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Commissioner George P. Bush  
Texas General Land Office - Community Development and Revitalization  
P.O. Box 12873  
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Re: Addressing Systemic Racial Inequity through CDBG-MIT Planning and Disaster Mitigation Activities

Dear Commissioner Bush:

As the Texas General Land Office - Community Development and Revitalization (GLO-CDR) compiles planning study topics for areas damaged by the 2015 Floods, 2016 Floods, and Hurricane Harvey, GLO-CDR staff must take this opportunity to study the disparate risks experienced by communities of color in our state. Low-income neighborhoods, specifically neighborhoods with high concentrations of people of color, have a history of chronic flooding. This is attributable to racially discriminatory allocations of public funds over many decades in the provision of storm mitigation infrastructure and to racially biased governmental practices that caused populations of people of color to be forced to live in neighborhoods more vulnerable to disasters. GLO-CDR's upcoming mitigation planning must consciously address the existing deficits in order to remedy these unlawful practices. GLO-CDR must pay attention to low-income communities' needs, including public infrastructure, evacuation options, and heightened risk from nearby special hazards.

We understand that GLO-CDR is soliciting feedback from elected officials representing areas that received a presidential disaster declaration in order to inform planning study topics for CDBG-MIT planning activities. Based on previous practices and ongoing attitudes, we expect that many local elected officials will not explicitly identify in the GLO-CDR survey this problem of heightened racial vulnerability stemming from public policies and practices. Nevertheless, their failure to acknowledge the need will not absolve GLO-CDR from requiring such planning assessments. GLO-CDR must compel them to address the systemic inequities affecting people of color exacerbated by disasters in the

forthcoming planning studies. Neighborhoods are impacted by floods and hurricanes according to built-in residential segregation that exposes the homes of residents of color to heightened risk when disasters strike. GLO-CDR's planning studies provide a critical opportunity to assess disparate levels of disaster risk that exist in communities of color vs. white communities. The State of Texas needs to prioritize planning to benefit the most vulnerable neighborhoods because localities do not address their needs effectively. Some neighborhoods in Texas with high populations of people protected under civil rights law experience chronic flooding, and historically, cities have not provided adequate protections. Federal mitigation planning funds must be used to ensure that planning addresses this gap, in furtherance of the State's civil rights and fair housing certifications to the federal government.

Past experience in Texas shows why addressing systemic inequity through disaster mitigation planning is essential. For example, in the City of Houston in 2017, 88% of the City's open storm water drainage ditches were located in neighborhoods with majority populations of people of color, and 43% of all drainage ditches were found to provide inadequate drainage.<sup>1</sup> Where people live proximate to hazardous sites in "fenceline communities," flooding has caused chemicals to overflow and contaminate water sources, fires have released toxic chemicals, and explosions have damaged people's homes and required evacuations.<sup>2</sup> The aggravated effects of disasters like hurricanes and flooding in areas with toxic sites puts these communities at heightened risk of effects of disasters, and the mitigation and planning efforts should likewise be amplified to meet the need. People of color disproportionately bear the brunt of this risk; for example in the City of Houston, census block groups where at least three-quarters of the population are non-White contain 78% of closed landfills, 84% of carcinogen emitters, and 88% of hazardous waste sites.<sup>3</sup> The western portion of Port Arthur has flooded repeatedly and is exposed to chemical pollution from refineries, and communities of color in Corpus Christi and Texas City are also subject to similar problems. While jurisdictions are obligated to comply with Title VI of the Civil Rights Act of 1964 requiring that they address these racial inequities in public infrastructure, the sad truth is that many jurisdictions have failed to do so. Using GLO-CDR mitigation planning to study and later address these problems is a moral, ethical, and legal imperative.

Specifically, we request that all planning studies be required to analyze by census tract:

- The distribution of people of color geographically in the jurisdiction
- Which census tracts of area jurisdiction are most likely to be impacted in various disaster scenarios?
- Which census tracts would have most difficulty recovering (social and economic vulnerability)?

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<sup>1</sup> Christina Rosales, *Houston knew neighborhoods of color were inadequately protected from even modest storm events*, Texas Housers (Aug. 31, 2017), <https://texashousers.org/2017/08/31/houston-knew-neighborhoods-of-color-were-inadequately-protected-from-even-modest-storm-events/>. Julian, E., Lott, A., McCain, D., & Palay, C., *Why Houston remains segregated*, Houston Chronicle (Feb. 16, 2017), <https://www.houstonchronicle.com/local/gray-matters/article/Why-Houston-remains-segregated-10935311.php#>.

<sup>2</sup> Julia Bagg, Alex Johnson, and Jason Cumming, *Crosby, Texas, Chemical Plant Explodes Twice, Arkema Group Says*, NBC News (Aug. 30, 2017), <https://www.nbcnews.com/storyline/hurricane-harvey/harvey-danger-major-chemical-plant-near-houston-likely-explode-facility-n797581>.

<sup>3</sup> Rosales, *supra* note 1.

- Inequities in flood control infrastructure
  - What census tracts have formally engineered drainage systems vs. un-engineered or informal systems?
  - To what level are these drainage systems planned or engineered to provide flood protection (likelihood of flooding event) and how recently has flooding been experienced?
  - Where have drainage systems been obstructed?
  - What are the levels of public investment in system construction, maintenance and repairs (in today's dollars) in each neighborhood with the goal of identifying historical patterns of underfunding of specific areas
  - Use the residential racial patterns to identify historical patterns of flood protection infrastructure along with spending and frequency of flooding to identify any disparate racial impact in these provisions of public infrastructure and services
  - Frequency of flooding in the past
  - Adequacy of stormwater protection infrastructure for 20-year events and 100-year events
- Physical vulnerability of residents in the event of a disaster
  - Do residents already possess information on how to safely evacuate?
  - How many exit routes could be available? Are sidewalks adequate for exit in a wheelchair?
  - Rate of physical disability among residents
  - What are special mitigation needs in industrial "fenceline communities" adjacent to hazardous sites such as refineries or floodways? Are these needs being met currently?
- Social vulnerability
  - Break down jurisdiction by Social Vulnerability Index (SVI) and cross-reference this with existing infrastructure and other risk factors
  - Review SVI and historical disaster impact by census tract, to identify which areas have been historically impacted and would be most impacted in the future
- Data sources used in planning studies must not be racially biased against showing flood mitigation needs of people of color (e.g., flood insurance claims are more commonly available to higher income white people and thus skew the view of need to certain geographic areas with higher concentrations of white people. Therefore, flood insurance claims should *not* be deemed an adequate measurement of need or past impact in these studies.)

In instances where local governments evidence a reluctance to undertake the assessments listed above, GLO-CDR can address systemic inequities in the effects of disasters through use of outside researchers to undertake this work. GLO should set up opportunities for academics, universities, and others to do vulnerability analysis separate from locally sponsored planning activities, targeting areas where local governments will not do the work, areas of high concentrations of vulnerable populations, and areas with high populations of people protected by civil rights and fair housing law. Given that cities have not historically demonstrated their ability to conduct this type of analysis, opening up at least 30 percent of the available mitigation planning money to universities and consultants would create another avenue for planning around systemic inequities.

The above recommended planning topics will allow GLO-CDR and local jurisdictions and regions to see where planning, funding, and improvements are most needed. By addressing vulnerable communities of color that have been historically underprotected from disasters, GLO-CDR can take a step toward reversing this history of insufficient disaster prevention investment in communities of color and low-income communities in Texas.

Sincerely,

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