

HELENE, NORTH CAROLINA, AND ITS BIRDS EYE VIEW OF DISASTER POLITICS AND RECOVERY*

DONALD T. HORNSTEIN** & CAROLINE R. POTEAT***

When Tropical Storm Helene struck western North Carolina in the fall of 2024, it cast a spotlight on both the escalating human toll of climate disasters and the uncertain political terrain governing disaster response in the United States. Helene was the most expensive and deadliest storm in North Carolina’s history: more than 100 lives were lost, over 70,000 homes were damaged, thousands of miles of roads were destroyed, and critical infrastructure suffered billions of dollars in damage. Beyond its physical destruction, the storm became a flashpoint in disaster politics. It was during a visit to western North Carolina in Helene’s aftermath that newly inaugurated President Trump first publicly proposed “getting rid of FEMA,” signaling a broad realignment of federal and state roles in disaster recovery. This Article examines Helene’s impacts and the recovery of the region within the evolving landscape over climate-disaster law and policy. It documents the uneven pace and sector-specific challenges of recovery and situates those efforts within a fluid national debate of federal disaster funding, insurance gaps, disaster mitigation, and the future of FEMA. As western North Carolina continues to rebuild, Helene has emerged as a bellwether—both of community resilience in the face of climate disaster and of the uncertainty surrounding contemporary disaster politics and policy.

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** Thomas F. Taft Professor of Law, UNC School of Law.

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INTRODUCTION

When Hurricane Helene reached western North Carolina on September 27, 2024, despite at the time having been downgraded to a “mere” tropical storm, it made history—and none of it good. The bare statistics are grim. There were over 100 lives lost, the deadliest storm in state history.¹ There were financial losses estimated between \$50 and \$60 billion, the most expensive storm in state history.² And there were more long lasting effects that kneecapped the region economically. Impacts from Helene included unprecedented flooding and more than 2,200 landslides that destroyed thousands of miles of public and private roads; \$7 billion in damages to electrical, gas, water, sewer, and telecom infrastructure; damage to over 70,000 homes, including the destruction or near-destruction of almost 9,000 of them; nearly \$5 billion in agricultural losses; and a body blow of uncertain duration to the region’s tourism-based economy.³

Helene was especially significant for the extent to which it caused losses from inland flooding. Such losses would again be the focus of sustained national attention in July 2025, when the remnants of another tropical storm inundated

1. See N.C. OFF. OF STATE BUDGET & MGMT., HURRICANE HELENE RECOVERY: REVISED DAMAGE AND NEEDS ASSESSMENT 8 (Dec. 13, 2024) [hereinafter REVISED ASSESSMENT], <https://www.osbm.nc.gov/hurricane-helene-dna/open> [<https://perma.cc/W2ES-5XW7>] (stating that there were “over 100 confirmed deaths in North Carolina” alone).

2. *Id.* at 11–15 (“[T]he economic devastation from Hurricane Helene is unparalleled in modern North Carolina history . . .”); see also Press Release, N.C. Dep’t of Pub. Safety, Response and Recovery Efforts in Western North Carolina (Oct. 21, 2024), <https://www.ncdps.gov/news/press-releases/2024/10/21/response-and-recovery-efforts-western-north-carolina> [<https://perma.cc/X8Z4-ZZ2F>] (describing Helene as “the deadliest tropical storm in the state’s history.”); Corey Davis, *NC Extremes: Damaging Hurricanes from Slopes to Shores*, N.C. STATE CLIMATE OFF. (Oct. 15, 2015), <https://climate.ncsu.edu/blog/2015/10/nc-extremes-damaging-hurricanes-from-slopes-to-shores/> [<https://perma.cc/TFB5-BULR>] (noting that the most expensive pre-2015 storms in North Carolina history, in 2015-dollar-adjusted amounts, were Hurricane Floyd (1999) \$8.58 billion, Hurricane Fran (1996) \$3.65 billion, Hurricane Hugo (1989) \$1.92 billion, Hurricane Irene (2011) \$1.26 billion, and Hurricane Hazel (1954) \$885 million).

3. See Steven Sobieszczyk & Alexandra Hays, *Hurricane Helene’s Deadly Landslide Legacy*, U.S. GEOLOGICAL SURV. (June 9, 2025), <https://www.usgs.gov/news/featured-story/hurricane-helene-deadly-landslide-legacy> [<https://perma.cc/2NG2-2YZ4>]; see also *infra* text accompanying notes 46–48 (housing damage); *infra* text accompanying note 58 (damage to public roads); *infra* text accompanying note 72 (infrastructure losses); *infra* text accompanying 92 (tourism losses); *infra* text accompanying 108–09 (agricultural damage).

the Guadalupe River in the Texas Hill Country.⁴ That tragedy was magnified by the drownings of school-aged campers living in bunks on or near the river's edge.⁵ Between these national headlines, inland flooding events were recorded across the Appalachian Mountains—particularly in February 2025, when rains not associated with tropical systems drenched parts of Kentucky, Virginia, and Tennessee.⁶ For some homeowners, it was the third time in four years their homes had flooded.⁷ And the misery persists in inland communities: in mid-July 2025, parts of Vermont experienced significant mountain flooding for the third consecutive summer, with many residents flooded on the exact same date three years running.⁸ All of which also puts a face on the rising toll of weather-related losses from the power of convective storms, which in 2023 caused more losses nationally than all tropical storms combined.⁹

The impact of Helene on North Carolina also was—and remains—politically significant. The storm struck during the final weeks of the 2024 presidential campaign, and both political parties immediately recognized the stakes. There is a well-documented history of the political ramifications of

4. Julia Jacobo, Daniel Peck & Kyle Reiman, *These Are the Factors that Contributed to the Extreme Texas Flooding*, ABC NEWS (July 7, 2025, at 17:21 ET), <https://abcnews.go.com/US/factors-contributed-extreme-texas-flooding/story?id=123531903> [<https://perma.cc/W6EL-34EA>]; see also Gabrielle Emanuel, *Here's a Timeline of the Catastrophic Texas Floods*, NAT'L. PUB. RADIO (last updated July 6, 2025, at 11:34 ET), <https://www.npr.org/2025/07/05/nx-s1-5457759/texas-floods-timeline> [<https://perma.cc/PPT4-P426>].

5. Hannah Schoenbaum & Jim Vertuno, *Floods Turned Beloved Texas Camp into a Nightmare. At Least 27 Girls Remain Missing*, ASSOCIATED PRESS (July 6, 2025, at 06:37 ET), <https://apnews.com/article/texas-flooding-girls-missing-camp-mystic-395992e236e35c4486f9a6a97eed7704> [<https://perma.cc/WMQ3-Z46S> (staff-uploaded archive)].

6. See Judson Jones & Isabella Kwai, *Rare February Downpours Strike Kentucky, Tennessee and Virginia*, N.Y. TIMES (Feb. 15, 2025), <https://www.nytimes.com/2025/02/14/weather/flood-rain-forecast-tennessee-kentucky.html> [<https://perma.cc/TT53-3KQ5> (staff-uploaded, dark archive)].

7. See Kristina P. Brant, *In Many of Appalachia's Flood-Ravaged Areas, Residents Have Little Choice but Rebuild in Risky Locations*, CONVERSATION (Feb. 26, 2025, at 08:38 ET), <https://theconversation.com/in-many-of-appalachias-flood-ravaged-areas-residents-have-little-choice-but-rebuild-in-risky-locations-240429> [<https://perma.cc/7EJ4-7JLG>].

8. Jenn Jordan, *'Not Again': For Third Year in a Row, Flash Floods Slam Vermont on Same Date*, WEATHER UNDERGROUND (July 15, 2025), <https://wu-next-prod.wunderground.com/article/news/weather/news/2025-07-14-third-straight-year-of-flooding-hits-vermont> [<https://perma.cc/J8YX-S89P> (staff-uploaded archive)].

9. See, e.g., Josh Recamara, *US Severe Storm Losses Set New Benchmark as Insurers Turn to Advanced Modeling*, INS. BUS. (Nov. 23, 2025), <https://www.insurancebusinessmag.com/us/news/catastrophe/us-severe-storm-losses-set-new-benchmark-as-insurers-turn-to-advanced-modeling-557547.aspx> [<https://perma.cc/L2X3-GMED>] (“Severe convective storms are among the most frequent and costly natural catastrophes in the US. Since 2020, [severe convective storm] losses have outpaced those from hurricanes”); *Severe Convective Storms Continue To Challenge the Insurance Industry*, AMWINS (Oct. 7, 2024), <https://www.amwins.com/resources-insights/article/severe-convective-storms-continue-to-challenge-the-insurance-industry> [<https://perma.cc/T5XH-TVA8>] (“[C]onvective storms . . . are becoming much more frequent In 2023, these storms—characterized by strong winds, tornadoes, hail and heavy rain—dominated global insured losses, surpassing \$50 [billion] in losses within the U.S. alone and making up nearly 60% of all insured losses.”).

governmental storm response¹⁰—lessons not lost on the 2024 presidential contenders. Within a week of the storm, both President Biden and Vice President Harris visited the region to highlight the federal response,¹¹ with President Biden soon calling for a \$100 billion congressional supplemental appropriation to assist all regions affected by that season’s storms.¹² Then-candidate President Donald Trump also visited the region and quickly began playing what the academic literature calls the “blame game,”¹³ arguing, among other things, that the Biden administration had redirected disaster funds to undocumented migrants¹⁴—a claim later found to be baseless.¹⁵

Perhaps most conspicuously, Republicans made political hay out of allegations that a federal employee of the Federal Emergency Management Agency (“FEMA”)—who was subsequently fired—withheld assistance from homes displaying pro-Trump yard signs.¹⁶ The claim was later repeated in a Florida lawsuit involving FEMA personnel there but was subsequently found to be baseless and was ultimately dropped.¹⁷ Still, these allegations, and an active

10. See, e.g., Donald T. Hornstein, *Public Investment in Climate Resiliency: Lessons from the Law and Economics of Natural Disasters*, 49 *ECOLOGY L.Q.* 137, 157–58 (2022) (describing some of the benefits of political cooperation in the face of a disaster). But see Ben Depoorter, *Horizontal Political Externalities: The Supply and Demand of Disaster Management*, 56 *DUKE L.J.* 101, 120–21 (2006) (“[In contrast to political cooperation in the face of a natural disaster] finger-pointing is an attractive strategy for individual politicians . . . because it reduces the total political costs of government failings.”).

11. See David Brennan & Alexandra Hutzler, *Biden and Harris Visit Hurricane Helene-Ravaged Southeast*, ABC NEWS (Oct. 2, 2024, at 17:25 ET), <https://abcnews.go.com/US/biden-harris-visit-hurricane-helene-ravaged-southeast/story?id=114420090> [<https://perma.cc/8ZA3-QQPY>].

12. See, e.g., Erica L. Green & Catie Edmondson, *Biden Asks Congress for Nearly \$100 Billion in Disaster Aid*, N.Y. TIMES (Nov. 18, 2024), <https://www.nytimes.com/2024/11/18/us/politics/biden-disaster-aid.html> [<https://perma.cc/J9D4-XBKK> (staff-uploaded, dark archive)].

13. See, e.g., Depoorter, *supra* note 10, at notes 117–19 (documenting politicians placing blame on other political parties and politicians for disaster losses and/or poor disaster-recovery efforts); see also Brandon Kingdollar, *After First Visit to Western NC Post-Helene, Trump Falsely Claims Harris ‘Nowhere to Be Found’*, NC NEWSLINE (Oct. 21, 2024, at 19:42 ET), <https://ncnewslines.com/2024/10/21/trump-rally-greenville-helene-false-claims/> [<https://perma.cc/D8E7-ZMKB> (staff-uploaded archive)] (describing President Trump’s remarks at a Greenville, North Carolina, rally falsely claiming Vice President Harris had not visited the region in the days following Helene).

14. See, e.g., Laura Strickler, Peter Alexander & Kyla Guilfoil, *False Claims About FEMA Disaster Funds and Migrants Pushed by Trump*, NBC NEWS (Oct. 4, 2024, at 13:54 ET), <https://www.nbcnews.com/politics/donald-trump/false-claims-fema-disaster-funds-migrants-pushed-trump-rcna173955> [<https://perma.cc/NC68-W5BX> (staff-uploaded archive)].

15. See, e.g., *Fact Check: FEMA Disaster Funds Not Diverted to Migrants by Biden Administration*, REUTERS (Oct. 23, 2024, at 19:30 ET), <https://www.reuters.com/fact-check/fema-disaster-funds-not-diverted-migrants-by-biden-administration-2024-10-23/> [<https://perma.cc/8RZF-AZ2Z>].

16. See, e.g., Mandy Taheri, *Republicans Demand Investigation After Anti-Trump FEMA Staffer Confirmed*, NEWSWEEK (Nov. 9, 2024, at 18:20 ET), <https://www.newsweek.com/republicans-demand-investigation-after-anti-trump-fema-staffer-confirmed-1983355> [<https://perma.cc/9JQG-2SQ9> (staff-uploaded archive)].

17. See, e.g., Thomas Frank, *FEMA Cleared of Punishing Pro-Trump Hurricane Victims*, POLITICO (Apr. 29, 2025, at 10:35 ET), <https://www.politico.com/news/2025/04/29/fema-cleared-of-punishing-pro-donald-trump-hurricane-victims-00313825> [<https://perma.cc/C72Z-AJYK> (staff-uploaded archive)].

online rumor mill amplifying them,¹⁸ underscored the political significance of storm response and the potential power of playing the blame game. That said, the political ramifications of Helene in western North Carolina remain unclear. Although President Trump carried the state in the 2024 election—and carried the expected parts of western North Carolina—Democrats actually performed better than anticipated in other parts of the region.¹⁹ Altogether, the Democrats “held serve” in western North Carolina, a result that helped them win the single state legislative seat needed to break the Republican Party’s legislative supermajority in the General Assembly.²⁰ This provided at least the possibility of modest political leverage to newly elected Democratic Governor Josh Stein, who easily defeated Mark Robinson, the Republican nominee.²¹

All of which helps set the table for the continued political significance of post-Helene recovery. Indeed, Helene marked something of a national political watershed, as President Trump, while in North Carolina, first floated the idea of dismantling FEMA and increasing the role of states in disaster management.²² Although the Trump administration had suggested that any formal announcements on FEMA reform would come in late 2025,²³ political maneuvering within North Carolina over Helene recovery began almost immediately. To start, there was lingering political baggage from the State’s response to coastal Hurricanes Matthew and Florence, and then-Democratic Governor Cooper’s creation of the North Carolina Office of Recovery and Resiliency (“NCORR”) to manage recovery in eastern North Carolina through a program called “ReBUILD NC.”²⁴ To some extent, NCORR’s problems merely reflected the bureaucratic status quo in America and the often years-long delays all states face in obtaining and spending federal post-disaster

18. See *Common Disaster-Related Rumors, FEMA* (Nov. 18, 2025), <https://www.fema.gov/disaster/recover/rumor-response> [https://perma.cc/BA7B-DRLR] (FEMA-created webpage identifying and addressing false rumors, stating that “[t]here often are many rumors and scams after a disaster”).

