

Information Brief Draft

FEMA Land Acquisition Inefficiencies and Social Impact

I. Purpose and Scope

The purpose of this information brief is to provide a comprehensive overview of FEMA's post-disaster land acquisition programs, including their objectives, processes, and benefits, while examining the psychological and situational factors influencing voluntary participation during times of distress. The brief aims to inform policymakers, community leaders, and stakeholders about the ethical implications and practical considerations of implementing such programs in disaster-affected areas.

II. This brief covers:

A. Program Overview:

1. Objectives of FEMA land acquisition initiatives.
2. Funding mechanisms and regulatory frameworks.
3. Typical processes and outcomes of land acquisitions.

B. Other relevant agencies in disaster response and mediation

1. Environmental Protection Agency (EPA)
 - a) Clean Water Act
 - b) Clean Air Act
2. U.S. Army Corps of Engineers
 - a) Clean Water Act
3. Department of Housing and Urban Development (HUD)
4. National Park Service (NPS)
5. U.S. Fish and Wildlife Service (USFWS)
6. Bureau of Land Management (BLM)

C. Community and Individual Impact:

1. Benefits of land acquisition programs for flood risk reduction and community resilience.
2. Challenges, such as community disruption and long-term land management.

D. Influence and Voluntary Participation:

1. Psychological and situational factors that may affect decision-making during disasters.
2. Techniques used to encourage participation and their ethical considerations.

E. Best Practices and Recommendations:

1. Strategies to ensure informed consent and equitable treatment of affected individuals.

2. Approaches to maintaining community cohesion and transparency.

III. Procedure

A. Define Research Objectives

1. Key Questions

- a) What are the primary goals of FEMA's land acquisition programs?
- b) How do these programs impact individuals and communities?
- c) What psychological and situational factors influence voluntary participation?
- d) What best practice challenges exist in implementing these programs?

2. Scope

B. Online Research

1. Source Relevant Documents

- a) FEMA resources, such as the Hazard Mitigation Grant Program (HMGP) and Flood Mitigation Assistance (FMA) guidelines.
- b) Official reports and case studies on land acquisition programs.
- c) Academic articles and publications analyzing program effectiveness and community impact.

2. Gather Data from Reputable Websites:

- a) Government websites (e.g., FEMA.gov, state emergency management agencies).
- b) Academic and nonprofit organizations specializing in disaster mitigation and resilience.
- c) News articles and investigative reports highlighting real-world examples.

3. Organize Findings:

- a) Create categories for benefits, challenges, ethical considerations, and procedural insights.
- b) Note gaps in the information that could be addressed through primary research or testimony.

C. Collection of Witness Testimony

1. Identify Witnesses

- a) Property owners and residents affected by FEMA land acquisitions.
- b) Local government officials involved in program implementation.

- c) FEMA representatives or contractors managing the programs.
- d) Community advocates or legal professionals supporting affected individuals.

2. Prepare Interview Questions

- a) How were you introduced to the land acquisition program?
- b) What factors influenced your decision to participate or decline?
- c) What challenges or benefits have you experienced as a result of the program?
- d) What suggestions do you have for improving the process?

3. Conduct Interviews

- a) Using a mix of formats, including in-person interviews, video calls, or written questionnaires.
- b) Ensure participants understand the purpose of the research and consent to share their experiences.

4. Document and Analyze Testimony and Facts

5. Synthesize Findings

a) Data Integration:

- (1) Combine insights from online research and witness testimony to form a holistic view.
- (2) Compare documented procedures with real-world experiences to identify gaps or inconsistencies.

b) Develop Key Conclusions:

- (1) Summarize how FEMA's programs operate in practice versus theory.
- (2) Highlight the interplay between individual experiences and community outcomes.

c) Draft Recommendations:

- (1) Propose actionable steps for addressing challenges and enhancing program effectiveness.
- (2) Emphasize ethical considerations and equity in program implementation.

