (FPM) member of the Regional Disaster Recovery Team, as designated by the Regional Director. Devices for program area staff will be provided from the program area as available. The Regional Director and designated staff will be given access to the telephone priority service to ensure communication capability. (See equipment needed for information on devices recommended.)

Meetings: The Regional Director will initiate timely coordination meetings (or calls) with the Disaster Recovery Team in advance of a disaster or immediately after a disaster if advance meetings are not possible. The purpose of the meeting is to assess and ensure the safety of employees and to coordinate activities across programs. The Regional Director will determine the nature and continuing frequency of such meetings.

If a disaster affects only one field office and not the regional office, the FOD of that field office will become a member of the Regional Disaster Recovery Team and will coordinate the activities of the affected office under the direction of the Regional Director.

If multiple field offices are affected, each FOD will join the Regional Disaster Recovery Team and coordinate the activities of the affected offices consistent with the Regional Director's guidance.

In multiple office states (Florida and Tennessee), a lead office will coordinate the activities within the state. In Florida, Jacksonville serves as the lead office. In Tennessee, Knoxville serves as the lead office.

Reporting: Reporting is conducted through HUD's Incident Management System. In addition, a written summary report will be prepared and posted on the region shared drive. The Regional Director will determine the frequency of the report.

Points of Contact: The Regional Disaster Coordinator is the point of contact for all disaster communications in the region. If the coordinator is unavailable, the regional office will follow the line of succession in the regional Continuity of Operations Plan (COOP). The FOD is the point of contact for all disaster communications within a field office. The COOP has emergency telephone numbers for use during and after working hours.

Resources Available: As authorized by the Regional Director, the Disaster Recovery FPM Team members will have in place the following equipment and resources:

- ◆ Satellite telephones
- ◆ Wireless laptop computers loaded with the COOP, the Regional Disaster Plan, and regional contact information
- ◆ Blackberry devices with telephone, e-mail, and Internet service
- ◆ Cell phone (if Blackberry not available)

- ◆ Universal serial bus (USB) pocket drive as backup for COOP, Regional Disaster Plan, contact information, etc.
- ◆ Gas cards
- ◆ Travel funds—The Regional Director will set up a separate account to fund disaster travel requirements. Initial travel funds will be transferred from the regular quarterly allotment, and a request to headquarters will be made for any additional disaster travel funds.

Program area team members may wish to obtain the same equipment for the program area through their program office; however, any FPM equipment will be shared to support HUD's mission and cross-program coordination.

Formal Activation of the Regional Disaster Recovery Team: The Regional Director will initiate activation of the team. Ongoing disaster planning and preparedness will take place as a part of the agenda of the regularly scheduled executive staff meetings.

Field Office Actions

Establish a Field Office Disaster Recovery Team: The Field Office Director will work in coordination and cooperation with program offices to designate a Field Office Disaster Recovery Team consisting of the following:

- ◆ The Field Office Director (FOD) as chair
- ◆ The Disaster Coordinator (an Operations Specialist or FOD designee)
- ◆ The Director or designee from each program area (CPD, HOC, PIH, MFH, FHEO, Admin. OGC, and OIG)
- ◆ The Public Affairs Officer or liaison as Disaster Communications Lead

The Program Directors will continue to report through their program offices and will join the team as soon as possible to help coordinate activities among programs during disaster preparation and recovery.

In multiple-office states (Florida and Tennessee), the Regional Director will designate a lead office to coordinate the activities within the State. In Florida, Jacksonville is designated as the lead office. In Tennessee, Knoxville is designated as the lead office.

Training of Disaster Recovery Teams: The Disaster Recovery Team members need to be clear about disaster duties and responsibilities. The Disaster Coordinator and the Regional Training Officer will be responsible for the training activity. Sessions will be conducted at least semiannually, one session being held in the month prior to the start of hurricane season. The training will include knowledge of FEMA, the American Red Cross, emergency management, and other federal agency disaster responsibilities. Other training activities will include the use of communications equipment and use of standard reporting formats.

Disaster Plan All-Employee Orientation: The Disaster Recovery Team will also orient and brief all field office employees on their duties and responsibilities, including call-in procedures, emergency contact requirements, and other responsibilities.

Establish Communication Process: The ability to communicate is imperative to the effective management of the region. The Disaster Recovery Team must have the capability to contact each other at all times and to know the status of field office employees. To do this, the following will be established:

1. **Call in:** In coordination with headquarters and the region, a local call-in number will be established in each field office to advise employees of the status of the office. In coordination with headquarters and the region, an 800 telephone number for the entire region will also be established for all employees to use to communicate with HUD. After a disaster, employees will call the number as soon as possible to report their condition (“I’m safe”) and availability for work. The call-in function will be transferred to another office in the event the disaster affects the regional office. If a field office is affected by the disaster and employees of that office use the 800 number, the region will notify the FOD of the status of all employees in the field office who use the 800 number to report their status. As soon as possible, the FOD will arrange to contact the employee.
2. **Communications:** Communications devices will be obtained for each FPM member of the Disaster Recovery Team as directed by the Regional Director. Program directors or staff will obtain devices from the program office as available. The FOD and designated staff will access the telephone priority service to ensure communication capability. (See equipment needed for information on devices.)
3. **Meetings:** The FOD will initiate daily coordination meetings (or calls) with the Disaster Recovery Team in advance of a disaster, or immediately after a disaster if advance meetings are not possible. The purpose of the meeting is to assess and ensure the safety of employees, and to coordinate activities among programs. The FOD will determine the nature and continuing frequency of such meetings in consultation with the Regional Director and Program Directors.

If a disaster affects only one field office and not the regional office, the FOD of that field office will become a member of the Regional Disaster Recovery Team and will coordinate the activities of the affected office under the direction of the Regional Director. The FOD will also lead the field office Disaster Recovery Team in their office.

If multiple field offices are affected, each FOD will join the Regional Disaster Recovery Team and coordinate the activities of the affected offices under the guidance of the Regional Director. The FODs will also lead the field office Disaster Recovery Team.

4. **Reporting:** HIMS will be used as the reporting system. In addition, a written summary report will be prepared and posted on the region shared drive. The report format and instructions are provided in Appendix 3. The Regional Director will determine the frequency of this report.
5. **Points of Contact:** The Disaster Coordinator is the point of contact for all disaster communications in the region. If the coordinator is unavailable, the regional office will follow the line of succession in the Regional COOP. The FOD is the point of contact for all disaster communications within a field office. The FOD uses the coordinator as the point of contact. The COOP will be used to obtain emergency telephone numbers.

Resources Available: As authorized by the Regional Director, the FPM Disaster Recovery Team members will have in place the following equipment and resources:

- ◆ Satellite telephones
- ◆ Wireless laptop computers loaded with the COOP, the Regional Disaster Plan, and regional contact information
- ◆ Blackberry devices with telephone, e-mail, and Internet service
- ◆ Cell phone (if Blackberry not available)
- ◆ USB pocket drive as backup for COOP, Regional Disaster Plan, contact information, etc.
- ◆ Gas cards
- ◆ Travel funds—The Regional Director will set a separate account to fund disaster travel requirements. Initial travel funds will be transferred from the regular quarterly allotment and a request to headquarters will be made for any additional disaster travel funds. FODs will request travel funds from the region once the initial assessment of need is made.
- ◆ GETS Card (for those members designated by the FOD and Regional Director to use the system).

Program Area Team members may wish to obtain the same equipment for the program area through their program office; however, any FPM equipment will be shared to support HUD's mission and cross-program coordination.

Formal Activation of the Field Office Disaster Recovery Team: In consultation with the Regional Director, the FOD will initiate activation of the team in cooperation with program directors, and disaster planning and preparedness will be discussed as a part of the agenda of regular staff meetings conducted in the field office.

Program Coordination: Each program director is encouraged to identify and document the procedures for providing disaster assistance to program recipients. These procedures will become a part of the disaster plan. Examples include emergency capital fund procedures, regulatory waiver procedures, special processing procedures, and special programs for disaster victims. These documents will be shared with all team members. Because HUD is not a first responder, the FPM will work with program areas to support work assigned as requested and to coordinate program activities as part of HUD's mission. Requests for assistance that exceed that mission will be directed to FEMA or to the appropriate state or local emergency management agencies.



Post-Disaster Procedures

Regional Actions

Communications with Headquarters and Field: The Regional Director or designee will initiate calls to headquarters and all field offices providing notice and information about the disaster. If it is a Presidential disaster declaration, the Regional Director will provide the declaration information to all

FODs. The 800 telephone number will be activated (before the disaster if possible), and the documentation of all affected employees will be initiated as the first priority of the team.

Implement Process, Point of Contact, Frequency, Method, and Reporting: The Regional Director will notify members of the Disaster Recovery Team to assemble and will establish at this first meeting any necessary changes to points of contact, reporting requirements, and the method and frequency of meetings and reporting.

Waiver Request Procedures: The Regional Disaster Recovery Team will coordinate with the Regional Director to inform of any requests for waivers, and waivers granted through the program offices. Team members are encouraged to use the reporting format and to provide a summary of waiver requests and grants at Disaster Recovery Team meetings.

Program Issues That Need Regional Director Support: Program Directors are encouraged to bring recommendations for additional disaster support to the Regional Director, who will coordinate with headquarters to discuss the recommendation. (e.g., the Katrina Disaster Housing Assistance program, additional capital funds, additional Housing Choice Vouchers, etc.). The Regional Director will use established protocols to discuss and obtain needed approvals or support from headquarters. For example, the Regional Director discusses issues monthly on the Housing Application Review Team conference call with headquarters. This is a time when issues or needed support can be obtained.

Coordination with Federal partners: The Regional Director will initiate contact with Regional Federal Agency partners through the FEB or as arranged in disaster planning meetings. The Regional Director or designee will coordinate actions and support with the agencies and will keep them informed of HUD actions.

Formalize Relationship with FEMA: The Regional Director will work closely with the Regional FEMA Director and coordinate assistance consistent with headquarters-approved mission assignments. The Regional Director and FEMA Regional Director will work together to ensure mission success.

Field Office Actions

Initiate Disaster Recovery Team Activity: The FOD will call an initial meeting of the team prior to the disaster if possible, or as soon as it is safe to return to the office after the disaster. If the office is not able to open, COOP procedures will be followed.

Status/Safety of Employees/Field Office: The initial task of the team is to assess the status and determine what assistance is needed by employees of the office. If the office cannot function, the FOD will work with the Regional Disaster Recovery Team to determine staff status.

Assessment of Disaster on Staff and Office: The FOD will assemble staff status reports from field office team members and report to the Regional Director using the reporting format. The report will be for all employees in the office. Damage to or limited use of the office (e.g., no electricity) will also be reported and recommendations made to the Regional Director on alternative work arrangements.

