FEMA Individuals and Households Program

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Hierarchy for Relief & Recovery

1. **Red Cross** (shelters, other housing for 1-3 months, food, transportation, financial aid)
2. **Other voluntary relief efforts**
3. **Insurance Proceeds**
4. **SBA Loans for personal and business use** *(Required to apply before FEMA will further consider eligibility for certain types of FEMA assistance)*
5. **FEMA benefits**
6. **Welfare benefits** *(unemployment, food stamps, TANF, Medicaid, SSI)*
FEMA Benefits

- Laws & Regulations
- Available benefits
- How to apply
- After application
- Recoupment by FEMA
FEMA – Federal Laws & Information

- Stafford Act: 42 U.S.C. § 5174
- Regulations at 44 C.F.R. §§ 206.110 – 206.120
- FEMA’s IHPUG: https://www.fema.gov/ihp-unified-guidance
- www.fema.gov - general information, press releases, publications
- FEMA Helpline: (800) 621-FEMA (621-3362)
- FEMA Voluntary Agency Liaisons (Disaster Recovery Centers)
Texas regulations for IHP-ONA: 1 T.A.C. §§ 386.101 – 386.418

State’s ONA Handbook:
https://hhs.texas.gov/laws-regulations/handbooks/federal-assistance-individuals-households-program-other-needs-assistance-handbook

Fair Hearing rules apply
- See 1 T.A.C. §§ 357.1 - 357.25
Individuals & Households Program (IHP)

Two Parts to IHP
- Housing Assistance
- Other Needs Assistance—non-housing programs

Total limit of aid from IHP programs = $33,300 (2017)
FEMA & IHP: Housing Programs

- Rental Assistance for up to 18 months, or

- Direct housing assistance – units provided by FEMA

- Money to repair damaged homes

- Money to replace destroyed housing
Eligibility for FEMA IHP Housing

- Home is in a declared disaster area
- Cannot live in home now, cannot get to home due to disaster, or requires repairs
  - Inspection establishes if person meets this requirement
- Any household member is US Citizen, LPR, or qualified alien
  - All immigrants qualify for emergency non-cash help
Eligibility for IHP Housing—cont’d

- Insufficient (or no) insurance coverage
  - or can’t get paid in time and agree to repay from insurance proceeds

- Not eligible for SBA loan (if seeking repairs & replacement)

- No resource test
Temporary Sheltering Assistance

- “Hotel/Motel Assistance”

- Direct payment from FEMA to the hotel
  - Voucher – find participating hotels at:

  http://www.femaevachotels.com/
Temporary Sheltering Assistance

- Cost of room only – not parking, phone, room service, laundry

- Short-term – initially 5-14 days (maybe 30)
  - Can be extended: 14-day intervals for up to 6 mos

Additional information: www.fema.gov/transitional-shelter-assistance
Financial--Rental Assistance

- Money is only for rent
  - Not for security deposit (ask the Red Cross)
  - Not for utilities that are not included in rent
- Lasts up to 18 months (more if extended by FEMA)
  - Required to recertify – every 2-3 months for prior disasters
  - Recertification requirements have included:
    - declaration and explanation of continuing need
    - proof of pre-disaster rent and income
    - proof of post-disaster rent and income (Worse off after disaster?)
    - proof of attempts to return to self-sufficiency
    - permanent housing plan
FEMA--Temporary Housing Units—Direct Assistance

- Temporary housing units can be supplied by FEMA including:
  - Mobile homes
  - Units on military bases
  - Cruise ships

- Available if home is destroyed or uninhabitable; and
- Cannot use rental assistance (due to housing shortage)
- Lasts up to 18 months (can be extended)
- Not counted against the $33,300 cap
FEMA - Home Repair

- For Homeowners
- To return home to habitable condition
  - “Safe”
  - “Sanitary”
  - “Functional”
- “May” include certain types of repairs
  - structural, foundation, water, sewage, heating, cooling
  - no cosmetic repairs or changes
FEMA Home Replacement Benefits

- Homeowners only—limit is $10,000
  - combine w SBA loan-- use as down payment
  - Must be approved (usually) by associate director of FEMA

- Money to help homeowner with the cost of replacing a destroyed home

- Not intended to cover the entire cost of home replacement, or to return home to pre-disaster condition— but SBA loan possible
FEMA IHP Other Needs Assistance

- Serious needs, essential items

- In Texas, ONA is administered by Texas Health and Human Services Commission. Money 75% federal, 25% state.

