Feature

Speeding Up Post-Disaster Housing Buyouts

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In Brief

Floodplain buyouts are a flood mitigation strategy of acquiring frequently flooded properties and returning them to open space. A primary source of federal funding for post-flood buyouts is the Hazard Mitigation Grant Program (HMGP) administered by the Federal Emergency Management Agency (FEMA). Unfortunately, these funds can take months or years to make it into the hands of property owners. Such long delays in executing a buyout after a flood miss important opportunities and increase costs. We propose three solutions for speeding delivery of funds and improving the efficacy of the HMGP buyouts: (1) the cost-share requirement of HMGP could be reduced or eliminated for buyouts; (2) buyout funding could be fast-tracked or reimbursed; and (3) more buyout planning could be done pre-disaster. .

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Key Concepts

- In seeking to reframe the United States' disaster paradigm to one that focuses more on prevention and mitigation rather than response, expanded voluntary buyouts of flood-prone properties could play a key role in reducing future disaster costs, thereby contributing to FEMA's National Mitigation Investment Strategy.
- Most funding for flood mitigation projects comes from the federal government post-flood, yet these dollars often take too long to make housing buyouts a viable option for homeowners dealing with disaster recovery.
- Congress could eliminate the cost-share requirement for HMGP funded buyouts to reduce the post-disaster financial burden on local governments and, by extension, their local taxpayers. This would also speed up funding as local governments would not need to search for cost-share funds.
- FEMA could fast-track HMGP money targeted specifically for buyouts or reimburse local governments up to a certain percentage of total HMGP funding if they undertake buyouts immediately post-disaster, which would enable more homeowners of high-risk properties to participate in buyout programs.
- More emphasis could be placed on engaging in strong pre-disaster planning at the community level to integrate buyout programs with long-term land-use discussions, which would enable post-disaster buyouts to be more effective and efficient.

Introduction

Floods and storms are responsible for the majority of weather disasters in the United States and major flood events have caused roughly $1.18 trillion in flood damages between 1980 and 2017.[1] Flood losses have been increasing over the past few decades, attributable to both building in flood-prone areas, as well as climate changes.[2,3,4]

A recent study finds that the total US population exposed to serious flooding is 2.6 – 3.1 times higher than previous estimates, with nearly 41 million people living within the 1 percent annual exceedance probability floodplain (also referred to as the 100-year floodplain).[1]

There are a range of flood mitigation options that can be adopted to curb escalating losses while maintaining property in flood-prone areas, including, among other things, floodproofing basements, elevating homes, and building levees or sea walls.[2] Instead or in addition, some communities have chosen to pursue voluntary buyouts of repeatedly flooded properties. In a buyout, local and state governments purchase certain flood-prone homes and preserve the property as open space, permanently reducing exposure and possibly creating floodwater storage, as well. These properties can also at times provide open space amenities, including recreational opportunities. Many communities around the country have pursued post-flood buyouts to some degree, including, for example, St. Louis, Missouri; Charlotte, North Carolina; Houston, Texas; Portland, Oregon; and New York City, New York.[3,4] Buyouts may not always be a preferred approach for fiscal or community reasons, but in some high-risk areas, they may be the preferred solution. In addition, many observers have noted that as flood risk increases from changing storm patterns and sea-level rise, communities may need to rethink past development patterns, particularly in coastal areas, and buyouts will be one increasingly necessary tool.[5,6,7]

Many buyout programs rely on federal funding, either through grants from FEMA or the Department of Housing and Urban Development (HUD). The overwhelming majority of funds for this purpose are appropriated post-disaster and tied to presidential disaster declarations.[8] The largest program in FEMA to fund buyouts is the Hazard Mitigation Grants Program (HMGP), which is the focus of this paper. While there are many potential challenges with buyouts, we focus

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in this paper on a specific one tied to federally funded buyouts: delay. Buyout funds usually do not reach the property owner until months or years after a flood has occurred. This delay prevents buyouts from being a viable option for many flood victims, who may not have another place to live in the interim or may not be financially able to maintain two properties while waiting for buyout dollars. If the homeowner must repair their flood-damaged home to have somewhere to live while waiting, they may no longer wish to relocate once buyout funding is available since they already invested in repairs.[9,10] Delay can also drive up the total costs of buyouts if funds are used for some immediate repairs and then a buyout occurs and the structure is ultimately removed.