Communication Procedures Established: The FOD will be the point of contact for the office. Program Directors may receive inquiries and requests for individual reports from regional or headquarters

program staff on program impacts. Staff and office damage reports are encouraged to flow to the FOD, then to the Regional Director, and then to headquarters.

Reporting Coordinated: The FOD will report as directed by the Regional Director, using HIMS. Program Directors are encouraged to provide summary data on damage and assistance needed to the FOD. The FOD will compile the report and send to the Regional Director.

Outreach to Local/State Officials and Nonprofit Organizations: After determining that the office can operate and staff is available, the field office Disaster Recovery Team will begin outreach to communities in the jurisdiction. The purpose of these contacts is to obtain an initial indication of need for HUD assistance. The FOD will also contact Emergency Management staff to obtain summary information to provide to the Regional Director.

Public Affairs Procedures: All media contacts will be managed by the FOD, using the support of the Public Affairs Liaison or Public Affairs Officer. The Regional Public Affairs Officer must give approval for all interviews or requests for information. The FOD or designee will monitor local and Departmental press releases and keep the teams and points of contact informed.

Mission Assignments: The Regional Director will provide copies of all mission assignments to the field. Unless a mission assignment is given, the FOD will respond to the disaster in a manner consistent with available resources.

Recovery Actions

Certain disaster response efforts are a unique fulfillment of HUD's mission to increase access to decent, safe, and affordable housing and support community development. HUD plays a major role in empowering a community to attain a successful recovery. HUD does this in two ways: by providing financial aid and by providing valuable technical support.



HUD's programs provide a number of financial resources for disaster recovery. When available, supplemental HUD funding may be provided to a community affected by a disaster. HUD must be prepared to assist communities to maximize their resources.

Even when there is no additional funding, HUD has a vital role to play in helping communities recover through technical assistance in using HUD's programs and through expediting requests from communities for waiver of HUD program requirements. HUD, through its long-term relationships with the nation's cities and counties, is uniquely positioned to help a community gain the capacity to respond effectively to a disaster, make the difficult choices, set priorities, and form partnerships with both the public and the private sector.

The Regional Office, acting through its representatives in the field, will ensure that HUD's disaster response is effective and helps the customer not only recover but become stronger. The Regional Office and Field Office FPM staff will help establish a flexible, community-driven partnership between the Department, the community, and other federal and state agencies.

The following is an overview of potential recovery actions that each program office should take following a disaster declaration.

Field Policy and Management

- ◆ **Activate Office Disaster Recovery Team:** Field Office Disaster Recovery Teams should be activated by the Regional/Field Office Director immediately following a disaster or when it is apparent that a disaster is going to strike within the region or field office jurisdiction (such as when

a hurricane warning is issued). These teams will consist of management representatives of each program area as described in the Preparation section of this plan.

- ◆ **Declare Office Closure or COOP Status:** The Regional Director, through coordination with the FOD in the affected area, will notify headquarters of any office closures, which should include expected duration and devolution of essential functions if a COOP event is declared. The FOD or designee shall enter information on any office closure into HIMS. The Regional COOP Coordinator shall enter the closure information should circumstances prevent the field from accessing HIMS.
- ◆ **Contact Partner Agencies:** The Regional Director or designee shall establish contact with federal and state partners to coordinate recovery efforts shortly after a disaster declaration. FODs should establish communications with locally situated federal, state, and local officials to assist them with the potential use of HUD funds and available assets and to establish a network that can assist HUD-funded partner agencies with their needs.
- ◆ **Coordinate Program Reporting:** The Regional Office shall create and coordinate the reporting method from the field to headquarters. Reporting will include key information from all of HUD's program areas to the extent possible. The office of the Regional Director shall consolidate available reports and provide requested information to headquarters. This may include status reports on HUD-funded projects, condition reports of field offices, and staff and program waiver requests.
- ◆ **Manage and Implement Regional Mission Assignments:** The Regional Director will assist in the implementation of any mission assignments from headquarters to the field and coordinate their implementation.
- ◆ **Coordinate Recovery Phases:** FPM shall work with the program areas and partner agencies to ensure that available federal resources are being allocated to assist with temporary housing and permanent housing/community redevelopment.

Public and Indian Housing

- ◆ **Establishment/Deployment of Recovery Teams:** PIH will establish Disaster Recovery Teams as part of the disaster recovery plan for each field office where the Office of Public Housing (OPH) is located. Before or immediately after a disaster, the OPH recovery team will be assembled by the OPH Program Director to begin the damage assessment process. Each recovery team will consist of three to four people who are knowledgeable about PIH and other HUD programs and experience in disaster assessment and recovery. This will be done in coordination with the FOD.
- ◆ **Public Housing Damage Assessments:** Damage assessments on public housing properties will be conducted by PIH by telephone, electronically, or on site if conditions permit. Reports on damage to public housing should be coordinated with the FOD, who will then submit it to the Regional Director as part of the consolidated report.
- ◆ **Technical Assistance:** PIH shall provide technical assistance to affected local housing authorities on how to access available capital funding, request waivers and extensions, or any other assistance that may be requested.
- ◆ **Establish Resident Needs:** PIH shall communicate to the FOD or designee the status of residents residing in damaged public housing units. Unmet basic needs such as shelter, food, water,

or health risks shall be communicated by the FOD to the Regional Director as part of the consolidated report. The Regional Office will assist the FOD with coordinating available federal, state, or local resources for residents in public or HUD-assisted housing to the extent possible.

Multifamily Housing

- ◆ **Multifamily Housing Damage Assessments:** Damage assessments on HUD-assisted/insured multifamily housing properties will be conducted by field or Region representatives. Reports on damage to MFH properties should be coordinated with the FOD and the regional multifamily field office, as appropriate. The FOD will then submit the information to the Regional Director as part of the consolidated report.
- ◆ **Technical Assistance:** MFH shall provide technical assistance to affected multifamily housing projects on any waivers that are issued by the Department and coordinate with the FOD on other federal, state, or local resources that may be available.
- ◆ **Establish Resident Needs:** MFH should communicate to the FOD or designee the status of residents residing in damaged MFH projects. Unmet basic needs such as shelter, food, water, or health risks shall be communicated by the FOD to the Regional Director as part of the consolidated report. The Regional Office will assist the FOD with coordinating available federal, state, or local resources for residents in HUD-assisted/insured housing to the extent possible.

Single-Family Housing

- ◆ **REO Property List:** The Homeownership Center (HOC) will work with the Regional Director to provide updated information on the number of real estate-owned (REO) properties available within the specified geographic area that can be used to house displaced residents. That information will be transmitted to FEMA and to the affected FODs according to established protocols.
- ◆ **Issuance of FHA Moratoriums/Waivers:** The HOC shall provide the Regional Director and FODs with copies of any Federal Housing Administration (FHA) moratoriums, waivers, or special programs that the Department issues.
- ◆ **REO Damage Assessment:** The HOC will provide the Regional Director and FOD with information provided by the REO contractor on the condition of available REO properties within a specified geographic area.

Community Planning and Development

- ◆ **Contact Grantees:** After a disaster, Community Planning and Development (CPD) staff will attempt to make contact with grantees or participating jurisdictions (or both) to establish the extent of damages and offer technical assistance. This information will be communicated to the FOD or the Regional Director (or both) to be included in the consolidated report.
- ◆ **Technical Assistance:** CPD staff will provide technical assistance to grantees on the use of CPD funds (Community Development Block Grant Program [CDBG], HOME) for disaster recovery.

- ◆ **Waiver Request:** Assistance will be provided to grantees that request waivers or changes to their actions plans. Requests for waiver and action plan changes shall be reviewed and forwarded to headquarters expeditiously and copies sent to the FOD or the Regional Director (or both).

Fair Housing and Equal Opportunity

- ◆ **Fair Housing Outreach Plan:** FHEO, in conjunction with the Regional Director, will establish an outreach plan that will target disaster victims to provide them with information on fair housing rights and how to file discrimination complaints.

Lessons Learned

As quickly as possible after a disaster situation is resolved, the designated leadership should review and critique all disaster-related events and actions from start to finish and modify the existing disaster plan to include new information.

- ◆ The first principle of disaster response is the safety of our staff, including prompt accounting for every person.
- ◆ Training, preparation, and high-quality communications are essential to effective performance.
- ◆ When a disaster occurs, headquarters should designate an experienced individual to direct the Department's response and recovery and provide that person with the necessary staff, capability, and authority to accomplish the task.

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CONTINUITY OF OPERATIONS PLAN

Continuity of Operations Plan (COOP)

INTRODUCTION

A continuity of operations (COOP) plan has always been part of the mission of the federal government to ensure that the Department's essential operations are available to the public. The Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity (FHEO) has in place a viable COOP Plan. The development of a COOP Plan is significant and an essential part of disaster preparedness. The COOP Plan is a step-by-step plan to ensure the stability of critical functions during a wide range of potential emergencies and events. Whatever one chooses to call it – disaster planning, emergency preparedness, or business continuity (and experts note that there are differences) – the goals are ultimately the same: to get an organization back up and running in the event of an interruption. The problem causing the interruption could be one computer crashing or an entire network crashing. Or it could be an electrical outage or the result of a terrorist activity. The goal is to have some contingency plans in the event of a problem. A disaster recovery plan exists to preserve the organization so that it can continue to offer its services.

As we learned after Hurricanes Katrina and Rita, fair housing agencies and advocates need to be prepared to assist those who find themselves without housing after natural disasters of all types. We have also learned from the events of September 11, 2001, and other disasters that it is difficult to provide the needed services to others when an agency's own staff is attempting to recover from a disaster. A disaster recovery plan is a users' guide—the documentation—for how to preserve an organization. In order for a plan to be useful, it must be created before an interruption occurs. Business continuity is disaster recovery. Lost revenue is a driving force in business continuity. The reason to do a recovery plan is essentially to keep the funding coming in and the services going, and the clients being served.

In the absence of a COOP Plan, an agency cannot fulfill its mission should a crisis of any size disrupt normal business operations. Therefore, COOP planning is good business practice, and implementing a few actions can make a substantial difference in recovering from a disaster to ensure that essential services are provided to an agency's client base. In order to write your plan, you have to do some planning. This planning is the process that will get you to the step where you then commit your plan to paper—you can't write a plan until you do the preparation. The most difficult thing is getting started; the second most difficult task is keeping the plan current.

Unfortunately, there are no cookie-cutter templates, and one size doesn't fit all. There are some common elements among plans, but every plan will be different because every organization's structure and circumstances are unique. This sample provides some elements of a comprehensive COOP Plan that can be used to assist agencies in conceptualizing and developing a strategy for the continuity of operations in the event of any disaster.

