

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)

FEMA – State Laws & Information

- 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
 - <https://hhs.texas.gov/laws-regulations/handbooks/fair-fraud-hearings-handbook>

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
- More information at www.fema.gov/news-release/2017/08/29/critical-needs-assistance

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 or by phone: (800) 621-FEMA (3362)
- Application form, information needed
 - Social Security Number Description of disaster-caused losses
 - Insurance information Location of property
 - 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:

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