19. See, e.g., Brandon Kingdollar, *While the U.S. Veered Right, Western NC Moved Left. Here’s What Experts Say Caused It*, NC NEWSLINE (Dec. 4, 2024, at 20:18 ET), <https://ncnewslines.com/2024/12/04/western-nc-moved-left-political-experts-explainer/> [https://perma.cc/2RZF-9M88 (staff-uploaded archive)].

20. See, e.g., Ren Larson, *Democrats Break the GOP Supermajority in the Legislature—But Barely*, ASSEMBLY (Nov. 6, 2024), <https://www.theassemblync.com/politics/democrats-republicans-nc-assembly-supermajority/> [https://perma.cc/68J8-T6QS]; see also Colin Campbell, *Attorney General Josh Stein Easily Defeats Mark Robinson to Become NC’s Next Governor*, WUNC (Nov. 5, 2024, at 16:51 ET), <https://www.wunc.org/politics/2024-11-05/race-call-josh-stein-mark-robinson-north-carolina-governor> [https://perma.cc/E5TN-XJGK].

21. See Campbell, *supra* note 20.

22. See, e.g., Sean Michael Newhouse, *Trump Suggests Eliminating FEMA While Touring Disaster Site*, GOV’T EXEC. (Jan. 24, 2025), <https://www.govexec.com/management/2025/01/trump-suggests-eliminating-fema-while-touring-disaster-site/402500/> [https://perma.cc/4CEH-AZ2G].

23. See *infra* note 165.

24. See *About Us, REBUILD NC*, <https://www.rebuild.nc.gov/about-us> [https://perma.cc/HU2D-HKVD] (describing creation of NCORR and its ReBUILD NC program).

recovery funds.²⁵ But, in the crosshairs of a sustained political attack, NCORR's continual delays and questionable post-storm management became an easy political punching bag, especially for Republicans in the General Assembly.²⁶ In the aftermath of Helene, the Governor's Office responded by sidelining NCORR and creating a new administrative entity, the Governor's Recovery Office for Western NC ("GROW NC"), to publicize and augment the State's post-Helene recovery efforts in western North Carolina.²⁷

Beyond these administrative changes, there have been some early political shots exchanged between the Republican-dominated General Assembly and the Governor's Office—first under outgoing Democratic Governor Roy Cooper and now under Governor Josh Stein. We discuss these developments in greater detail below. Suffice it to note here that the General Assembly has, to date, enacted five post-disaster recovery bills. In 2024, the State passed three bills that together appropriated approximately \$1 billion to aid recovery efforts,²⁸ followed by two additional bills in 2025 that together committed around \$1 billion more.²⁹ In addition, in late 2024, Congress approved a \$100 billion supplemental budget bill to support all states affected by the 2024 storm season, with an estimated \$9-15 billion theoretically allocated for western North

25. See, e.g., Daniel Teles & Carlos Martín, *Why Does Disaster Recovery Take So Long? Five Facts About Federal Housing Aid After Disasters*, URB. INST. (Jan. 25, 2021), <https://www.urban.org/urban-wire/why-does-disaster-recovery-take-so-long-five-facts-about-federal-housing-aid-after-disasters> [<https://perma.cc/WRX6-8SEZ>]; see also Michelle Annette Meyer, *Recovery from a Disaster Like Hurricane Ian Takes Years, and Nonprofits Play Many Pivotal Roles Before and After FEMA Aid Runs Out*, CONVERSATION (Oct. 4, 2022, at 15:31 ET), <https://theconversation.com/recovery-from-a-disaster-like-hurricane-ian-takes-years-and-nonprofits-play-many-pivotal-roles-before-and-after-fema-aid-runs-out-191725> [<https://perma.cc/AD7K-CCLV>].

26. See, e.g., Lisa Sorg, *Lawmakers Grill Rebuild NC's Director Over Performance Lapses and Budget Shortfalls*, INSIDE CLIMATE NEWS (Nov. 19, 2024), <https://insideclimateneeds.org/news/19112024/lawmakers-grill-rebuild-nc-director-over-budget-deficit/> [<https://perma.cc/RWZ2-3P9L>]; see also Celeste Gracia, *NC Lawmakers Say Hurricane Recovery Programs Falls Short*, WUNC (Sep. 15, 2022, at 10:55 ET), <https://www.wunc.org/environment/2022-09-15/lawmakers-hurricane-recovery-program-matthew-florence> [<https://perma.cc/6PMN-XP8W>].

27. See, e.g., Brianna Kraemer, *Stein Sidelines NCORR, Forms New Office to Lead Recovery in Western NC*, CAROLINA J. (Jan. 2, 2025), <https://www.carolinajournal.com/stein-sidelines-ncorr-forms-new-office-to-lead-recovery-in-western-nc> [<https://perma.cc/AA7T-EYLE>].

28. See MARK WHITE, HURRICANE HELENE STATE FUNDING FALL 2024, at 2 (2024) (on file with the North Carolina Law Review) (describing three bills passed in 2024).

29. See Galen Bacharier, *NC Lawmakers Pass \$500 Million for Helene Relief, in Eleventh-Hour Republican Deal*, NC NEWSLINE (June 26, 2025, at 13:58 ET), <https://ncnewsline.com/2025/06/26/nc-lawmakers-pass-500-million-for-helene-relief-in-eleventh-hour-republican-deal/> [<https://perma.cc/TDH5-J7UZ> (staff-uploaded archive) (explaining how, with the two bills passed by the state legislature in 2025, state funds appropriated for Helene recovery now total approximately \$1.9 billion); see also Adam Wagner, *NC Gov. Stein Reiterates Call for More Helene Relief Money from Congress*, WUNC (Sep. 3, 2025, at 16:42 ET), <https://www.wunc.org/politics/2025-09-03/nc-gov-stein-helene-relief-money-congress> [<https://perma.cc/5V83-Y587>].

Carolina.³⁰ That said, as of September 2025, actual allocations have only reached \$2.9 billion in state funding and \$5.24 billion in federal funding,³¹ a far cry from the estimated \$50-60 billion most frequently cited as the amount needed for western North Carolina to recover from the storm.³²

This Article proceeds in two parts. In Part I, we summarize the current and projected state of recovery in western North Carolina. In Part II, we situate these efforts within the emerging national debate about the proper balance between federal and state roles in post-disaster recovery, including the Trump administration's decisions to date regarding federal support for North Carolina's post-Helene recovery efforts. We conclude with thoughts about how North Carolina's recovery from Helene may take place during an especially active period of experimentation and reform in disaster policy.

I. THE IMPACT OF HELENE ON WESTERN NORTH CAROLINA AND ITS RECOVERY

In the immediate aftermath of Helene, communities across the southern Appalachians confronted a range of shared challenges. Millions of residents lost access to electricity, drinking water, sewer systems, and cellular and internet service.³³ Transportation infrastructure was severely impacted—from the collapse of a section of Interstate 40 in the Pigeon River Gorge to damage sustained by more than 8,000 private roads and bridges.³⁴ Although communities throughout the region share many characteristics—common cultural ties, similar topography, and shared economic drivers—Helene's impacts varied widely, exposing both regional vulnerabilities and place-specific challenges. Recovery efforts and outcomes have differed depending on the extent of local damage, preexisting conditions, and the resources available to respond.

The towns of Chimney Rock and Marshall, North Carolina, were among the hardest hit by Helene. In Chimney Rock—a village of just 131 in Rutherford County³⁵—the Broad River surged out of its banks and became “a wall of water,”

30. See, e.g., Press Release, Thom Tillis, Tillis Votes to Pass Helene Recovery Funding for North Carolina (Dec. 21, 2024) (describing the \$100 billion supplemental appropriations bill and the \$9 billion earmark specifically for Helene recovery in North Carolina), <https://www.tillis.senate.gov/2024/12/tillis-votes-to-pass-helene-recovery-funding-for-north-carolina> [<https://perma.cc/Q654-X65V>].

31. See Wagner, *supra* note 29 (indicating an additional \$900 million in state funding).

32. See REVISED ASSESSMENT, *supra* note 1, at 5 (estimating in-state losses/recovery needs to be \$59.6 billion).

33. *Id.*

34. *Id.* at 67; Exec. Order No. 2, 39:15 N.C. Reg. 960, 961 (Feb. 3, 2025).

35. Chimney Rock Village, NC, CENSUS REP., <https://censusreporter.org/profiles/16000US3712460-chimney-rock-village-nc/> [<https://perma.cc/8MX4-K3N5>].

destroying much of the town's main street and sweeping entire buildings downstream.³⁶ The flooding devastated the town's commercial core, including shops and restaurants that formed the backbone of its tourism-driven economy.³⁷ Residents and business owners continue to grapple with how to rebuild a place "adored by generations of visitors but now forever changed."³⁸ Marshall, a town of fewer than 1,000 people located northwest of Asheville, suffered similarly catastrophic damage when the French Broad River crested at more than twenty-seven feet, inundating the downtown business district.³⁹ Although volunteers and donations have poured into the community, local business owners acknowledge that the process of rebuilding will take years.⁴⁰

In contrast, Asheville—the region's largest city and economic hub—suffered far less damage to its downtown business district and therefore saw a swifter recovery.⁴¹ While some parts of the city experienced severe localized flooding and infrastructure loss, Asheville was spared the level of wholesale destruction seen in some surrounding communities.⁴² Even so, recovery within the city has been uneven, and some of the hardest-hit areas—such as the River Arts District, a warehouse district turned arts hub, and Biltmore Village, an upscale commercial district—may never fully regain their pre-storm character,⁴³ raising questions about the long-term viability of flood-prone commercial corridors.⁴⁴ Asheville's trajectory relative to smaller communities underscores the uneven impacts of Helene and highlights how geography and the scope of initial damage shape post-disaster outcomes in complex ways.⁴⁵ The remainder

36. Martha Quillin, 'There's Just Nothing Left.' *Helene Wipes Out Chimney Rock's Main Street*, RALEIGH NEWS & OBSERVER, <https://www.newsobserver.com/news/state/north-carolina/article293159444.html> [<https://perma.cc/E3B5-FRQB>] (last updated May 5, 2025, at 16:07 ET); see also Brady Dennis, *This Town Was Wiped Out By Helene. How Does It Come Back?*, WASH. POST (May 22, 2025), <https://www.washingtonpost.com/climate-environment/2025/05/22/chimney-rock-nc-hurricane-helene/> [<https://perma.cc/B3T8-A6GB> (staff-uploaded, dark archive)].

37. See Quillin, *supra* note 36.

38. *Id.*

39. CBS 17, *Rebuilding Marshall, NC After Hurricane Helene*, at 2:21 (YouTube, Mar. 28, 2025), <https://www.youtube.com/watch?v=Z3Yd5gYnGUU> [<https://perma.cc/AF2A-DVWZ>].

40. *Id.* at 4:23.

41. See Alexis Self, *After the Storm: Asheville's Road to Recovery After Hurricane Helene*, MONOCLE (June 19, 2025), <https://monocle.com/affairs/asheville-recovery-post-hurricane-helene/> [<https://perma.cc/3QDT-BTWA>].

42. See *id.*

43. See *id.*

44. N.C. DEP'T OF COM., STATE OF NORTH CAROLINA ACTION PLAN: U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY (CDBG-DR) FUNDING IN RESPONSE TO HURRICANE HELENE 24 (2025) [hereinafter ACTION PLAN], <https://www.commercerecovery.nc.gov/2025-04-17hud-action-plan-cdbgdapproved/download?attachment> [<https://perma.cc/W3PH-QEQG> (staff-uploaded archive)].

45. Exec. Order No. 1, 39:15 N.C. Reg. 957 (Feb. 3, 2025); Bethany Greene & Anthony Tringali, *Hurricane Helene's Impact on Housing in Western North Carolina*, FED. RSRV. BANK OF RICHMOND (Mar. 27, 2025),

of this Part examines how these dynamics have played out across key sectors—housing, transportation, critical infrastructure, the regional economy and tourism, agriculture, and hazard mitigation—each of which faced distinct challenges in Helene’s aftermath.

A. *Housing*

Helene dealt a blow to the region’s already fragile housing landscape, damaging more than 74,000 homes,⁴⁶ seriously damaging or destroying more than 8,800,⁴⁷ and displacing more than 12,000 people.⁴⁸ Uninsured residential losses are estimated at \$9.5 billion, compounding an affordable housing crisis that long predates the storm.⁴⁹ These impacts were particularly acute in smaller and more rural communities, where housing conditions made residents more vulnerable to storm damage.⁵⁰ One in four North Carolina mobile homes, approximately 138,000 units, a form of housing especially vulnerable to high winds and flash flooding, were located in counties under a major disaster declaration after the storm.⁵¹ Across the thirty-nine counties designated as disaster areas, forty-one percent of households have incomes below eighty percent of the area median, and over half of those low-income households were already housing-cost-burdened before the storm.⁵²

The total housing recovery need has been estimated at \$15.4 billion.⁵³ Federal agencies have responded with substantial but insufficient aid: FEMA has distributed \$542 million in individual assistance and household

https://www.richmondfed.org/region_communities/regional_data_analysis/regional_matters/2025/helene_impact_housing_western_north_carolina [https://perma.cc/89Q2-RCB5].

46. N.C. OFF. OF THE GOVERNOR, HURRICANE HELENE RECOVERY: FEDERAL FUNDING REQUEST 15 (Sep. 15, 2025), [hereinafter SEPTEMBER FEDERAL FUNDING REQUEST], <https://www.osbm.nc.gov/helene-federal-funding-request-sept-2025/open> [https://perma.cc/8EDW-5PJM].

47. See ACTION PLAN, *supra* note 44, at 18, 24.

48. Exec. Order No. 1, 39:15 N.C. Reg. 957 (Feb. 3, 2025); see also Greene & Tringali, *supra* note 45.

49. N.C. OFF. OF THE GOVERNOR, HURRICANE HELENE RECOVERY: FEDERAL FUNDING REQUEST 16 (2025) [hereinafter FEBRUARY FEDERAL FUNDING REQUEST], <https://www.osbm.nc.gov/hurricane-helene-recovery-federal-request-feb-2025/open>; Greene & Tringali, *supra* note 45.

50. See Joey Marshall, Chase Sawyer, Heather King, Bethany DeSalvo & Walter Peacock, *Hurricane Helene’s Impact on the Socially Vulnerable in North Carolina: More Than Half a Million North Carolinians Under Disaster Declaration After Hurricane Helene Were at High Social Vulnerability to Disasters*, U.S. CENSUS BUREAU (Oct. 11, 2024), <https://www.census.gov/library/stories/2024/10/hurricane-helene.html> [https://perma.cc/N9ZS-ULEJ].