SAMPLE PURPOSE AND OPERATIONAL CONCEPT

The objective of this plan is to ensure the execution of an agency's essential functions during any crisis and to provide for the safety and well-being of employees during any emergency in which your agency's building or other occupied space is threatened or not accessible. Specific objectives include:

- ◆ Ensuring the continuous performance of essential functions during an emergency
- ◆ Protecting essential facilities, equipment, vital records, and other assets
- ◆ Reducing or mitigating disruptions to operations
- ◆ Reducing loss of life and minimizing damage and losses
- ◆ Achieving a timely and orderly recovery from an emergency and resumption of full service to customers

The purpose of a COOP Plan is to provide direction and to ensure that an agency is able to continue to provide services for those times when there is a disruption of regular service capabilities. For the most part, COOPs are designed to enable agencies and advocates to continue to operate after natural disasters, minor events, and emergency shutdowns that affect thousands of businesses and organizations. These types of events include (this list is not exhaustive):

- ◆ 2004 hurricane season (five major storms)
- ◆ 2005 hurricane season (six major storms, including Katrina and Rita)
- ◆ Bridge closures and bridge collapses
- ◆ Tornadoes, wildfires, and earthquakes
- ◆ Broken water mains and floods
- ◆ Chemical spills
- ◆ Terrorist or man-made disaster
- ◆ Power outages
- ◆ Computer System Shut-down

Although the effects of an emergency cannot be predicted, planning for operations under such conditions can mitigate the effects of the emergency on the agency's mission, employees, facilities, and general public.

This COOP Plan describes how [insert name of agency] will sustain its capability to perform critical functions during and after a disruption in internal operations, whether caused by severe weather, natural or man-made disasters, or terrorists attack. This COOP Plan ensures that an agency or organization:

- ◆ Has the capability to implement the COOP Plan both with and without warning
- ◆ Is able to perform essential functions immediately after activation of the COOP Plan (the time period of activation should be determined by the agency)
- ◆ Is able to maintain critical functions for 15–30 days or as long as necessary

- ◆ Includes regularly scheduled testing, training, and exercising of agency personnel and other stakeholders
- ◆ Includes regularly scheduled testing of equipment, systems, processes, and procedures used to support the agency during an event requiring the activation of the COOP Plan.

ESSENTIAL FUNCTIONS

The “Essential Functions” section should include a list of the agency’s essential functions and activities that must be continued under any and all circumstances. Agencies should identify essential programs and any new programs or expansion programs. The agency’s program office should conduct a critical analysis of individual processes and responsibilities that must be in place to allow that program or function to exist.

Sample of Essential Functions

Essential Function	Unit Assignment	Priority Ranking*	Staff Assigned	Backup Staff Assigned
Ensuring that staff are paid in the event of a disaster	Accounting Division	H	Joe Smith	Janie Harris
Ensuring that the clients are able to report incidents of discrimination	Intake Division	M	Melody Blancher	Nichelle Millings
Ensuring that education and outreach efforts are in place to inform the public of their rights during a disaster	Education and Outreach Staff	H	Terri Tolbert	Janet Wanzer
Ensuring that enforcement efforts can be executed during emergency situations	Legal Staff	H	David Mitchell	Kennedy Taylor

* H = high; M = medium; L = low.

Typically, once the COOP Plan is activated, the agency suspends all other nonessential activities. This will allow the agency to focus on the essential functions to eventually restore operations.

Analyze and Know Your Organization

Determine Your Critical Services and Functions: Answer the following questions to help craft your recovery plan.

1. What are your organization's functions and services? (What you do—in detail)
2. What staff is responsible for what functions?
3. Which functions and services are critical, and which are less so?
4. Do a client impact analysis: in the event of an interruption, what would be the impact on your services to your clients? For example, if your organization delivers meals to clients at home, how would you get those meals to them should your facilities be inaccessible?
5. Whom do you serve? (Who are your clients, what are their ages, etc?)
6. Where do you serve them? (on-site, at their home, at another organization's facilities, etc.)
7. How do you serve them? (What do you provide to your clients: information, food, medical care, transportation, etc? How are these services provided: via phone, fax, or internet, in person, etc.)
8. What are your personnel requirements? (Are services provided by staff, volunteers, etc?)
9. What are your equipment requirements? (cars, computers, etc.)
10. How do your services impact the organization's functioning? (For example, if fee-for-service is crucial to your operations, what will happen if you cannot perform those services?)
11. In order to make contingency plans, differentiate your organization's services. If, for example, a phone system is needed to provide services to your clients, this may be the area that you should invest in by having phone service with multiple providers. If it's your computer system or your website, this may be where you want to focus your resources.
12. How quickly does each of your services have to get back up and running? In other words, what is the acceptable level of downtime? (This is also addressed in more detail in the Recovery Time Objective section.)
13. Alternative Work Sites: Do you have a place for your staff to go should your offices become unusable?
14. Make arrangements with another organization to set up an office, kitchen, classrooms or whatever is needed in order to provide your services.
15. Or alternatively, can you make arrangements for another organization to take over your services?
16. For organizations with multiple sites, make a plan, so that should something should happen, you can move programs or offices from site A to site B.

Planning and Policy Sample Statement

This COOP Plan establishes policy and provides guidance to ensure the execution of the essential functions for the [insert name of agency] in the event that an emergency at the agency or its service area threatens or incapacitates operations or requires the relocation of selected personnel and functions.

Planning Objectives

A COOP Plan is a contingency plan that allows an agency to continue essential functions and services when normal operations are disabled due to disaster or events that take the agency offline.

The COOP Plan is the agency's blueprint for internal operations in the event of a disaster. The objectives of a viable COOP Plan include the following:

- ◆ To ensure the performance of an agency's essential functions during an emergency and to enable the expansion of services that may be in greater demand after a disaster
- ◆ To ensure the safety of employees
- ◆ To protect essential equipment, records, and other assets
- ◆ To reduce disruptions to operations
- ◆ To minimize damage and loss
- ◆ To promote an orderly recovery from emergency operations
- ◆ To identify relocation (alternate) sites

Policy

The [insert name of agency] [executive director and administrator] approved and issued the Continuity of Operations Mission Statement on [insert month, day, and year], establishing the agency's objectives in developing and implementing a comprehensive continuity of operations capability for all facets of the agency's operation.

Sample Employee Contacts Form

In times of crisis, it is important that the agency is able to locate personnel assigned to fair housing functions. This form should be completed by each employee to enable the agency to locate the employees in times of crisis. This information should be stored on a portable disc or drive by the designated emergency point of contact.

Once all of the employee contact forms are completed, the forms can be used to create a telephone call tree that will assist in passing essential information to your employees during a crisis.

Name: _____

Position: _____

Supervisor name and phone: _____

Key responsibilities: _____

Home address: _____

City, state, ZIP: _____

Home phone: _____ Cell phone: _____

Work phone: _____ Fax: _____

Work e-mail: _____ Home e-mail: _____

Emergency contact name: _____

Emergency contact address: _____

Emergency contact city, state, ZIP: _____

Emergency contact phone: _____

Sample Employee Go-Kits

All employees should keep on hand a Go-Kit in the event of an emergency. The Go-Kit should be stored in a place that can be easily accessed during a disaster or emergency situation, for example in an office desk drawer or closet, in the trunk of a car, and/or in a brief case. The Go-Kit should contain essential items that will assist in sustaining ones everyday life functions and facilitate communications efforts with other employees and essential staff. Items that should be included in the Go-Kits are at least one working flashlight, batteries, radio, charged cell phone, 3 day supply of water and food, cash, employee emergency contact information (cell and home numbers), and agency financial information or account numbers.

Essential employees should also prepare a Go-Kit that includes information to sustain the agency. This should include but is not limited to: computer disks that store financial information; insurance policies; emergency contact lists; maps; call rosters; identification; payroll information; agency checks; MOU's; petty cash and other items essential to sustaining the agency and or business.

Go-Kit Check List

Go-Kit Essential Items	
Call Roster	
COOP Plan	
Financial Information	
Insurance Policy	
Payroll Information	
Back-up Computer Files	
Flash light/Batteries	
Water Supply/Food	
Cell Phone	

Sample Vendor Essentials Form

In the event that you have to relocate your business operations to a different location, who are the essential vendors you will need to be able to reach? Use this form to provide that information so that you can reach these vendors in times of crisis. Examples of these vendors include the property manager of your agency facilities, payroll services, banking information, the utility companies who provide services at your normal business location, print and photos shop suppliers, paper, computer, and printer suppliers, and others whose goods and services are essential to your daily operations.

Company name: _____

Account number: _____

Goods/services provided: _____

Vendor street address: _____

Vendor phone: _____ Vendor fax: _____

Sales rep: _____

E-mail or Web site address: _____

Sample Alternate Site Locations

In advance of the agency disaster, the agency should have a list of facilities outside of the primary place of business that may be available for temporary relocation of your services. Response teams who have known about available temporary sites for relocation have been able to restore their essential services more quickly than those who begin to look for an alternate site after the disaster hits. Use this form to consider where you will locate your services in advance of needing a new place to locate. It may also be beneficial for your agency to establish partnerships with a local real estate firm that will assist the agency in locating space or developing memoranda of understanding with state or local governmental agencies and private institutions.

This list may include county extension offices, mobile facilities such as trailers or tents, community centers not already designated as shelters in community disaster plans, etc.

In the event that the present facility is unable to be used, the agency planned relocation sites include the following:

Within five miles of present site: _____

10 miles from present site: _____

50 miles from present site: _____

100 miles from present site: _____

Tents: _____ Trailers: _____

Vans: _____

Operations to be performed at this site: _____

Employees to be located at this site: _____

* Note: A policy should be implemented that will encourage employees to work offsite. This will require your agency to develop remote access to the agency's systems.

Sample Essential Partners Forms

The fair housing essential partners in the event of an emergency will usually be onsite. However, a list of cell phone and land-line contacts, especially those outside the affected disaster zone, can be very valuable in the event of a disaster. This form can be used to gather those essential partner details, and then a telephone list can be assembled from this data.

Name of agency, entity, or person: _____

Is this partner local county state national

Land-line phone: _____ Cell phone: _____

E-mail: _____ Web site: _____

County, state, or national contact when local contact is unable to operate: _____

Agency purpose: _____

Sample Computer Resources Checklist

Know where the agency's servers are located. The agency should have a separate disaster recovery plan for the computer resources to address what happens if water, wind, or fire destroys the data contained in the agency computer systems.

Do you have a computer disaster recovery plan? YES NO (If no, the agency's next task is to assign someone to develop a separate plan for computer recovery)

My primary server(s) is/are located at: _____

My backup server(s) is/are located at: _____

DATA RETRIEVAL SYSTEM:

Online Tape drive (how often) _____ Central server other _____

FAIL-SAFE SYSTEM FOR INFORMATION RETRIEVAL:

Hard copies are filed: _____

Backup electronic copies are located: _____

Duplicate CD or disk backup copies are maintained separately from my primary computer resources at:

COOP RESOURCES

The following list and links provides additional information and resources to assist an agency with developing continuity of operations plans.

