

# INVESTIGATION: DISASTER FINANCIAL ASSISTANCE

Excerpted from Special Report No. 54 (Pages 63-93)

***Fairness in a changing climate: Ensuring disaster supports are accessible, equitable and adaptable***



## Recovery and Rebuilding: The Disaster Financial Assistance program

In our investigation, we examined how the province supported the recovery and rebuilding efforts of people whose homes were damaged or destroyed by the extreme weather events in 2021. Our focus was on the Disaster Financial Assistance (DFA) program and specifically on private sector applications for assistance from homeowners and renters.<sup>171</sup> We asked how people accessed DFA and whether they had experienced barriers to access. We sought to understand the impact of any barriers and asked whether EMBC had developed strategies to address them. We considered whether DFA supports had been timely and accessible, and whether there were gaps in how the supports were provided. We found that people experienced significant delays, confusing and unclear procedures, and poor communications.

### DFA eligibility and amounts

Disaster Financial Assistance (DFA) is one of the core provincial programs available to support people who have been displaced by an extreme weather event.<sup>172</sup> It provides some reimbursement for costs to restore an applicant's primary residence and personal belongings. Although DFA is authorized by the *Emergency Program Act*, many of the program specifics are established in the regulation and in ministry policies. Under this framework, DFA is limited in scope to sudden, unexpected and uninsurable losses.<sup>173</sup> This means that losses are not covered where insurance is "reasonably and readily available" to a person or household – and affordability of insurance is not considered in assessing its availability.<sup>174</sup> In addition, even

for eligible expenses, the types and amounts of reimbursement are limited. This program is expressly designed to provide partial, not full, reimbursement of costs.

DFA for the private sector is not available for every disaster or loss. First, the responsible assistant deputy minister within the ministry must determine that an emergency event is eligible for DFA claims.<sup>175</sup> Generally, an event is eligible if it is unanticipated and causes significant damage.<sup>176</sup> In 2021, only the November atmospheric river events were declared eligible for DFA claims from the private sector. Consistent with past practice, in 2021 property damage due to wildfires was not eligible for the DFA program, because EMBC had determined that wildfire insurance is reasonably and readily available for the private sector across BC.<sup>177</sup>

If the assistant deputy minister declares an event eligible for private sector applications, homeowners may submit a claim regarding damage or loss for their primary residence and the belongings within, and residential tenants may make a claim regarding damage or loss of their belongings.<sup>178</sup> Only uninsurable expenses "to replace or restore the necessities of life" are covered.<sup>179</sup> Assistance is provided to restore a necessary item (such as furniture or an appliance) or replace it with a basic model. Assistance is available to restore a residential structure that has been damaged to its previous condition or to replace it, whichever costs less.<sup>180</sup> All eligible DFA recipients are responsible for paying the first \$1,000 of their claim. They then are reimbursed for 80 percent of their remaining eligible expenses, to a maximum of \$400,000.<sup>181</sup> Some sample payments are set out in Table 3. Claims for amounts less than \$1,000 receive nothing, and claims are capped at \$400,000.

*Table 3: Disaster Financial Assistance example payment calculations*

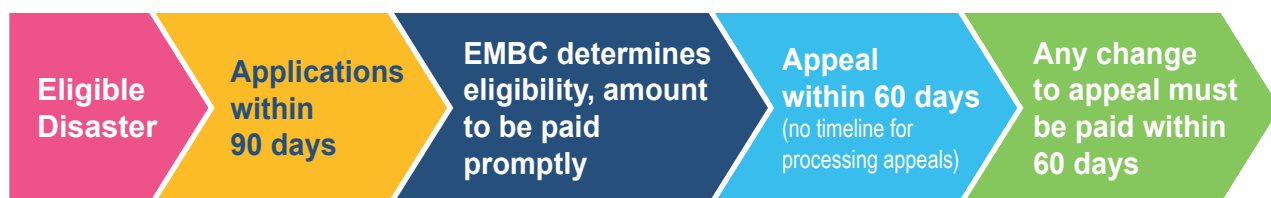
Expense category	Example 1	Example 2	Example 3
Clean Up and Debris	\$1,000.00	\$500.00	\$5,250.00
Structural Repairs/Rebuilding	\$87,000.00	--	\$625,000.00
Contents	\$12,000.00	\$1,250.00	\$35,000.00
Site Services <sup>182</sup>	--	--	\$8,500.00
Total eligible amount	\$100,000.00	\$1,750.00	\$673,750.00
Less \$1,000.00	\$99,000.00	\$750.00	\$672,750.00
<b>Total payable at 80% to a maximum of \$400,000</b>	<b>\$79,200.00</b>	<b>\$600.00</b>	<b>\$400,000.00</b>

Because of the ongoing legacies of colonialism, there are some jurisdictional distinctions in the governmental approach to funding DFA for Indigenous applicants, based on whether they live on or off reserve land. Indigenous people who do not live on reserve are eligible for private sector DFA like other applicants. Those who live on reserve can also apply for and receive DFA. In those cases, payment from the province to eligible on-reserve DFA applicants is authorized under a bilateral agreement between the province and Indigenous Services Canada. This agreement is intended to ensure that assistance is provided in the same manner for First Nations applicants living on reserve as for those living elsewhere.<sup>183</sup> From a fairness perspective, we expect that Indigenous applicants will experience equitable access to the assistance as well as equitable outcomes.

### DFA application process and timing

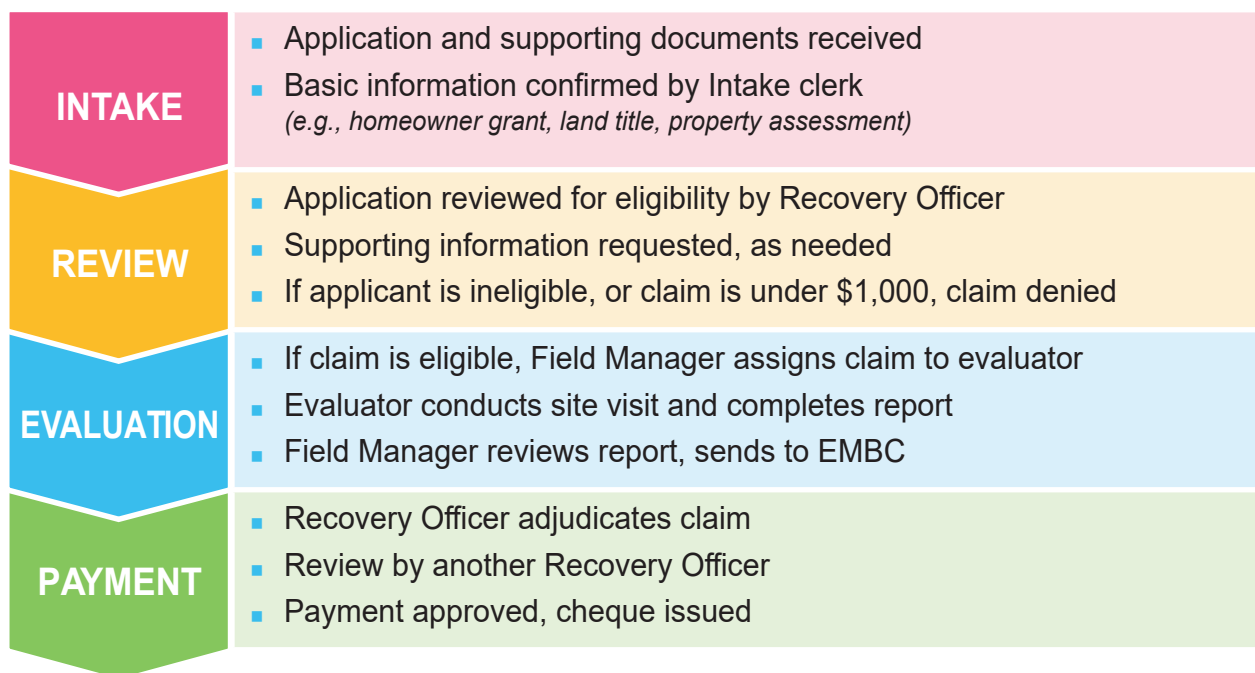
The DFA legislative and regulatory framework provides an overview of the process for submitting applications and some guidance on timeframes. Typically, private sector applicants have 90 days following the declaration that a disaster is eligible to apply for DFA, and the province must pay eligible applicants “promptly” once an amount of assistance has been determined.<sup>90</sup> If an applicant is found ineligible (e.g., the structure was not a primary residence or damage was to non-essential items) or disagrees with the amount of their reimbursement, they may submit a written appeal to the ministry within 60 days.<sup>91</sup> As part of the appeal, the ministry may request more information or call a hearing and must notify the appellant of any decision. There is no timeline provided for decision-making on an appeal, and an appeal decision is not open to question or review in a court on any grounds. If the province or appellant is found owing by the review, they must pay the amount within 60 days.<sup>186</sup>

Figure 14: Expected DFA process and timeline



The ministry's process for reviewing and deciding on private sector DFA applications includes review by an intake clerk, a recovery officer and a field manager, in addition to the evaluator who assesses the damage. The ministry contracts externally

for evaluation services, and the contracted company is responsible for recruiting short-term contractors to perform the contracted services. A simplified version of the process is shown in Figure 15.

Figure 15: DFA workflow for private sector applications<sup>187</sup>

An applicant can appeal a DFA decision that they are ineligible, and they can also appeal the amount of assistance. An applicant who disagrees with an individual eligibility decision or the amount they receive under DFA (communicated to them by letter) can send an email to EMBC indicating that they wish to appeal. An appeals officer<sup>188</sup> reviews the initial application and response, the appeal request and any other documents

provided, and then the appeals officer prepares a determination recommendation. This is reviewed by the policy, planning and appeals director, who prepares a decision briefing note for the assistant deputy minister, who makes the final decision. The appeals officer informs the applicant of the outcome and, if the appeal results in a reassessment of the application, the appeals officer informs the program area. The program area reopens