51. *Id.*

52. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 45; see also *About the Gap Report*, NAT’L LOW INCOME HOUS. COAL., <https://nlihc.org/gap/about> [https://perma.cc/MGB7-DB4Y] (defining cost-burdened households as spending more than 30% of income on rent and utilities).

53. REVISED ASSESSMENT, *supra* note 1, at 32.

reconstruction, with more than 5,900 households receiving rental assistance.⁵⁴ In April 2025, the U.S. Department of Housing and Urban Development (“HUD”) approved the State’s \$1.4 billion Action Plan under the Community Development Block Grant Disaster Recovery (“CDBG-DR”) program, which includes \$807 million for housing repair and reconstruction, \$191 million for multifamily housing development, and \$53 million to support workforce homeownership.⁵⁵ To accelerate recovery while awaiting the release of these federal funds, North Carolina launched a program in June 2025 to begin single-family home repair and construction.⁵⁶ In the meantime, volunteer organizations have also helped bridge some of the remaining gap, repairing hundreds of homes in the region.⁵⁷ Still, the path forward is fraught with difficulty. Communities must navigate the complex task of rebuilding housing that is not only safe and resilient, but affordable—while honoring long-standing cultural and familial ties to lands that bring with their charms more climate-related risks than previously thought.

54. *Recovery Dashboard*, WNC RECOVERY, <https://www.wncrecovery.nc.gov/recovery-overview/progress-and-dashboard#Tab-RebuildingSafeHousing-1437> [https://perma.cc/6HKH-5BQS]. For example, through FEMA’s Hazard Mitigation Grant Program, homeowners can voluntarily participate in government-funded buyouts that compensate eligible property owners based on the pre-disaster value of their homes. Brady Dennis, *Hundreds of Residents Signed Up for FEMA Buyouts After Helene. Not One Has Been Approved.*, WASH. POST (Dec. 30, 2025), <https://www.washingtonpost.com/climate-environment/2025/12/26/fema-buyouts-north-carolina-hurricane-helene/> [https://perma.cc/9UJK-X89P (staff-uploaded, dark archive)]. Following Hurricane Helene, more than 800 households in western North Carolina applied for buyouts under the program. *Id.* State officials began submitting applications to FEMA in February 2025 and by December 15 had submitted nearly 600 requests for approval. *Id.* As of December, no buyout requests from North Carolina had been approved. *Id.*

55. ACTION PLAN, *supra* note 44, at 62; *see also* Press Release, N.C. Dep’t of Com., Trump Administration Approves Governor Stein’s Housing Recovery Action Plan for Western North Carolina (Apr. 25, 2025), <https://www.commerce.nc.gov/news/press-releases/2025/04/25/trump-administration-approves-governor-steins-housing-recovery-action-plan-western-north-carolina> [https://perma.cc/EX89-MJJ5].

56. *See infra* notes 140–46.

57. In addition to their own fundraising and donor support, nonprofit organizations have received direct allocations from the State to assist with home construction and repair. *See* GOVERNOR’S RECOVERY OFF. FOR W. N.C., HURRICANE HELENE RELIEF AND RECOVERY: STATE FISCAL Q4 QUARTERLY REPORT 45 (2025) [hereinafter STATE FISCAL Q4 QUARTERLY REPORT], <https://www.wncrecovery.nc.gov/grow-nc-q4qr-2025/open> [https://perma.cc/X3DH-3U7F]; *see also* Hurricane Helene, BAPTISTS ON MISSION (Oct. 6, 2025), <https://baptistsonmission.org/Mission-Projects/By-Mission-Type/Disaster-Relief/Hurricane-Helene> [https://perma.cc/R347-UEQ6 (staff-uploaded archive)]; Jess Craig, *I Saw the Hurricane Helene Response Up Close. This Is How Disaster Relief Actually Works*, VOX (Nov. 17, 2024, at 07:00 ET), <https://www.vox.com/future-perfect/384734/hurricane-helene-asheville-response-fema-volunteers-climate-change> [https://perma.cc/WA5R-HQ3H] (describing the scale of volunteer recovery efforts following Helene).

B. *Transportation Infrastructure*

One of the most notable successes of the Helene recovery has been the rapid restoration of access to public roads and bridges across western North Carolina. The storm caused damage to roughly 5,000 miles of roads and 835 bridges maintained by the State—disruptions that far exceeded the capacity of the State’s annual transportation maintenance budget.⁵⁸ The scale of destruction pushed the total transportation infrastructure funding need to an estimated \$10.3 billion.⁵⁹ Even so, access has been restored to more than ninety-seven percent of Helene-impacted public roads.⁶⁰ North Carolina was awarded \$750 million through the Federal Highway Administration’s Emergency Relief program to support long-term repairs, with the State expected to receive another \$2.15 billion under the same program.⁶¹ Public road and bridge repair is ongoing, but the reopening of critical corridors restored basic connectivity across the region and marked an important early step in restoring access to the state road network for impacted communities.⁶²

Recovery for private transportation infrastructure, however, remains an acute and complicated challenge—particularly in rural, mountainous areas where private roads make up nearly forty-eight percent of the road network and sustained an estimated \$460 million in damage.⁶³ The storm affected more than 7,000 private roads and bridges,⁶⁴ and as of September 2025 approximately 3,650 sites remained in the queue for repair under the State’s Private Roads and Bridges Repair and Replacement Program.⁶⁵ These routes provide essential access to homes and emergency services,⁶⁶ but their repair is typically the legal responsibility of adjacent property owners.⁶⁷ As of September 2025, FEMA had

58. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 14; Will Doran, *Stein, NC Business Leaders Raise Concerns over Disaster Spending as 2025 Hurricane Season Opens*, WRAL (June 5, 2025, at 18:07 ET), <https://www.wral.com/story/helene-response-likely-set-back-nc-road-projects-by-years-officials-say-as-2025-hurricane-season-opens/22039504/> [<https://perma.cc/JUL4-7T8Y>].

59. REVISED ASSESSMENT, *supra* note 1, at 63.

60. *NCDOT Road Reopening for Hurricane Helene 2024*, N.C. DEP’T OF TRANSP. (Oct. 20, 2025, at 15:37 ET), <https://ncdot.maps.arcgis.com/apps/dashboards/cb4d6b257ed8420e838f7baffc9ecdbe> [<https://perma.cc/4C7J-88FH>].

61. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 20.

62. *See* Press Release, N.C. Dep’t of Transp., NCDOT Relentless in Recovery Through First 100 Days After Helene (Jan. 8, 2025, at 09:55 ET), <https://www.ncdot.gov/news/press-releases/Pages/2025/2025-01-08-relentless-100-days-after-helene.aspx> [<https://perma.cc/R3DG-PAKR>].

63. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 14, 18.

64. REVISED ASSESSMENT, *supra* note 1, at 65.

65. *Recovery Dashboard*, *supra* note 54.

66. Press Release, Off. of Governor Josh Stein, *One Year After Helene: Rebuilding Critical Infrastructure* (Sep. 23, 2025), <https://governor.nc.gov/news/press-releases/2025/09/23/one-year-after-helene-rebuilding-critical-infrastructure> [<https://perma.cc/KWE7-GMZE>].

67. *See* FED. EMERGENCY MGMT. AGENCY, *FEMA’S ROAD AND BRIDGE ASSISTANCE 4* [hereinafter *FEMA SLIDES*], <https://www.ncbarfoundation.org/wp-content/uploads/2025/01/FEMA-PRB-Webinar-Slides.pdf> [<https://perma.cc/Q6JF-6NU4>].

disbursed \$27.7 million in individual assistance for private road and bridge repairs across the region.⁶⁸ Permanent repairs for many private bridges exceed \$100,000, but FEMA caps support at \$42,500 per household—an amount most do not receive in practice—and many part time residents are ineligible.⁶⁹ In response, the North Carolina General Assembly funded a \$175 million Private Roads and Bridges Program, prioritizing projects that restore access to year-round homes and to commercial and recreation assets.⁷⁰ Although meaningful progress has been made, the lack of sufficient funding mechanisms for private road repair exposes a structural weakness in disaster recovery planning for rural infrastructure.⁷¹

C. Other Infrastructure

Helene also caused widespread damage to critical utilities and community infrastructure, amplifying challenges for both immediate recovery and long-term economic revitalization.⁷² The total impact to electrical, gas, water, sewer, waste, and telecom infrastructure is estimated to be nearly \$7 billion.⁷³ Infrastructure repair is a central focus of the region's recovery strategy, particularly given the strong link between functioning utilities and economic stability, and significant federal and state funding has been directed toward rebuilding these systems and improving their resilience.⁷⁴

Nowhere was this disruption more visible than in Asheville, where the storm severely damaged the city's water system and left large portions of the city without potable water for nearly two months.⁷⁵ The destruction of primary

68. *Recovery Dashboard*, *supra* note 54.

69. CHUCK EDWARDS, WHAT'S NEEDED TO ADVANCE HURRICANE HELENE RECOVERY IN WESTERN NORTH CAROLINA 7 (2025), <https://edwards.house.gov/sites/evo-subsites/edwards.house.gov/files/evo-media-document/rep-edwards-report-to-the-president-hurricane-helene-recovery.pdf> [<https://perma.cc/G2VV-YM4C>]; *see also* FEMA SLIDES, *supra* note 67, at 8 (explaining that eligibility for assistance requires FEMA to verify that the property is the applicant's primary residence).

70. STATE FISCAL Q4 QUARTERLY REPORT, *supra* note 57, at 33; *see also Tropical Storm Helene Private Road and Bridge Program*, N.C. DEP'T OF PUB. SAFETY, <https://www.ncdps.gov/Helene/PRB> [<https://perma.cc/2JBQ-VEQ9>]; Jacob Biba, *Helene Spared Their Home. But Without a Bridge, Living There Isn't Easy*, ASHEVILLE CITIZEN TIMES (July 16, 2025, at 08:25 ET), <https://www.citizen-times.com/story/news/local/2025/07/16/helene-destroyed-access-to-north-carolina-homes-residents-need-help/83193164007/> [<https://perma.cc/NY6G-QHSV> (staff uploaded archive)] (illustrating the tension between federal and state funding constraints and local need, as Representative Chuck Edwards called for "critical" federal support that has failed to materialize).

71. *See* Biba, *supra* note 70.

72. *See* REVISED ASSESSMENT, *supra* note 1, at 47–49.

73. *Id.* at 47.

74. *See Recovery Dashboard*, *supra* note 54.

75. Laura Hackett, *Water Situation in Asheville Dire*, BPR NEWS (Sep. 29, 2024, at 13:21 ET), <https://www.bpr.org/bpr-news/2024-09-29/water-situation-in-asheville-dire> [<https://perma.cc/FBV9-VYQG>]; Eduardo Medina, *Asheville Gets Drinkable Tap Water Back, 53 Days After Hurricane Helene*,

transmission lines and an auxiliary backup line—installed in response to prior flooding events⁷⁶—left large parts of the city without running water and then under prolonged boil water advisories,⁷⁷ preventing many businesses from reopening and compounding economic harm well beyond areas that experienced physical flooding.⁷⁸ Long-range plans to make the city’s still-vulnerable water system more resilient to flood events are expected to take years and cost tens of millions of dollars.⁷⁹

The State has allocated over \$107 million for loans and grants to local governments for emergency repairs to drinking water and wastewater systems,⁸⁰ as well as \$55 million to facilitate infrastructure repairs impacting small businesses.⁸¹ Under the American Relief Act,⁸² North Carolina was awarded \$409 million for drinking water projects and \$253 million for wastewater projects, along with \$22.5 million earmarked to support upgrades to decentralized wastewater systems in flood-prone areas⁸³—a combined \$686 million directed by the Environmental Protection Agency toward infrastructure

N.Y. TIMES (Nov. 19, 2024), <https://www.nytimes.com/2024/11/19/us/asheville-water-hurricane-helene.html> [<https://perma.cc/S28H-9U4R> (staff-uploaded, dark archive)].

76. John Boyle, *One Year After Helene, Asheville’s Water System Remains ‘Very, Very Vulnerable’*, ASHEVILLE WATCHDOG (Sep. 26, 2025), <https://avlwatchdog.org/one-year-after-helene-ashevilles-water-system-remains-very-very-vulnerable/> [<https://perma.cc/QD7R-LUUB>].

77. Hackett, *supra* note 75.

78. Felicia Sonmez, *Regional Survey Finds WNC Businesses Lost an Average of \$322,000 During Helene*, BPR NEWS (Aug. 6, 2025, at 14:15 ET), <https://www.bpr.org/bpr-news/2025-08-06/regional-survey-finds-wnc-businesses-lost-an-average-of-322-000-during-helene> [<https://perma.cc/9R9W-PZNM>].

79. Boyle, *supra* note 76.

80. STATE FISCAL Q4 QUARTERLY REPORT, *supra* note 57, at 15, 17; *see also* Press Release, N.C. Dep’t of Env’t Quality, DEQ Offers Emergency Loans to Local Governments, <https://www.deq.nc.gov/news/press-releases/2024/10/18/deq-offers-emergency-loans-local-governments> [<https://perma.cc/RUL9-5C5K>] (last updated Mar. 21, 2025).

81. STATE FISCAL Q4 QUARTERLY REPORT, *supra* note 57, at 12; *see also* *Small Business Infrastructure Grant Program*, N.C. DEP’T OF COM. (June 17, 2025), <https://www.commerce.nc.gov/grants-incentives/public-infrastructure-funds/small-business-infrastructure-grant-program> [<https://perma.cc/Z4P9-U7NQ>].