IV. Program Overview

A. What are the primary goals of FEMA's land acquisition programs?

- B. The primary goals of FEMA's land acquisition programs are to enhance community safety and resilience by mitigating the risks associated with natural disasters, particularly flooding. These goals include:

- a) Risk Reduction ¹
- b) Promote Sustainable Land Use ²
- c) Enhance Community Resilience ³
- d) Reduce Economic Burdens ⁴
- e) Provide Support for Affected Residents ⁵

C. Funding mechanisms and regulatory frameworks

FEMA's land acquisition programs are designed to mitigate risks in disaster-prone areas by purchasing properties and converting them into open spaces. These programs operate through specific funding mechanisms and are governed by established regulatory frameworks.

1. Funding Mechanisms

- a) **Hazard Mitigation Grant Program (HMGP):** Activated following a presidential disaster declaration, HMGP provides funds to state and local governments to implement long-term hazard mitigation measures, including property acquisitions. FEMA may cover up to 75% of the acquisition costs, with the remaining 25% typically sourced from state, local, or other non-federal contributions.⁶
- b) **Flood Mitigation Assistance (FMA) Program:** This program offers funding to states, local communities, tribes, and territories for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured under the National Flood Insurance Program (NFIP). Property acquisition and demolition or relocation are eligible activities under FMA.
- c) **Building Resilient Infrastructure and Communities (BRIC) Program:** BRIC supports states, local communities, tribes, and territories in undertaking hazard mitigation projects that reduce the risks they face from disasters and natural hazards. Property acquisition for open space is among the eligible project types.

¹ <https://www.fema.gov/fact-sheet/property-acquisitions-under-hazard-mitigation-grant-program-hmgrp>

² <https://www.fema.gov/grants/mitigation/guide/part-12/b/1>

³ <https://www.eli.org/land-biodiversity/floodplain-buyouts-community-resilience-and-habitat-connectivity>

⁴ <https://www.gao.gov/products/gao-22-106037>

⁵ <https://www.fema.gov/fact-sheet/property-acquisitions-under-hazard-mitigation-grant-program-hmgrp>

⁶ <https://www.fema.gov/fact-sheet/property-acquisitions-under-hazard-mitigation-grant-program-hmgrp>

2. Regulatory Frameworks

- a) **Code of Federal Regulations (CFR) Title 44, Part 80:** This regulation provides guidance on the administration of FEMA mitigation assistance for projects involving property acquisition and relocation for open space purposes. It outlines eligibility criteria, application procedures, and requirements for maintaining acquired properties as open space in perpetuity.⁷
- b) **Stafford Act (Public Law 93-288):** The Robert T. Stafford Disaster Relief and Emergency Assistance Act authorizes FEMA to provide hazard mitigation assistance to state and local governments following a presidential disaster declaration. Sections 404 and 322 of the Act pertain specifically to hazard mitigation and funding mechanisms like HMGP.
- c) **Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA):** This federal law ensures fair compensation and assistance for people affected by property acquisitions undertaken by federal programs, including those funded by FEMA. It establishes uniform policies for the equitable treatment of individuals displaced as a result of federally assisted projects.

D. Typical processes and outcomes of land acquisitions.

FEMA's land acquisition programs are said to be designed to mitigate disaster risks, particularly in flood-prone areas, by purchasing properties and converting them into open spaces or areas that restore natural floodplain functions. The process is structured and includes several key steps for property owners, local governments, and FEMA follow.

1. Identification and Outreach

- a) **Identification of High-Risk Areas:** Local, state, or tribal governments, in collaboration with FEMA, identify high-risk areas, such as floodplains, where properties have sustained repeated damage from natural disasters. These areas are targeted for potential buyout under FEMA's land acquisition programs.
- b) **Outreach to Property Owners:** Once target areas are identified, affected property owners are notified about the available buyout program. The outreach often includes informational meetings, public notices, one-on-one discussions, and direct mail. Information about the program's voluntary nature and the

⁷ <https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-80>

benefits of participation are emphasized to ensure property owners are informed and can make a decision that suits their situation.