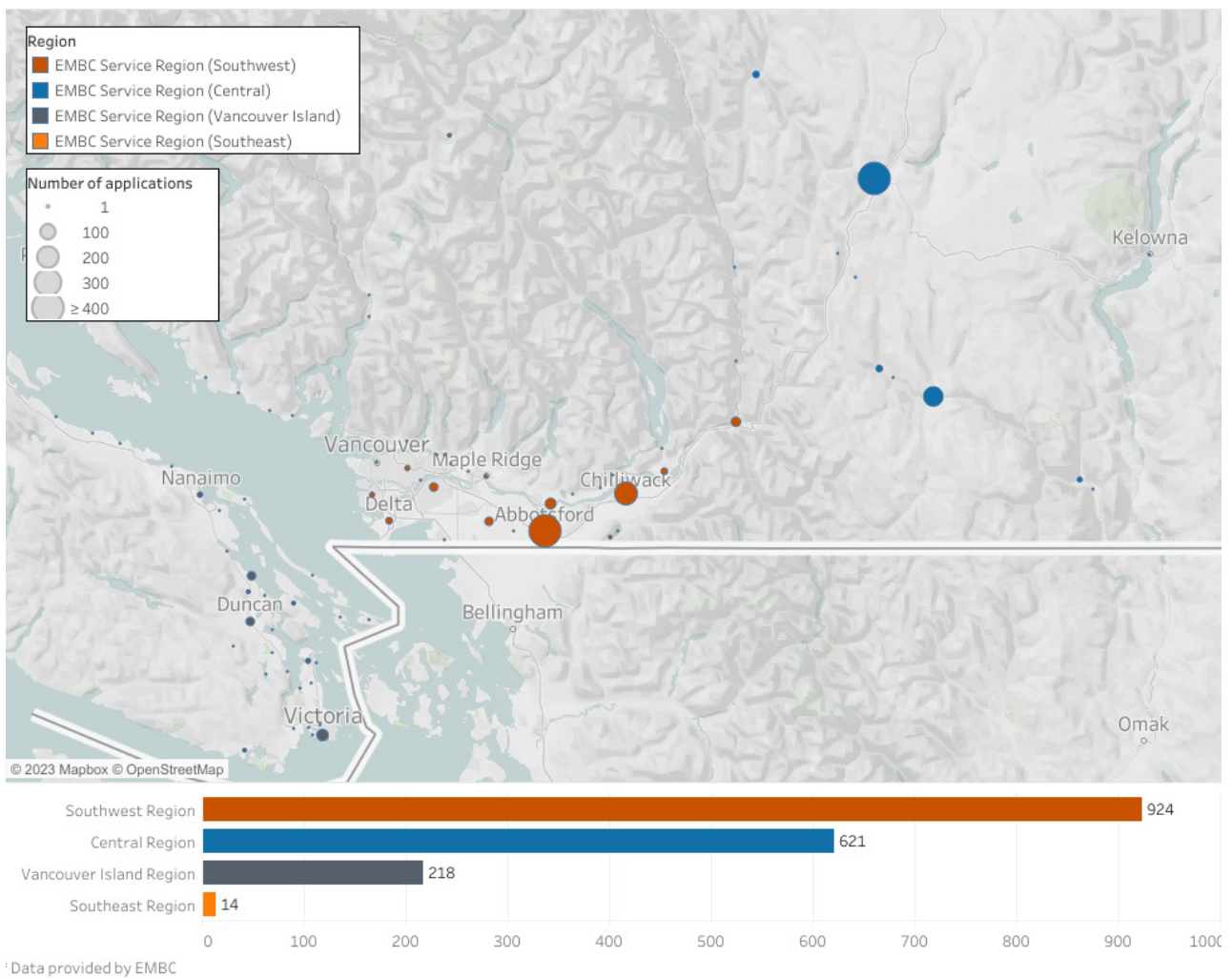
the file to determine whether the items claimed for DFA are eligible and, if so, the amount that will be provided to the applicant and payment is made.

**DFA in response to the atmospheric river events**

On November 18, 2021, following the atmospheric river that resulted in damaged and destroyed infrastructure and public and private property,<sup>189</sup> the province announced that people affected by flooding and

landslides from November 14 to 16, 2021, in the southwestern, central and southeastern areas of the province and on Vancouver Island were eligible to apply for Disaster Financial Assistance.<sup>190</sup> On December 5, the province announced it had expanded the period and region for DFA eligibility to include flooding and landslides from November 14 to December 2 and the northwestern area of the province. At the same time, it extended the application deadline for applications from all regions from February 12 to March 3, 2022.<sup>191</sup>

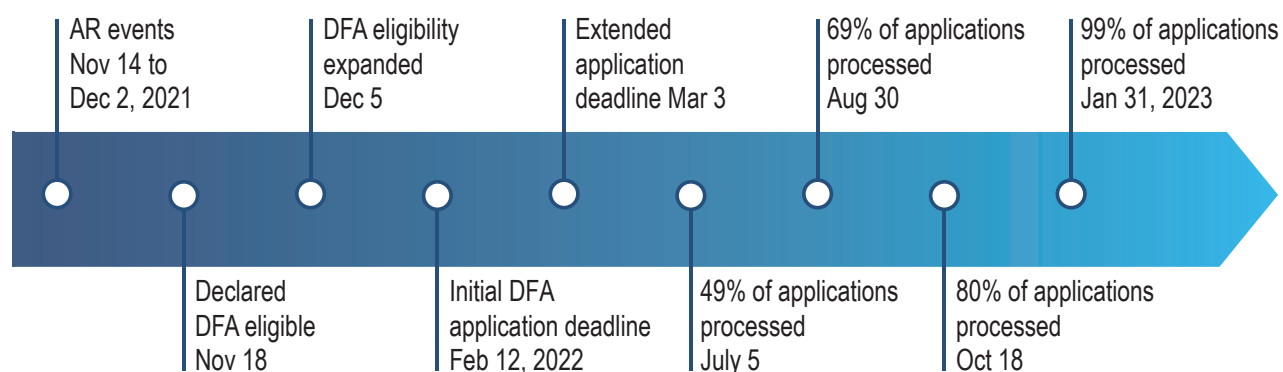
*Figure 16: DFA homeowner and residential tenant applications by EMBC service region, atmospheric river events 2021*



The DFA program typically receives fewer than 400 private sector applications in a year.<sup>192</sup> Following the 2021 atmospheric river, however, EMBC received almost 2,300 applications.<sup>193</sup> EMBC informed us that they responded to the atmospheric river by staffing up quickly, adding new hires and temporary appointments. In mid-November 2021, EMBC had seven full-time staff working on private sector DFA applications, which grew to a peak of 17 staff by April 2022.<sup>194</sup> EMBC contracted evaluation services for 16

people, including four evaluators and one senior evaluator, in November 2021, which increased to a maximum of 20 evaluators and six senior evaluators in March and April 2022.<sup>195</sup> In May 2022, EMBC also contracted with an external provider for additional personnel.<sup>196</sup> EMBC informed us that when the processing time for applications was getting lengthy, EMBC began implementing strategies to reduce that time and help alleviate delay.<sup>197</sup>

*Figure 17: DFA timeline for the atmospheric river events (not including appeals)*

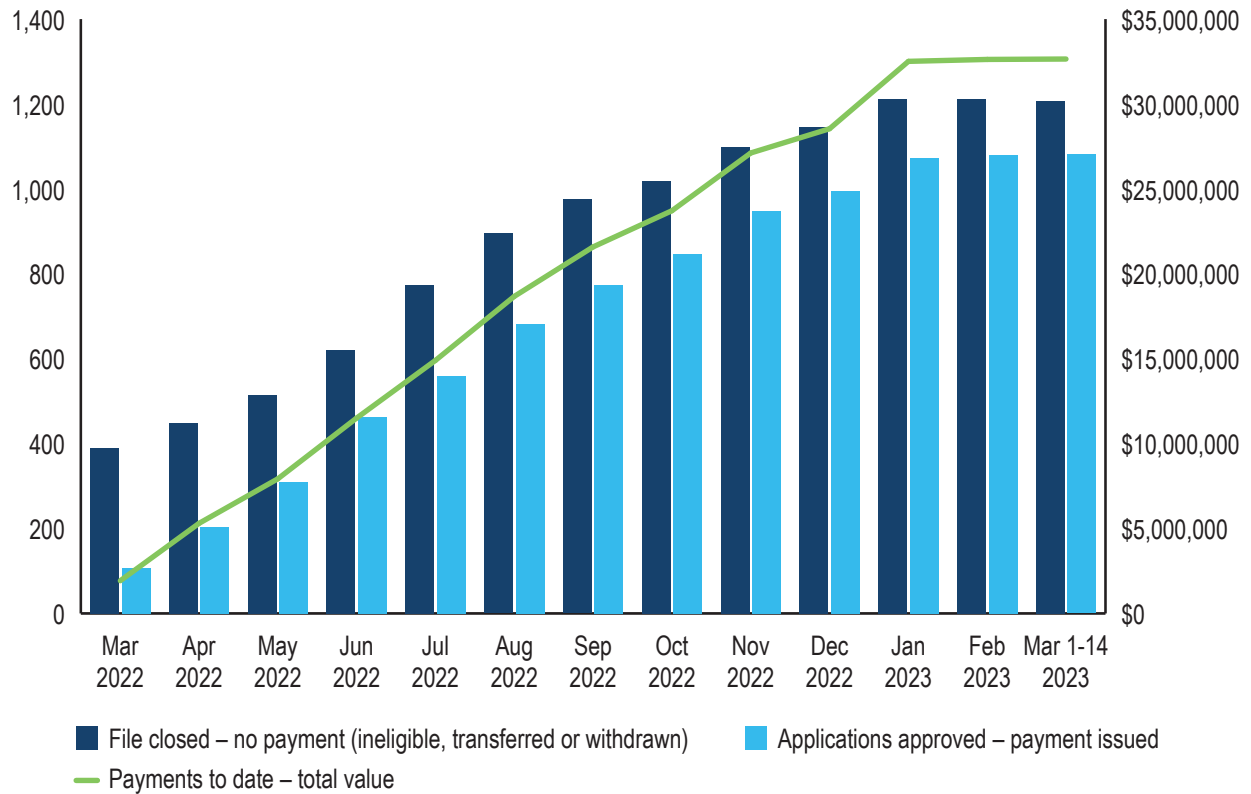


*Note: Data provided by EMBC*

EMBC tracked its processing of DFA applications from the atmospheric river events on a weekly basis. According to EMBC, about half of the private sector applications had been processed by early July 2022, four months after the application deadline and seven months after the atmospheric river events. Of those applications, almost 700 were closed without payment (ineligible, transferred<sup>198</sup> or withdrawn), and over 500 were approved, with payments issued for a total of over \$13 million. According to EMBC, the typical payout amount for the atmospheric river

was about double the previous averages for private sector DFA applications. By mid-October, 11 months after the atmospheric river events, EMBC had closed almost 1,000 applications without payment, and had approved and issued payment for over 800 applications. Total payments at that point amounted to over \$23 million. As of the end of January 2023, 99 percent of DFA private sector applications had been processed and over \$32 million in payments issued. By mid-March 2023, nine applications (out of 2,298) were still to be processed.

Figure 18: Monthly progress on processing DFA private sector applications (March 3, 2022 to March 14, 2023)



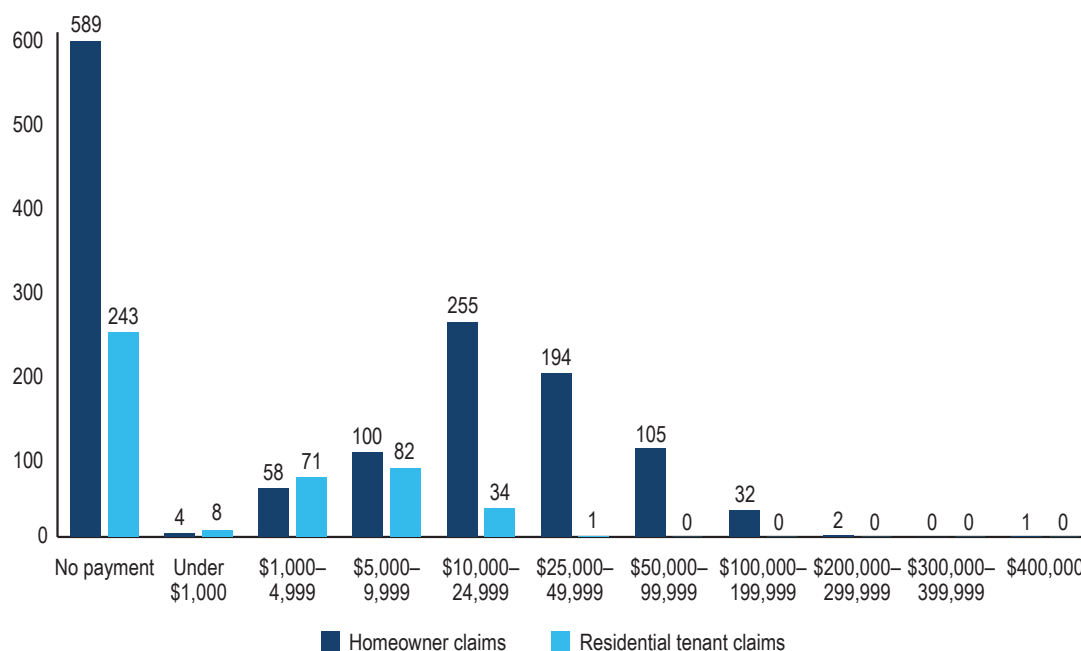
Note: Data provided by EMBC.