82. American Relief Act, 2025, Pub. L. No. 118-158, 138 Stat. 1722.

83. *Id.* at 1740; David Ford, *EPA Allocates \$686 million to North Carolina’s Helene-Related Drinking and Wastewater Projects*, PUB. RADIO FOR THE PIEDMONT (Sep. 5, 2025, at 16:49 ET), <https://www.wunc.org/2025-09-05/epa-allocates-686-million-to-north-carolinas-helene-related-drinking-and-wastewater-projects> [<https://perma.cc/YT8L-Y897>]; N.C. DEP’T OF ENV’T QUALITY, DIV. OF WATER INFRASTRUCTURE, DRAFT PRIORITY RATING SYSTEM FOR STATE REVOLVING FUND HELENE FUNDING 1 (2025), <https://www.deq.nc.gov/water-infrastructure/item-r-draft-prss-srf-helene-funding-final/open> [<http://perma.cc/3HSX-23KU>]; *see also* Press Release, N.C. Dep’t of Env’t Quality, DEQ Accepting Public Comments on Draft Intended Use Plan and Priority Rating System for Funding for Decentralized Wastewater Treatment System in Helene-Affected Areas (May 30, 2025), <https://www.deq.nc.gov/news/press-releases/2025/05/30/deq-accepting-public-comments-draft-intended-use-plan-and-priority-rating-system-funding> [<https://perma.cc/8Q9L-73M4>].

projects with a focus on resilience and reducing future risk.⁸⁴ In addition, the State committed nearly \$194 million in federal CDBG-DR funds, as approved by HUD through its Action Plan, to help local governments implement infrastructure projects that advance the goal of long-term resilience.⁸⁵

Dams are also a critical point of concern. Western North Carolina is home to approximately 600 dams that are classified as having high or significant hazard potential—structures whose failure could endanger communities.⁸⁶ Helene exposed the vulnerabilities of this aging infrastructure: at least ten dams overtopped during the storm, forty-one failed or were severely damaged, and the North Carolina Department of Environmental Quality (“DEQ”) determined that seventy-five must be removed.⁸⁷ Although the Douglas and Nolichucky Dams—two major flood control structures operated by the Tennessee Valley Authority in East Tennessee—successfully protected downstream communities and prevented an estimated \$400 million in damage, many smaller, older dams in the region will pose significant risks when future storms strike.⁸⁸ To address these vulnerabilities, the North Carolina General Assembly’s June 2025 Helene relief legislation included \$10 million for the repair, modification, or removal of dams damaged by Helene.⁸⁹ In the wake of the storm, dam removal has emerged as a central focus of long-term recovery and resilience efforts, aimed not only at reducing the risk of structural failure but also at restoring river ecosystems and improving the region’s capacity to manage future floods.⁹⁰

D. *Economy and Tourism*

Helene significantly disrupted western North Carolina’s economy, triggering cascading effects across sectors and communities—including many that lay outside the storm’s direct path.⁹¹ The region’s tourism and outdoor recreation economy, a major driver of revenue, was especially impacted, with

84. Press Release, N.C. Dep’t of Env’t Quality, Reminder: Application Open Year-Round for Hurricane Helene-Related Funds for Drinking Water, Wastewater and Septic System (Sep. 3, 2025), <https://www.deq.nc.gov/news/press-releases/2025/09/03/reminder-application-open-year-round-hurricane-helene-related-funds-drinking-water-wastewater-and> [<https://perma.cc/UEW7-X62Q>].

85. *Community Infrastructure*, N.C. DEP’T OF COM., <https://www.commercerecovery.nc.gov/program-overview/community-infrastructure> [<https://perma.cc/GD56-KE2S>].

86. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 33.

87. *Id.*; Jack Igelman, ‘Not A Silver Bullet.’ NC Dams Problematic During Helene Flooding, *Future Role Unclear*, CAROLINA PUB. PRESS (June 2, 2025), <https://carolinapublicpress.org/71033/dams-problematic-nc-helene-flooding-future-role-unclear> [<https://perma.cc/PZN4-F8UL>].

88. Igelman, *supra* note 87.

89. Disaster Recovery Act of 2025 – Part II, ch. 26, § 2A.3.(a), 2025 N.C. Sess. Laws 1, 3 (to be codified at N.C. GEN. STAT. § 166A-19.40).

90. See Igelman, *supra* note 87.

91. See REVISED ASSESSMENT, *supra* note 1, at 15–17, 20.

300,000 acres of public lands sustaining damage and more than \$1 billion in needed repairs to the Blue Ridge Parkway.⁹² Immediately following the storm, all national parks and forests in the region were temporarily closed, suspending recreational permitting and cutting off access to public lands.⁹³ Although some areas have since reopened, many remain closed due to ongoing safety and infrastructure concerns.⁹⁴ Large portions of the Blue Ridge Parkway remain closed as the National Park Service works to repair damage from flooding and more than fifty landslides along the route.⁹⁵

Small businesses in western North Carolina bore the brunt of Helene's economic disruptions. In Buncombe County alone—home to Asheville—the visitor economy declined by seventy percent in the last quarter of 2024, translating to more than \$584 million in lost revenue.⁹⁶ These losses were felt most acutely by businesses that rely on fall and early winter tourism—a season that in 2023 generated over \$2 billion in visitor spending across the region.⁹⁷ A July 2025 survey of 700 small business owners in western North Carolina found that ninety-six percent were impacted by Helene, and that eighty-three percent of respondents had to close at least temporarily.⁹⁸ Altogether, the businesses surveyed reported \$188 million in losses, with eighty-six percent still reporting earnings at or below pre-Helene levels ten months after the storm.⁹⁹

In total, Helene's economic toll, including lost revenues, is estimated at \$15.9 billion.¹⁰⁰ To help mitigate these losses, the State partnered with

92. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 42; Sarah Honosky, *Blue Ridge Parkway: Which Helene-Damaged Areas Might Reopen in Late Summer, Early Fall?*, ASHEVILLE CITIZEN TIMES (June 12, 2025, at 05:05 ET), <https://www.citizen-times.com/story/news/local/2025/06/12/what-areas-on-the-blue-ridge-parkway-in-north-carolina-might-reopen-this-summer/84146893007> [<https://perma.cc/BR8W-GK2F>]; *see also* Jane Winik Sartwell, *Tourism Economy of Western NC Hopes To Weather the Loss of October After Helene*, CAROLINA PUB. PRESS (Oct. 31, 2024), <https://carolinapublicpress.org/66839/tourism-economy-of-western-nc-hopes-to-weather-the-loss-of-october-after-helene/> [<https://perma.cc/9W6V-L2EH>].

93. *See* Nicole Norman, *National Parks, Forests Remain Closed After Helene*, E&E NEWS (Oct. 4, 2024, at 13:26 ET), <https://www.eenews.net/articles/national-parks-forests-remain-closed-after-helene/> [<https://perma.cc/59PQ-KWF8>].

94. *See Road Status and Closures*, NAT'L PARK SERV., <https://www.nps.gov/blri/planyourvisit/roadclosures.htm> [<https://perma.cc/6CME-WUQX>].

95. Press Release, Nat'l Park Serv., *Blue Ridge Parkway Offers Road Project Reminders for the 2025 Visitor Season* (June 10, 2025), <https://www.nps.gov/blri/learn/news/blue-ridge-parkway-offers-road-project-reminders-for-the-2025-visitor-season.htm> [<https://perma.cc/8ST3-HVKV>].

96. Jane Winik Sartwell, *Asheville's Economy Still Reeling from Impact of Storm, Water Loss on Tourism*, CAROLINA PUB. PRESS (Dec. 4, 2024), <https://carolinapublicpress.org/67401/asheville-economy-reeling-tourism-water-prolonged-loss-nc-helene/> [<https://perma.cc/6YW8-NS3Q>].

97. SEPTEMBER FEDERAL FUNDING REQUEST, *supra* note 46, at 17.

98. *2025 Local Business Impact Survey: Insights from 700 Small Business Owners Around Helene Recovery*, MOUNTAIN BIZWORKS (July 29, 2025), <https://www.mountainbizworks.org/2025/07/29/local-business-impact-survey-2025/> [<https://perma.cc/L7Y5-YD4M>].

99. *Id.*

100. *Id.*; REVISED ASSESSMENT, *supra* note 1, at 15.

philanthropic organizations to establish a \$55 million small business grant program¹⁰¹ and a \$60 million small business loan program,¹⁰² both funded through a combination of state appropriations and private dollars. Additional support included \$372 million in Small Business Administration loans offered, \$37.8 million in disaster unemployment assistance distributed,¹⁰³ and nearly \$150 million in loans made to local governments.¹⁰⁴ The HUD Helene Action Plan also includes \$111 million for commercial district revitalization.¹⁰⁵ Recovery efforts to date highlight the continued need for both immediate relief and sustained investment in the economic stability of rural and tourism-reliant communities, particularly through the restoration and resilience of public lands and other recreation resources.

E. *Agriculture*

Helene had a devastating impact on western North Carolina's agricultural sector, which is made up primarily of small-scale farms producing specialty crops such as apples, Christmas trees, and nursery products.¹⁰⁶ In the disaster-declared counties, more than 18,600 farms operate at a relatively small scale, with an average farm size of just eighty-six acres and over half operating on fewer than thirty-six acres.¹⁰⁷ Because many farms are located in floodplains, they were particularly susceptible to the damage caused by Helene.¹⁰⁸ The State estimates \$4.1 billion in direct agricultural damage and an additional \$782

101. Press Release, Off. of Governor Josh Stein, Governor Josh Stein Announces \$30 Million Public-Private Partnership to Fund Grants for Small Businesses Impacted by Hurricane Helene (Jan. 31, 2025), <https://governor.nc.gov/news/press-releases/2025/01/31/governor-josh-stein-announces-30-million-public-private-partnership-fund-grants-small-businesses> [<https://perma.cc/97A3-RZ2Y>]; *Western North Carolina Small Business Initiative*, APPALACHIAN CMTY. CAP., <https://appalachiancommunitycapitalcdfi.org/wnsbc-grant/> [<https://perma.cc/J38H-34FR>].

102. *North Carolina General Assembly Approves Longer Runway for Business Recovery*, MOUNTAIN BIZWORKS: NEWS (Oct. 29, 2025), <https://www.mountainbizworks.org/2025/10/29/north-carolina-general-assembly-approves-terms-for-wnc-strong-helene-business-recovery-fund/> [<https://perma.cc/S495-XHD4>].

103. SCOTT ELLIOTT, DEPUTY DIR., GOVERNOR'S RECOVERY OFF. FOR W. N.C., HELENE RECOVERY UPDATES TO THE BOONE AREA CHAMBER OF COMMERCE 4 (2025) (on file with the North Carolina Law Review).

104. Press Release, Off. State Treasurer Bradford Briner, \$150 Million in Interest-Free Cashflow Loans Have Now Been Allocated (Sep. 16, 2025), <https://www.nctreasurer.gov/news/press-releases/2025/09/16/150-million-interest-free-cashflow-loans-have-now-been-allocated> [<https://perma.cc/Q9EY-SK7H>].

105. ACTION PLAN, *supra* note 44, at 79.

106. EDWARDS, *supra* note 69, at 28.

107. REVISED ASSESSMENT, *supra* note 1, at 73; APPALACHIAN SUSTAINABLE AGRICULTURE PROJECT, HURRICANE HELENE: IMPLICATIONS FOR SMALL FARMS AND LOCAL FOOD ECONOMIES 3 (May 2025) [hereinafter ASAP], https://asapconnections.org/wp-content/uploads/Helene-Impact-Report_Part-1.pdf [<https://perma.cc/6LVR-XMJJB>].

108. ASAP, *supra* note 107, at 3.

million in indirect impacts.¹⁰⁹ One study of approximately 900 small-scale farms in the region found that eighty-six percent sustained physical damage, with average cleanup and recovery costs of \$40,000 and lost sales in 2024 of \$30,000—together amounting to eighty-eight percent of the average farm's annual gross sales.¹¹⁰ Beyond the loss of crops and livestock, the storm caused significant damage to infrastructure and farmland, raising long-term concerns about the viability and productivity of affected farms.¹¹¹

In the months following Helene, relief for farmers came almost exclusively from the state.¹¹² The General Assembly allocated \$268 million through the Agriculture Disaster Crop Loss Program to reimburse farmers for crop and farm infrastructure losses caused by the storm,¹¹³ and an additional \$40 million through the Streamflow Rehabilitation Assistance Program to fund projects that mitigate flood risk by improving streamflow and drainage, including debris removal, streambank stabilization, and stream restoration.¹¹⁴ It was not until September 2025—nearly a year after the storm—that the U.S. Department of Agriculture announced its first major commitment to western North Carolina farmers: a \$221 million block grant to support those who lost crops, infrastructure, and economic opportunity because of Helene.¹¹⁵ Together, these programs reflect a substantial but incomplete effort to stabilize an agricultural sector that remains central to the region's economy and identity.

F. *Debris Removal*

Issues associated with debris removal in western North Carolina and eastern Tennessee after Helene highlight the tensions between short-term recovery efforts and long-term resilience in the region. Since the storm, nearly 16 million cubic yards of debris have been removed from roads and waterways,¹¹⁶

109. REVISED ASSESSMENT, *supra* note 1, at 72.

110. ASAP, *supra* note 107, at 3.

111. *See* EDWARDS, *supra* note 69, at 28.

112. *See* George Fabe Russell, *USDA Announces \$220M in North Carolina Helene Relief Funding for Farmers*, HENDERSONVILLE TIMES-NEWS (Sep. 8, 2025, at 05:04 ET), <https://www.citizen-times.com/story/news/local/2025/09/08/usda-north-carolina-helene-farmers-relief/85992346007/> [<https://perma.cc/HKD8-74HV>].

113. WNC RECOVERY, HURRICANE HELENE RELIEF AND RECOVERY 3 (Nov. 14, 2025), <https://www.wncrecovery.nc.gov/grow-nc-q1qr-2026/open> [<https://perma.cc/U9GP-KPPU>].

114. STATE FISCAL Q4 QUARTERLY REPORT, *supra* note 57, at 8.

115. Press Release, U.S. Dep't of Agric., *USDA Announces \$221.2 Million Grant Agreement to Cover Agricultural Losses in North Carolina* (Sep. 5, 2025), <https://www.fsa.usda.gov/news-events/news/09-05-2025/usda-announces-221-million-grant-agreement-cover-agricultural-losses> [<https://perma.cc/LY5T-X42V>]; *see also* Russell, *supra* note 112.

116. *Recovery Dashboard: Restoring Our Infrastructure*, GOVERNOR'S RECOVERY OFF. FOR WESTERN N.C., <https://www.wncrecovery.nc.gov/recovery-overview/progress-and-dashboard> [<https://perma.cc/AT8M-CRQN>].

yet officials concede they have “only scratched the surface.”¹¹⁷ In May 2025, FEMA denied North Carolina’s appeal to extend its 100% reimbursement for debris removal, leaving the state to absorb an estimated \$200 million in additional costs.¹¹⁸ Meanwhile, contractors working under the U.S. Army Corps of Engineers came under intense public scrutiny for removing not only storm-related debris but also long-standing in-stream material that plays a critical role in bank stabilization and aquatic habitat.¹¹⁹

Additional controversies over debris removal emerged from CSX Transportation’s post-Helene rail repairs along the Nolichucky River. In Tennessee, CSX mined rock directly from the Nolichucky to use as fill, prompting a lawsuit by environmental groups against the Army Corps of Engineers, the U.S. Forest Service, and the U.S. Fish and Wildlife Service, and resulting in a cease-and-desist order issued by the Corps.¹²⁰ In North Carolina,

117. Press Release, N.C. Off. of the Governor, Statement from Governor Josh Stein on FEMA’s Denial of North Carolina’s Reimbursement Request (May 23, 2025), <https://governor.nc.gov/news/press-releases/2025/05/23/statement-governor-josh-stein-femas-denial-north-carolinas-reimbursement-request> [<https://perma.cc/L4ZR-SNWV>].