1. Presidential Decision Directive 67.

<http://hudatwork.hud.gov/po/a/osep/epmd/coophb3205-1.pdf>

2. Federal Preparedness Circular 65.

www.hud@work.hud.gov/po/a/osep/coop/natsig.pdf

3. Presidential Decision Directive 63

[hud@work.hud.gov/po/i/it/security/nistsp800-26.pdf - 2005-05-06](http://hud@work.hud.gov/po/i/it/security/nistsp800-26.pdf-2005-05-06)

4. Office of Management and Budget Circular No. A-130

[hudatwork.hud.gov/po/reac/products/DCG/security_pdf/mass/mass_system_inventory.pdf - 2004-10-28](http://hudatwork.hud.gov/po/reac/products/DCG/security_pdf/mass/mass_system_inventory.pdf-2004-10-28)

5. The Federal Emergency Management Agency, Continuity of Operations Federal Preparedness Circular 65

[hudatwork.hud.gov/po/a/osep/epmd/coophb3205-1.pdf - 2005-10-26](http://hudatwork.hud.gov/po/a/osep/epmd/coophb3205-1.pdf-2005-10-26)



ENFORCEMENT EFFORTS



Enforcement Efforts

INTRODUCTION

In the aftermath of disaster, persons seeking temporary and long-term housing are likely to experience discrimination. Based on previous experiences, the Office of Fair Housing and Equal Opportunity (FHEO) has implemented internal enforcement processes and provided guidance for our partners to operate during times of disaster. A number of considerations should be taken into account when responding to and investigating complaints of discrimination during a disaster. The protocols documented below provide Fair Housing Assistance Program (FHAP) and Fair Housing Initiatives Program (FHIP) agencies with descriptions of the Department of Housing and Urban Development's (HUD's) processes, early recognition of discriminatory practices, general protocols, examples of disaster-related discrimination complaints, and accounting and reporting. The guidance provided is not exhaustive, and as we better understand disasters, our processes will need to be modified and updated to meet the needs of the community.

In general, the Fair Housing Act requires that HUD investigate complaints of housing discrimination based on race, color, religion, national origin, sex, disability, or familial status. At no cost, HUD will investigate the complaint and attempt to conciliate the matter with both parties. If conciliation fails, HUD will determine whether "reasonable cause" exists to believe that a discriminatory housing practice has occurred. If HUD finds "no reasonable cause," the Department issues a determination of no reasonable cause. If HUD finds reasonable cause, the Department issues a charge of discrimination and schedules a hearing before a HUD administrative law judge (ALJ). Either party may elect to proceed in federal court. In that case, the Department of Justice will pursue the case on behalf of the complainant. The decisions of the ALJ and the federal district court are subject to review by the U.S. Court of Appeals. During a disaster situation, the investigative process is expedited to ensure that the department or FHAP agencies quickly address discrimination claims and efforts to promptly resolve post-disaster housing needs.

FHAP ENFORCEMENT EFFORTS

It is essential that there are concerted efforts to ensuring that enforcement activities are expedited in the aftermath of a disaster. HUD is responsible for coordinating and providing technical support to FHAP agencies to ensure that victims of housing discrimination are ultimately given relief in the form of access to safe and decent housing; reasonable accommodation and or modification; or monetary relief, or a combination of these. During a disaster the urgency to provide relief to victims of housing discrimination becomes more critical because the circumstances are exacerbated. It is important for FHAP agencies to identify and appoint a Disaster Liaison to inform, counsel, evaluate, coordinate, plan, advise, and directly participate in all emergency fair housing efforts in response to a disaster.

FHAP agencies should provide the name and emergency contact information for the person appointed to be the Disaster Liaison. Due to the likelihood of changes in staff and staff responsibilities FHAP agencies should re-evaluate, at the onset of each disaster or impending disaster whether the person(s) remain the most appropriate person to perform that role.

The role of a Disaster Liaisons is to ensure that their respective FHAP agency complies with the agency's disaster plan and guidelines: As part of this responsibility, Disaster Liaisons will:

- ◆ Ensure that their FHAP agency has a disaster plan in place
- ◆ Ensure that all agency staff are aware of the plan's contents
- ◆ Ensure that staff have discussed the agency's obligations under the plan
- ◆ Ensure that staff understands how to carry out the agency's obligations under the plan
- ◆ Identify all HUD disaster related contact/resource information within the agency's geographic jurisdiction
- ◆ Participate in regular disaster-related meetings convened by FHEO and its participating partners

Additional agency responsibilities are:

- ◆ To the greatest extent feasible, FHAP agencies will assist in staffing and provide logistical support of disaster command posts established by FHEO within their geographic jurisdiction.
- ◆ To the greatest extent feasible, FHAP agencies will work with elected officials to amend local laws or incorporate room for emergency executive order(s) that address the needs of each disaster.
- ◆ To the greatest extent feasible, FHAP agencies will work with elected officials to secure approval relative to cross-jurisdictional and post-disaster flexibility.
- ◆ To the greatest extent feasible, FHAP agencies will work with elected officials to secure approval relative to post-disaster flexibility to expedite or waive the requirements that may delay response to discrimination claims, such as securing signatures on complaints prior to commencing an investigation.

Coordination of Resources

If a FHAP agency suffers from a diminished ability to perform its mission due to damage to or destruction of physical facilities, or inability of staff to fully perform their jobs as a result of a disaster, a FHAP agency sharing the jurisdiction or located in a neighboring jurisdiction may provide assistance on an as needed basis, as approved by the Regional Director. Such assistance could include:

- ◆ Sharing office space and access to office equipment and telephones
- ◆ On request by the damaged FHAP agency, assign staff to perform education, outreach, investigative, or complaint processing activity ordinarily performed by the damaged FHAP agency
- ◆ Staffing, or providing logistical support to, fair housing activity at emergency operations or service centers or local FHEO centers within the geographic jurisdiction of the damaged FHAP agency

FHAP agencies should maintain and, as early as possible during the threat or aftermath of a disaster, ensure that they have complete and up-to-date information about how victims of discrimination in housing and housing services may obtain fair housing materials and make fair housing complaints in all nearby jurisdictions. While communications are disrupted due to failure of infrastructure or other dislocation of disaster victims, FHAP agencies may receive fair housing inquiries from persons outside of their usual geographic jurisdiction. In such circumstances, FHAP staff should make every effort to facilitate communication between such persons and the FHAP agency with geographic jurisdiction, including without limitation the following:

- ◆ Personally initiating contact with another FHAP/FHIP agency on behalf of the person
- ◆ Directly providing fair housing information requested by the person
- ◆ Completing complaint intake procedures with the person and forwarding the information obtained to HUD for further action

Early Recognition of Discriminatory Practices

After a disaster, FHAP agencies will identify organizations or service providers that are consistently in contact with communities that may be a target for potential discrimination. Because of the nature and location of disasters, these agencies may differ from the providers that typically serve large numbers of persons from protected classes. The following activities should be conducted to determine whether neighborhoods or communities that are predominated by protected classes could potentially be targeted:

- ◆ Canvas various non-profit and grassroots agencies about negative experiences their clientele are having with housing providers or housing services, or both
- ◆ Conduct site visits to neighborhoods, housing complexes, or other locations where potential patterns of discrimination may occur
- ◆ Confer with other enforcement and advocacy organizations to share information about trends in post-disaster fair housing complaints

Recommended Enforcement Protocols

Referrals

After a disaster, FHAP agencies and their staff should be apprised of support services and various resources that will assist a disaster victim in accessing services unrelated to housing discrimination. All referrals should be documented or recorded to assist HUD in evaluating the level of effort and manpower needed in a disaster situation.

Intake

During and after disasters FHAP agencies should consider augmenting intake procedures to ensure that victims of housing discrimination are afforded the opportunity to file complaints. This may require staff to conduct multiple on-site visits to a victim's home, job, place of worship or other locations that are convenient to the victim(s). Additional considerations should also be given to complainants who are unable to sign the complaint and who do not have documentation to support the alleged violation. In the event that a FHAP is unable to secure a waiver or is not granted the authority to file the complaint, the complaint should be referred to HUD.

Investigations

It is critical for FHAP agencies, especially those located in geographic areas that are prone to natural disasters, to develop investigative protocols or strategies, or both. FHAP agencies should give priority to investigating cases in which the alleged housing discrimination poses an immediate threat to life, health, or safety. Investigative efforts should place emphasis on maintaining long-term contact with witnesses and preserving evidence. FHAP agencies should also consider implementing agreements or memorandums of understandings with neighboring enforcement or advocacy groups to conduct testing in complaints that lend themselves to testing to corroborate the allegation.

During the aftermath of a disaster HUD may determine that FHAP agencies must refer disaster related complaints to the Department. In which case, HUD will issue technical guidance to FHAP agencies regarding documentation and flagging of disaster related complaints in the Title Eight Automated Paperless Office Tracking System (TEAPOTS). Any complaint that poses an immediate threat to an individual's life, safety or health will be considered a priority. HUD will expedite efforts to conciliate or investigate the alleged complaint. HUD may also determine that the FHAP agency has the ability to investigate the complaint and will provide additional resources accordingly.

Oftentimes in a disaster situation a FHAP agency may determine that they are insufficiently staffed or they do not have the experience or expertise to handle complex or high-volume complaints. If permissible, neighboring FHAP agencies may have the ability to conduct investigations or assist with handling complex or high-volume complaint investigations; however, this should happen only under the advisement and approval of a HUD FHEO Regional Director.

During a disaster situation the FHAP agency's demand for resources, staffing and ability to carry out day-to-day operations may be affected. If feasible, FHAP agencies should have alternative case management and staff assignments to meet the following priorities:

- ◆ Processing and expediting complaint intake and investigation
- ◆ Establishing alternative means of contacting victims who may become displaced or does not have access to communication devices. This may require staff to conduct multiple interviews on site
- ◆ Expediting complaints that provide the victim with access to housing and or services
- ◆ Implementing procedures to secure and preserve evidence that could potentially be lost or destroyed

Accounting and Reporting

1. FHAP agencies shall identify all cases it accepts that involve persons who allege discrimination in their search to replace housing lost because of the disaster.
2. All cases identified as involving direct disaster-related housing discrimination, disaster victimization, and both disaster-related housing discrimination and disaster victimization should be appropriately labeled for data retrieval, with the words “disaster-related” or “Hurricane Katrina complaint.” For example, where possible, FHAP agencies keeping electronic case tracking systems should create fields to indicate whether a case involves disaster-related housing discrimination, victimization of disaster victims, or both.
3. FHAP agencies shall identify all disaster-related housing discrimination cases they intake that involving allegations of housing discrimination directly related to a disaster. Examples of such discrimination include, but are not limited to:
 - a. Discriminatory repair or failure to repair damages to premises caused by the disaster based on one of the protected classes
 - b. Discriminatory predatory housing services marketed by referring to the disaster
 - c. Discriminatory failure by housing providers to allow access to public utility service interrupted in the disaster
 - d. Discriminatory termination of housing or housing services that the provider of housing or housing services or the protected individual attributes to the disaster
4. FHAP/FHIP agencies/organizations shall be prepared to report to HUD, the state FHAP agency, and other funders of their fair housing services regarding the number and characteristics of their cases involving:
 - a. Direct disaster-related housing discrimination
 - b. Disaster victimization
 - c. Both direct disaster-related housing discrimination and disaster victimization
5. FHAP agency staff will be alert for instructions from HUD regarding reporting of the number and characteristics of their cases involving direct disaster-related housing discrimination, disaster victimization, or both and will comply with any such instructions received.