As of mid-March 2023, the DFA program had approved 1,081 applications for payment and closed 1,208 applications with no payment, out of a total of 2,298 private sector applications. The average amount paid to homeowner applicants was \$32,299 and to residential tenants \$6,376.<sup>199</sup> Payment

amounts to homeowners and residential tenants ranged from \$150 to the maximum of \$400,000.<sup>200</sup> Average processing times, up until September 2022, were 158 days or 22.6 weeks for homeowner applicants and 154 days or 22 weeks for residential tenants.<sup>201</sup>



**Figure 19: Number of atmospheric river DFA payments to homeowner and residential tenant applicants (data as of March 2023)**



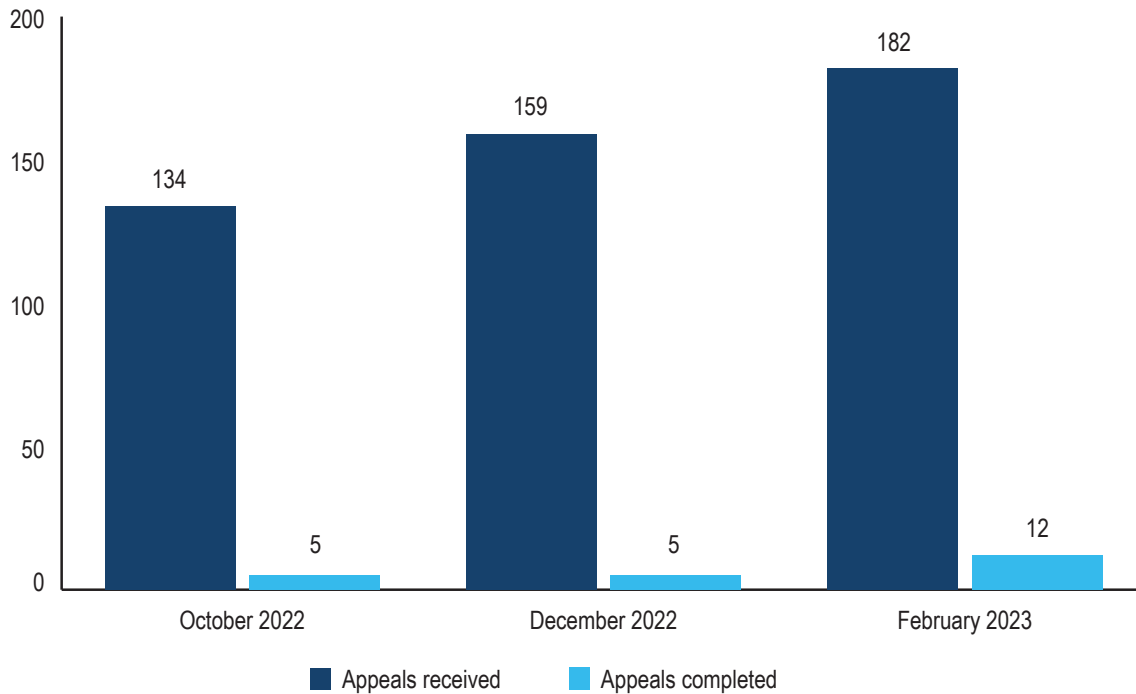
Note: Based on data provided by EMBC

## Appeals

As EMBC issued DFA decisions, applicants who were denied or who disagreed with the amount began appealing the initial decision. By early July 2022, EMBC had received about 70 appeal requests related to the atmospheric river events, but it had not yet adjudicated any of those appeals. EMBC informed us that it was prioritizing applications that had not yet been processed at that time, and that there had been no communications to those waiting for appeal decisions at that time. DFA appeals have a low barrier to entry (e.g., no payment requirement), requiring just an email to commence the appeal process. EMBC told us that it did not want to make the process too challenging to access, but it did want people to have to reflect or think about it because it is a resource-heavy exercise for EMBC to adjudicate appeals.<sup>202</sup>

EMBC began working on appeals from the atmospheric river events in July 2022, though some staff were not in place until October 2022 and there has been subsequent staff turnover. As of the end of October 2022, almost a year after the atmospheric river events began, EMBC had received 134 appeals (about 6 percent of total applications) and had adjudicated five of them, all of which upheld the original decision in terms of eligibility or amount.<sup>203</sup> By the end of December 2022, 159 appeal requests (about 7 percent of total applications) had been received and only the same five appeals had been completed. At the end of February 2023, 182 appeal requests had been received and 12 had been completed. In all 12 appeals, the original decision was upheld.

*Figure 20: Number of atmospheric river event appeals received and completed (data as of March 2023)*



*Note: Data provided by EMBC.*

The ministry informed us that it has continued to look for ways to improve efficiency in appeals processing, including grouping similar appeals for processing (e.g., grouping appeals about eligibility or amount together). The appeals team receives a significant number of emails and phone calls from applicants inquiring about the status of their appeal and, at the time of this report, it had stopped responding to inquiries.<sup>204</sup> We have heard directly from some applicants who have been unable to get information from EMBC about their appeals.

There is limited information available to the public about the appeals process or decision-making on appeals. When the ministry has decided an application for DFA, it informs applicants by letter and provides a one-page document with information on the appeals process. This document summarizes the relevant provisions of the legislation and provides the contact information for submitting an appeal (see Figure 21). Once an applicant has appealed, the ministry generally does not communicate with the applicant until it makes a decision. As we have described above, this has in some cases been months with no information provided to the applicants.

Figure 21: DFA appeal information sheet

## **APPEAL TO THE DIRECTOR ON ELIGIBILITY OR AMOUNT OF DISASTER FINANCIAL ASSISTANCE**

As specified in Sections 21 – 22 of the *Emergency Program Act*:

- Persons deemed ineligible for Disaster Financial Assistance may, in writing and within 60 days of receiving notice of their ineligibility, appeal to the Provincial Emergency Program (PEP) Director.
- Persons provided Disaster Financial Assistance may, in writing and within 60 days of receipt of assistance, appeal the amount received to the PEP Director.

Upon receipt of an appeal regarding eligibility or amount, the PEP Director will conduct a review and inform the appellant of the decision.

### Appeal to the Director on eligibility

The director may:

- i. confirm the determination, or
- ii. overturn the determination and direct that the person be considered to be eligible to receive disaster financial assistance.

### Appeal to the Director on amount

The director may confirm, increase or decrease the amount of the disaster financial assistance.

### **Appeal Submission**

Appeal to the PEP Director should be submitted to:

Director  
Provincial Emergency Program  
PO Box 9201 Stn Prov Govt  
Victoria BC V8W 9J1

Or

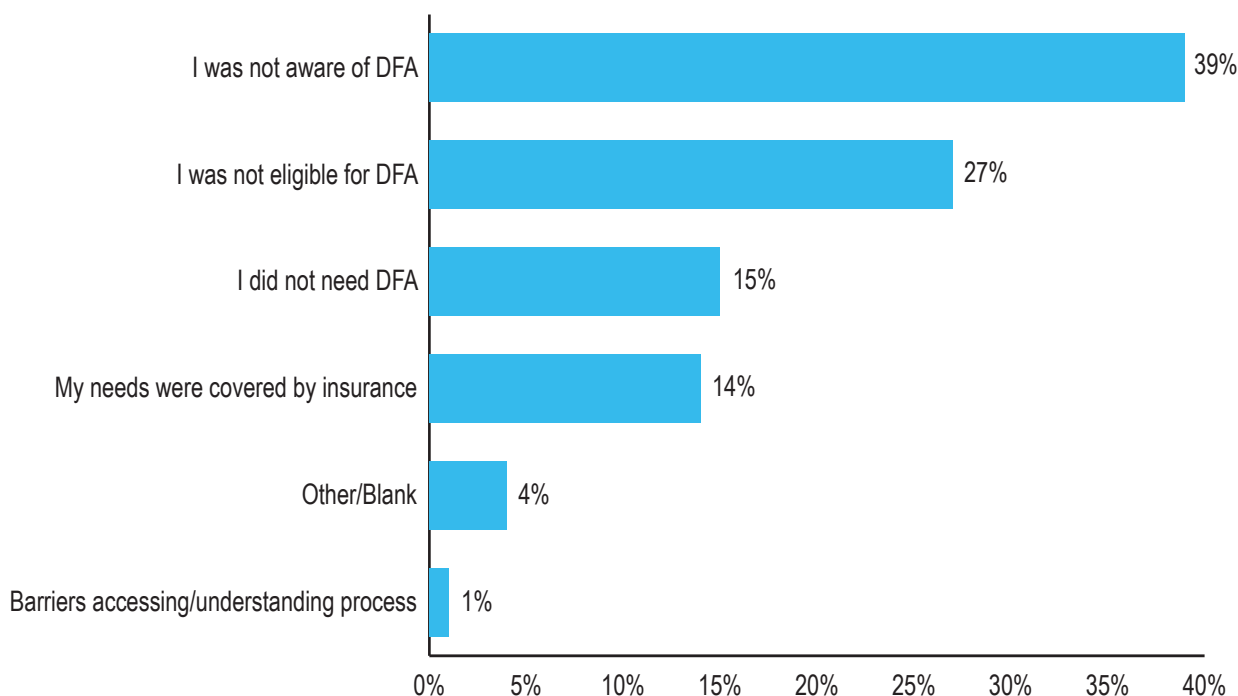
[DFA@gov.bc.ca](mailto:DFA@gov.bc.ca) Attention: Director, Provincial Emergency Program

## What we heard about applicants' experiences with DFA

We heard directly from people who had applied for DFA as part of our online questionnaire and through other contacts with our office.<sup>205</sup> Among the 481 people who completed the questionnaire, about one-third said they had applied for assistance through DFA. Most participants – 64 percent – did not apply for DFA. For those who did not apply, the most common reason was that they were not aware of the program. Thirty-nine percent

of those who did not apply for DFA said they were not aware of the program, which raises questions about why people were not aware and whether people who would have been eligible for assistance missed out because of lack of awareness of the program. The second most common reason that people did not apply was because they were not eligible. Only 14 percent of people who did not apply for DFA said this was because their needs were covered by insurance (discussed further below).