118. Letter from David E. Richardson, FEMA Senior Off. Performing the Duties of the Adm’r, to Josh Stein, Governor of N.C. (May 22, 2025), <https://governor.nc.gov/may-23-letter-fema-denying-request-cost-share-extension/open> [<https://perma.cc/M37S-4HJE>]; Galen Bacharier, *NC Will Appeal FEMA Ruling To End 100% Helene Cost-Share, as State Braces for Tariff Impacts*, NC NEWSLINE (Apr. 14, 2025, at 13:19 ET), <https://ncnewslines.com/2025/04/14/nc-will-appeal-fema-ruling-to-end-100-helene-cost-share-as-state-braces-for-tariff-impacts/> [<https://perma.cc/NSW9-AM9M> (staff-uploaded archive)].

119. See Hannah McLeod, *Good Intentions Gone Wrong: Maconians Sound Alarm on Excessive Debris Removal*, SMOKY MOUNTAIN NEWS (Apr. 23, 2025), <https://smokymountainnews.com/news/item/39444-good-intentions-gone-wrong-maconians-sound-alarm-on-excessive-debris-removal> [<https://perma.cc/9M9Z-3VP2>]; see also Benji Jones, *The Government Stepped In to Clean Up a Disaster in North Carolina. Then They Created Another One*, VOX (July 23, 2025), <https://www.vox.com/down-to-earth/420513/flooding-debris-removal-hurricane-helene-wildlife> [<https://perma.cc/W8XK-SCXS>] (“In some stretches of rivers and streams, the contractors ultimately did more harm to the environment than the storm itself,” including “likely kill[ing] scores of endangered species.”); Katie Myers & Izzy Ross, *Clearing Debris After a Storm Is Big Business. For Some Communities, It’s Also a Burden*, GRIST (Aug. 19, 2025), <https://grist.org/extreme-weather/clearing-debris-after-a-storm-is-big-business-for-some-communities-its-also-a-burden/> [<https://perma.cc/P8GF-9Z25>] (describing controversies surrounding Helene debris removal contractors and situating them within the broader “often chaotic, lucrative world of disaster response and recovery”).

120. See Tyler Whetstone, *Helene Railroad Repairs in Tennessee Lead to Lawsuits Against Federal Agencies*, KNOXVILLE NEWS SENTINEL (Nov. 21, 2024, at 05:06 ET), <https://www.knoxnews.com/story/news/local/2024/11/21/helene-railroad-repairs-in-tn-lead-to-lawsuits-against-federal-agencies-selc-csx/76429300007/> [<https://perma.cc/7A9V-3VCZ>]; see also Tyler Whetstone, *CSX Told To Stop Nolichucky River Rail Cleanup After ‘Potentially Unauthorized Work,’* KNOXVILLE NEWS SENTINEL (Dec. 6, 2024, at 11:19 ET), <https://www.knoxnews.com/story/news/local/2024/12/06/csx-required-to-stop-rail-cleanup-work-in-the-nolichucky-river-army-corps-of-engineers/76819463007/> [<https://perma.cc/4U7R-DLU7>]; Katie Myers, *In Tennessee, Railroad Repairs After Hurricane Helene Put Two Industries at Odds*, MARKETPLACE (Jan. 2, 2025), <https://www.marketplace.org/story/2025/01/02/tennessee-railroad-repairs-hurricane->

a CSX contractor engaged in unpermitted gravel mining on the Nolichucky, in violation of state law, as part of an effort to rebuild another stretch of rail line.¹²¹ The mining company, Horizon 30, sought to justify its actions by invoking President Trump’s “America First” initiative and citing “emergency response directives” in the wake of Helene, but was ordered by a North Carolina Superior Court to immediately cease mining and submit a reclamation plan for the site to the North Carolina DEQ for approval.¹²²

In forested areas, Helene left behind extensive damage that continues to shape recovery and policy debates. High winds damaged more than 822,000 acres of timberland in western North Carolina,¹²³ resulting in blowdown that restricts access for firefighters and increases the intensity of uncontrolled burns.¹²⁴ Agencies preparing for the 2025 wildfire season warned that natural fire breaks such as rivers were compromised by the storm and that the post-Helene landscape would complicate suppression efforts.¹²⁵ Against this backdrop, tensions have emerged around emergency salvage logging proposals in the Pisgah and Nantahala National Forests.¹²⁶ Forest Service officials cite heightened wildfire risk created by downed trees as justification for increased logging, but critics contend that these efforts blur the line between legitimate

helene-tourism [https://perma.cc/ZPJ7-XWBJ] (staff-uploaded archive)] (discussing the impact of railway repairs on the region’s outdoor tourism economy).

121. See Press Release, N.C. Dep’t of Env’t Quality, NC Division. of Energy, Mine, and Land Resources Denies Horizon 30 Mining Application (Aug. 26, 2025), <https://www.deq.nc.gov/news/press-releases/2025/08/26/nc-division-energy-mineral-and-land-resources-denies-horizon-30-mining-application> [https://perma.cc/9NUC-VN33]; see also Adam Wagner, *NC Department of Labor Officials Discover Illegal Mine in Western NC, DEQ Seeks To Halt Operations*, WUNC (Aug. 8, 2025, at 17:16 ET), <https://www.wunc.org/environment/2025-08-08/nc-department-labor-illegal-mine-western-nc-halt-operations> [https://perma.cc/N4P9-S7JS].

122. See *supra* note 121; Preliminary Injunction and Denial of Defendant’s Suggestion To Dismiss at 4, *State v. Horizon 30 LLC*, 25CV001176-600 (N.C. Super. Ct. Aug. 13, 2025).

123. *North Carolina Forest Damage Appraisal Hurricane Helene*, N.C. FOREST SERV. (Oct. 22, 2024), https://www.ncagr.gov/divisions/nc-forest-service/NCFS-HurricaneHelene_DamageAssessment.pdf/open [https://perma.cc/6SM7-L9HK].

124. See Jacob Biba, *In Helene-Ravaged WNC, Federal, State and Local Agencies Prep for Fall Wildfire Season*, ASHEVILLE CITIZEN TIMES (Sep. 10, 2025, at 05:04 ET), <https://www.citizen-times.com/story/news/local/2025/09/10/north-carolina-wildfire-season-prep-helene-devastation/85952418007/> [https://perma.cc/TC62-6LW5] (staff-uploaded, dark archive)].

125. See *id.*

126. See Jack Evans, *Amid Pisgah Logging Plans Post-Helene, Forest Service Shuts Out Public*, ASHEVILLE WATCHDOG (June 6, 2025), <https://avlwatchdog.org/amid-pisgah-logging-plans-post-helene-forest-service-shuts-out-public/> [https://perma.cc/383T-ZCEY]; see also Kyle Perrotti, *Lawsuit Alleges Forest Service Timber Sale Is Illegal*, SMOKY MOUNTAIN NEWS (Nov. 11, 2025), <https://smokymountainnews.com/outdoors/item/40483-lawsuit-alleges-forest-service-timber-sale-is-illegal> [https://perma.cc/A3YG-YQPK] (describing litigation brought by environmental organizations challenging the U.S. Forest Service’s authorization of emergency salvage logging in a 135-acre area of the Nolichucky Gorge). The groups allege the agency relied on a long-expired Helene emergency order to proceed without required public notice or environmental review, and that only limited portions of the project area sustained storm damage. *Id.* The suit further contends that the logging risks long-term ecological degradation, increased erosion, and permanent alteration of a scenic river corridor. *Id.*

hazard mitigation and opportunistic logging of old-growth stands and previously protected areas.¹²⁷ These concerns echo ongoing disputes over the federal approach to timber management and salvage logging in national forests, which critics argue prioritizes commercial interests at the expense of ecological integrity, and reflects a broader pattern in which post-disaster interventions, though framed as urgent recovery, risk undermining long-term environmental resilience.¹²⁸

Taken together, these impacts show both the scale of Helene's destruction and the uneven pace of recovery across the region, with outcomes shaped by geography, preexisting vulnerabilities, and local capacity. They also make clear that many of the choices now being made across sectors carry long-term consequences and require a careful balance between the push for quick recovery and the need for future resilience.

II. SITUATING HELENE WITHIN THE CURRENT LANDSCAPE OF CLIMATE-DISASTER RECOVERY

Before turning to disaster politics and policy, it is worth highlighting the significant insurance gap that will slow the pace of North Carolina's recovery. Insurance is, generally speaking, a primary mechanism for covering property owners' storm-related economic losses—accounting, for example, for approximately seventy percent of funding for such losses in the United States in 2023.¹²⁹ The insurance literature often contrasts countries with fairly well-developed insurance markets, such as the United States, with those—particularly in the Global South—where such markets are limited or nonexistent.¹³⁰ In those countries, catastrophic climate events are often double-

127. See Evans, *supra* note 126; Perrotti, *supra* note 126.

128. See Katie Myers, *Why the Forest Service Is Logging After Hurricane Helene—and Why Some Say They Should Slow Down*, BLUE RIDGE PUB. RADIO NEWS (Apr. 15, 2025, at 16:48 ET), <https://www.bpr.org/bpr-news/2025-04-15/what-is-timber-salvage-inside-the-process-that-the-forest-service-is-using-to-mitigate-harm-from-helene> [<https://perma.cc/C9RT-29ET>] (“Scientists and forest advocates have long questioned whether salvage logging, which brings its own ecological damage, is the best approach and believe it denies nature time to heal. Others argue that such operations are motivated more by profit than safety or environmental concern, and often provide cover for taking healthy trees that still stand.”); see also James R. Karr, Jonathan J. Rhodes, G. Wayne Minshall, F. Richard Hauer, Robert L. Beschta, Christopher A. Frissell & David A. Perry, *The Effects of Postfire Salvage Logging on Aquatic Ecosystems in the American West*, 54 BIOSCIENCE 1029, 1030 (2004) (arguing that post-fire salvage logging “impedes the recovery and restoration of aquatic systems, lowers water quality, shrinks the distribution and abundance of native aquatic species, and compromises the flow of economic benefits to human communities”).

129. See, e.g., CONG. BUDGET OFF., CLIMATE CHANGE, DISASTER RISK, AND HOMEOWNER'S INSURANCE 3 (2024), <https://www.cbo.gov/publication/60674> [<https://perma.cc/S589-FDWM>] (“In 2023, insurers covered \$80 billion of the \$114 billion in losses attributable to natural disasters, meaning that 30 percent of these losses were not insured.”).

130. *Id.* at 26 (“[G]lobal economic losses for natural disasters totaled \$380 billion in 2023, and insurance covered 31 percent of those losses.”).

edged disasters: first come the direct losses from the event itself, which are soon followed by a public-finance crisis as, in the absence of private insurance markets, foreign governments must shoulder the recovery burden with already-stretched public funds.¹³¹

In some respects, Hurricane Helene's impact on western North Carolina mirrored this dynamic. Homeowners with traditional home insurance were soon confronted with longstanding exclusions in their policies for losses from floods and landslides—two of the primary drivers of Helene's destruction in western North Carolina.¹³² The number of households with separate flood insurance policies, typically provided through the National Flood Insurance Program ("NFIP"), was miniscule, estimated at less than one percent of homeowners in all inland counties nationwide affected by Helene.¹³³ Thus, even the most generous estimates suggest that insurance covered little more than ten percent of the storm's total costs in North Carolina: approximately \$6.3 billion out of a \$60 billion total impact,¹³⁴ placing even greater pressure on public sources of recovery funding. In short, the State finds itself in roughly the same, unenviable position of those foreign political entities needing to manage a huge storm-recovery challenge while handicapped with a massive insurance gap.

A. *The Current State of Federal Disaster Policy*

Enter the role of federal funding in post-disaster recovery. The key to unlocking that funding is a presidential disaster declaration, which in the case

131. See, e.g., Media Release, Munich Re, Climate Change Is Showing Its Claws: The World Is Getting Hotter, Resulting in Severe Hurricanes, Thunderstorms and Floods (Jan. 9, 2025), [https://www.munichre.com/content/dam/munichre/mrwebsitespressreleases/MunichRe-Mediarelease2025-NatCat2024.pdf](https://www.munichre.com/content/dam/munichre/mrwebsitespressreleases/MunichRe-Mediarelease2025-NatCat2024.pdf/_jcr_content/renditions/original./MunichRe-Mediarelease2025-NatCat2024.pdf) [<https://perma.cc/4FFN-HJAV>] ("Everyone pays the price for worsening weather extremes, but especially the people in countries with little insurance protection or publicly funded support to help with recovery.").

132. See, e.g., *Flood Insurance*, N.C. DEPT OF INS., <https://www.ncdoi.gov/consumers/homeowners-insurance/flood-insurance> [<https://perma.cc/B2BK-73DB>] ("Homeowners insurance policies do not cover flood damage."); *Does Homeowners Insurance Cover Mudslides in North Carolina?*, MORGAN L. GRP., <https://policyadvocate.com/blog/does-homeowners-insurance-cover-mudslides-in-north-carolina> [<https://perma.cc/PSP9-MWWJ>] ("Standard North Carolina homeowners insurance policies exclude earth movement-related damage, including landslides and mudslides.").

133. See, e.g., Kevin Crowe, Shannon Osaka & Molly Hennessey-Fiske, *Thousands of Uninsured Homes Were in Helene's Path*, WASH. POST (Oct. 3, 2024), <https://www.washingtonpost.com/climate-environment/2024/10/03/flood-insurance-program-hurricane-helene/> [<https://perma.cc/CAF5-3CHE> (staff-uploaded, dark archive)] ("Across seven affected states, only 0.8 percent of homes in inland counties affected by the storm had flood insurance.").

134. See Jerry Theodorou, *North Carolina's Unique Insurance Market: It's Time for Change*, R ST. INST. (July 3, 2025), <https://www.rstreet.org/commentary/north-carolinas-unique-insurance-market-its-time-for-change/> [<https://perma.cc/GJ3N-UBTY>].

of Helene was issued by President Biden on September 28, 2024.¹³⁵ The declaration triggered federal aid at a 75% federal-state cost-share level, followed by an amendment issued on October 2, 2024, increasing the federal share to 100% for the disaster's first 180 days.¹³⁶ With these key legal steps in place, a panoply of federal programs became operational. For individuals facing displacement from their houses and apartments, the most visible early source of public funding came from FEMA's "Critical Needs Assistance" which provided \$700 to qualified individuals almost immediately upon registering with FEMA to cover basic expenses such as food, medicine, and short-term hotel costs.¹³⁷ Displaced individuals could also receive "Transitional Sheltering Assistance" for temporary housing expenses,¹³⁸ and homeowners unable to recover insurance funding could receive "Home Repair Assistance" to make their residences livable.¹³⁹

Additional FEMA aid for home repair typically takes the form of low-interest loans, but the State has launched a new iteration of the "RenewNC" program, drawing largely on \$1.4 billion in CDBG-DR funding from HUD.¹⁴⁰

135. See *President Joseph R. Biden, Jr. Approves North Carolina Disaster Declaration*, BIDEN WHITE HOUSE (Sep. 28, 2024), <https://bidenwhitehouse.archives.gov/briefing-room/presidential-actions/2024/09/28/president-joseph-r-biden-jr-approves-north-carolina-disaster-declaration-3/> [<https://perma.cc/MA6K-26A9>].