E. Eligibility and Application

1. **Eligibility Assessment:** Property owners must meet certain criteria for eligibility, such as living in a flood-prone area and having sustained damage due to a natural disaster. FEMA and local authorities assess properties based on risk, location, and the severity of damage.
2. **Application Submission:** Interested property owners are required to submit an application expressing their interest in the buyout program. The application typically asks for information about the property's condition, ownership, and disaster-related damage.

F. Property Valuation and Offer

1. **Property Appraisal:** A formal appraisal is conducted by FEMA or contracted professionals to determine the fair market value of the property. This appraisal is based on the property's pre-disaster value and typically does not include damage-related losses, as the goal is to compensate the homeowner fairly for the land itself.
2. **Offer Presentation:** Following the appraisal, FEMA makes a formal offer to the property owner to purchase the land. The offer is typically the appraised value of the property, and the property owner has a set period to review and accept the offer.
3. **Negotiation (if needed):** In some cases, property owners may negotiate the offer if they believe the appraisal does not adequately reflect the property's value or if they have additional concerns. This step ensures that the process remains fair and transparent.

G. Agreement and Sale

1. **Acceptance of Offer:** Once the property owner accepts the offer, a formal sales agreement is signed. This document outlines the terms of the sale, including compensation, the timeline for the transaction, and the responsibilities of both parties.

2. **Payment:** After the agreement is signed, FEMA disburses the payment, which typically covers 75% of the cost of the buyout, with the remaining 25% being covered by state or local governments or other non-federal sources. Property owners receive the agreed-upon compensation to move forward with relocation.

H. Relocation and Assistance

1. **Relocation Support:** Property owners who accept the buyout offer may receive relocation assistance to help them move to a safer location. This may include financial support for moving costs, assistance in finding a new home, and additional resources to help with the transition. FEMA also provides information on available relocation options, including affordable housing resources.
2. **Emotional and Social Support:** Some programs may offer counseling services or support groups to help homeowners deal with the emotional and social impacts of leaving their home and community.

I. Demolition and Property Clearance

1. **Property Demolition or Relocation:** After the property is purchased, FEMA arranges for the demolition or relocation of any structures on the land. This step ensures that the area is cleared of buildings and is no longer at risk of future disaster-related damage.
2. **Land Deed Restriction:** Following the demolition, the acquired land is typically deed-restricted to prevent future development. The land is either left as open space or repurposed for community use, such as parks, wetlands, or natural floodplain restoration areas.

J. Post-Acquisition Monitoring and Maintenance

1. **Monitoring and Compliance:** Local governments or other relevant authorities are responsible for monitoring the acquired properties to ensure that they remain undeveloped and are used for the intended purposes, such as floodplain restoration, parks, or wildlife habitats.
2. **Long-Term Community Engagement:** Ongoing community engagement is often necessary to ensure that the post-acquisition land use aligns with local goals and

provides long-term benefits. This may include maintaining the land for recreational purposes, restoring it to its natural state, or integrating it into local environmental management strategies.

3. **Voluntary Participation:** Property owners choose to participate in these buyout programs; there is no mandatory requirement to sell their properties. This ensures that homeowners make decisions best suited to their circumstances.

V. Community and Individual Impact:

1. Benefits of land acquisition programs for flood risk reduction and community resilience according to FEMA ⁸

a) Reduction of Flood Risk

- (1) Decreased Vulnerability to Future Disasters**
- (2) Prevention of Repetitive Losses**
- (3) Reduced Insurance Costs**

2. Challenges, such as community disruption and long-term land management.

VI. Residents in distress in Chimney Rock and other areas have allegedly been approached with Psychological Manipulation Techniques including:

a) Framing the Narrative

- (1) Presenting the program as the "best option" or only viable solution in a dire situation.
- (2) Highlighting the risks of not participating (e.g., future disasters or financial ruin).
- (3) Scarcity and Urgency
 - (a) Emphasizing limited availability of funds or deadlines for decision-making to create a sense of urgency.
 - (b) Implying that immediate action is critical to avoid being left out.