Figure 22: Reasons why questionnaire participants did not apply for DFA

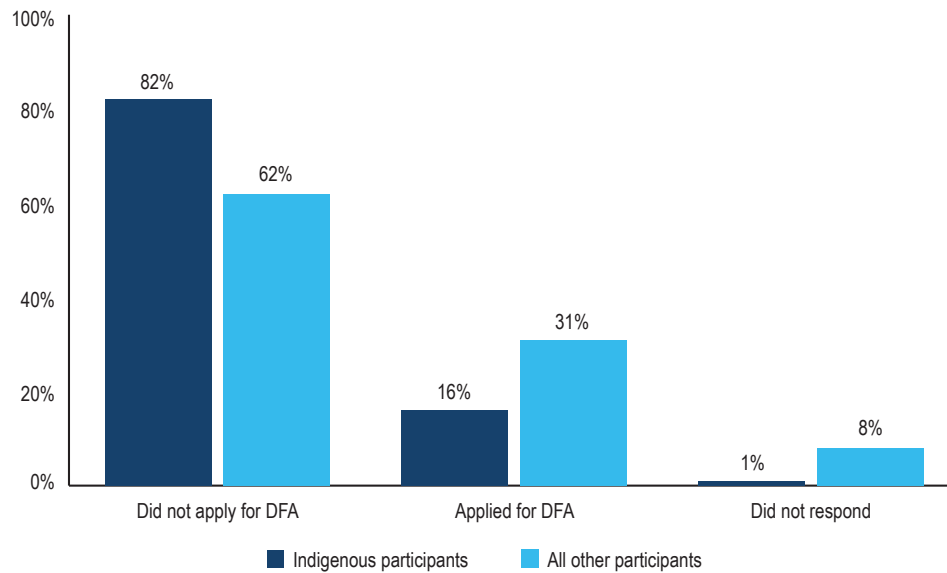


Note: Percentages in figure may not total 100 percent due to rounding. Results shown include interpreted open-ended responses

Sixty-seven questionnaire participants self-identified as Indigenous. These participants were less likely to have applied for DFA assistance than all other participants, less likely to be aware of DFA and less likely to have their needs covered by insurance. Eighty-two percent of Indigenous participants said they did not apply for DFA, 16 percent

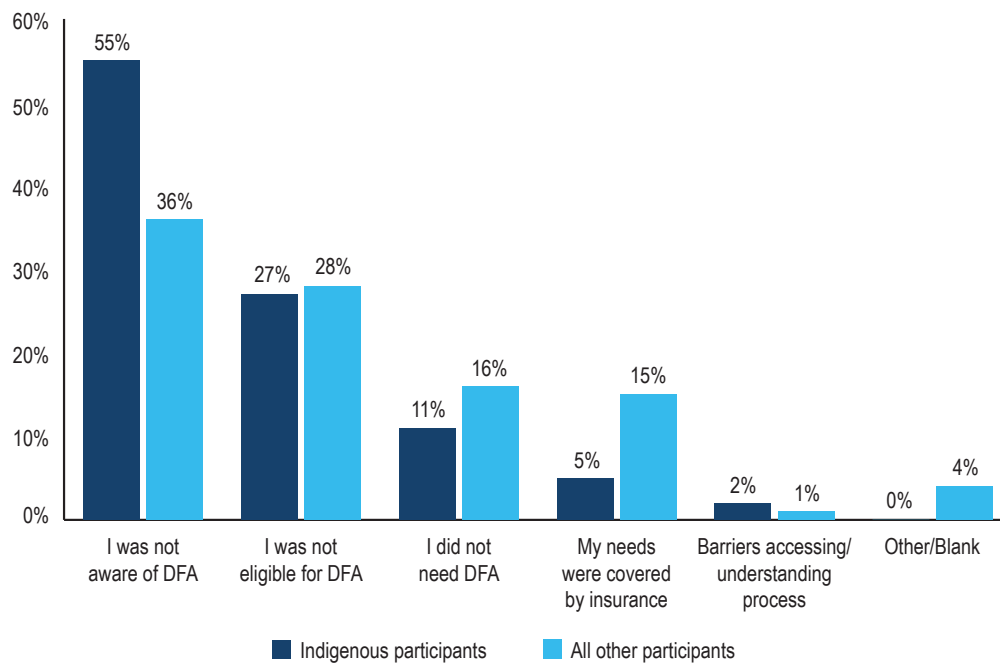
said they did apply, and 1 percent did not respond. In terms of DFA awareness, 55 percent of Indigenous participants (versus 36 percent of all other participants) were not aware of the DFA program, and only 5 percent of Indigenous participants (versus 15 percent of all other participants) said their needs were covered by insurance.<sup>206</sup>

**Figure 23: Percentage of Indigenous questionnaire participants who applied for DFA assistance, compared with all other participants**



Note: Percentages in figure may not total 100 percent due to rounding.

**Figure 24: Main reasons why Indigenous questionnaire participants did not apply for DFA compared with all other participants**



Note: Percentages in figure may not total 100 percent due to rounding.



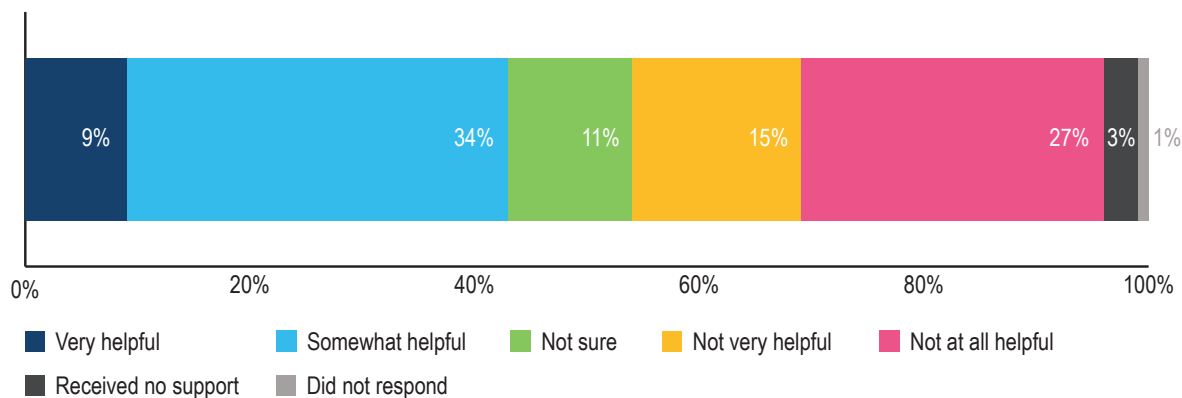
According to EMBC, as of July 2022, the DFA private sector program had received 85 applications (about 4 percent of total applications) from individuals identifying as Indigenous and living on reserve who were looking for support under the DFA program. The applicants reside in nine of the approximately 90 communities affected by the 2021 atmospheric river extreme flooding event that were eligible for private sector DFA applications. It is optional to self-identify as Indigenous and/or living on reserve when filling out an application for the private sector categories (homeowner, residential tenant, small business and charitable organization). As such, the actual number of Indigenous individuals seeking support from the DFA program might be higher than reflected in reported numbers. EMBC told us that “due to database limitations, accurate/contemporary geographical organization and names for Indigenous communities is very limited.”

Proportionally fewer Indigenous participants in our questionnaire applied for DFA than white participants.<sup>207</sup>

We also heard from Indigenous questionnaire participants that it took longer for their DFA applications to be processed. Among Indigenous questionnaire participants who applied for DFA, 55 percent said it had taken six months or more for their application to be processed, compared with 30 percent of white participants.<sup>208</sup> Overall, questionnaire participants who applied for DFA told us that the processing times were typically lengthy (three to six months, or six months or more). In some cases, applicants had not yet had a response. This is consistent with the processing time-frames provided to us by the ministry.

Most questionnaire participants (66 percent in total, and 73 percent of Indigenous participants) said the assistance they received from DFA was not the amount they requested, and views were divided on the helpfulness of DFA, with about the same number of people finding it very/somewhat helpful as those finding it not very/not at all helpful.<sup>209</sup>

Figure 25: How helpful questionnaire participants found the DFA support they received

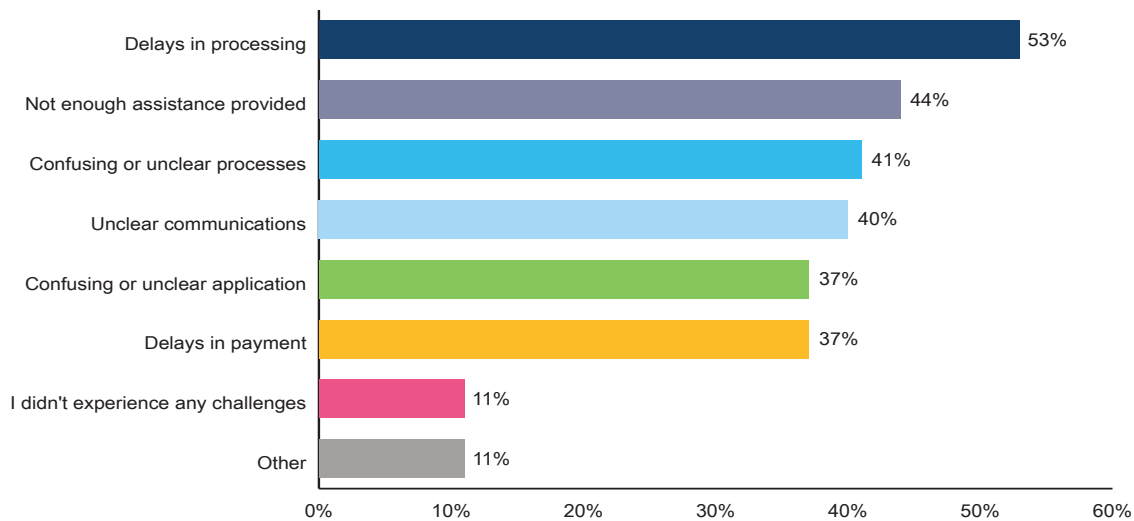


Note: Percentages in figure may not total 100 percent due to rounding.

Most questionnaire participants who applied for DFA also identified one or more challenges in accessing the program. Over half of participants had experienced delays in processing, and almost 40 percent identified

delays in payment. Participants also told us they experienced confusing or unclear applications or processes, not enough assistance, and unclear communications.

Figure 26: Challenges experienced by questionnaire participants in applying for DFA



Note: Multiple choice question. Percentages in figure will not total 100 percent.