FHIP ENFORCEMENT RESPONSIBILITIES

Interprogram Coordination

HUD-Coordinated Activity

As provided in the sample MOU between the HUD Office of FHEO and its partner fair housing programs, each FHIP agency shall identify and appoint a Disaster Liaison to inform, counsel, evaluate, coordinate, plan, advise, and directly participate in all emergency fair housing efforts in response to a disaster. It is important for FHIP agencies to identify and appoint a Disaster Liaison in all emergency fair housing efforts in preparation for and in response to a disaster. FHIP agencies play a pivotal role because of the flexibility and ability to collaborate and conduct enforcement efforts in other jurisdictions without restriction. It is essential that FHIP agencies maintain constant communications with their respective Regional Director who will provide information and potential resources to assist FHIP agencies in establishing collaborative enforcement efforts with neighboring FHAP and FHIP agencies.

Due to the likelihood of changes in staff and staff responsibilities during the sometimes lengthy periods between disasters, each FHIP agency should re-evaluate at the onset of each disaster or impending disaster whether the person who last served as its Disaster Liaison remains the most appropriate person to perform that role.

The role of a Disaster Liaison is to ensure that their respective FHIP agency complies with the agency's disaster plan and guidelines: As part of this responsibility, Disaster Liaisons will:

- ◆ Ensure that their FHIP agency has a disaster plan in place
- ◆ Ensure that all agency staff are aware of the plan's contents
- ◆ Ensure that all FHIP staff are aware of the plan's contents
- ◆ Ensure that staff have discussed the FHIP agency's obligations under the plan
- ◆ Ensure that staff understand how to carry out the FHIP agency's obligations under the plan
- ◆ Identify any disaster command posts established by FHEO within the FHIP agency's geographic jurisdiction
- ◆ Identify any FHEO hotlines serving disaster victims within the FHIP agency's geographic jurisdiction
- ◆ Participate in regular disaster-related meetings convened by FHEO and its MOU participating partners

Additional agency responsibilities are:

- ◆ To the greatest extent feasible, FHIP agencies will assist in staffing and providing logistical support of disaster command posts established by FHEO within their geographic jurisdiction.
- ◆ To the greatest extent feasible, FHIP agencies will work with and support FHAP agencies and elected officials to amend local laws or incorporate room for emergency executive order(s) that address the needs of each disaster.

Bilateral Coordination

To the greatest extent feasible, if a FHIP agency suffers from diminished ability to perform its mission due to damage to or destruction of physical facilities or inability of staff to fully perform their jobs as a result of a disaster, a FHIP agency sharing the jurisdiction or located in a neighboring jurisdiction may provide assistance on an in-kind basis, unless otherwise agreed to by each of the participating agencies. Such assistance may include, without limitation:

- ◆ Sharing office space and access to office equipment and telephones
- ◆ On request by the damaged FHIP agency, assigning staff to perform education, outreach, testing, and/or any activity ordinarily performed by the damaged FHIP agency
- ◆ On request by the damaged FHIP agency, conducting tests that would ordinarily be performed by the damaged FHIP agency
- ◆ Staffing, or providing logistical support to, fair housing activity at emergency operations or service centers or FHEO command centers within the geographic jurisdiction of the damaged FHIP agency

To the greatest extent feasible, FHIP agencies should maintain and, as early as possible during the threat or aftermath of a disaster, will ensure that they have complete and up-to-date information about how victims of discrimination in housing and housing services may obtain fair housing materials and make fair housing complaints in all nearby jurisdictions. After a disaster, while communications are disrupted due to failure of infrastructure or economic or other dislocation of disaster victims, FHIP agencies may receive fair housing inquiries from persons outside of their usual geographic jurisdiction. In such circumstances, FHIP staff should make every effort to facilitate communication between such persons and the FHIP agency with geographic jurisdiction, including without limitation the following:

- ◆ Initiate contact personally with another FHAP/FHIP agency on behalf of the person
- ◆ Provide directly any fair housing information requested by the person
- ◆ Complete intake with the person and forward the information obtained to HUD or cooperating legal services agencies for further action

Early Recognition of Discriminatory Practices

After a disaster, FHIP agencies should identify the agencies in their communities that have heavy contact with the populations most likely to suffer discrimination in housing and housing services over the coming weeks and months. Because of the nature and location of the disaster, these agencies may differ from the agencies that normally serve large numbers of persons from protected classes. The following efforts and activities should be initiated in the weeks and months after a disaster:

Staff should periodically canvas heavy contact agencies about negative experiences their clientele are having with providers of housing and housing services.

Staff should make special efforts in conducting education, outreach, intake, and audit/enforcement testing to elicit information and document the prevalence of discrimination suspected in particular regions or communities.

Staff, whenever practicable, should make site visits to neighborhoods, housing complexes, or other locations where discriminatory patterns are suspected in an effort to meet and interview victims of discrimination.

Staff should maintain contact with HUD and other FHAP and FHIP to share information about trends in post-disaster fair housing complaints.

Enforcement

General Protocols

To the greatest extent feasible, in the weeks and months after a disaster, FHIP agencies, within their ability, may relax any self-imposed geographic limitations on their jurisdiction in the interest of accomplishing the broader mission of fair housing. FHIP agencies should always confer and seek advisement from the HUD Regional Director in advance of augmenting the agency's day-to-day operations. HUD may have the ability to provide additional resources and information to assist the FHIP agency's enforcement efforts. It is also important for FHIP agencies to document all testing and education and outreach efforts.

During a disaster situation the FHIP agency's demand for resources, staffing and ability to carry out day-to-day operations may be affected. If feasible, FHIP agencies should establish alternative complaint intake and referral processes; and staff assignments to meet the following priorities:

- ◆ Establishing ongoing contact and working relationships with victims of discrimination who, due to loss of housing, utilities, or resources, may not otherwise be reachable in the future
- ◆ Preventing further or future injury from discrimination in housing and housing services
- ◆ Resolving quickly discrimination and reasonable accommodation claims to the satisfaction of the protected individual, especially when the utility of prompt resolution is magnified by post-disaster need
- ◆ Preserving evidence of discrimination that may be destroyed or may disappear in the aftermath of a disaster

Intake

In the weeks and months after a disaster, staff will make extraordinary effort to complete intake, notwithstanding the inability of protected individuals, due to the disaster, to complete steps that may be required of them at other times. Among the adjustments staff will make, when appropriate, are:

- ◆ Travel to the home, job, place of worship, or other location convenient to the protected individual to conduct interviews, complete documents, and receive evidence
- ◆ To the greatest extent feasible, commence the investigation of a discrimination claim or provide assistance to the protected individual without signatures or documentation generally required by HUD or a FHAP agency

FHIP agencies should ensure their staff members are prepared to perform intake at or after all public appearances in the aftermath of a disaster.

Deferring Intake

In the weeks following a disaster, staff will not ask protected individuals to defer intake without clear assurance that the protected individual will be physically available for intake at another specified place and time. Protected individuals may choose to defer seeking assistance with discrimination claims because of disaster-related needs they consider more urgent. Staff should respect such choices. If a protected individual so requests, staff should defer intake regarding the discrimination claim but will attempt to schedule it for a specified place and future time.

Referral

After a disaster, FHIP agencies and their staff should make it their business to know what assistance is available to disaster victims and how that assistance may be accessed, even when that assistance is unrelated to discrimination or housing. FHIP staff should utilize the information derived from the resources section of this plan and other referral resources available within its respective jurisdictions.

Staff should make appropriate referrals to disaster assistance services for all persons requesting assistance from the FHIP agency regardless of the apparent strength of the person's allegations of discrimination or even regardless of whether the person is alleging discrimination.

Investigation

In the aftermath of a disaster, FHIPs with investigative staff and capability will give priority to investigating cases in which the housing discrimination alleged poses an immediate threat to life, health, or safety. Investigative strategies employed in the aftermath of a disaster should place great emphasis on maintaining long-term contact with witnesses and preserving evidence.

FHIP agencies in geographic areas prone to natural disasters shall develop testing and other investigative techniques appropriate for allegations of disaster-related discrimination before a natural disaster looms or occurs. Such FHIP agency investigative staff shall attend training events on related investigation sponsored by HUD, the National Fair Housing Alliance, or other entities with nationally recognized fair housing expertise.

FHIP agencies in geographic areas prone to natural disasters should prepare their testers for the possibility of testing assignments in the aftermath of a disaster. Such FHAP or FHIP agencies or organizations will

have the means for test coordinators and testers to contact each other after a disaster that are understood by all professional and volunteer personnel in the testing program.

Disaster-Related Discrimination Complaints

In cases of alleged disaster-related discrimination posing a threat to life, safety, or health or involving economic urgency for the protected individual, a FHIP agency shall consider immediate referral of the complaint to HUD even before the agency has completed its own investigation, in order to expedite the conciliation and additional investigative resources.

FHIP agencies shall ensure that all appropriate staff are aware of the circumstances under which it is proper to use any disaster hotline established by HUD and the state FHAP agency, if applicable, for the expedited entry of disaster-related discrimination complaints and will ensure the disaster hotline is used in those circumstances.

Disaster-related fair housing complaints filed by FHIP agencies with HUD shall contain a prominent allegation of their disaster-related nature to assist the receiving agency in assigning appropriate priority to its responsive activity and in assessing the impact of the disaster on its workload and on housing opportunity generally. FHIP agencies shall be alert for instructions from HUD regarding the proper means of labeling disaster-related complaints and will comply with any such instructions received.

For disaster-related reasons, a FHIP agency may lose contact with a victim of discrimination or may be unable to procure signatures or other information about the victim that is unrelated to the strength of the discrimination claim and that HUD or the FHAP agency requires before accepting a complaint. In such circumstances, if the FHAP agency does not or cannot waive the unmet requirement, the FHIP agency should immediately refer that case to HUD for expedited processing and investigation.

In cases of immediate disaster-related need, FHIP agencies shall consider asking a cooperating attorney representing the complainant to seek temporary judicial relief protecting the life, safety, or health of the complainant while his or her administrative complaint remains pending.