This paper proposes three solutions for ensuring HMGP buyout dollars reach homeowners faster, increasing the efficiency and effectiveness of this mitigation strategy:

1. eliminating the local cost-share requirement for buyouts;
2. fast-tracking buyout dollars or allowing for reimbursement for local expenditures on buyouts in the immediate aftermath of a flood; and
3. engaging in stronger pre-disaster planning to expedite post-flood buyouts.

The next section of the paper provides an overview of the HMGP program and its use for buyouts. We then discuss in more detail the policy challenge of delayed federal buyout dollars. The subsequent three sections of the paper then turn to our proposed solutions. The final section offers some concluding thoughts and considerations.

HMGP funded buyouts

The president can issue a major disaster declaration when an event has occurred that overwhelms local and state ability to respond. The purpose of HMGP, authorized under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, is to help communities implement hazard mitigation measures post-disaster. Over 70 percent of major disaster declarations are for flood-related events.[11] Once a declaration is issued, it enables FEMA to operate several response and recovery programs, one of which is the HMGP. Between 15 and 20 percent of the total funds allocated by FEMA for a specific disaster must be used for mitigation through the HMGP. Between 1989 and 2017, FEMA made $13.8 billion in HMGP funds available to local governments.[12,13]

Following a major disaster declaration, a state can apply for HMGP funding by submitting one application for all mitigation projects. Because all projects are bundled under one application, states decide which sub-applicants' project proposals to proceed with before they submit an application. The program carries a 25 percent cost-share, meaning FEMA only covers 75 percent of costs for each project—the rest must come from other sources.[14] States have to make sure that projects will meet all HMGP requirements for inclusion during FEMA's review process, but otherwise have the flexibility to design and prioritize projects. The Stafford Act requires that property acquisitions funded through HMGP be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or wetlands management practices.[15] Beyond that, buyout projects can vary widely in size and scope, with some projects including only one building, and others including properties throughout an entire town or county.

Typically, it takes at least a year after a disaster before states even submit their HMGP application. An application can then take between 12 and 36 months to process and can only begin after Congress approves disaster recovery funds.[16] After approvals, there are further delays as the funds are allocated and negotiations are undertaken with potential buyout participants. All buyouts are willing-seller programs where owners are typically offered at least the pre-flood value of the property.

Within FEMA, HMGP provides the largest share of funding for buyouts. Between 1993 and 2011, FEMA spent over $2 billion on land acquisitions, roughly 87 percent of which was funneled through HMGP.[17,18] Other FEMA grant programs will fund buyouts, such as the Pre-Disaster Mitigation (PDM) and the Flood Mitigation Assistance (FMA) programs, although these are typically at much smaller amounts of money. Outside of FEMA, post-flood buyouts are also sometimes funded by the Department of Housing and Urban Development's (HUD's) Community Development Block Grant-Disaster Recovery (CDBG-DR) program; Congress tends to fund this program after particularly severe disasters, but local governments have a lot of flexibility and may or may not choose to fund any buyouts as part of their recovery. Finally, some local governments fund their own buyout programs. We limit this paper to examining the largest and most consistent source of federal funding for buyouts: the HMGP program.

Buyout challenges and considerations

Buyouts offer a long-term solution for reducing exposure in areas local governments or property owners have determined to be too risky. There are, however, myriad challenges to their use, including the high cost, potential disinterest among residents, and the long time-frame needed for implementation.[10,19] Previous research has found that two of the biggest considerations for what matters most to homeowners during a buyout process are whether the buyout enables them to find and afford a comparable new home and the speed of the buyout.[20] While this paper tackles the second consideration, we do note that the former can be a major factor for homeowners as to whether they will decide to participate. Land in floodplains is often cheaper, so participants in buyout programs may have difficulty finding equivalent, affordable housing outside the floodplain.[21] Additionally, many homeowners are concerned about their ability to maintain existing social networks and local ties if they participate in a buyout.[13,22,23] Buyouts have been part of FEMA's overall risk reduction strategy since the 1980s, but have not had as widespread use as some other strategies, in part because households and communities are hesitant to abandon homes.[24]