Many questionnaire participants provided more information on these challenges or identified other challenges in their comments. For example, some described the impacts of delays in receiving a decision on their initial application and on appeals, such as accruing debt or depleting savings to manage repairs, challenges in scheduling repairs when assistance was not certain, and the lack of transparency regarding timelines and processes:

*“We haven’t received any support yet. Still waiting.”*

*“Need more employees on phones and in the field. Our application was misplaced and we waited months for someone to come here to assess us. We only just received funds about 3 weeks ago from a disaster that occurred 10 months ago. If we would have waited for the funding to be able to start repairs the house would have been completely rotted. Luckily we qualified to borrow more money from the bank.”*

*“Making people wait in limbo for months on end is unacceptable. It took DFA nine months to tell us we didn’t qualify for help. That was prime time for reconstruction.”*

*Now we are in the process of appealing the decision, which also takes time. . . We can’t go to the bank and ask for a construction loan until these other avenues are decided on. So we continue to be in limbo and it looks like that will be the case for many months to come.”*

*“Staff up faster, process quicker, provide interim awards so repairs can begin faster.”*

Others shared stories of communications problems, miscommunications, and even misinformation about assistance and eligibility:

*“The communication from DFA was also unacceptable. I was told by a case manager that I could not talk to her manager to talk about our case. Neither would she give me the name of the director so that I could talk to that person regarding their staunch position on assistance.”*

*“I did not know who to contact to make sure my application was received. So you wait and wait hoping they are actually working on your application.”*

*“More clear decision making. At first they denied my claims without telling me. When I reached out a few months later to see*

*DFA stands for Disaster Financial Assistance. Disaster means act quickly. Financial means provide money. Assistance means help. None of these have been provided. All need to be.*

*— evacuee*



*what was going on, I was told they were denied. When I questioned it, they said they'd get back to me. They never did. I followed up a few months later and they said they'd changed their mind and they weren't denied."*

*"I'm almost a year out and still haven't received funding. They have lost my paperwork multiple times. There have been communication errors of not being clear on what they specifically want. I explained the difficulty with my situation. . . I felt like I was being treated like shit even though I provided tons of alternate evidence."*

In some cases, people reported frustrations with the process, a lack of explanation for decisions, limited input and staff errors:<sup>210</sup>

*"DFA needs to be more clear in who qualifies, and not change [their] mind. We were specifically told that regardless if we had private insurance or not we would qualify."*

*"There was no consistency between adjusters. Some were good and assisted in getting as much funding as possible. Some did the bare minimum."*

*"You have a half hour tour with the [evaluator], but if you miss anything or they made a mistake . . ."*

*"DFA should provide clear and concise breakdown of monies awarded to individuals."*

*"There was no itemized accounting of what they gave or rejected. How can you appeal their decision when it is not clear what was okay and what was denied?"*

As we have described earlier in this report, many questionnaire participants told us they experienced health challenges (physical, mental and emotional) as a result of displacement, along with challenges with housing and employment, and impacts on

family, including family separation. Some experienced discrimination or harassment, and these experiences were more frequently reported by Indigenous participants.<sup>211</sup> In relation to DFA specifically, some people noted particular challenges of the program for people with special needs, seniors, people on a fixed income or on income assistance, and those who do not have access to or familiarity with a computer or the internet:

*"The DFA makes no provision for people with special needs. I have a special reclining chair, and I have clothes made specially for me. I have [medical conditions] . . . Other people were in similar straits."*

*"My elderly neighbors were responsible for their own clean up of sludge which ran through their entire home and garage. Nobody came to assist them, and they were left on their own to deal with the mess . . . heavy manual labour for people in their mid-70s who are not in the best of health."*

*"I'm 71 and all this hardship has caused mental health problems, anxiety and am in constant pain. I am not alone in my depression and anxiety. Many of us are still struggling."*

Other challenges identified by questionnaire participants and others we spoke to in the investigation related to limitations in the program itself: limited amounts, limited coverage, impacts of prior applications,<sup>212</sup> or a mismatch between the assistance provided and the actual costs to rebuild or restore. For example, some applicants noted that assistance amounts were reduced by the 80 percent calculation formula or because of insurance coverage. Others mentioned the impacts of inflation on costs to rebuild or repair damaged items or structures. We also heard in our investigation from some applicants, particularly along Highway 8, whose land was lost or substantially eroded when the Nicola River flooded, that DFA was not available to replace the land or rebuild elsewhere.<sup>213</sup>

For some, the complexity and limitations of the program meant long waits for unsatisfying outcomes. As these participants summed it up:

*“DFA stands for Disaster Financial Assistance. Disaster means act quickly. Financial means provide money. Assistance means help. None of these have been provided. All need to be.”*

*“It felt like dealing with [an] insurance company rather than my government trying to assist me in a time of disaster.”*

*“I think it would be nice if we were not just numbers on a piece of paper . . . It has been a brutal process.”*

Although people were grateful for the assistance provided by the program, we also heard that they were disheartened and discouraged by their experiences with the process and by the outcomes.

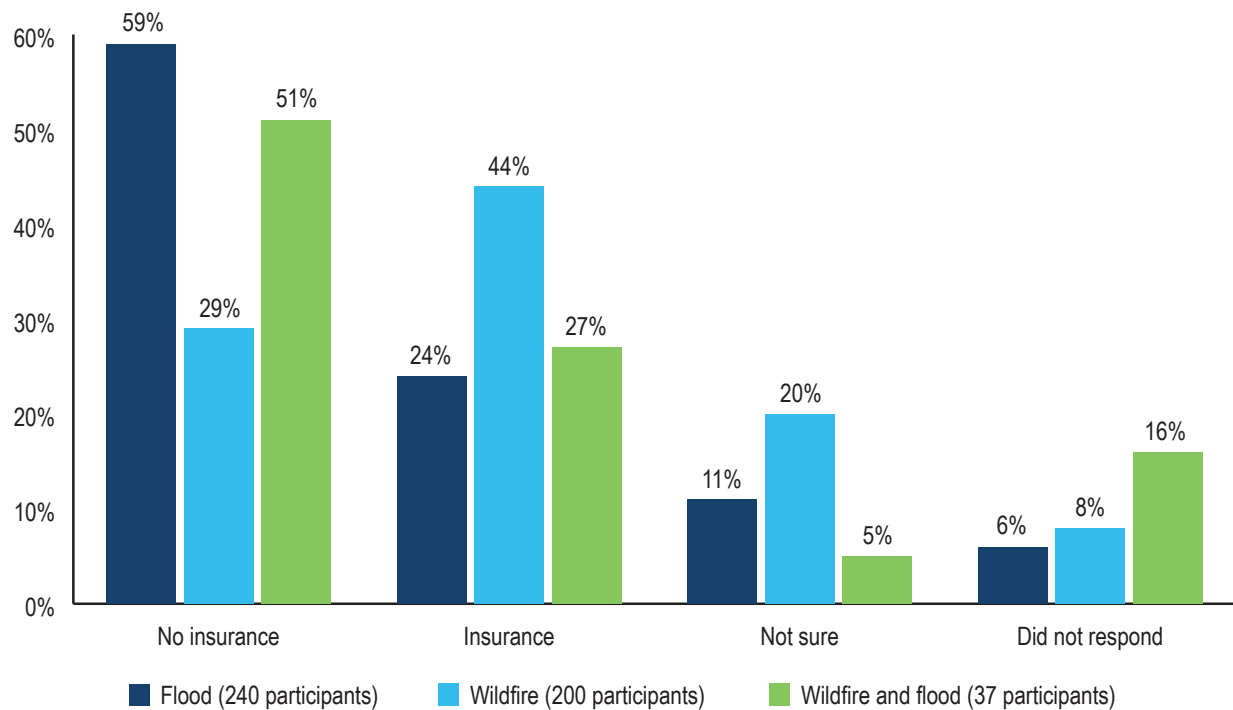
## DFA applicants and insurance

The DFA program is premised on the expectation that private insurance will be available to provide financial support for people who are impacted by an extreme weather event, with provincial support through the program intended to assist those who are unable to access private insurance or other means of support. The DFA program is not intended as an alternative or replacement for private insurance, where it is available. Instead, DFA may provide reimbursement assistance for uninsurable damage or loss. Applicants who are homeowners or residential tenants must show an insurance denial letter or a copy of their insurance policy outlining the policy limits.<sup>214</sup>

Given this relationship between insurance and DFA, in our questionnaire we also asked participants about insurance coverage, regardless of whether they applied for DFA. Because of the distinctions in the DFA private sector program between wildfire events (for which residential insurance is considered readily and reasonably available) and flooding (for which it is not), we have separated the questionnaire responses by the type of events participants experienced.



Figure 27: Questionnaire participants' insurance coverage, by displacement event

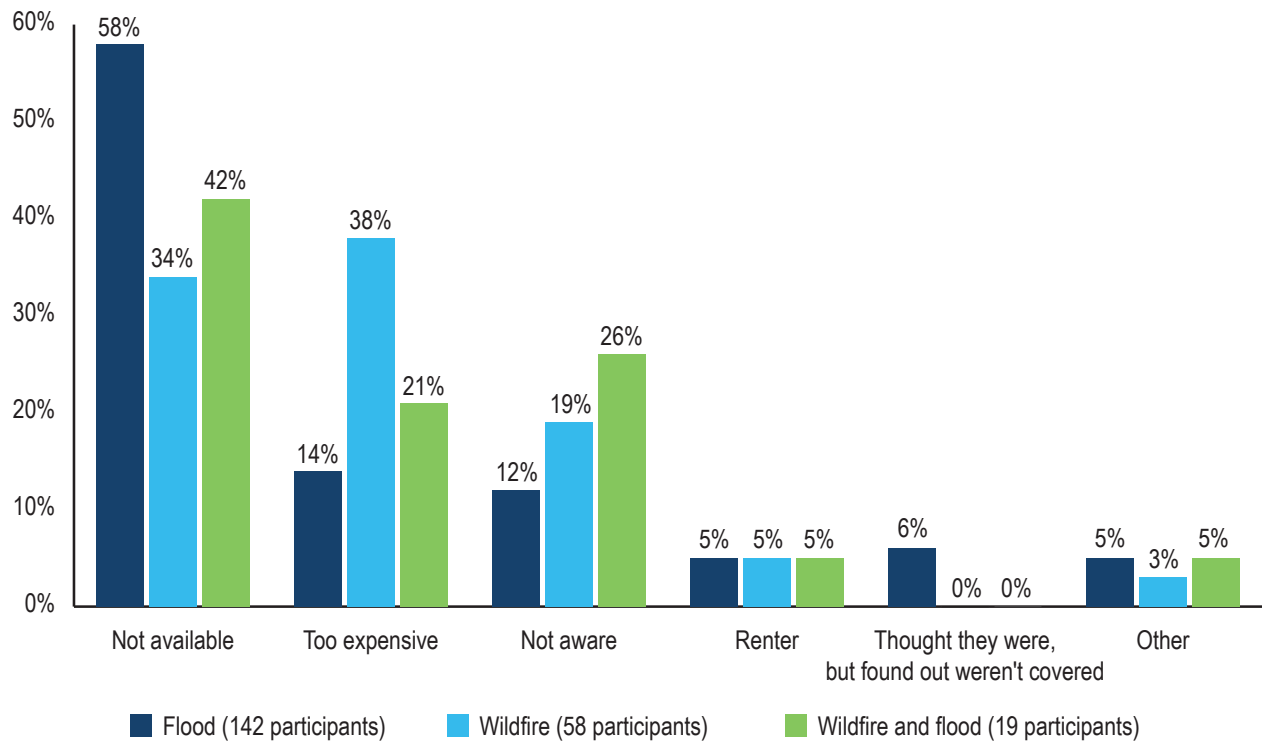


Note: Percentages in figure may not total 100 percent due to rounding.