- Note total aid for housing & ONA is $33,300 (2017)
Personal Needs that are Covered by FEMA ONA

- Clothing, furnishings, appliances, tools for jobs, educational materials
  - Not to return personal property to pre-disaster condition

- Cleaning and sanitization of property

- Vehicles damaged by the disaster
Personal Needs that are Covered by FEMA ONA, continued

- Disaster-related medical and dental costs
- Replacement or repair of necessary medical items such as durable medical equipment
- Disaster-related funeral and burial costs
Personal Needs that are Covered by FEMA ONA, continued

- Disaster-related child care costs
- Moving and storage costs
- Other things approved by FEMA
  - Critical Needs Assistance
Critical Needs Assistance

- One-time payment of $500 per household

- Available to applicants with immediate critical needs, for “life-saving” and “life-sustaining” items

Critical Needs include

- water
- food
- first aid
- prescriptions
- infant formula
- diapers
- consumable medical supplies
- durable medical equipment
- personal hygiene items
- fuel for transportation
Eligibility for Critical Needs Assistance

- Must pass FEMA’s identity verification process
  - Sooner or later sign FEMA declaration and release
- During registration – assert critical needs and request related financial assistance
- Displaced from pre-disaster residence because of disaster
- Pre-disaster residence must be in area designated for CNA
Eligibility for Money for FEMA’s Other Needs Assistance

- Losses in area declared a disaster area
- Insufficient (or no) insurance coverage
- Accepted assistance from all other sources (including SBA loans)
- Necessary expenses or serious needs due to the disaster
- Any household member is US citizen, Legal Permanent Resident, or qualified alien
How to Apply for FEMA Benefits

- Online: [www.fema.gov](http://www.fema.gov) or by phone: (800) 621-FEMA (3362)
- Application form, information needed
  - Social Security Number
  - Insurance information
  - Telephone contact number
- Get assigned a FEMA application number
- Deadline for applications: 60 days or, if good cause, 120 days after the declaration. This deadline is often extended by FEMA
Applying for Benefits--Inspections

- FEMA will **USUALLY** promptly inspect the property
  - To establish that home is uninhabitable (for rental assistance or units), needs repairs/replacing, other property damage occurred

- Applicant should try to be present
  - Must verify ownership and occupancy
  - In past disasters there have been problems with quality of inspections (e.g. “drive-by” inspections.)

- Have been able to seek second inspections
Applying for Benefits—Post Inspection

- Within 10 days of inspection, should get letter with determination
  - Will be followed by check/direct deposit if approved
  - May include SBA loan application
  - Can appeal if denied, or if award isn’t large enough

- Person may need to amend their application for help based on changed circumstances—should write FEMA to do that.
Common Problems

● Shared household rule
  – Generally, FEMA pays assistance to only one “head of household” from the pre-disaster residence.
  – FEMA can make exceptions for a particular disaster, i.e., household members separated due to disaster-related reason – but even those exceptions only helped for rental assistance.

● Insurance bar
  – If required to maintain flood insurance after FEMA assisted in past, but did not, limits FEMA assistance for future disasters.
Common Problems

- Failure to verify ownership
  - Legal owner; life tenant; or
  - Live in residence, rent free, responsible for property taxes or (major) maintenance

- Insufficient Damage
  - Home still “habitable” – “safe” “sanitary” “functional”
  - FEMA considers cost of repairs minimal
    - $50 Rule
  - Not “disaster-related” (“caused by” disaster)
    - Deferred maintenance/pre-existing condition
Once Approved for Benefits

- Money may ONLY be used for intended purpose
  - Keep receipts and bills to document use for 3 years.
  - FEMA can audit, seek to recoup if it is misused.

- Tax free, exempt from garnishment, etc.

- Benefits do not count against other types of federally-funded (means-tested) aid
Appeals on Housing - FEMA

- Written appeal must be postmarked within 60 days of decision letter
  - Declaration under penalty of perjury
  - Include the person’s FEMA registration number and disaster number (listed on the denial letter)
  - Fax to (800) 827-8112, Attention: FEMA – Individuals and Households Program
  - FEMA uses codes in denial letters.
  - FEMA should respond in writing within 90 days

- FEMA Decision is Final (but some luck with subsequent appeals.)
Appeals on ONA - THHSC

- Request reconsideration with THHSC within 60 days (or show good cause if late)
- Second inspection may be conducted
- Reconsideration decision provided in writing; 60 days to appeal again to THHSC.
  - Within 5 days, THHSC must submit Petition for Hearing form to DHS regional attorney, may reissue another reconsideration decision.
  - Hearing officer must complete appeal hearing and written decision within 90 days of receiving the request.
  - DHS fair hearing rules apply
FEMA Recoupment

● Avoid Overpayments
  - FEMA may recoup funds it paid by mistake.

● If FEMA initiates a recoupment
  - Appeal to establish eligibility;
  - Seek termination of collection from FEMA Disaster Finance Center if unable to repay; or
  - Promptly set up payment plan if client ineligible for funds received and is able to repay.
FEMA Recoupment, cont’d.

- Interest accrues 30 days after initial demand for repayment

- Penalties accrue if no payment plan entered into within 90 days of initial demand
  - FEMA payment plans are for 3 to 5 years.

- FEMA can employ administrative offsets to collect
Questions

Feel free to contact me with questions:

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Credits:
- Adapted from 2005 presentation by Kate Meiss, Abby McClelland, & Eli Palomares of Neighborhood Legal Services of Los Angeles and Beth Osthimer of Children’s Defense Fund of California
- 2017 updates with help from TRLA’s Jared Horton and Linley Boone-Almaguer