136. See Christine Zhu, *Biden Approves More Federal Aid to North Carolina After Hurricane Helene*, NC NEWSLINE (Oct. 2, 2024), <https://ncnewsline.com/2024/10/02/biden-approves-more-federal-aid-to-north-carolina-after-hurricane-helene/> [<https://perma.cc/9TJH-PWPS> (staff-uploaded archive)]; Press Release, N.C. Off. of the Governor, Governor Cooper Announces Hurricane Helene Federal Cost Share Adjustment Is Approved (Dec. 7, 2024), <https://governor.nc.gov/news/press-releases/2024/12/07/governor-cooper-announces-hurricane-helene-federal-cost-share-adjustment-approved> [<https://perma.cc/BYK5-SWGG>].

137. See *Why Am I Only Approved for \$700 After I Apply For Disaster Assistance?*, FEMA, <https://www.fema.gov/node/why-am-i-only-approved-700-after-i-apply-disaster-assistance> [<https://perma.cc/3AVR-33LE>] ("After you register with FEMA, you may be approved for a one-time immediate payment of \$700 for Critical Needs Assistance, one of several types of federal assistance you may be eligible to receive.").

138. See *Transitional Sheltering Assistance: What You Need To Know Now*, FEMA, <https://www.fema.gov/fact-sheet/transitional-sheltering-assistance-what-you-need-know-now> [<https://perma.cc/9RKU-Y5H2>] ("FEMA may pay for temporary lodging in hotels/motels if you meet all of the following criteria: a FEMA inspection finds your home is unsafe to live in, you don't have insurance that provides for living expenses following a disaster, [and] your FEMA application is active.").

139. See *What Is Home Repair Assistance?*, FEMA, <https://www.fema.gov/node/what-home-repair-assistance> [<https://perma.cc/H4Q5-XSSC>] ("FEMA Home Repair Assistance is money to repair your primary home that you own and live in if it was damaged by a disaster and not covered by insurance or other means. The amount of assistance provided is based on damage verified by FEMA during inspection. Home Repair Assistance is limited and is intended to make the home livable; it is not intended to fully restore the home to its pre-disaster condition.").

140. See *supra* text accompanying notes 54–56; see also *Renew NC Programs*, N.C. DEP'T OF COM., <https://www.commercerecovery.nc.gov/renew-nc-programs> [<https://perma.cc/3US6-CBG7>] ("The United States Department of Housing and Urban Development (U.S. HUD) announced that the State of North Carolina will receive \$1.4 billion in funding to support long-term recovery efforts following

The program will be led by Horne LLP, a contractor selected despite its controversial role in supervising the oft-maligned ReBUILD NC effort on the North Carolina coast following Hurricanes Matthew and Florence.¹⁴¹ Under the new program, low- to moderate-income homeowners will receive outright grants—as opposed to loans—for reconstruction, contingent on their agreement to live in the rebuilt home for at least three years.¹⁴² Nearly \$200 million in additional funds from the CDBG-DR grant is set aside for the construction and repair of multifamily housing.¹⁴³ Still, the total cost of the housing recovery has been estimated at more than \$15 billion¹⁴⁴—meaning that, even under best-case scenarios, western North Carolina will face a housing shortage for the rest of the decade.¹⁴⁵ And that projection does not account for the immediate, post-Helene housing landscape, which will persist for the two to three years it will take to repair damaged homes and for RenewNC to complete the new construction financed by the CDBG-DR program.¹⁴⁶

Beyond these basic short-term projections lie the microeconomics and demographics of post-Helene recovery. As noted, tourism is an especially important part of the western North Carolina economy. In the immediate aftermath of the storm, Helene pulled the rug out from under the region's 2024 fall and winter visitor season, resulting in a seventy percent drop in tourism

Hurricane Helene. . . [T]his CDBG-DR grant will fund the five Renew NC programs that address three broad areas of recovery: housing, infrastructure, and revitalization.”).

141. See Lisa Sorg, *Damning New Report Outlines Failures at N.C. Office of Recovery and Resiliency*, ASSEMBLY (Nov. 20, 2025), <https://www.theassemblync.com/news/politics/hurricane-recovery-rebuild-nc-nocorr/> [<https://perma.cc/N9C9-W6G9>] (“The unfortunate truth of this report is the response from North Carolina to Hurricanes Matthew and Florence was a disaster,” [State Auditor] Boliek said in a press release about an agency also known as ReBuildNC”); see also Lisa Sorg, *Despite Problems, N.C. Officials Choose Horne LLP To Run Disaster Relief Efforts*, ASSEMBLY (May 12, 2025), <https://www.theassemblync.com/environment/horne-llp-rebuild-nc-hurricane-helene-recovery/> [<https://perma.cc/265H-AX6E>].

142. See Laura Hackett, *Home Still Damaged by Helene? NC's New \$800 Million Repair Program Could Help*, BLUE RIDGE PUB. RADIO NEWS (June 18, 2025), <https://www.bpr.org/bpr-news/2025-06-18/home-still-damaged-by-helene-ncs-new-800-million-repair-program-could-help> [<https://perma.cc/AM5D-HR2M>].

143. See ACTION PLAN, *supra* note 44, at 71.

144. REVISED ASSESSMENT, *supra* note 1, at 32.

145. See Elijah Skipper, *Report: WNC Needs 34,000 New Homes by 2028 to Meet Demand After Helene*, ABC13 NEWS, <https://wlos.com/news/local/report-wnc-western-north-carolina-needs-34000-new-homes-2028-meet-demand-after-hurricane-helene-2025-housing-needs-assessment-crisis-storm-sale-rebuilding-bowen-national-research-affordable> [<https://perma.cc/24BZ-6BW8> (staff-uploaded archive)] (last updated Sep. 29, 2025, at 21:25 ET).

146. See Galen Bacharier, *'Quality Work, Fast': NC Gears Up for Homebuilding After Helene, Trying To Avoid Past Pitfalls*, NC NEWSLINE (Apr. 28, 2025, at 05:30 ET), <https://ncnewslines.com/2025/04/28/quality-work-fast-nc-gears-up-for-homebuilding-after-helene-trying-to-avoid-past-pitfalls/> [<https://perma.cc/HSG2-W9P2> (staff-uploaded archive)] (estimating initial contractor housing contracts of three years, with one-year extensions up to six years).

during the fourth quarter.¹⁴⁷ Since then, signs of the region's economic recovery have been mixed. One survey conducted in February and March 2025 found that more than a third of businesses were still projecting revenue losses exceeding fifty percent,¹⁴⁸ while there is also recurring anecdotal evidence of business recoveries and new investment taking root.¹⁴⁹

The pace of recovery is also reflected in the condition of western North Carolina's job market, and the news on that front in some respects is still poor. Unemployment rates in the region have worsened from some of the best in the state to some of the worst.¹⁵⁰ That said, there has been some reduction in the regional unemployment rate, though it is still higher than normal.¹⁵¹ Left out of this picture is the relatively short duration of state unemployment insurance (twenty weeks), which ran out for many residents by spring 2025.¹⁵² As a result, persistent unemployment has brought with it an uptick of undeniable financial distress for some, reflected most starkly in the approximately 1,700 new eviction cases filed to date across Helene-affected counties.¹⁵³

B. *The Prospects of Emphasizing Long-Term Resilience While Addressing Short-Term Recovery*

There remains the question, of course, of future storm resiliency, and what, if anything, western North Carolina can or should be doing to reduce the

147. Felicia Somnez, *Tourism Too Soon? 'Not Soon Enough?' Buncombe Projects 70% Loss from Disaster*, BPR NEWS (Nov. 21, 2024, at 17:15 ET), <https://www.bpr.org/bpr-news/2024-11-21/tourism-too-soon-not-soon-enough-buncombe-projects-70-loss-from-disaster> [<https://perma.cc/7MWG-H96X>].

148. See, e.g., Molly Moore, *Repairing Our Region After Helene*, APPALACHIAN VOICE (July 23, 2025), <https://appvoices.org/2025/07/23/repairing-our-region-after-helene/> [<https://perma.cc/564F-VSKG>].

149. See, e.g., Kathy Blake, *Community Close-Up: Western North Carolina Is Climbing Back*, BUSINESSNC (June 30, 2025), <https://businessnc.com/community-close-up-western-n-c-climbing-back/> [<https://perma.cc/7CBX-Q43W> (staff-uploaded archive) (highlighting mix of public-private-charitable funding sources such as Mountain Bizworks and Love Hendo and the impact of grants made to small businesses); *Resilience in Action: Small Business Capital and Impact Post-Hurricane Helene*, MOUNTAINBIZWORKS (Feb. 11, 2025), <https://www.mountainbizworks.org/2025/2/11/resilience-in-action-small-business-capital-and-impact-post-hurricane-helene/> [<https://perma.cc/7H36-2CBN>] (describing approximately \$100 million in revenue for small business grants raised from a mix of private, charitable, and public sources).

150. See *Buncombe County Drops from Lowest Unemployment Rate in NC to Highest After Helene*, WRAL, <https://www.wral.com/story/unemployment-buncombe-county-goes-from-1-in-the-state-to-dead-last-after-helene/21743920/> [<https://perma.cc/M29M-GPB3>] (last updated Nov. 27, 2024, at 09:14 ET).

151. See Felicia Sonmez, *Asheville Area Unemployment Improved in April, but Hospitality Sector Still Reeling*, BLUE RIDGE PUB. RADIO (May 28, 2025, at 16:10 ET), <https://www.bpr.org/bpr-news/2025-05-28/asheville-area-unemployment-improved-in-april-but-hospitality-sector-still-reeling> [<https://perma.cc/65Q6-8XU9>].

152. Alex Campbell, *State Lawmakers Have Prioritized Property over People in NC's Helene Recovery*, NC BUDGET & TAX CTR. (April 24, 2025), <https://ncbudget.org/state-lawmakers-have-prioritized-property-over-people-in-ncs-helene-recovery/> [<https://perma.cc/U8AT-N3D2>].

153. *Id.*

impact of future storms. In regions where NFIP coverage is more widespread, there is a built-in “build-back-better” trigger that requires certain homes rebuilt with NFIP funding to be reconstructed in ways that make them more resilient to future flooding.¹⁵⁴ But NFIP coverage in the North Carolina mountains, as previously mentioned, was tiny, meaning that this regulatory “stick” is largely absent. That of course does not by itself eliminate the possibility of regulatory “carrots,” such as those provided in pre-disaster mitigation grants. Congress most recently endorsed such grants in 2018 when it enacted the Disaster Recovery Reform Act¹⁵⁵ by overwhelming bipartisan majorities.¹⁵⁶ In the time since, FEMA has implemented the statute primarily through its Building Resilient Infrastructure and Communities (“BRIC”) program. This program funds investments in pre-disaster climate resilience measures estimated to return three to six dollars in reduced future losses for every single dollar invested.¹⁵⁷ That said, these pre-disaster measures are sometimes harder to implement than one might think.¹⁵⁸ In part, this is due to economic pressures simply to rebuild as quickly as possible¹⁵⁹ and in part to the political influence of builders who stand to gain from immediate construction opportunities.¹⁶⁰

One can see the resilience tug-of-war playing out in Helene’s aftermath. Western North Carolina U.S. Representative Chuck Edwards alleged that the area’s “significant shortage of housing” was due to the government having “over-imposed its will on what someone’s house should look like and the standards by which it’s built.”¹⁶¹ He specifically called out regulations that could reduce rebuilding on slopes, claiming that such precautions were unnecessary “because a landslide that was totally unknown, totally unpredictable,

154. See Jeffrey R. Blackwood, Eric A. Frechtel & Owen E. Salyers, *Understanding the FEMA 50% Rule*, BRADLEY (Nov. 20, 2024), <https://www.bradley.com/insights/publications/2024/11/understanding-the-fema-50-percent-rule> [https://perma.cc/X5VM-JU9V] (stating that structures in floodplains with damages that exceed 50% of structure’s market value must be brought into compliance with current floodplain management standards).

155. Disaster Recovery Reform Act of 2018, Pub. L. No. 1115-254, 132 Stat. 3438 (codified as amended in 6 U.S.C. § 748a and scattered sections of 42 U.S.C.).

156. See generally Hornstein, *supra* note 10, at n.107 (describing widespread and bipartisan political support for the statute).

157. See, e.g., NAT’L INST. OF BLDG. SCIS., NATURAL HAZARD MITIGATION SAVES: AN INDEPENDENT STUDY TO ASSESS THE FUTURE SAVINGS FROM MITIGATION ACTIVITIES 6 (2005), <https://nibs.org/projects/natural-hazard-mitigation-saves-2019-report/> [https://perma.cc/5Q56-XQEB]; CONG. BUDGET OFF., POTENTIAL COST SAVINGS FROM THE PRE-DISASTER MITIGATION PROGRAM 2 (2007), <https://www.cbo.gov/sites/default/files/110th-congress-2007-2008/reports/09-28-disaster.pdf> [https://perma.cc/S2TD-MF67].

158. See, e.g., Laura Sullivan, *Recovery Failure: Why We Struggle to Rebuild for the Next Storm*, NPR (June 8, 2025, 05:00 ET), <https://www.npr.org/2025/06/08/nx-s1-5321444/helenes-deadly-warning-storm-recovery-failures-ny-nj-houston> [https://perma.cc/7R2L-NNSJ].

