



November 9, 2021

James Arthur Jemison II
Principal Deputy Assistant Secretary for Community Planning and Development
U.S. Department of Housing and Urban Development
451 7th Street, SW
Washington, DC 20410

Dear Mr. Jemison:

The Bipartisan Policy Center writes today with respect to an action outlined in the Climate Adaptation Plan issued by the U.S. Department of Housing and Urban Development on October 7, 2021. The specific provision of concern is identified as Objective 3.1, which proposes updating Community Development Block Grant Disaster Recovery grant requirements to promote resilience and environmental justice.

BPC is D.C.-based think tank that actively fosters bipartisanship by combining the best ideas from both parties to promote health, security, and opportunity for all Americans. Our policy solutions are the product of informed deliberations by former elected and appointed officials, business and labor leaders, and academics and advocates who represent both sides of the political spectrum. BPC prioritizes one thing above all else: getting things done.

In this vein, BPC organized a [Disaster Response Reform Task Force](#) in 2020 to focus on various aspects of federal disaster response policy with a strong initial focus on the CDBG-DR program. This task force has been actively following congressional initiatives to permanently authorize CDBG-DR, an action which should help to alleviate the criticism that CDBG-DR takes too long to deliver benefits to grantees post-disaster. Recognizing that legislative action with its concurrent authority to issue permanent regulations for CDBG-DR may not be imminent, the task force understands HUD's desire to explore an alternative approach to establishing a firmer, interim foundation for federal assistance flowing through the program.

Objective 3.1 of HUD's CAP conveys that the department intends to issue a "universal notice" which will describe "waivers and alternative requirements that can be applied to future CDBG-DR grants to incorporate mitigation measures, impose sustainable building construction standards, compliance with accessibility requirements, and prioritize underserved communities." Given the \$5 billion CDBG-DR appropriation included in P.L. 117-43, we recognize that HUD may wish to issue the universal notice quickly to impact grantee planning for these funds.

This path of action, however, raises a distinct concern regarding the lack of public input on a policy document that may govern the use of CDBG-DR funds for years to come. CDBG-DR appropriations generally direct HUD to issue a Federal Register notice to exercise the statutory waiver and alternative requirement authority provided by the appropriation. HUD also uses these notices to establish the broader requirements applicable to the use of the CDBG-DR funds. While we applaud the effort to escape the seemingly endless cycle of Federal Register notices, we concurrently see a need for HUD to accept and review comments from interested parties prior to issuing the universal notice.



The BPC task force membership includes individuals who have extensive experience with CDBG-DR from both policymaking and program implementation perspectives. We believe that this group of distinguished practitioners can offer insightful and useful comments based on that experience as well as feedback we have already gathered from congressional staff.

In summary, we would appreciate the opportunity to discuss a mutually beneficial approach to providing written comments to HUD given that the allocation of \$2 billion in response to 2020 disasters has just been announced. We hope that HUD will entertain this request notwithstanding the lack of an administrative procedure governing this situation. Thank you for your consideration and we look forward to hearing back from you on this important issue.

Sincerely,

BPC's Disaster Response Reform Task Force

- Haley Barbour – Founding Partner, BGR Group; Former Mississippi Governor
- Thomas P. Bossert – President, Trinity Cyber; Former U.S. Homeland Security Advisor
- Xavier de Souza Briggs – Senior Fellow, Brookings Institution; Former OMB Associate Director and HUD Policy Adviser
- Jeffrey Byard – Vice President of Operations, Team Rubicon; Former FEMA Associate Administrator
- Fernando Gil-Enseñat, Esq. – Principal, FGE LLC; Former Puerto Rico Secretary of Housing
- Stan Gimont – Senior Advisor for Community Recovery, Hagerty Consulting; Former HUD Deputy Assistant Secretary
- Bryan Koon – Vice President of Homeland Security and Emergency Management, IEM; Former Florida Director of Emergency Management
- Marion Mollegen McFadden – Senior Vice President of Public Policy and Senior Advisor, Resilience, Enterprise Community Partners; Former HUD Deputy Assistant Secretary
- Ben Metcalf – Managing Director, Turner Center, University of California-Berkeley; Former Director, California Department of Housing and Community Development
- Pamela Hughes Patenaude – Board Member, BPC; Former HUD Deputy Secretary
- Neal Rackleff – Attorney at Law, Rackleff LLP; Former HUD Assistant Secretary
- James Rubin – Chairman of Advisory Board, Aligned Climate Capital; Former Director, New York Governor's Office of Storm Recovery