Most participants affected by the atmospheric river flooding and who were not insured said flood insurance was not available to them (see Figure 28). Almost half of the

participants who were affected by flooding did not apply for DFA, and the two main reasons given were that they were not eligible for DFA or that they were not aware of the program.<sup>215</sup>

Figure 28: Reasons why questionnaire participants did not have insurance coverage, by displacement event



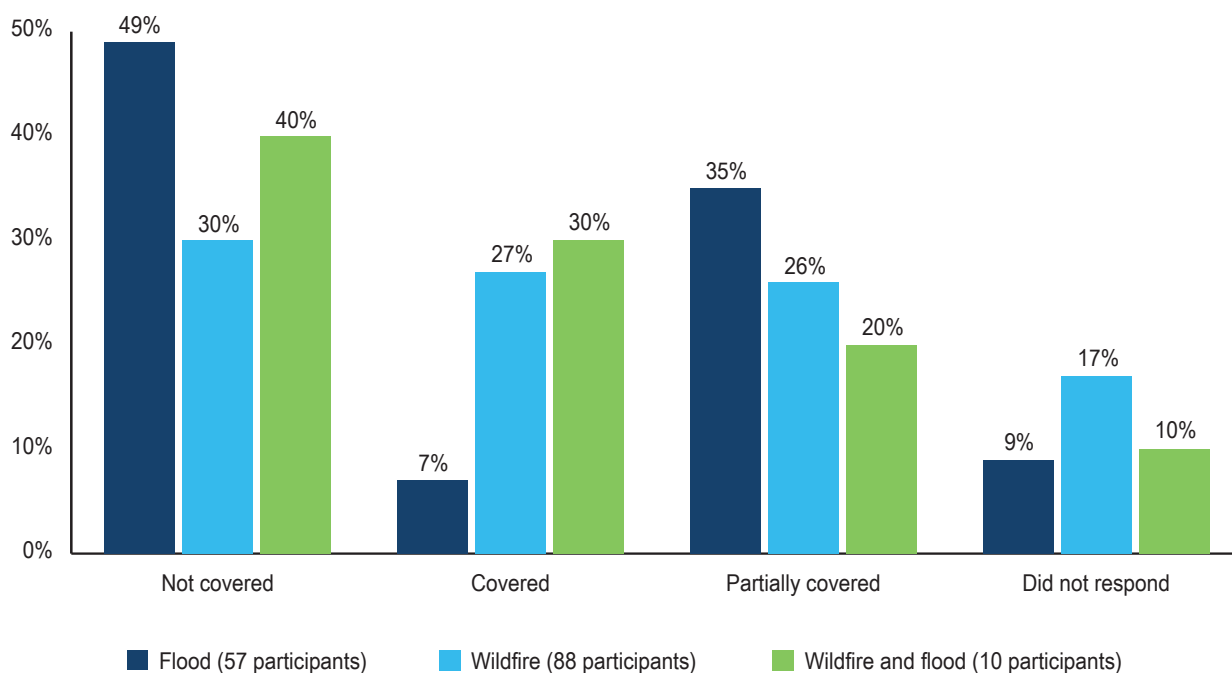
Note: Percentages in figure may not total 100 percent due to rounding

Indigenous participants were less likely to have insurance coverage than all other participants: 59 percent of Indigenous participants did not have insurance coverage compared with 44 percent of all other participants.<sup>216</sup> The primary reasons identified were cost and availability.<sup>217</sup> Of the 20 percent of Indigenous participants who did have insurance, 69 percent indicated that their insurance did not cover the damage they sustained. In comparison, just over

one-third of all other participants told us that their insurance was insufficient to cover their losses.

Only 7 percent of the 24 percent of questionnaire participants affected by flooding who had insurance said their insurance fully covered the damage sustained. In comparison, 44 percent of participants affected by wildfires had insurance and, of these, 27 percent were fully covered.

*Figure 29: Proportion of questionnaire participants whose insurance covered the damage they sustained, by displacement event*



*Note: Percentages in figure may not total 100 percent due to rounding*

Overall, the questionnaire data suggests that when people had insurance, they were less likely to apply for DFA assistance, and when they did not have insurance, they were more likely to apply for DFA assistance. Similarly, people with higher incomes were less likely to have applied for DFA assistance, and people with lower to middle income levels who did not have insurance were more likely to apply for DFA assistance. However, regardless of income level or insurance coverage, most people who did not apply for DFA indicated that they did not know about the program or were not eligible.

The questionnaire also provided an opportunity for people to identify other reasons why they did not have insurance or to provide other comments on the availability of insurance. Some of the reasons why people did not have insurance included being on disability or other income assistance, or living on a fixed income and unable to afford it; overland flood insurance was not available

because of location or past events; damage from landslides was not covered; and challenges obtaining insurance on reserve. Many participants indicated that they did not have insurance because they were renters. We also heard from others, including local and regional authorities, about challenges with insurance availability for homeowners and tenants for wildfires or in rural and remote areas.

Questionnaire participants who had insurance identified challenges such as the burden of the deductible or the consequences of making a claim:

*“Had insurance but the cap did not provide adequate funding for living out expenses or repairs.”*

*“Our losses did not reach the deductible.”*

*“[Insurance] was available to us and we happened to have it but we didn’t even know we had it until we checked after the flood. It was around \$500 a year. Now,*

*they canceled that so we no longer have overland flood insurance to help us if it happens again.”*

*“The deductible was too much, and my premiums would go up.”*

*“I did have Property insurance but the amount paid out was not much more than the premiums paid over the last 25 years and it fell far short of damages. And now [the insurer] has exercised their right to refuse coverage. NOW I do not have insurance.”*

Some participants discussed their experiences with the interplay of insurance and DFA:

*“Having insurance was an excuse for people to not help me. It was extremely frustrating and depressing. I spent an evening in the hospital with heart palpitations from the stress of trying to get help and being told over and over I don’t qualify because I have insurance. It was a catch 22.”*

*“The ‘comprehensive water’ insurance we had was minimal. We declined more coverage because the cost of our insurance increased threefold and that was not feasible for us. The coverage that we received was ‘for everything’ but it was not anywhere near what we need to rebuild. DFA factored this amount into their decision not to give us assistance.”*

*“The DFA ALSO took \$12,000 insurance money from our payment.”*

*“After the flood in 2017 I was told that I would not be eligible for DFA if I turned down any flood insurance offered to me. In 2020 I had 30k of coverage for approx. 700\$ a year. My insurance renewed in Oct of 21 and now they withdrew that small amount of coverage. So no coverage was available.”*

Some people identified gaps in insurance coverage and DFA. For example:

*“Found out that the 1 plus mile of fence line was “covered” within the allotted outbuilding amount. Payout replaced just fence line (to keep cattle out) but was not enough to cover loss of cabin and trailer. Perhaps there could be relief funding for fencing for rural dwellers.”*

*“While we were forced from our home on account of flood the house itself was unaffected. Insurance would not cover lost wages due to mass evacuations.”*

Questionnaire participants also frequently noted the delays and stresses of navigating the DFA and insurance processes, and many said the funds they received were simply not enough to repair the damage.

### EPA modernization and DFA

As discussed earlier, the province is working on modernizing the *Emergency Program Act* and related regulations, including the *Compensation and Disaster Financial Assistance Regulation*. Although some of that work was delayed in part, by the extreme weather events of 2021, the province did take some specific steps to update DFA in response to the atmospheric river events and in advance of broader legislative or regulatory change.

In April 2022, the province announced regulation changes to make more farm operators, rental unit owners and small businesses eligible for private sector DFA by adjusting some qualification criteria, and in September 2022 the province raised the maximum amount payable from \$300,000 to \$400,000.<sup>218</sup> According to the ministry, any further changes to DFA are expected to take place in the context of modernization.<sup>219</sup>

Modernization of the EPA, including the DFA program and regulation, will occur in conjunction with other streams of work at the

provincial and federal levels, including work related to the development of a provincial flood strategy and the national Task Force on Flood Insurance and Relocation. In October 2022, BC launched a public consultation with an intentions paper for the development of a provincial flood strategy.<sup>220</sup> The intentions paper identifies seven key priorities for reviewing and modernizing provincial legislation, regulations and policies to address flood risks, including revising the *Compensation and Disaster Financial Assistance Regulation*.<sup>221</sup>

At the federal level, in November 2020, the federal government created the Task Force on Flood Insurance and Relocation “to explore solutions for low-cost flood insurance for residents of high-risk areas and consider strategic relocation in areas at the highest risk of recurrent flooding.”<sup>222</sup> One of the key public policy objectives was to consider a flood insurance solution to replace or reduce the burden on government financial assistance through programs like DFA.<sup>223</sup> In August 2022, the task force released its report, *Adapting to Rising Flood Risk: An Analysis of Insurance Solutions for Canadians*, which provides an analysis of potential arrangements for a national approach to flood insurance.<sup>224</sup>

In our questionnaire, we asked participants for their views on how DFA might be improved, and they made numerous suggestions. Many of these related to expanding DFA coverage, access and support, including:

- making DFA available for wildfires
- providing more support overall
- providing more support for renters
- providing support for special needs
- better matching assistance to actual costs
- restoring people to what they had
- making the process faster and simpler
- providing faster payments

- providing interim awards and/or a lump sum to get started on repairs
- coordinating with clean-up assistance

Participants also suggested that the DFA program should have an immediate presence in the community, use local assessors, take a case management approach, increase accessibility, provide applicants with better access to the staff working on their application, and, overall, provide better and more consistent communications and advising.<sup>225</sup> Better communications might also include empathy and trauma-informed practices, clearer criteria and more transparent decision-making, consistency in assessment, and consistent help for people in similar situations (e.g., neighbours). Finally, some indicated that they felt penalized for having insurance, and others suggested having a government insurance program available for people.

### Analysis: Fairness and DFA

Disaster financial assistance plays an important role in disaster recovery, and to date the DFA program has provided over \$32.6 million in financial assistance to BC homeowners and residential tenants impacted by the atmospheric river events in 2021. By design, however, it is limited in scope and available only for events declared eligible and for uninsurable losses. None of the people in communities affected by the 2021 wildfires were able to apply for DFA, even those who were uninsured or underinsured.<sup>226</sup> These limitations are not always well understood by people who have been impacted by extreme weather events, or by many DFA applicants, which can lead to confusion and disappointment in the program.

Even within those limits, however, the administration of DFA in response to the extreme weather events of 2021 was characterized by delays, communication failures and inconsistencies, and a lack



of planning and oversight that raise concerns about fairness. EMBC did not have sufficient staffing in place to respond fairly to applications and appeals from the atmospheric river events. DFA procedures and criteria were unclear, and timelines and criteria were restrictively applied. There were poor communications at key stages of decision-making, and outcomes appeared inconsistent to applicants. Appeals were not meaningfully available for almost a year after events. This led to unfairness in the administration of DFA for many applicants.

### **Timely processing of DFA applications and appeals**

All public authorities have a duty to act fairly in making administrative decisions that affect people, and procedural fairness requires that public authorities act in a timely way. Unreasonable delay includes delay that is inordinate, unacceptable or unnecessary and that has significant negative impacts on the person affected by the decision-making process. Significant negative impacts might include significant stress, impacts on human dignity, or financial impacts. Although some delays may be unavoidable as public bodies work through decision-making processes and address operational challenges, periods of delay should not unduly impact public services. In assessing whether a delay is unreasonable, we consider the length, the causes and the impacts of the delay. In this investigation, our assessment is systemic, considering EMBC's processing of DFA private sector applications overall, rather than in a particular case or cases.