159. *Id.*

160. *Id.*

161. *Id.*

happened.¹⁶² On the other hand, those supporting such pre-disaster measures argued that the risks of building on mountain slopes were well known in western North Carolina long before Helene.¹⁶³ For his part, Governor Stein pointedly supported pre-disaster resiliency measures in September 2025 when he requested \$2 billion in federal funds to support programs designed to rebuild roads that would better survive future disasters.¹⁶⁴

However one characterizes the general politics of resiliency, FEMA's leadership in April 2025 sent a memo terminating the BRIC program nationwide, despite current congressional appropriations of approximately \$1 billion for the program,¹⁶⁵ and then removed all \$4.1 billion registered to its BRIC account.¹⁶⁶ In turn, on July 16, 2025, North Carolina became one of sixteen states that filed suit in federal court challenging this termination, arguing, among other things, that it transgresses Congress's appropriations powers and is inconsistent with numerous federal statutes by which Congress created and funded these particular pre-disaster resilience programs.¹⁶⁷ On August 5, 2025, a federal judge issued a temporary injunction preventing the

162. *Id.*

163. *See, e.g.*, LAND-OF-SKY REG'L COUNCIL, MOUNTAIN RIDGE AND STEEP SLOPE PROTECTION STRATEGIES 1 (2008), <https://www.landofsky.org/pdf/LGS/LandofSky-MRSSPS-final-report.pdf> [<https://perma.cc/656R-QXTL>] (addressing risks of landslides and emergency response from allowing buildings on steep slopes in western North Carolina).

164. *See* Briah Lumpkins, *Stein Seeks \$13.5B in Federal Aid To Help with Helene Recovery*, NEWS & OBSERVER (Sep. 16, 2025), <https://www.newsobserver.com/news/politics-government/article312115470.html> [<https://perma.cc/VPR9-422E>] (request to include \$2 billion from Congress to build stronger roads). In previous legislation, Congress created the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grant Program specifically "to ensure surface transportation resilience to natural hazards including climate change . . . flooding, extreme weather events, and other natural disasters." *See* U.S. Dept. of Transp., *Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Program (PROTECT)*, <https://www.transportation.gov/rural/grant-toolkit/promoting-resilient-operations-transformative-efficient-and-cost-saving> [<https://perma.cc/3PGT-QP6Z>].

165. *See* Harv. L. Sch. Env't & Energy L. Program, *President Trump, FEMA Terminated Funding Programs to Address Vulnerable Communities' Disaster Risk*, FED. ENV'T JUST. TRACKER (Aug. 6, 2025), <https://eelp.law.harvard.edu/tracker/fema-issued-new-building-resilient-infrastructure-and-communities-bric-policy> [<https://perma.cc/68RK-PR9N>] ("On April 4, 2025 FEMA announced its decision to terminate the Building Resilient Infrastructure and Communities (BRIC) program."). In addition, the Trump administration announced that it was freezing \$10 billion in disaster aid for nonprofits such as hospitals. *See* Thomas Frank, *FEMA Halts Grant Program that Spent Billions on Disaster Protection*, E&E NEWS (Apr. 4, 2025), <https://www.eenews.net/articles/fema-halts-grant-program-that-spent-billions-on-disaster-protection/> [<https://perma.cc/P8QL-4PFY>].

166. *See* Ashley Rowe, *Judge Orders FEMA to Reverse Cancellation of Infrastructure Resilience Program*, WRAL (Dec. 12, 2025, at 13:49 ET) ("FEMA cancelled the program in April), <https://www.wral.com/news/state/judge-orders-fema-reverse-termination-infrastructure-resiliency-bric-program-dec-2025> [<https://perma.cc/Ry8N-DUQW> (staff-uploaded archive)].

167. *See* Complaint at 27, *Washington v. FEMA*, No. 1:25-cv-12006 (D. Mass. July 16, 2025) [hereinafter *FEMA Complaint*].

administration from reallocating the disputed BRIC funds,¹⁶⁸ despite a declaration filed in court by Acting FEMA Administrator David Richardson stating that, “contrary to publicity otherwise” it had not ended the BRIC program.¹⁶⁹ And, on December 11, 2025, the court ruled on the merits, rejecting the declaration and finding that FEMA had in fact illegally terminated the BRIC program and needed to reinstate it.¹⁷⁰

C. *The Current, Fluid Politics of Federal and State Disaster Policy*

The proposition that politicians understand the politics of disaster recovery can be seen in numerous examples of political cooperation across party lines,¹⁷¹ as well as in instances of political potshots. In August 2025, North Carolina Governor Stein chided the federal government’s slow response to the State’s Helene-related funding requests as not having “met the moment” and argued that an additional \$13.5 billion in federal help is needed to show that Congress and the administration did “not forget the people of Western North Carolina.”¹⁷² Responding to the governor’s earlier request for federal funding, President Trump called the governor “unfit to run a state.”¹⁷³

Amidst these fireworks, however, lies the possibility of impending significant changes to federal-state disaster policy—some of which may be long overdue. Certainly, what grabs most of the headlines is the Trump administration’s repeatedly announced idea of eliminating or drastically reducing FEMA and increasing the administrative and financial role played by states in disaster policy.¹⁷⁴ We discuss briefly below the possible contours of a

168. See Press Release, Off. of Att’y Gen., State of Wash., Judge Grants Injunction Against Trump’s Cuts to Disaster Funding (Aug. 5, 2025) (on file with the North Carolina Law Review).

169. See FEMA Complaint, *supra* note 167.

170. Memorandum and Order on Cross-Motions for Summary Judgment at 14, Washington v. Fed. Emergency Mgmt. Agency, 1:25-cv-12006-RGS (D. Mass. Dec. 11, 2025) (“The Government does not . . . identify any Congressional Act authorizing FEMA to abandon its mitigation duties. It follows that the termination of the BRIC program was unlawful.”).

171. See Hornstein, *supra* note 10, at 157–58 (describing benefits of political cooperation in the face of a disaster).

172. See Lumpkins, *supra* note 164.

173. See Marc Liverman & Ruby Amas, *White House Calls N.C. Gov. Stein ‘Unfit to Run a State’ Amid Helene Funding Debate*, NBC NEWS, <https://myNBC15.com/news/nation-world/white-house-president-donald-trump-calls-north-carolina-nc-gov-stein-unfit-run-state-amid-hurricane-helene-funding-fema-request-debate-representative-local-leaders-response-asheville-nc-strong-update> [<https://perma.cc/CK6V-XNWL>] (last updated Sep. 4, 2025, at 16:34 ET).

174. See, e.g., Sara McTarnaghan, Lucy Dadayan & Andrew Rumbach, *The Trump Administration Wants To Shrink the Federal Government’s Role in Disaster Management. Do States Have the Fiscal Capacity to Weather the Storm?*, URB. INST.: URB. WIRE (July 15, 2025), <https://www.urban.org/urban-wire/trump-administration-wants-shrink-federal-governments-role-disaster-management-do-states> [<https://perma.cc/VZ88-BMEF> (staff-uploaded archive)]; Rebecca Hersher, *The Trump Administration Says It Wants To Eliminate FEMA. Here’s What We Know*, NPR (June 26, 2025, at 05:38 ET), <https://www.npr.org/2025/06/26/nx-s1-5430469/faq-fema-elimination> [<https://perma.cc/9RYT-6NHA>].

reformulated FEMA. Of special interest to this Article is the extent to which North Carolina's Helene recovery has been interwoven into this broader public policy debate.

To begin, President Trump's first trip as the country's 47th President was to western North Carolina, just four days after his inauguration in January 2025.¹⁷⁵ It was on this trip that he first floated the idea of "getting rid" of FEMA¹⁷⁶—a comment later echoed even more strongly by Kristi Noem, the administration's then-newly-appointed Secretary of Homeland Security, the federal department which houses FEMA.¹⁷⁷ President Trump created a FEMA Review Council soon thereafter.¹⁷⁸ Although several members of North Carolina's congressional delegation claimed to have been appointed to the council,¹⁷⁹ in fact the only prominent North Carolinian appointed was Michael Whatley, formerly Chair of the North Carolina Republican Party and, at the time, Chair of the Republican National Committee.¹⁸⁰

In light of recent news of Mr. Whatley's announcement that he will run for the U.S. Senate seat to be vacated by current Republican Senator Thom Tillis,¹⁸¹ one can expect the State's recovery from Helene—alongside any changes to FEMA that might affect its recovery—to receive sustained political scrutiny. The political spotlight on Helene recovery will be especially acute after reports that President Trump stated he expected Mr. Whatley to be the most visible Republican working on recovery efforts.¹⁸² Indeed, one could

175. See, e.g., Brian Murphy, *Trump To Visit Western North Carolina in First Week Back in Office*, WRAL, <https://www.wral.com/story/trump-to-visit-western-north-carolina-in-first-week-back-in-office/21819045/> [<https://perma.cc/8TKK-ACH2>] (last updated Jan. 21, 2025, at 19:33 ET).

176. See Will Weissert, *WATCH: Trump Says He's Considering 'Getting Rid Of FEMA During Briefing in North Carolina*, PBS (Jan. 24, 2025), <https://www.pbs.org/newshour/politics/watch-trump-says-hes-considering-getting-rid-of-fema-during-briefing-in-north-carolina> [<https://perma.cc/U6ZE-7S8M>].

177. See Sean Michael Newhouse, *FEMA Set for Elimination, Noem Says, Amid Bipartisan House Reform Proposal*, GOV'T EXEC. (Mar. 24, 2025), <https://www.govexec.com/management/2025/03/fema-set-elimination-noem-says-amid-bipartisan-house-reform-proposal/404008/> [<https://perma.cc/E833-75V4>].

178. See Exec. Order No. 14180, 90 Fed. Reg. 8743 (Jan. 31, 2025).

179. See Reuben Jones, *A Closer Look at Trump's FEMA Review Council*, SPECTRUM NEWS (Mar. 12, 2025, at 20:09 ET), <https://spectrumlocalnews.com/nc/charlotte/news/2025/03/12/fema-council-trump-executive-order> [<https://perma.cc/Q26H-3J4Q>].

180. See Press Release, U.S. Dep't of Homeland Sec., *President Trump Appoints New Members to Federal Emergency Management Agency Review Council* (Apr. 28, 2025), <https://www.dhs.gov/news/2025/04/28/president-trump-appoints-new-members-federal-emergency-management-agency-review> [<https://perma.cc/ABG4-2ZPX>].

181. See Dasha Burns, *RNC Chair Michael Whatley to Run for Senate in North Carolina with Trump's Support*, POLITICO, <https://www.politico.com/news/2025/07/24/whatley-senate-north-carolina-trump-00473419> [<https://perma.cc/J9CV-YFCW> (staff-uploaded archive)] (last updated July 24, 2025, at 09:38 ET).

182. See Thomas Frank, *'FEMA Will Go Away,' Trump Says on Trip to Disaster Area*, E&E NEWS (Jan. 24, 2025, at 13:31 ET), <https://www.eenews.net/articles/fema-will-go-away-trump-says-on-trip->

already see signs of early skirmishes along these lines with complaints by the Stein administration about the federal government's decision to reduce the federal cost-share for debris removal to ninety percent of cost after a six-month period of one hundred percent reimbursement,¹⁸³ followed by the Trump administration's pointed defense of its decision.¹⁸⁴

These opening salvos in the national battle over FEMA are not restricted to North Carolina. In the aftermath of the Texas Hill Country floods, there were particularly sharp political accusations regarding the Trump administration's changes to FEMA's workforce, funding, and organizational chains-of-command¹⁸⁵—an indication that the political blamesmanship President Trump unleashed in the aftermath of Helene will become increasingly common. But the administration's actions are a harbinger of substantive changes in national disaster policy.

Although the administration has suggested that its policy shifts will await announcement until the close of the 2025 hurricane season,¹⁸⁶ one early indication lies in its decision *not* to declare national emergencies following tornadoes in Arkansas, flooding in West Virginia, and a windstorm in Washington State¹⁸⁷—decisions explained as purposefully reflecting the idea that an increasing quantum of disaster planning and recovery will, at least

to-disaster-area/ [https://perma.cc/G74S-L7BC] (“As far as I’m concerned, I’m not really thinking of FEMA here, I’m thinking of Michael Whatley.”).

183. Press Release, Off. of Governor Josh Stein, Governor Stein on FEMA Decision To Deny North Carolina’s Request for 100 Percent Match Extension (Apr. 11, 2025), <https://governor.nc.gov/news/press-releases/2025/04/11/governor-stein-fema-decision-deny-north-carolinas-request-100-percent-match-extension> [https://perma.cc/3TYP-64N7].

184. Press Release, FEMA, North Carolina Continues To Receive Historically High Emergency Assistance Under President Trump (May 30, 2025), <https://www.fema.gov/press-release/20250530/north-carolina-continues-receive-historically-high-emergency-assistance> [https://perma.cc/7JDB-2HEW].

185. See, e.g., Alex Schemmel, *Trump Spending Cuts, His Approach to Climate Change Attacked as Catalyst of Catastrophic Texas Flooding*, FOX NEWS (July 6, 2025, at 12:06 ET), <https://www.foxnews.com/politics/trump-spending-cuts-his-approach-climate-change-attacked-catalyst-catastrophic-texas-flooding> [https://perma.cc/2H5N-RG8G]; Saul Elbein, *Noem Takes Heat on Texas Amid Doubts Over FEMA Flood Response*, THE HILL (July 17, 2025, at 06:00 ET), <https://thehill.com/policy/equilibrium-sustainability/5405036-noem-texas-floods-fema-response-trump-abbott/> [https://perma.cc/DDE9-GD77 (staff-uploaded archive)]; Gregory Svirnovskiy, *Noem Fights Criticism of FEMA Management in Texas Flood Response*, POLITICO (July 13, 2025, at 13:37 ET), <https://www.politico.com/news/2025/07/13/kristi-noem-fema-texas-flood-00450235> [https://perma.cc/39KZ-97YE].

186. See Shana Udvardy, *5 Actions Needed After President Trump’s FEMA Review Council Meeting*, UNION OF CONCERNED SCIENTISTS: THE EQUATION (June 12, 2025), <https://blog.ucs.org/shana-udvardy/5-actions-needed-after-president-trumps-fema-review-council-meeting/> [https://perma.cc/PUW6-PANK] (noting that the Executive Order establishing the Council requires it to produce a report in November 2025).