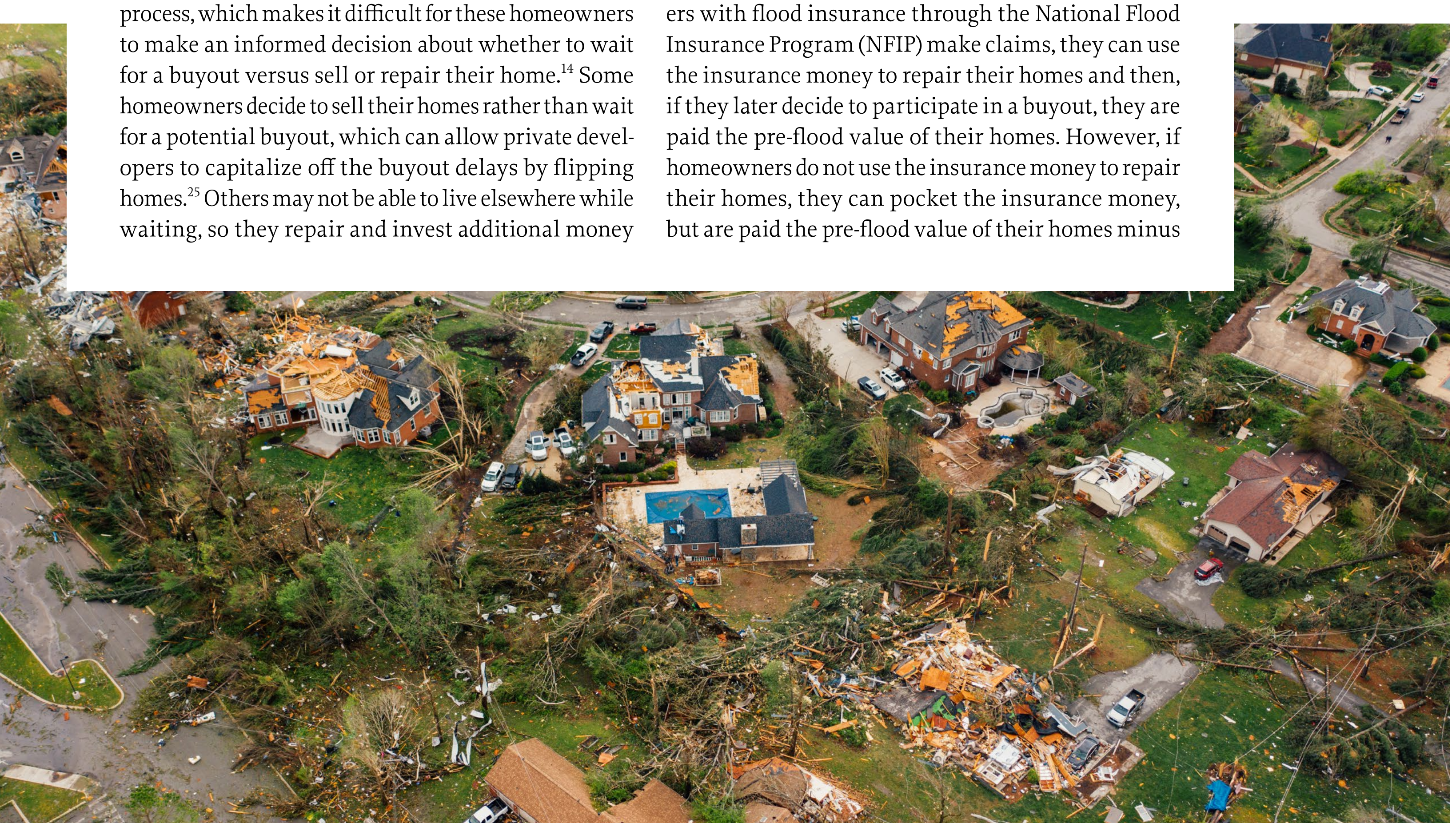
Buyouts are most likely to be desired if offered immediately after severe flood damage. Yet, as noted,

HMGP buyout dollars can be quite delayed in reaching property owners. Delays are the result of many different factors, all combining to slow down the ability for homeowners to receive funds quickly. It takes time for HMGP dollars to be made available by FEMA. To access them, state and local governments must coordinate to develop their project proposals, which can be time consuming. Further delay is created by difficulties in meeting requirements for HMGP funding and the requirements for demonstrating that properties meet inclusion criteria once a buyout program structure has been created.[25] While some states are more experienced in applying for federal assistance programs, and this can speed the process, many local communities are not equipped with the resources and knowledge to quickly propose and administer projects unless they experience frequent flood events. Some states also have difficulties coordinating strategies and aligning priorities between government agencies and across municipal boundaries as they prepare the HMGP application.[14] Once a project is awarded, there are further delays as the community establishes the program and undertakes negotiations with property owners.