The legislative framework for DFA contemplates a timely process for the ministry to review applications and make payments. Under the regulation, private sector applicants are expected to apply within 90 days of the eligible disaster, although the deadline was extended for the atmospheric river events, and the province is directed to

pay eligible applicants promptly.<sup>227</sup> Under the *Emergency Program Act*, applicants have 60 days to appeal the decision on their claim, and the province or appellant must pay any corrected amount determined on appeal within 60 days.<sup>228</sup>

EMBC informed us that the average length of time for processing a DFA application from the atmospheric river was between five and six months for residential tenants and homeowners.<sup>229</sup> Many applicants waited even longer. EMBC records show that fewer than half of the private sector applications had been processed to payment six months after the atmospheric river flooding (and four months after the application deadline). Questionnaire participants also confirmed substantial delays in processing their DFA applications. More than a year after the flooding events, some applications had not yet been processed.

Appeals were even further delayed. EMBC did not begin adjudicating appeals until fall 2022, again almost a year after the atmospheric river flooding events. As of mid-March 2023, most appeals were still pending. These are lengthy delays for applicants trying to restore or replace their primary residence and essential contents – the necessities of life – and the delays themselves can exacerbate the damage from the flooding. EMBC's processing times are also in stark contrast to the requirements for applicants, who have just experienced a disaster and may still be displaced and are nonetheless expected to submit claims within 90 days and to make any appeal within 60 days.

The causes of the delay rest, in part, with the circumstances and the scale of the damage caused by the atmospheric river. In other years, DFA applications might number in the hundreds, and there were over 2,000 in response to the 2021 atmospheric river events. For comparison, EMBC records show 660 private sector applications for flooding caused by the 2018 spring freshet

*Making people wait in limbo for months on end is unacceptable. It took DFA nine months to tell us we didn't qualify for help. That was prime time for reconstruction. Now we are in the process of appealing the decision, which also takes time. . . We can't go to the bank and ask for a construction loan until these other avenues are decided on. So we continue to be in limbo and it looks like that will be the case for many months to come.*

*— evacuee*



and 59 private sector applications for flooding caused by the 2020 spring freshet. While there were significantly more applications for the 2021 atmospheric river events, records also show that delay in processing has been a recurring issue for EMBC. Average processing times for the 2018 Grand Forks flooding were between three and four months for homeowners and residential tenants.<sup>230</sup> Processing times for the 2020 Northeast-Peace region spring flooding were similar.

In some cases, individual circumstances may have contributed to a delay in processing applications for the atmospheric river events – for example, applicants needing additional time to provide supporting documents. However, the province also caused delay by failing to have adequate procedures and staffing in place initially – and over time – to respond quickly, efficiently and effectively to the private sector applications related to the atmospheric river events. Although EMBC increased staff in response to the atmospheric river events, these were not sufficient to meet the demands of the program. This is particularly the case regarding appeals on DFA determinations, where EMBC did not have staff or a process in place and did not issue its first appeal decision until mid-September 2022. Even at the time of this report, there remains a substantial backlog of appeals to adjudicate.

This lack of capacity and readiness is particularly concerning given the recent and devastating experiences of extreme weather events in the province, including flooding, in 2017 and 2018, and, as noted above, in light of the slow processing times that EMBC experienced for the 2018 and 2020 events. Tens of thousands of BC residents were displaced by extreme weather in 2017, with flood response costs estimated at more than \$73 million.<sup>231</sup> *Addressing the New Normal* made recommendations related to the province's readiness and capacity for assisting communities, businesses and individuals in recovery efforts, and it

underscored the need for better planning and preparedness.<sup>232</sup> In 2018, the province also experienced historic flooding in the area of Grand Forks and the Boundary Region, with estimated damage of over \$38 million to agricultural, residential, commercial and industrial areas.<sup>233</sup> With this recent history of extreme weather and its devastating impacts on residents, it is concerning that the province did not anticipate and better prepare for the potential demands of another substantial flooding event on EMBC and the DFA program. It is also concerning that the province did not move more quickly once the atmospheric river was declared eligible for private sector DFA applications to ensure that it had the resources to process the applications and appeals in a timely way.

The impacts of the delays for applicants were also substantial. As discussed above, over half of the questionnaire participants said they had encountered challenges with delays in the processing of their DFA application. Some stated that they had to accrue debt or deplete their savings to manage repairs. Others noted the practical and financial difficulties in scheduling repairs when assistance was not certain, and the additional impacts, such as rot or mould, when repairs cannot be completed quickly.

Overall, EMBC's procedures for private sector DFA applications involved unreasonable delay – in responding to applicants, in processing applications and providing payments, and in adjudicating appeals. While delays in some cases may have been unavoidable, the cumulative effects were detrimental to the delivery of this important public service. People apply for DFA when they have lost their home or essential belongings. At the most fundamental level, they are looking to government for help amid disaster. The delays in responding and in providing financial assistance to the people who were displaced by the extreme weather of 2021, and particularly for those whose

homes were destroyed or uninhabitable after the atmospheric river events, caused financial and emotional stress. For some, it exacerbated trauma or undermined confidence in government. The failure of EMBC to ensure that it had sufficient staffing to respond in a timely way through the DFA program, or even to have a plan and the resources available for more timely processing of applications and appeals, constitutes unreasonable delay under section 23(1)(c) of the *Ombudsperson Act*.

**Finding 5: Emergency Management BC's processing of private sector Disaster Financial Assistance constituted unreasonable delay under section 23(1)(c) of the *Ombudsperson Act* because it did not have sufficient staffing to respond fairly and in a timely manner to applications and appeals related to the atmospheric river events, and the appeals process was not meaningfully available to applicants for almost a year after the events.**

**Recommendation 13: By September 30, 2024, the Ministry of Emergency Management and Climate Readiness develop, implement, and communicate effective service standards for timely processing of Disaster Financial Assistance applications and appeals, and ensure it has the staff complement necessary to meet those standards.**

### ***Transparent, accessible and fair procedures***

EMBC's administration of the DFA program in response to the atmospheric river events also raises concerns about the fairness of the procedures for communicating about DFA, processing applications, and making decisions on appeals. A procedure or policy may appear to be arbitrary if its content is not made public or it is not made available to the individuals affected by any resulting decisions. This may also undermine public trust and confidence in the program or process. Administrative decisions, such as those in the private sector DFA program, should be made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional and social context, with an opportunity for those affected to put forward their views and evidence fully and have them considered by the decision-maker. Further, and particularly when an appeal process is available, applicants should receive adequate reasons for decisions.

In this investigation, our consideration of procedural fairness is systemic, examining EMBC's processing of DFA private sector applications overall, rather than in a particular case or cases. Overall, EMBC did not communicate with applicants at key stages of decision-making, DFA procedures and criteria were not easily accessible, and the program criteria and outcomes appeared idiosyncratic and inconsistent to applicants. Reasons for decisions were summary and unclear to applicants. Appeals were not meaningfully available for almost a year after events. This undermined public confidence in the DFA program and led to unfairness in the administration of DFA for many applicants.



Numerous questionnaire participants indicated that they were not aware of DFA or did not think they would be eligible. We acknowledge that EMBC provided information about DFA, including how to apply, on its website, and it also prepared a short video to assist applicants. The government issued news releases on DFA availability, and the information circulated in the media. Volunteers and service providers also shared information on DFA. Despite these efforts, some people displaced by the extreme weather events were unaware of DFA or were confused about their eligibility. Some people told us that they were advised by staff or volunteers that they would not be eligible, so they did not apply. Conversely, some who were not eligible – for example, those impacted by wildfires – were provided with information and did apply. Many people told us how challenging it was to navigate assistance programs while still coping with the impacts and trauma of the extreme weather and their displacement. High-profile announcements by the province and others about support for those impacted by the extreme weather may have raised expectations or contributed to confusion as people tried to navigate assistance programs.<sup>234</sup>

Once people had applied for DFA, communication issues persisted and were exacerbated by slow processing. The procedural framework for processing private sector DFA applications is basic in structure but includes several key decision-makers and decision-making points on eligibility for and amount of assistance.

The first step in the adjudication process is determining eligibility. Some questionnaire participants said they had applied and waited for months, only to learn, by a letter containing only a brief explanation, that they were not eligible. Applicants who were determined to be eligible also faced challenges with communications and processing by evaluators and in the adjudication process. Questionnaire participants raised concerns about limited engagement with evaluators, unclear criteria for assessing damage, and inconsistent assessments of value, even between neighbours in similar situations. Participants told us they experienced limited opportunities for input into the evaluation and review processes.

Applicants who appealed faced additional delays with limited further communications as they awaited the decision, and few appeals have been processed to date.

Throughout its process, the ministry has done little to communicate with applicants, and when decisions are communicated, the information is generally summary. The examples of decision letters EMBC provided to us during our investigation are brief and include the relevant section of the regulation. For applications that are denied, the letter includes a short statement explaining why, and for applications that are accepted, the letter includes a basic chart with the payment calculation.

Figure 30: Sample DFA decision letters

**Re: Disaster Financial Assistance (DFA) Home Owner  
2021 Atmospheric River - Nov 14 -Dec 2**

We are in receipt of your Application for Disaster Financial Assistance (DFA) under the Home Owner category, which you submitted as a result of damage to your property during flooding on November 16, 2021.

Under the Compensation and Disaster Financial Assistance Regulation, Part 2, Division 1, Section 8, "eligible costs" does not include costs or expenses

"(a) recoverable at law, or for which insurance was reasonably and readily available."

During a conversation with our office on June 21, 2022, you confirmed that you did not purchase sewer back-up, overland flood and ground water seepage insurance of \$1,248,000 which was offered by your insurance broker. As your claimed damages can be covered by insurance, you are not eligible for DFA.

We regret that we cannot provide you with financial assistance and wish you well in your recovery efforts. Documentation on the appeal process is enclosed for your information.

**Re: Disaster Financial Assistance (DFA) Home Owner  
2021 Atmospheric River - Nov 14 -Dec 2**

We have received your Application for Disaster Financial Assistance, as well as the Evaluator's report.

The amount of assistance payable for any application accepted under Part 2, Division 3 of the Compensation and Disaster Financial Assistance Regulation is 80 percent of the amount by which the total accepted claim exceeds \$1,000.00, to a maximum amount.

The approved amount of **\$XX,XXX.XX**, payable to **xxxxxxxxxxxxxxxxxxxxxx** will follow under separate cover.

Expense Category	Amount
Clean Up and Debris	\$XXXX
Structural	\$XXXXX
Contents	\$XXXXX
Site Services	\$XXX
Total Eligible Amount	\$XXXXXX
Less \$1,000.00	\$XXXXXX
Total Payable at 80%	\$XXXXX

You are reminded that any restorative work performed as a result of an emergency or disaster must comply with local, provincial and federal legislation and permits.