Accounting and Reporting

1. FHIP agencies shall identify all cases it accepts that involve persons who allege discrimination in their search to replace housing lost because of the disaster.
2. All cases identified as involving direct disaster-related housing discrimination, disaster victimization, and both disaster-related housing discrimination and disaster victimization should be appropriately labeled for data retrieval, with the words “disaster-related complaint/inquiry” (e.g., “Hurricane Katrina complaint”). Where possible, FHIP agencies keeping computerized data on the characteristics of their fair housing cases shall create fields in their computer databases that will indicate whether a case involves disaster-related housing discrimination, victimization of disaster victims, or both.
3. FHIP agencies shall identify all disaster-related housing discrimination cases they intake that involve allegations of housing discrimination directly related to a disaster. Examples of such discrimination include, without limitation:
 - a. Discriminatory repair or failure to repair damages to premises caused by the disaster on the basis of one of the protected classes

- b. Discriminatory predatory housing services marketed by referring to the disaster
 - c. Discriminatory failure by housing providers to allow access to public utility service interrupted in the disaster
 - d. Discriminatory termination of housing or housing services that the provider of housing or housing services or the protected individual attributes to the disaster
4. FHIP agencies shall be prepared to report to HUD or other funders of their fair housing services regarding the number and characteristics of their cases involving:
 - a. Direct disaster-related housing discrimination
 - b. Disaster victimization
 - c. Both direct disaster-related housing discrimination and disaster victimization
 5. FHIP agency staff will be alert for instructions from HUD regarding reporting of the number and characteristics of their cases involving direct disaster-related housing discrimination, disaster victimization, or both, and will comply with any such instructions received.

ENFORCEMENT RESPONSIBILITIES RESOURCES

Fair Housing Act Brochure and complaint form (printed brochures available through FHEO)

<http://www.hud.gov/offices/adm/hudclips/forms/files/903-1.pdf>

Summary of fair housing laws and executive orders

[http://www.hud.gov/utilities/print/print2.cfm?page=80\\$^@http%3A%2F%2Fwww%2Ehud%2Egov%2Foffices%2Ffheo%2FFHLaws%2Findex%2Ecfm&portnum=80](http://www.hud.gov/utilities/print/print2.cfm?page=80$^@http%3A%2F%2Fwww%2Ehud%2Egov%2Foffices%2Ffheo%2FFHLaws%2Findex%2Ecfm&portnum=80)

Link to file an online Fair Housing Act complaint with HUD

<http://www5.hud.gov:1025/netdynamics/ndNSAPI.nd/HUD903/pagHUDPrivacy>

Fair Housing Act Regulations 24 CFR Part 14 et al. (printed regulations may be available through FHEO)

http://www.access.gpo.gov/nara/cfr/waisidx_06/24cfrv1_06.html#100

Fair Housing Act 42 USC 3601 et al. (printed statute booklets are available through FHEO)

<http://www.usdoj.gov/crt/housing/title8.htm>

HUD-FHEO's Equal Opportunity brochure in English and Spanish (original printed brochures available through FHEO):

http://www.hudclips.org/sub_nonhud/html/pdfforms/1686.pdf

http://www.hudclips.org/sub_nonhud/html/pdfforms/1686-1-FHEO-Spa.pdf

FHAP Agencies

<http://www.hud.gov/offices/fheo/partners/FHAP/agencies.cfm>

FEMA Directive 7-05, Civil Rights Program

http://www.fema.gov/pdf/oer/state_7_05.pdf

FEMA Directive 4-05, Equal Opportunity for Persons with Disabilities

http://www.fema.gov/pdf/oer/state_4_05.pdf

FEMA Directive 5-05, Accessible Electronic and Information Technology

http://www.fema.gov/pdf/oer/state_5_05.pdf

FEMA Office of Equal Rights "Your Right to Equal Opportunity" Information Sheet

<http://www.fema.gov/pdf/oer/rights.pdf>

FEMA Nondiscrimination in FEMA-assisted Programs (44 CFR Part 7)

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;rgn=div5;view=text;node=44%3A1.0.1.1.8;idno=44;sid=bf0c9dd49c6757dd8866c54d023efb0d;cc=ecfr>

Your Guide to FEMA: Helping You to Help Others

<http://www.training.fema.gov/EMIWeb/DFTO/docs/Your%20Guide%20to%20FEMA.doc>

United States Access Board: mission and jurisdictional summary

<http://www.access-board.gov/about.htm>

How to file a complaint with the United States Access Board

<http://www.access-board.gov/enforcement/filing.htm>

Architectural Barriers Act online complaint form

<http://www.access-board.gov/enforcement/form-email.htm>



EDUCATION AND OUTREACH

Education and Outreach

INTRODUCTION

The mission of the Department of Housing and Urban Development (HUD) is to provide safe, affordable, accessible, and sanitary housing to all without discrimination. To ensure that housing and housing-related services, programs, and activities are provided on a nondiscriminatory basis, the Office of Fair Housing and Equal Opportunity (FHEO) and its fair housing partners enforce the Fair Housing Act and educate the public, the housing industry, and financial and insurance institutions about the Fair Housing Act and its provisions.

During times of disaster, the immediate need is to find temporary housing for people whose homes have been damaged or destroyed. As these immediate needs are resolved, the emphasis will transfer to locating and facilitating permanent housing. Regardless of whether we are locating temporary or permanent housing, housing providers, landowners, and financial and insurance institutions are subject to the provisions of the Fair Housing Act. The Fair Housing Act prohibits discrimination in any residential real estate-related transaction on the basis of race, color, national origin, religion, sex, disability, or familial status.

The purpose of this section is to assist fair housing professionals in educating housing providers, including those providing temporary emergency housing, landowners, financial and insurance institutions, and those seeking housing on the Fair Housing Act.

FAIR HOUSING DISASTER EDUCATION AND OUTREACH STRATEGY

This strategy provides a framework for activities that can be coordinated and implemented to assist fair housing enforcement and advocacy groups in educating disaster responders, victims and housing/service providers. This strategy can be used pre and post disaster to ensure that fair housing is a part of the disaster recovery planning and response.

- ◆ Develop and reproduce simple and concise materials to provide information to victims on what to do if they encounter various forms of housing discrimination.
- ◆ Revise/revamp the one-page flyers, consistent with the needs of each disaster, with contact numbers for FHEO assistance partner throughout the affected areas.
- ◆ Have all education materials translated from English to Spanish, Vietnamese, and other appropriate languages, consistent with the needs of the community in the affected areas.
- ◆ Take the lead in ensuring that education materials are distributed to all HUD program areas, HUD recipients, city and local governments, emergency operating centers, churches, migrant farm worker organizations, etc.
- ◆ Depending on the needs of each disaster, make contact with the appropriate agencies and organizations identified in the Fair Housing Disaster Plan's Resource Guides.
- ◆ Work with HUD Public Affairs to assist in the dissemination of press-related materials and in the dissemination of free Public Service Announcement information for radio and TV on fair housing.
- ◆ Take the lead in ensuring that all participating Memorandum of Understanding entities assist in the implementation of the Fair Housing Disaster Plan's Education and Outreach Strategy.
- ◆ Depending on the needs after a disaster, FHEO staff may be deployed to the affected area(s). As soon as possible after (before or upon arrival) a disaster strikes a particular geographic area(s), FHEO staff deployed to the impacted area(s) should make contact with the appropriate HUD Field Office Director, local Fair Housing Assistance Program (FHAP) and Fair Housing Initiatives Program (FHIP) partners, and local and federal government officials responsible for the implementation of disaster recovery to provide technical assistance regarding the civil rights requirements under Titles VI and VIII, Sections 504, Section 3, 109, and the Americans with Disabilities Act.
- ◆ Staff deployed to the affected areas should familiarize themselves with the resources identified in the Fair Housing Disaster Plan's Resource Guides section.
- ◆ Participate in disaster-related meetings or conferences to provide an overview of the FHEO mission consistent with the needs of each event.

DISABILITY RIGHTS ADVOCATES

Following is a list of disability rights organizations that may be helpful during disaster recovery. There may be others located within your jurisdiction that you may want to include on this list.

Technical Assistance Collaborative

One Center Plaza, Suite 310
Boston, MA 02108-2007

Technical Assistance Collaborative (TAC) is a national nonprofit organization that provides consultation and technical assistance to national, state, and local health, human services, and special needs housing organizations in the areas of mental health, substance abuse, human services, and affordable housing. TAC works to achieve positive outcomes on behalf of people with disabilities or other special needs. TAC is a member of the Consortium for Citizens with Disabilities (CCD's) Housing Task Force.

Contact Person:

Ann O'Hara, Associate Director
(617) 266-5657
Fax: (617) 266-4343

Concrete Change

600 Dancing Fox Road
Decatur, GA 30032

Concrete Change is an advocacy group for persons with disabilities, advocating for "visitability" for housing in the public and private sectors. In 1996, in collaboration with Concrete Change, the Department developed the concept of "visitability" out of the concern that many townhouses and single-family houses were being built for private ownership and that such housing was not accessible for visiting purposes to family members, friends, or associates with disabilities. Visitability design provides for a 32-inch clear opening in all bathroom and interior doorways and provides at least one accessible means of egress/ingress for each housing unit.

Contact Person:

Eleanor Smith, Director and Founder
(404) 378-7455
Fax: (404) 622-3255

Access Living

614 W. Roosevelt Road
Chicago, IL 60607

Access Living is a cross-disability organization governed and staffed by a majority of people with disabilities. Access Living fosters the dignity, pride, and self-esteem of people with disabilities and enhances the options available to them so they may choose and maintain individualized and satisfying lifestyles. To this end, Access Living offers peer-oriented independent living services; public education, awareness and development; individualized and systemic advocacy; and enforcement of civil rights on behalf of people

with disabilities. Access Living recognizes the innate rights, abilities, needs, and diversity of people with disabilities, works toward their integration into community life, and serves as an agent of social change.

Contact Person:

Darrell Price, Housing Policy Coordinator
(312) 253-7000

Disability Rights Action Coalition for Housing (DRACH)

501 S.W. Jackson
Topeka, KS 66603

The Disability Rights Action Coalition for Housing (DRACH) is a national grassroots network of individuals with disabilities, disability advocates and organizations, and customers of federal programs who have extensive experience in local and national housing arenas. The Coalition operates in ways that affirm the civil and human rights of people regardless of disability, gender, race, ethnicity, national origin, religion, sexual orientation, age, or color, such as education and outreach, advocacy, direct action, and publicity. DRACH works on the federal, state, and local levels to ensure that the civil and human rights of persons with disabilities are recognized and fully honored in the provision of housing.

Contact Person:

Becca Vaughn, Independent Living Specialist Manager and Housing Coordinator
(785) 233-4572
Fax: (785) 5072

Americans Disabled for Attendant Programs Today

1339 Lamar Square Drive #101
Austin, TX 78704

The Americans Disabled for Attendant Programs Today (ADAPT) focuses on promoting services in the community instead of warehousing people with disabilities in institutions and nursing homes. ADAPT has a long history of organizing in the disability community and using civil disobedience and similar nonviolent action tactics to achieve its goals. The ADAPT national office is in Denver, Colorado, but most housing-related activities are coordinated by its office in Austin, Texas.