These delays cause missed opportunities for buyouts. Potential participants in buyout programs often characterize themselves as being placed in a constant state of waiting as they progress through the buyout process, which makes it difficult for these homeowners to make an informed decision about whether to wait for a buyout versus sell or repair their home.[14] Some homeowners decide to sell their homes rather than wait for a potential buyout, which can allow private developers to capitalize off the buyout delays by flipping homes.[25] Others may not be able to live elsewhere while waiting, so they repair and invest additional money in their homes and then are no longer interested in moving once buyout funds become available.[26,27]

While creating missed opportunities, delays can also further exacerbate other buyout challenges. As the delay progresses and the number of potential participants declines, it makes using buyouts to meet other community goals more challenging. Delays can lead to an increased checkerboarding effect of vacant and occupied lots in the targeted buyout areas.[11,28] Municipalities are required to maintain acquired properties as open space, but they are much less likely to be able to develop recreational areas or cost-effectively manage land if a few scattered homes remain.[29,30] Without creating new recreational amenities to offset the loss of homes, municipalities suffer from a loss in property tax revenue.[31] It becomes less cost-effective and efficient to deliver government services to remaining homeowners, which often leads to a reduction in services for these areas.[32,33] Remaining homeowners in a checkerboard landscape also often experience negative impacts on real estate values and are unable to continue to invest in the community, all of which raise equity concerns.[34]

Delays also increase total costs. Typically, it takes years to close on properties included in buyouts after a disaster.[7] Some residents repair their homes even if they believe a buyout is imminent, because they have a hard time finding affordable interim housing. If homeowners with flood insurance through the National Flood Insurance Program (NFIP) make claims, they can use the insurance money to repair their homes and then, if they later decide to participate in a buyout, they are paid the pre-flood value of their homes. However, if homeowners do not use the insurance money to repair their homes, they can pocket the insurance money, but are paid the pre-flood value of their homes minus the insurance money they pocketed in order to avoid a duplication of benefits.[21] Thus, buyout programs are cheaper, or able to cover the costs of buying out more properties, if insured homeowners agree to the buyout before deciding to make home repairs. This is not viable, however, if there are long delays. Additionally, government costs increase in cases where displaced homeowners are placed in government funded temporary housing.[35] Because buyouts require a long time-frame to be implemented, direct and indirect costs of acquiring each home are ultimately higher than if they could be started soon after a disaster event.



Three proposed solutions

We propose three solutions to speed they delivery of HMGP buyout dollars and increase the efficiency and effectiveness of post-flood buyout programs:

1. eliminate the cost-share requirement for buyout programs,
2. fast-track HMGP money targeted specifically for buyouts or reimburse local governments up to a certain percentage of total HMGP funding if they conduct buyouts rapidly post-flood,
3. engage in stronger pre-disaster planning at the community level in order to be better prepared to execute buyout programs quickly.

Solution 1: Eliminating the cost-share requirement

As stated above, the HMGP requires a 25 percent local or state cost-share. Generally, the non-federal cost share may not be paid using funds from other federal agencies in order to avoid a duplication of benefits. However, some federal awards (notably HUD funds) have an authorizing statute that explicitly allows funds to be used as a match for other federal grants in certain situations.[21] State approaches to splitting the cost-share with local governments vary widely and funds can come from a variety of sources (cost share can also be met through in-kind contributions).[35,36]

The cost-share requirement, while designed to ensure a local stake in projects, both slows down the HMGP application process and increases the local burden post-disaster. Identifying state or local cost-share sources is a major consideration for HMGP applications and contributions need to be coordinated early in order to address all programmatic requirements.[21] States with fewer resources or that have not experienced a large disaster event in a long time are often not prepared to gather contributions to cover the cost-share in a timely manner in order for the application process to proceed. Additionally, many local jurisdictions have few resources devoted to property acquisition and often contend with state legislatures that oppose taxes or fees that could generate the needed revenue to meet cost shares and stretch mitigation dollars.[7]

After a severe disaster, Congress often appropriates funds to HUD's Community Development Block Grant-Disaster Relief program. As noted, this is one of the few sources of federal funds that can be used to cover the cost-share for HMGP and communities are increasingly using it for that purpose.[37] However, using HUD funds for cost-share not only defeats the purpose of a local cost-share requirement but also further slows down the buyout process as HUD funds typically take much longer to secure than FEMA funds. At times, Congress has not even appropriated HUD dollars until months after the disaster and the process of putting together the required action plans for states and local governments to secure the HUD grants takes a long time. This contributes to buyout delays if local governments must wait for HUD dollars.