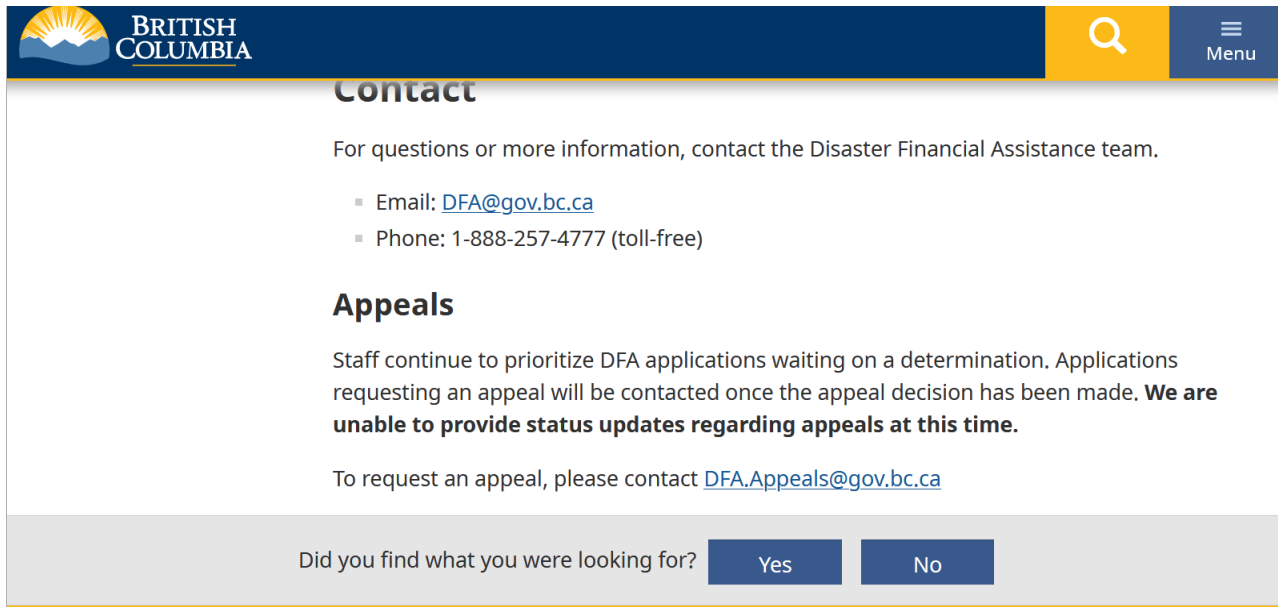


The reasons for a decision should be a roadmap that can be used to understand how the decision-maker reached the decision. They are adequate if they are sufficient to allow an understanding of the issues considered and the decisions reached. While we do not find that the reasons provided by EMBC in the sample decision letters are inadequate under section 23 of the

*Ombudsperson Act*, the summary nature of the decision letters contributed to applicants' confusion and frustration with the process.

Applicants who appealed a decision were left unsure as to how to respond effectively through the process, and there is no way for applicants who have appealed to communicate with the ministry, track the status of their appeal, or get updates.

Figure 31: Screenshot of the DFA webpage (February 2023)



Our investigation has identified concerns about the fairness of the ministry's communications about DFA, and DFA procedures and decision-making on applications and appeals. Many of these present barriers to accessing DFA that disproportionately impact those with the fewest resources. Delays in processing or payment of DFA are particularly challenging for low-income and fixed-income households who may be less able to access other financial resources, such as loans or savings. Other features of DFA, such as requiring claims to exceed the \$1,000 threshold before any payment is made, and failing to consider affordability in assessing insurance

availability, also disproportionately impact renters and low-income and fixed-income households.

Over the course of its response to the atmospheric river events, EMBC took some steps to improve DFA access and address concerns. These included expanding eligibility for some categories of applicants (small businesses and farm operations) and extending application deadlines for those categories. EMBC worked to simplify some forms and processes for private sector applicants (e.g., to allow some virtual assessments, and to accept some alternative forms of evidence). The ministry provides staff with policy guidance to help direct

consistent decision-making as staff review and adjudicate applications. The ministry has also indicated that it continues to improve the appeals process. In addition, the ministry has told us that it initiated a survey of past DFA applicants and has stated that it intends to launch a public consultation process specific to the DFA program and regulation that will inform its work to update the regulation as part of EPA modernization. These are welcome developments.

Nonetheless, the procedures for administering private sector DFA applications related to the atmospheric river events were unreasonable and unfair for some applicants. Communications were confusing, limited or non-existent at key stages of the decision-making process. Procedures were unclear to applicants, and applicants felt they had limited input to these decision-making processes or influence on discretionary determinations. People lacked full information, and outcomes appeared inconsistent and unfair. For applicants who were deemed ineligible or who disputed the amounts provided, the appeals process was not meaningfully available for almost a year after the events. Applicants had little other recourse for raising concerns or making complaints to EMBC. Although individual experiences varied, overall, EMBC's procedures administering private sector DFA applications were unfair and unreasonable under section 23(1)(a)(v) of the *Ombudsperson Act*.

**Finding 6:** Emergency Management BC did not communicate effectively with or provide adequate information, including clear reasons for decision-making, to private sector Disaster Financial Assistance applicants, which was an unfair procedure under section 23(1)(a)(v) of the *Ombudsperson Act*.

**Finding 7:** Emergency Management BC's decision not to respond or provide updates to applicants with pending Disaster Financial Assistance appeals was an unreasonable procedure under section 23(1)(a)(v) of the *Ombudsperson Act*.

**Recommendation 14:** The Ministry of Emergency Management and Climate Readiness review its communications about the Disaster Financial Assistance program with a view to identifying ways in which the program can be better communicated to people who might need it and by May 31, 2024, implement those changes.

**Recommendation 15:** Effective immediately, the Ministry of Emergency Management and Climate Readiness communicate status updates to applicants with pending Disaster Financial Assistance applications and appeals, and by September 30, 2024, implement improved communications with and guidance to applicants throughout the application and decision-making process, including appeals.

### **Advancing equity in modernizing DFA**

The atmospheric river events and the administration of the private sector DFA program took place within a social and institutional context in which discrimination and racism, including Indigenous-specific racism and colonialism, persist. We do not have any evidence of intent to discriminate in EMBC's administration of private sector DFA. However, our investigation has identified inequitable impacts in access to, and the administration of, DFA. The experiences people shared in their questionnaire

responses and with the investigation demonstrate that provincial supports were not available in an equitable manner for people who were disproportionately impacted and had the fewest resources available for recovery – lower-income households, Indigenous People, people with disabilities,<sup>235</sup> and other socially marginalized groups.

Disaggregated socio-demographic data is one tool that can assist with identifying patterns of inequity or systemic barriers that different socio-demographic groups may be experiencing in their interactions with public programs and services, such as DFA. The province has been working to develop a legislative and policy framework for the collection of race-based, Indigenous and other disaggregated socio-demographic data to address systemic racism and other forms of systemic inequity.<sup>236</sup> In June 2022, the *Anti-Racism Data Act* became law. It enables the provincial government to collect, use and disclose socio-demographic data to identify and eliminate systemic racism in a consistent and safe way to create a more inclusive, equitable province.<sup>237</sup> In its Declaration Act Action Plan, the government has also committed to measures related to *Emergency Program Act* modernization and, separately, data collection with Indigenous Peoples.<sup>238</sup>

Unfortunately, to this point, the ministry has not collected socio-demographic data in relation to the DFA program or otherwise reviewed its DFA communications, processing or decision-making to ensure equitable and substantive fairness. This is unreasonable under section 23(1)(a)(v) of the *Ombudsperson Act*. Without such data, it is not possible to determine whether members of equity-entitled groups were more likely to be found ineligible at the initial stages of DFA decision-making, received less assistance from the program, or were more significantly impacted by the delays in processing applications and providing financial assistance.

While the ministry has indicated that equity considerations and GBA+ may be part of modernization going forward, it is clear that it did not expressly consider or address the potential inadequacies of DFA administration during the atmospheric river events.<sup>239</sup> This is particularly concerning given the findings of earlier reviews that highlighted the disproportionate impacts of disasters on certain groups.<sup>240</sup> These will be important considerations going forward to ensure that the DFA private sector program is administered fairly and equitably. In particular, we encourage the ministry to consider how the \$1,000 threshold for reimbursement may exclude many renters and low-income and fixed-income households from DFA support or disproportionately impact the amount of support available to them. In addition, the 60-day time limit for filing an appeal that is prescribed in the *Emergency Program Act* (with no discretion to extend) may operate inequitably in circumstances where people are experiencing the traumatic impacts of displacement.

**Finding 8:** In relation to the 2021 atmospheric river, Emergency Management BC did not consider and plan for the disproportionate impacts of disasters on socially marginalized populations and equity-entitled groups in developing and applying Disaster Financial Assistance policies and procedures, an omission that was an unreasonable procedure under section 23(1)(a)(v) of the *Ombudsperson Act*.

**Recommendation 16:** Effective immediately, the Ministry of Emergency Management and Climate Readiness apply a GBA+ and IGBA+ lens in reviewing, revising, and developing Disaster Financial Assistance policies with full implementation of policy changes by September 30, 2025.

**Recommendation 17:** By September 30, 2025, the Ministry of Emergency Management and Climate Readiness develop and implement a process to improve the collection of socio-demographic data on Disaster Financial Assistance to support equitable service delivery, consistent with the requirements of the *Anti-Racism Data Act*.

## Fairness in a changing climate

Tens of thousands of people were displaced across the province as a result of wildfires and floods in 2021. Our investigation has focused on whether two provincial assistance programs – Emergency Support Services and Disaster Financial Assistance – were administered fairly to people who were impacted by long-term displacement. As became clear in our analysis, both ESS and DFA have significant limitations in their scope, and these limitations have real impacts on people who are displaced by disasters.

As a matter of fairness, we expect public bodies to be attentive to the ways in which climate change may impact the lives of the people they serve and to consider climate change in their decision-making. Despite the warnings arising from disasters in 2017 and

2018, Emergency Management BC was not fully prepared to respond fairly to the wildfires and atmospheric river events in 2021.

In 2017 and 2018, the province was behind in its climate change planning and emergency preparedness, and the devastating experiences of extreme weather at that time seemed to motivate new commitment to and greater impetus for better preparedness, response and recovery. The province endorsed the Sendai Framework for Disaster Risk Reduction 2015-2030, consulted on *Emergency Program Act* modernization, developed the Preliminary Strategic Climate Risk Assessment, and began work on a climate adaptation and preparedness strategy. It highlighted emergency preparedness in its work on implementing the *Declaration on the Rights of Indigenous Peoples Act*.

However, despite these steps, the province did not anticipate and better prepare for the impacts of the extreme weather events of 2021. This lack of readiness, particularly in relation to the ESS and DFA programs, which provide essential support for people who are evacuated or displaced, was unreasonable under section 23(1)(a)(v) of the *Ombudsperson Act*. Particularly after 2017 and 2018, the potential harms of extreme weather and of overwhelmed support programs were foreseeable, and the province should have been better prepared.<sup>241</sup>

**Finding 9:** The Ministry of Emergency Management and Climate Readiness does not have adequate provincial plans and resources in place to meet the needs of people experiencing the impacts of extreme weather and to respond to long-term displacement. This is an unreasonable procedure under section 23(1)(a)(v) of the *Ombudsperson Act*.