



October 6, 2015, NEW YORK Legal Services NYC today filed a civil rights complaint against the Federal Emergency Management Agency, alleging that FEMA has failed to provide vital notices to victims of Hurricane Sandy in languages other than English. The complaint was filed with the Department of Homeland Security Office of Civil Rights and Civil Liberties, as well as with FEMA's own Office of Equal Rights and the Department of Justice Civil Rights Division.

In 2012, after Hurricane Sandy ravaged parts of New York City, devastated homeowners turned to their flood insurance policies, hoping to be able to rebuild what they had lost. Those in high risk flood areas had purchased federal flood insurance policies, as they were required to by law, and paid their premiums faithfully for years. However, when payment came on their Sandy claims, many people received far less than what they needed and were due, leaving them unable to make necessary and often urgent repairs. Federal flood insurance is managed through private insurers, though FEMA pays the claims, sets the rates, and mandates the coverage. During the course of a lawsuit in the Eastern District of New York, evidence came to light that engineering reports commissioned by the private insurers were being fraudulently altered to deny claims or substantially reduce payments to Sandy claimants.

Because of these allegations, FEMA decided to reopen Sandy-related flood insurance claims. To begin the process, FEMA notified claimants that they had an opportunity to have their claims reexamined—an opportunity which could have a substantial impact for homeowners of modest means whose houses were destroyed. However, homeowners were required to affirmatively opt in to the program. Those who failed to do so by the deadline would miss out.

Unfortunately, individuals with limited English proficiency are likely to be denied their chance to finally, three years after the storm, have their flood insurance claims fairly reviewed, because FEMA's notice was sent out only in English. FEMA failed to take even the most basic precaution of including a short notice in common non-English languages—for example, “You may be due more money on your flood insurance claim. If you do not understand this notice, please call this number.” In fact, FEMA could have sent out notices in many people's primary language, as it has in the past. After Sandy, nearly 68,000 New York City homeowners registered for FEMA help through the Individual and Household Program (IHP), a form of emergency assistance from FEMA. The registration information collected included the applicant's language need. FEMA then provided information about benefits to IHP registrants in their primary language.

"FEMA is aware of the primary languages of many of the people whose lives were devastated after Hurricane Sandy," said **Christine Clarke**, a Staff Attorney at LSNYC's Equal Rights Initiative. "After so many years of endless delays it is simply unacceptable that FEMA cannot find a way to notify non-English speaking claimants of their right to finally have a fair chance to receive compensation from flood insurance policy the federal government required them to purchase."

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