Contact Person:

Stephanie Thomas or Bob Kafka, Advocate
(512) 442-0262 (day) or (512) 484-8543 (evenings)

Bazelon Center for Mental Health Law

1101 15th Street NW, Suite 1212
Washington, DC 20005

The Judge David L. Bazelon Center for Mental Health Law is a nonprofit legal advocacy organization. It provides technical support and co-counsels selected lawsuits with private lawyers, legal services programs, American Civil Liberties Union chapters, and state protection and advocacy systems to preserve and expand programs that assure children and adults with mental disabilities of choice and dignity. It also publishes

handbooks, manuals, and issues papers and reports explaining key legal and policy issues. Bazelon is a member of CCD's Housing Task Force.

Contact Person:

(202) 467-5730, Ext. 17

Fax: (202) 223-0409

The Consortium for Citizens with Disabilities

1730 K Street NW, Suite 1212

Washington, DC 20006

The Consortium for Citizens with Disabilities (CCD) is a coalition of approximately 100 national disability organizations working together to advocate for national public policy that ensures the self-determination, independence, empowerment, integration, and inclusion of children and adults with disabilities in all aspects of society. The CCD Housing Task Force has four Co-Chairs: the American Network of Community Options and Resources, National Alliance for the Mentally Ill, Paralyzed Veterans Administration, and the National Association of Protection and Advocacy System. The Bazelon Center for Mental Health Law and Technical Assistance Collaborative are members of CCD's Housing Task Force.

Contact Person:

Michael Allen, Senior Staff Attorney,
Bazelon Center for Mental Health Law
(202) 467-5730

American Network of Community Options and Resources

4200 Evergreen Lane, Suite 315

Annandale, VA 22003

The American Network of Community Options and Resources (ANCOR) is a nonprofit trade association representing private providers who provide supports and services to people with disabilities. ANCOR's efforts in the area of public policy, federal legislative and regulatory initiatives, judicial results, state-level initiatives, and the culling of leading practices have uniquely positioned it as a national presence for private providers. ANCOR is a Co-Chair of the CCD Housing Task Force.

Contact Person

Suellen Galbraith, Director for Public Policy
(703) 535-7850
Fax: (703) 535-7860

Paralyzed Veterans of America

801 Eighteenth Street NW

Washington, DC 20006

The Paralyzed Veterans of America (PVA), a congressionally chartered veterans service organization founded in 1946, specializes in a wide variety of issues involving the special needs of veterans of the armed forces who have experienced spinal cord injury or dysfunction. PVA is a Co-Chair of CCD's Housing Task Force.

Contact Person:

Susan Prokop, Associate Advocacy Director
(202) 416-7707
Fax: (202) 416-7706

National Council of Independent Living Centers

1916 Wilson Boulevard, Suite 209
Arlington, VA 22201

The National Council on Independent Living (NCIL) is a membership organization that advances the independent living philosophy and advocates for the human rights of, and services for, people with disabilities to further their full integration and participation in society. Founded in 1982, NCIL represents more than 700 organizations and individuals, including centers for independent living, statewide independent living councils, individuals with disabilities, and other organizations that advocate for the human and civil rights of people with disabilities throughout the United States.

Contact Person:

Ann Marie Hughey
(703) 525-3406, extension 30
Fax: (703) 525-3409

National Association of Protection and Advocacy Systems

900 Second Street NE, Suite 211
Washington, DC 20002

The National Association of Protection and Advocacy Systems (NAPAS) and Client Assistance Program (CAP) comprise the nationwide network of congressionally mandated, legally based disability rights agencies. NAPAS agencies have the authority to provide legal representation and other advocacy services, under all federal and state laws, to all people with disabilities (on the basis of a system of priorities for services). NAPAS maintains a presence in facilities that care for people with disabilities, where they monitor, investigate, and attempt to remedy adverse conditions. These agencies also devote considerable resources to ensuring full access to inclusive educational programs, financial entitlements, health care, accessible housing, and productive employment opportunities. NAPAS is a Co-Chair of CCD's Housing Task Force.

Contact Person:

Kathy McGinley, Director of Public Policy
(202) 408-9514
Fax: (202) 408-9520

Disabled American Veterans

807 Maine Avenue SW
Washington, DC 20024

Made up exclusively of men and women disabled in our nation's defense, Disabled American Veterans is dedicated to one, single purpose: building better lives for America's disabled veterans and their families. It

provides free professional assistance to veterans and their families when they need a voice on Capitol Hill, a nationwide service program, a transportation network or unique rehabilitation opportunities.

Contact Person:

David W. Gorman, Executive Director
(202) 554-3501
Fax: (202) 554-3581

National Alliance for the Mentally Ill

Colonial Place Three
2107 Wilson Boulevard, Suite 300
Arlington, VA 22201

The National Alliance for the Mentally Ill (NAMI) is a nonprofit, grassroots, self-help, support and advocacy organization of consumers, families, and friends of people with severe mental illnesses, such as schizophrenia, major depression, bipolar disorder, obsessive-compulsive disorder, and anxiety disorders. NAMI is dedicated to the eradication of mental illnesses and to the improvement of the quality of life of all whose lives are affected by these diseases. NAMI is a Co-Chair of CCD's Housing Task Force.

Contact Person:

Andrew Sperling, Director of Public Policy
(703) 516-7222, extension 7940
Fax: (703) 524-9094

National Council on Disability

1331 F Street NW, Suite 1050
Washington, DC 20004

The National Council on Disability (NCD) is an independent federal agency making recommendations to the President and Congress on issues affecting 54 million Americans with disabilities. NCD's overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability, and to empower individuals with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

Contact Person:

Jeff Rosen, General Counsel
(202) 272-2124
Fax: (202) 272-2022

OTHER LOCAL PARTNERS DURING DISASTER

Note: Other local partners that you may want quick access to may include:

- ◆ Federal Emergency Management Agency
- ◆ The American Red Cross
- ◆ Public health centers and other medical facilities
- ◆ Local law enforcement
- ◆ Local fire department
- ◆ Local waste and trash removal services
- ◆ Local pet rescue units
- ◆ Local social services that provide food, counseling, and transportation
- ◆ Local food bank
- ◆ Local media
- ◆ Local financial and insurance institutions
- ◆ Local courts
- ◆ Metropolitan public housing authorities and assisted housing providers
- ◆ Local Low Income Housing Tax Credit Developments
- ◆ Local Internal Revenue Service
- ◆ Local Social Security Service

All contact information should be obtained and included on this Toolkit.

EDUCATION AND OUTREACH MATERIAL AVAILABLE THROUGH HUD

The following fair housing and civil rights materials are available through the HUD Web site as noted. It is recommended that you download and print the material as needed.

“Are You a Victim of Housing Discrimination?” (available in English, Chinese, Spanish, and Vietnamese):

English: http://www.hudclips.org/sub_nonhud/html/pdfforms/903-1.pdf

Chinese: http://www.hudclips.org/sub_nonhud/html/pdfforms/903-1b.pdf

Spanish: <http://www.hud.gov/offices/fheo/library/spanish903.pdf>

Vietnamese: http://www.hudclips.org/sub_nonhud/html/pdfforms/903-1f.pdf

“Fair Housing: It’s Not an Option, It’s the Law” (available in English, Arabic, Chinese, Russian, Spanish, and Vietnamese):

www.hud.gov/offices/fheo

www.fairhousinglaw.org

“We Do Business in Accordance with the Fair Housing Act” (available in Arabic, Cambodian, Chinese, Creole, Hmong, Korean, Spanish and Vietnamese):

Arabic: http://www.hud.gov/offices/fheo/promotingfh/Arabic_Flyer.pdf

Cambodian: http://www.hud.gov/offices/fheo/promotingfh/Cambodian_Flyer.pdf

Chinese: http://www.hud.gov/offices/fheo/promotingfh/Chinese_Flyer.pdf

Creole: http://www.hud.gov/offices/fheo/promotingfh/Creole_Flyer.pdf

Hmong: http://www.hud.gov/offices/fheo/promotingfh/Hmong_Flyer.pdf

Korean: http://www.hud.gov/offices/fheo/promotingfh/Korean_Flyer.pdf

Spanish: <http://www.hud.gov/offices/fheo/promotingfh/928-1a.pdf>

Vietnamese: http://www.hud.gov/offices/fheo/promotingfh/Vietnamese_Flyer.pdf

HUD’s Title VIII Fair Housing Complaint Process: <http://www.hud.gov/offices/fheo/complaint-process.pdf>

Disability Rights Resources

Disability Rights Resources: <http://www.hud.gov/offices/fheo/disabilities/index.cfm>

Toll-free TTY phone for the hearing impaired: 1-800-927-9275

Reasonable Accommodation Guidance:
<http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>

Lending

Predatory Lending Brochure:

English: <http://www.hud.gov/offices/fheo/lending/predatorylendingbrochure.pdf>

Spanish: <http://www.hud.gov/offices/fheo/library/predatorylendingbrochurespanish.pdf>

Group Homes, Local Land Use, and the Fair Housing Act:
http://www.usdoj.gov/crt/housing/final8_1.htm

Fair Housing Advertising Guidance: <http://www.hud.gov/offices/fheo/library/part109.pdf>

Fair Housing Logo: <http://www.hud.gov/library/bookshelf11/hudgraphics/fheologo.cfm>

Fair Housing Equal Opportunity for All:

English: http://www.hudclips.org/sub_nonhud/html/pdfforms/1686.pdf

Spanish: http://www.hudclips.org/sub_nonhud/html/pdfforms/1686-1-FHEO-Spa.pdf

Fair Housing Public Service Announcements: <http://www.hud.gov/webcasts/archives/pubservice.cfm>

Fair Housing Newsletter During Disaster:
<http://www.hud.gov/local/shared/working/r10/fhnews0905.cfm?state=wa>

Fair Housing—Housing for Older Persons Act Questions and Answers—Hurricane:
<http://www.hud.gov/offices/fheo/library/HOPA-HurricaneQnAs.pdf>

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FAIR HOUSING 101

Fair Housing 101

INTRODUCTION

The Department of Housing and Urban Development (HUD) enforces the Fair Housing Act and other federal laws that prohibit discrimination and the intimidation of people in their homes, apartment buildings, and condominium developments, as well as nearly all housing transactions, including the rental and sale of housing and the provision of mortgage loans.⁵

Disasters can happen anytime and anywhere and may force people to flee their homes. During such turbulent times, people should not have to be victimized when looking for a place to call home.