To avoid this delay, we suggest that Congress could waive the cost-share requirement for buyout projects. Cost-share requirements have been increasingly waived for other FEMA post-disaster programs, such as FEMA's Public Assistance Program authorized under the Stafford Act. The Stafford Act gives the President authority to adjust the cost-shares in these other programs, but not for HMGP. In recent years, Congress has also begun to exercise its authority to adjust or waive cost-shares.[38] This recent trend toward legislative cost-share waivers suggests that Congress may have an interest in continuing to influence the federal-state relationship in providing post-disaster assistance, which could extend to changing HMGP cost-share requirements.

The one argument against waiving the cost-share is

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that it is needed to create local buy-in and dedication to buyout projects. However, there is very little evidence that requiring a local match increases the commitment of communities to buyout programs, which, due to their nature, are never undertaken lightly. The local match requirement may instead increase the financial burden of local governments post-disaster and, by extension, their local taxpayers, especially in cases where municipalities resort to increasing local taxes in order to cover the cost-share, while often already experiencing a reduction in the tax base post-disaster. By not making municipalities responsible for paying the local match, participation in buyouts would be easier and more attractive.[30,39] We are not the first to suggest changing the cost-share for HMGP buyout programs—a 2013 report from the Center for American Progress previously recommended that voluntary buyouts could be increased by allowing states to use federal aid to complete buyouts above the existing 75 percent cap on federal contributions.[15]

Solution 2: Reimbursing local governments for speedy buyouts

A second approach to speeding receipt and use of HMGP buyout dollars is to detach buyout program funding from the regular HMGP application process. This could be done by either: (1) fast-tracking a portion of HMPG money to be available immediately post-disaster for buyouts, or (2) reimbursing local governments up to a certain percentage of total HMGP funding if used for buyouts immediately post-disaster. Both approaches seem viable and we discuss them each here.

A model for the former approach of fast-tracking buyout funds comes from two types of post-disaster assistance FEMA offers and that arrive in communities relatively quickly: Public Assistance and Individual Assistance. The former is recovery aid for local governments, the latter for impacted households. Once a disaster declaration is made, FEMA is authorized to begin spending on these programs and has annual appropriations into its Disaster Relief Fund to do so. This suggests Congress could authorize, and fund through annual appropriations into the Disaster Relief Fund, a fast-track buyout program. This could follow the design of the Public Assistance program to local governments and provide buyout funds on the same timeline as other Public Assistance. Such an approach would necessitate Congress choosing to fund this beyond standard HMGP dollars or for FEMA to make an early estimate of total HMGP available and a state or local government deciding whether to use some pre-authorized percentage immediately on disaster buyouts.

An alternative approach is to allow for HMGP to be used for reimbursing local governments that choose to quickly pursue buyouts post-flood. Currently, HMGP grant requirements are such that they discourage applicants from proceeding on projects before receiving funds, since they could end up not being approved. In order to reduce the risk of acquired properties retroactively not meeting HMGP requirements, states could pre-identify homes eligible for HMGP funding or even pre-contract with homeowners (see next section). Additionally, states could maintain funds to cover the acquisition costs for the rare properties that do not meet federal requirements or partner with a land trust. Floodplain managers are already equipped with much of the information needed to target repetitive-loss properties and priority high risk areas for post-disaster buyouts, so it seems unlikely that FEMA would deny applications for reimbursing most fast-tracked buyouts. Alternatively, FEMA could establish a pre-approval process for interested communities.

Solution 3: Strengthening pre-disaster planning mechanisms

Stronger pre-disaster planning that integrates buyout programs with long-term land-use planning can enable buyouts to proceed more efficiently and effectively post-disaster. This section explores several measures that would help improve pre-disaster buyout planning, including increasing federal funding to support emergency management activities outside of the post-disaster recovery period, streamlining environmental and historic preservation (EHP) reviews, pre-contracting with homeowners, and incorporating buyouts into local planning.