187. See Alex Brown, *Trump Denies Disaster Aid, Tells States To Do More*, ASS’N OF STATE FLOODPLAIN MANAGERS (May 2, 2025), <https://www.floods.org/news-views/fema-news/trump-denies-disaster-aid-tells-states-to-do-more/> [https://perma.cc/RH6Y-UY78].

during this administration, belong to the states.¹⁸⁸ And, ironically, in light of the administration's apparent cancellation of the BRIC program (and that program's emphasis on pre-disaster mitigation), an administration spokesperson added, "[s]tates must have adequate emergency management staff, adoption and enforcement of modern building codes, responsible planning and strategic investment to reduce future risk . . . [and] reserve funds to handle what should be routine emergencies"¹⁸⁹

Having said this, it is not at all hard to predict that federal support for continued Helene recovery may involve politics as much as shifting principles of federalism. It has been noted by some that President Trump's approach to disasters can include red state-blue state politics.¹⁹⁰ In North Carolina, one sees this in early criticisms by some Republicans in the General Assembly of the governor's Helene recovery efforts¹⁹¹ and in the governor's criticism of the Trump administration's decision to discontinue one hundred percent debris-removal reimbursement. Even so, some have found Governor Stein to be purposefully less confrontational with would-be opponents in the General Assembly on storm recovery matters.¹⁹² Thus, some of the governor's approach to Helene recovery reflects a more proactive management style rather than in-your-face politics, including his creation of GROW NC as the principal public-relations face of the State,¹⁹³ and his highly publicized family summer vacation in western North Carolina, showcasing daily media reports about the mountains being back "open for business."¹⁹⁴

188. *Id.* As Brian Hughes, a spokesperson for the National Security Council explained, "the Federal Government focuses its support on truly catastrophic disasters—massive hurricanes, devastating earthquakes, or wide-scale attacks on the homeland." *Id.*

189. *Id.*

190. *See, e.g.*, Press Release, Sen. Alex Padilla, Padilla, Schiff, Murray, Cantwell Call Out Trump's Outrageous, Partisan Decision to Slash Flood Protection Funding for Blue States (May 22, 2025) (on file with the North Carolina Law Review) (claiming the Trump administration plans "to zero out critical funding for Army Corps of Engineers construction projects in blue states like California and Washington while steering hundreds of millions more to red states"); Meryl Justin Chertoff, *Trump's Threats to Withhold Disaster Relief Undermine Federalism Principles*, STATE CT. REP. (Mar. 11, 2025), <https://statecourtreport.org/our-work/analysis-opinion/trumps-threats-withhold-disaster-relief-underrmine-federalism-principles> [<https://perma.cc/S7SV-M4R8>] (criticizing President Trump's claim that he might withhold disaster aid to California unless it adopts voter ID laws).

191. *See supra* text accompanying notes 24–26 (discussing General Assembly skirmishes over NCORR).

192. *See* Gary D. Robertson, *A Democratic Governor, a Republican Legislature: How Josh Stein Navigates North Carolina Politics*, ASSOCIATED PRESS (Sep. 5, 2025, at 08:12 ET), <https://apnews.com/article/north-carolina-new-governor-helene-republicans-dd92ac6e557b7ed8ed3fed5a15c29d2c> [<https://perma.cc/SS5V-SREG>] ("Stein . . . has made an effort to work with the GOP-controlled General Assembly on things like storm recovery . . .").

193. *See* Kraemer, *supra* note 27.

194. *See* Jennifer Roberts, *N.C. Governor Kicks Off New Tourism Push, 'Rediscover the Unforgettable' in Western N.C.*, SPECTRUM NEWS (July 14, 2025, at 19:54 ET), <https://spectrumlocalnews.com/nc/coastal/news/2025/07/14/n-c--governor-kicks-off-new-tourism-push---rediscover-the-unforgettable--in-western-n-c--> [<https://perma.cc/JNF3-BPK6>] (repeating that

As for the promised rollout of substantial FEMA reform in late 2025, there is no question that changes in federal and state disaster policy are warranted, though it is not at all clear whether President Trump's changes will make things better. To begin, whatever one's view of climate change, it is impossible to ignore the substantial increase in climate-related disasters. On its current trajectory, the cost of maintaining "business as usual" in federal disaster financing has been projected to rival the funding needed to keep Social Security solvent within the coming decades.¹⁹⁵ There is currently little reason for states to invest in the sorts of pre-disaster mitigation measures that could significantly reduce these costs. On the one hand, doing so can pit politicians against entrenched real estate and construction industry interests.¹⁹⁶ And on the other hand, there is the political expectation of substantial federal post-disaster recovery funding after most declared national disasters.¹⁹⁷ That might be one reason why the Obama administration floated the idea of a "disaster deductible," which would have required states to set aside meaningful disaster-related funds of their own prior to becoming eligible for federal disaster grants.¹⁹⁸ So too, one of the early justifications for the federal government's willingness to provide subsidized flood insurance was that local governments

"Western North Carolina is open for business"); *see also* Gerard Albert III, 'Go to Western North Carolina,' *Colbert Says During Stein's 'Late Night' Visit*, BPR NEWS (June 4, 2025, at 15:51 ET), <https://www.bpr.org/bpr-news/2025-06-04/go-to-western-north-carolina-colbert-says-during-steins-late-night-visit> [<https://perma.cc/K2V7-AMLN>] (including Stein during his appearance criticizing Trump administration's plans to eliminate or reduce FEMA).

195. *See* J. David Cummins & George Zanjani, *Federal Financial Exposure to Natural Catastrophe Risk*, in MEASURING AND MANAGING FEDERAL FINANCIAL RISK 61, 62–63 (Deborah Lucas ed., 2010) (estimating the net present value of the unfunded liability of the next seventy-five years' worth of federal extreme weather expenditures to be between \$1.2 trillion and \$7.1 trillion, in comparison to the net present value over the same time period of a projected Social Security shortfall of \$4.9 trillion).

196. *See, e.g.*, Sullivan, *supra* note 158.

197. *See, e.g.*, Joe Sperl, *FEMA's Disaster Relief Fund: Budgetary History and Projection*, CONG. BUDGET OFF. (Nov. 2022), <https://www.cbo.gov/publication/58840> [<https://perma.cc/EJK2-ZRWB>] (stating that between just 1992–2021 FEMA spent almost one-half trillion dollars—\$469 billion in 2022 dollars—from its disaster relief fund).

198. *See, e.g.*, *FEMA's Disaster Deductible*, FLA. TAXWATCH: TAXWATCH RSCH. BLOG (Oct. 5, 2016), <https://floridatxwatch.org/Research/Blog/femas-disaster-deductible> [<https://perma.cc/UF8Q-6K2Y> (staff-uploaded archive)] ("The Federal Emergency Management Agency (FEMA) has undertaken rulemaking to consider the establishment of a deductible for its Public Assistance Program . . . The proposed establishment of a deductible is in response to pressures from Congress to reduce federal spending on disaster assistance, and from the Obama administration to afford greater protection to people and property from the effects of storms, floods and climate change. The intent is to provide incentives to state and local governments to implement more meaningful and more effective hazard mitigation measures, and to more effectively manage taxpayer dollars.").

would restrict developments in floodplains¹⁹⁹—a good idea that, at least in places, has been poorly effectuated.²⁰⁰

The upcoming political debate is likely to turn on the degree to which federal funding is reduced and the extent to which state financial and administrative responsibility is imposed. That said, legislative alternatives for FEMA reform are already being proposed, and one bill in particular is worth highlighting. On September 3, 2025, the Fixing Emergency Management for Americans Act (the “FEMA Act”), H.R. 4669,²⁰¹ was voted to the floor of the U.S. House of Representatives on an overwhelmingly bipartisan 57-3 vote of the House Transportation and Infrastructure Committee.²⁰² Although the bill has not yet been enacted by either the House or Senate, it has been described as “the most sweeping statutory rewrite of the Stafford Act’s infrastructure aid since 1988.”²⁰³

Three features of the bill deserve recognition, if only to put them in contradistinction to the Trump administration’s broad stroke promise to “phase out FEMA,”²⁰⁴ the details of which were expected when the administration’s FEMA Review Council was scheduled to issue its report in late fall after the 2025 hurricane season ended. The administration, however, postponed the

199. See *Flood Insurance*, FEMA, <https://www.fema.gov/flood-insurance> [<https://perma.cc/NDR3-JF3Q>] (“The NFIP works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects.”).

200. See, e.g., Beth Davidson, Note, *How Quickly We Forget: The National Flood Insurance Program and Floodplain Development in Missouri*, 19 WASH. U. J.L. & POL’Y 365, 385–89 (2005), <https://academic.oup.com/oicc/article/4/1/kgae017/7759948> [<https://perma.cc/4SXP-25H7>] (“[i]n the ten years since the Flood of 1993, Missouri has seen an explosion of development in its floodplains . . . The NFIP provides inadequate protections against poor choices in floodplain development.”). *But see* A.R. Siders, Jennifer Niemann-Morris, Miyuki Hino, Elizabeth Shields, Lidia Cano Pecharroman, Tess Doeffinger, Logan Gerber-Chavez, Ju-Ching Huang, Alexandra Lafferty, Salvesila Tamima, Carolina Williams, Armen Agopian, Christopher Samoray & Katharine J. Mach, *How Local Governments Avoid Floodplain Development Through Consistent Implementation of Routine Municipal Ordinances, Plans, and Programs*, at 2–3, in 4 OXFORD OPEN CLIMATE CHANGE art. kgae017 (2024) (stating that, although there is evidence that 26% of US municipalities allow development in floodplains more than would be expected by random chance, study finds that municipalities in New Jersey routinely limit floodplain development).

201. H.R. 4669, 119th Cong. (2025).

202. See Brett Mattson, *FEMA Reform Bill Advances to House Floor*, NAT’L ASS’N OF CNTYS. (Sep. 4, 2025), <https://www.naco.org/news/fema-reform-bill-advances-house-floor> [<https://perma.cc/V2K6-5PQB>].

203. Baker Donelson, *The “FEMA Act of 2025”—Spotlight on Proposed FEMA Public Assistance Program Reforms* (Aug. 13, 2025), <https://www.bakerdonelson.com/the-fema-act-of-2025-spotlight-on-proposed-fema-public-assistance-program-reforms> [<https://perma.cc/UZ6A-TRR5>].

204. See Heather Miller, *Trump Plans to Phase Out FEMA: Here’s What It Means for States*, FOX NEWS (June 12, 2025, at 11:06 ET), <https://www.livenowfox.com/news/trump-phasing-out-fema> [<https://perma.cc/ZS8B-85HU>].

release of this report.²⁰⁵ But, in contrast to any kind of phasing out, the FEMA Act would take FEMA out of the organizational umbrella of the Federal Department of Homeland Security and, instead, elevate it to full cabinet status.²⁰⁶ Second, and in contrast with the Trump administration's apparent elimination of pre-disaster mitigation funding, the FEMA Act would condition state and local governments' eligibility for federal assistance on the extent to which the state itself supports pre-disaster mitigation, with states that support pre-disaster resiliency eligible for up to an eighty-five percent federal cost share and those that do not receiving as little as a sixty-five percent cost share.²⁰⁷ Finally, the FEMA Act would shift the delivery of federal funding to a faster, ahead-of-time system of federal grants rather than the current, delay-plagued reimbursement system that requires states to front money for which they often get reimbursed only years later.²⁰⁸

CONCLUSION

One of the biggest themes of the emerging disaster-law literature is that disaster law and policy should look different from the past. To some extent, this reflects what one commenter calls the "legal crisis within the climate crisis,"²⁰⁹ whereby governments face huge financial burdens from legal doctrines that impose on them a duty to repair and maintain roads and other public infrastructure,²¹⁰ as well as regulatory-takings lawsuits stemming from efforts to implement climate-regarding shifts in public policy.²¹¹ But the literature also increasingly views the current federal disaster-response system as courting unsustainable financial burdens and creating a system of moral hazard that all but guarantees the growth of populations and infrastructure in harm's way²¹²—thus calling precisely for significant shifts in public policy.

205. Gabriela Arun Angueira, *A Meeting to Launch FEMA Reforms Is Abruptly Canceled*, ASSOCIATED PRESS (Dec. 11, 2025, at 18:07 ET), <https://apnews.com/article/fema-review-council-noem-disasters-trump-9b91e391abe322c5be9068c30b6db83a> [<https://perma.cc/UC7X-DFV2>].

206. See Mattson, *supra* note 202.

207. *Id.*

208. *Id.*

209. See Mark Nevitt, *The Legal Crisis Within the Climate Crisis*, 76 STAN. L. REV. 1051 (2024).

210. See *Jordan v. St. Johns Cnty.*, 63 So. 3d 835 (Fla. Dist. Ct. App. 2011) (holding that a county's failure to maintain a road that was increasingly underwater because of sea-level rise nevertheless could be liable in an inverse condemnation lawsuit for failure to maintain the road despite evidence that the cost of doing so could range between \$10 million and \$21 million).

211. See, e.g., *St. Bernard Par. Gov't v. United States*, 887 F.3d 1354 (Fed. Cir. 2018) (ruling against New Orleans property owners in their lawsuit against the U.S. Army Corps of Engineers for failure to maintain the Mississippi River-Gulf Outlet, which caused the flooding of their properties during Hurricane Katrina).

212. See, e.g., JUSTIN R. PIDOT, GEORGETOWN ENV'T L. & POL'Y. INST., COASTAL DISASTER INSURANCE IN THE ERA OF GLOBAL WARMING: THE CASE FOR RELYING ON THE PRIVATE MARKET (2007).

One of the more interesting features of post-Helene recovery in North Carolina is the extent to which it is, or is not, affected by these themes. Although more than a year has passed since the storm, it may yet be years more before the dust settles to allow a proper retrospective. At this point, two quick observations are justified. First, it is fair to say that the recovery process has moved beyond a constant state of emergency and has instead settled into what we might think of as sustained public and private rebuilding efforts. Second, as already highlighted, Helene recovery will continue to take place under the heat lamps of sustained political scrutiny—especially with an important Senate race looming in 2026 between former Democratic Governor Roy Cooper and Michael Whatley.

As to financial protection from future flooding, Helene recovery in North Carolina takes place during an uncertain period. Under both President Trump and President Biden, FEMA has been implementing a program known as Risk Rating 2.0, the most significant change to federal flood insurance in a generation.²¹³ Although rates under the NFIP are expected to fall in twenty-five percent of FEMA's jurisdictions—potentially making such insurance more affordable in the mountains—it is not clear how Helene will affect FEMA's assessment of future flood risks in western North Carolina, meaning that rates could also rise in some areas. Either way, given the relatively low income levels in many areas of western North Carolina, NFIP premiums may be unaffordable at almost any price.

All of this makes the recommendations of President Trump's FEMA Review Council especially salient. To the extent those recommendations cut back on the federal government's future financial largess, they will directly impact an oft-heard statement from state legislators that, prior to approving the expenditure of additional state funding, they need to see what federal funding may be available.²¹⁴ Given the statements to date that the Trump administration is looking to reduce federal disaster largess more broadly, North Carolina may find itself in the uncomfortable position of being a central player in an unfolding national sea change in disaster finance and policymaking.

213. See Maggie Caudle, Jacob Dowler & Donald Hornstein, *Flooding the Zone: The State of Federal Flood Insurance at the Beginning of Trump 2.0*, 14 SEA GRANT L. & POL'Y J. 1, 1 (2025).

214. See Hannah Vinueza McClellan & Liz Bell, *General Assembly Passes New Bill with Regulatory Changes, Child Care Grants and Helene Aid*, EDNC (Nov. 19, 2024), <https://www.ednc.org/house-passes-new-bill-with-regulatory-changes-child-care-grants-and-helene-aid/> [<https://perma.cc/BM8X-9SZM>] (providing an example of a legislator saying that future state expenditures will await information on amounts of federal aid).