When a disaster strikes, emergency professionals and the general public need to know that they are entitled to equal access to housing opportunities and that the federal Fair Housing Act provides protection against unfair housing practices. Landlords who refuse to rent or sell homes to people on the basis of race, color, national origin, religion, sex, familial status, or disability are violating federal law, and HUD will vigorously pursue them.⁵

This section provides information regarding prohibited housing practices and can be used to provide basic fair housing education to emergency management personnel and displaced persons.

THE FAIR HOUSING ACT

The Fair Housing Act is a federal law that prohibits discrimination in housing and housing-related services based on a person's race, color, national origin, religion, sex, familial status, or disability. The Fair Housing Act ensures that all persons receive equal housing opportunity.

What Housing Is Covered?

The Fair Housing Act covers most housing. In some circumstances, the Act exempts owner-occupied buildings with no more than four units, single-family housing sold or rented without the use of a broker, and housing operated by organizations and private clubs that limit occupancy to members.

What Is Prohibited?

In the sale and rental of housing, no one may take any of the following actions based on race, color, national origin, religion, sex, familial status, or disability:

- ◆ Refuse to rent or sell housing
- ◆ Refuse to negotiate for housing
- ◆ Make housing unavailable

⁵ HUD Fair Housing Equal Opportunity for All brochure, January 2006.

- ◆ Deny a dwelling
- ◆ Set different terms, conditions, or privileges for sale or rental of a dwelling
- ◆ Provide different housing services or facilities
- ◆ Falsely deny that housing is available for inspection, sale, or rental
- ◆ For profit, persuade owners to sell or rent (blockbusting)
- ◆ Deny anyone access to or membership in a facility or service (such as a multiple listing service) related to the sale or rental of housing

In mortgage lending, no one may take any of the following actions on the basis of race, color, national origin, religion, sex, familial status, or disability:

- ◆ Refuse to make a mortgage loan
- ◆ Refuse to provide information regarding loans
- ◆ Impose different terms or conditions on a loan, such as different interest rates, points, or fees
- ◆ Discriminate in appraising property
- ◆ Refuse to purchase a loan
- ◆ Set different terms or conditions for purchasing a loan

In addition, it is illegal for anyone to:

- ◆ Threaten, coerce, intimidate, or interfere with anyone exercising a fair housing right or assisting others who exercise that right
- ◆ Advertise or make any statement that indicates a limitation or preference on the basis of race, color, national origin, religion, sex, familial status, or handicap. This prohibition against discriminatory advertising applies to single-family and owner-occupied housing that is otherwise exempt from the Fair Housing Act.

Additional Protection If You Have a Disability

If you or someone associated with you:

- ◆ Have a physical or mental disability (including hearing, mobility, and visual impairments; chronic alcoholism; chronic mental illness; AIDS; and mental retardation) that substantially limits one or more major life activities
- ◆ Have a record of such a disability
- ◆ Are regarded as having such a disability

Your landlord may not:

- ◆ Refuse to let you make reasonable modifications to your dwelling or common use areas, at your expense, if necessary for the disabled person to use the housing. (Where reasonable, the landlord may permit changes only if you agree to restore the property to its original condition when you move.)

- ◆ Refuse to make reasonable accommodations in rules, policies, practices, or services if necessary for the disabled person to use the housing.

Example: A building with a “no pets” policy must allow a visually impaired tenant to keep a guide dog.

Example: An apartment complex that offers tenants ample, unassigned parking must honor a request from a mobility-impaired tenant for a reserved space near her apartment if necessary to ensure that she has access to her apartment.

The Fair Housing Act does not prohibit:

- ◆ Equal treatment related to rental history and credit history and restrictions on the basis of criminal history, when equally applied to all applicants
- ◆ Restrictions based on marital status

However, housing need not be made available to a person who is a direct threat to the health or safety of others or who currently uses illegal drugs.

Requirements for New Buildings

In buildings that were ready for first occupancy after March 13, 1991, and have an elevator and four or more units:

- ◆ Public and common areas must be accessible to persons with disabilities
- ◆ Doors and hallways must be wide enough for wheelchairs
- ◆ All units must have:
 - An accessible route into and through the unit
 - Accessible light switches, electrical outlets, thermostats, and other environmental controls
 - Reinforced bathroom walls to allow later installation of grab bars
 - Kitchens and bathrooms that can be used by people in wheelchairs

If a building with four or more units has no elevator and was ready for first occupancy after March 13, 1991, these standards apply to ground floor units only. These requirements for new buildings do not replace any more stringent standards in State or local law.

Housing Opportunities for Families

Unless a building or community qualifies as housing for older persons, it may not discriminate on the basis of familial status. That is, it may not discriminate against families because of the presence of one or more children under age 18 are living with:

- ◆ A parent
- ◆ A person who has legal custody of the child or children

◆ The designee of the parent or legal custodian, with the parent or custodian's written permission
Familial status protection also applies to pregnant women and anyone securing legal custody of a child under age 18.

Housing for older persons is exempt from the prohibition against familial status discrimination if any of the following apply:

- ◆ The HUD Secretary has determined that it is specifically designed for and occupied by elderly persons under a Federal, State, or local government program
- ◆ It is occupied solely by persons who are 62 or older
- ◆ It houses at least one person who is 55 or older in at least 80 percent of the occupied units and adheres to a policy that demonstrates an intent to house persons who are 55 or older

A transition period permits residents on or before September 13, 1988, to continue living in the housing, regardless of their age, without interfering with the exemption.

Help for Those Who Think Their Rights Have Been Violated

HUD is ready to help with any problem of housing discrimination. The Housing Discrimination Complaint Form is available to download, complete, and return, or to complete online and submit, or persons may also write HUD a letter or telephone the nearest HUD office.

Persons have one year after an alleged violation to file a complaint with HUD, but should file it as soon as possible.

What Information Does a Person Need to Tell HUD?

- ◆ Name and address
- ◆ Name and address of the person the complaint is against (the respondent)
- ◆ Address or other identification for the housing involved
- ◆ Short description of the alleged violation (the event that caused the person to believe his or her rights were violated)
- ◆ Date(s) of the alleged violation

Where Should a Person Write or Call?

Send the Housing Discrimination Complaint Form or a letter to the HUD Office nearest you, or call the hotline number at 1-800-669-9777 (voice) or (TTY) at 1-800-927-9275.

For Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:

Boston Regional Office of FHEO
U.S. Department of Housing and Urban Development
Thomas P. O'Neill, Jr. Federal Building
10 Causeway Street, Room 321
Boston, MA 02222-1092
(617) 994-8300
1-800-827-5005
TTY (617) 565-5453

For New Jersey and New York:

New York Regional Office of FHEO
U.S. Department of Housing and Urban Development
26 Federal Plaza, Room 3532
New York, NY 10278-0068
(212) 542-7519
1-800-496-4294
TTY (212) 264-0927

For Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia:

Philadelphia Regional Office of FHEO
U.S. Department of Housing and Urban Development
The Wanamaker Building
100 Penn Square East, 12th Floor
Philadelphia, PA 19107-3380
(215) 656-0663 ext 3241
1-888-799-2085
TTY (215) 656-3450

For Alabama, the Caribbean, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:

Atlanta Regional Office of FHEO
U.S. Department of Housing and Urban Development
Five Points Plaza
40 Marietta Street, 16th floor
Atlanta, GA 30303-2806
(404) 331-5140
1-800-440-8091
TTY (404) 730-2654

For Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin:

Chicago Regional Office of FHEO
U.S. Department of Housing and Urban Development
Ralph H. Metcalfe Federal Building
77 West Jackson Boulevard, Room 2101
Chicago, IL 60604-3507
(312) 353-7776 ext. 2453
1-800-765-9372
TTY (312) 353-7143

For Arkansas, Louisiana, New Mexico, Oklahoma, and Texas:

Fort Worth Regional Office of FHEO
U.S. Department of Housing and Urban Development
801 Cherry Street, 27th Floor
P.O. Box 2905
Fort Worth, TX 76113-2905
(817) 978-5900

1-800-669-9777
TTY (817) 978-5595

For Iowa, Kansas, Missouri, and Nebraska:

Kansas City Regional Office of FHEO
U.S. Department of Housing and Urban Development
Gateway Tower II
400 State Avenue, Room 200
Kansas City, KS 66101-2406
(913) 551-6958
1-800-743-5323
TTY (913) 551-6972

For Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:

Denver Regional Office of FHEO
U.S. Department of Housing and Urban Development
1670 Broadway
Denver, CO 80202-4801
(303) 672-5437
1-800-877-7353
TTY (303) 672-5248

For Arizona, California, Hawaii, and Nevada:

San Francisco Regional Office of FHEO
U.S. Department of Housing and Urban Development
600 Harrison Street, 3rd Floor
San Francisco, CA 94107-1387
(415) 489-6524
1-800-347-3739
TTY (415) 436-6594

For Alaska, Idaho, Oregon, and Washington:

Seattle Regional Office of FHEO
U.S. Department of Housing and Urban Development
Seattle Federal Office Building
909 First Avenue, Room 205
Seattle, WA 98104-1000
(206) 220-5170
1-800-877-0246
TTY (206) 220-5185

What If a Person Is Disabled?

HUD also provides:

- ◆ A toll-free TTY phone for the hearing impaired: 1-800-927-9275
- ◆ Interpreters
- ◆ Tapes and Braille materials

- ◆ Assistance in reading and completing forms

What Happens When a Person Files a Complaint?

HUD will notify you when it receives your complaint. Normally, HUD also will:

- ◆ Notify the alleged violator of the complaint and permit that person to submit an answer
- ◆ Investigate the complaint and determine whether there is reasonable cause to believe that the Fair Housing Act has been violated
- ◆ Notify the person filing the complaint if it cannot complete an investigation within 100 days of receiving your complaint

Conciliation

HUD will try to assist the person filing a complaint and the person the complaint is against (the respondent) to resolve the matter. A conciliation agreement must protect both the person filing the complaint and the public interest. If an agreement is signed, HUD will take no further action on the complaint. However, if HUD has reasonable cause to believe that a conciliation agreement is breached, HUD will recommend that the Attorney General file suit.

Complaint Referrals

If HUD has determined that there is a state or local agency in the area that has the same fair housing powers as HUD, HUD will refer the complaint to that agency for investigation and notify the person filing the complaint of the referral. That agency must begin work on the complaint within 30 days or HUD may take it back.

What If a Person Needs Help Quickly?

If there is an immediate need to help stop a serious problem that is being caused by a Fair Housing Act violation, HUD may be able to assist as soon as the person files a complaint. HUD may authorize the Attorney General to go to court to seek temporary or preliminary relief, pending the outcome of the complaint, if:

- ◆ Irreparable harm is likely to occur without HUD's intervention, and
- ◆ There is substantial evidence that a violation of the Fair Housing Act occurred

Example: A builder agrees to sell a house but, after learning the buyer is black, fails to keep the agreement. The buyer files a complaint with HUD. HUD may authorize the Attorney General to go to court to prevent a sale to any other buyer until HUD investigates the complaint.