Many pre-disaster activities are underfunded.[40] Related to buyouts, one particular pre-disaster activity that could help speed post-disaster execution of buyouts is FEMA funding for regional coordinator positions or FEMA liaisons and embedded staff at state offices in priority regions. Post-disaster buyouts take a long time in part because FEMA and state officials need to coordinate with municipalities that may have a very small staff not equipped to handle a larger budget and scale up their operations. Increasing federal funding for coordinator and liaison positions could help build relationships and interagency coordination pre-disaster, as well as having more staff experienced in buyout processes available to help focus limited resources, including education and training, on where they will have the largest impact after a disaster.

FEMA is required to ensure that HMGP grant applications comply with applicable EHP laws, regulations, and executive orders, but these reviews for projects can slow down the buyout process depending on the level of complexity and relative level of review needed. FEMA should continue working with other federal agencies to streamline the EHP review process so that more of it can take place as part of pre-disaster planning, possibly pursuing pre-approval for EHP review for certain types of projects, including buyouts. By leveraging existing and developing new interagency agreements, FEMA can help states pre-position EHP information and share as much data between agencies as possible. However, states could also better streamline EHP reviews post-disaster if they had the funding to maintain and update databases on properties in high-risk flood zones and engage in community and homeowner discussions pre-disaster.

Additionally, FEMA and state governments should encourage local governments to pre-contract with homeowners eligible for HMGP funded buyouts, which would allow the buyout process to move quickly after a disaster. A 2018 expert blog from the Natural Resources Defense Council suggested that buyouts could be conducted more efficiently by pre-approving or guaranteeing interested homeowners a buyout before a flood occurs.[41] Communities could also simply pre-identify homes that would be eligible for HMGP-funded buyouts and which areas they would target in the event of a flood. This would assist with household and community planning and implementation post-flood.

Overall, officials at the state and local level could focus more attention on incorporating buyouts into long-term land-use planning strategies. Municipalities can best minimize lost property tax revenue from disaster-related buyouts by considering possible buyouts within larger discussions of long-term land use and adaptation planning. In general, small municipalities struggle to implement long-term planning projects, since they typically have few staff members and resources available, which makes short-term concerns more pressing for both budget allocation and reelection. However, local officials can engage in discussions at community meetings and events about local priorities and values as they pertain to the future of neighborhoods in high risk areas and the locations of future housing developments. By engaging in these types of discussions and planning pre-disaster, municipalities will be better able to assess where buyouts are feasible and plan future housing developments and recreational areas in ways that enhance communities and increase tax revenues when funding sources are available.

Final thoughts

While this paper focuses specifically on solutions for minimizing lost opportunities from HMGP funded buyouts, it is important to recognize that elements of the targeted challenges and solutions carry over to buyouts funded through other federal programs, as well as state and locally funded buyouts. Securing adequate funding in a timely manner and engaging in better pre-disaster planning strategies are major considerations for all buyout programs. Floodplain buyouts have now been used as a mitigation tool for decades, but there has been very little evidence of buyout policy learning over time.[25]

Further research and policy development are needed to identify where buyouts are most cost-effective, as well as what constitutes buyout best-practice, in order to improve use of this mitigation tool. Recent trends in buyouts suggest that buyouts are often targeted to riverine areas rather than coastal zones as coastal properties are more expensive to acquire. While climate change is increasing intense precipitation and thus flood risk in many places around the country, coasts are particularly threatened from the combination of sea-level rise and changing storm patterns. As such, improving the viability of buyouts for the coast is a policy challenge that needs to be addressed in the coming years. Moving forward, all buyouts need to not only be done more quickly post-disaster, but they need to better account for lost revenues and integrate with local land-use planning strategies.

The three solutions proposed here could increase the efficiency and effectiveness of HMGP funded buyouts, but buyouts also need to be considered within a larger disaster risk reduction context. They are one tool and not a silver bullet to managing changing extreme event risk. Implementing these measures within a larger array of solutions could help further shift the disaster paradigm towards prevention and mitigation activities rather than response. This includes integrating buyouts with improved risk communication, improved land use regulations, and development of coastal adaptation strategies.

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