(4) Social Proof

- (a) Citing examples of others in the community who are participating.

⁸ <https://www.fema.gov/grants/mitigation/learn/hazard-mitigation-assistance-guidance>

- (b) Using testimonials from neighbors or local leaders to show widespread support.

(5) Authority Endorsement

- (a) Involving trusted officials, experts, or community figures to vouch for the program's benefits.
- (b) Positioning the program as endorsed by reputable organizations like FEMA.

(6) Emotional Appeals

- (a) Focusing on emotional triggers such as fear (of future disasters) or hope (for a safer future).
- (b) Sharing stories of individuals who suffered losses but benefited from similar programs.

(7) Information Overload

- (a) Providing complex or overwhelming information that makes the program seem like the simplest choice.
- (b) Stressing bureaucratic or logistical challenges of alternative options.

(8) Incentivization

- (a) Offering financial incentives, such as above-market-value buyouts or additional support, to make participation more attractive.
- (b) Highlighting benefits such as relocation assistance, community rebuilding efforts, or access to safer housing.

(9) Normalization of Loss

- (a) Framing the loss of one's property as a necessary sacrifice for community safety or environmental restoration.
- (b) Downplaying the emotional and cultural significance of leaving one's home or land.

B. These tactics may exploit residents in a state of distress by exploiting their emotional strain, cognitive fatigue, economic hardship and desire for security.

- C. **Funding Mechanisms:** FEMA provides financial assistance for these acquisitions through programs such as the Hazard Mitigation Grant Program (HMGP) and the Flood Mitigation Assistance (FMA) Program. These funds are allocated to state and local governments, which then facilitate the purchase of properties from willing sellers.
- D. **Post-Acquisition Land Use:** Once acquired, the properties are deed-restricted to prevent future development. This land is typically maintained as open space, recreational areas, or natural floodplain functions, contributing to environmental conservation and reducing flood hazards.
- E. **Community Benefits:** Beyond reducing flood risk, these acquisitions can lead to the creation of community amenities such as parks and green spaces, which enhance the quality of life and provide ecological benefits

VII. Process Overview:

- A. **Application and Eligibility:** Local governments identify flood-prone areas and apply for FEMA funding to support property acquisitions. Eligibility is determined based on factors like the property's flood risk and the cost-effectiveness of the acquisition.
- B. **Offer and Purchase:** Eligible property owners receive a purchase offer based on the property's pre-disaster fair market value. Participation is entirely voluntary.
- C. **Property Conversion:** After acquisition, structures are demolished or relocated, and the land is converted to open space with restrictions on future development to maintain its floodplain function.

VIII. Considerations:

- A. **Community Impact:** While beneficial for reducing flood risks, large-scale buyouts can impact community cohesion. It's essential for local governments to engage with residents transparently throughout the process.
- B. **Funding Limitations:** Availability of funds can limit the number of properties that can be acquired, necessitating prioritization based on risk assessments.
- C. **Long-Term Maintenance:** Acquired lands require ongoing maintenance to ensure they continue to serve their intended purpose as open spaces or natural floodplain areas.

FEMA provides resources such as the "Property Acquisition Handbook for Local Communities," which outlines the process and considerations for local governments undertaking these initiatives.⁹

FEMA's Hazard Mitigation Assistance Guidance offers comprehensive information on funding opportunities and program requirements for property acquisitions and other mitigation activities. [This guide was removed from their website and replaced with a redirect page after October 4, 2024.](#)¹⁰

IX. Conclusion

⁹ <https://www.fema.gov/pdf/government/grant/resources/hbfullpak.pdf>

¹⁰ <http://web.archive.org/web/20241004211500/https://www.fema.gov/grants/mitigation/guide>