

# Needed Revisions to the Robert T Stafford Disaster Relief and Emergency Assistance Act

Requested by Oxfam America, as part of the Katrina Housing Group

## General Housing Issues

### *Eligibility*

- **Shared Households**

People who shared a household before a disaster are often forced to seek separate housing after. Under FEMA's so-called "shared households" rules, which limit assistance to one person from each pre-disaster household, members of separated households are often unfairly denied the assistance for which they are otherwise eligible. The Stafford Act should require FEMA to provide assistance to members of separated households with good cause for the separation, including for reasons of divorce, re-employment, evacuation to separate geographic locations, a lack of housing appropriate for the original household size, domestic violence or any other reason for household separation of the pre-disaster household.

We support the Shared Households language included in S.3721 (Sec.218 (a)), the Post Katrina Emergency Management Reform Act of 2006, introduced by Senators Collins and Lieberman on July 25, 2006. We recommend the following language be added to Section 219 (a): "Accordingly, the applicant for assistance need not be the 'head of household.'"

- **Homeless Prior to a Disaster**

People experiencing homelessness prior to a disaster, who are evacuated or displaced, should be explicitly eligible for individual and household assistance under the Stafford Act housing assistance, assistance to include where applicable medical, dental and funeral expense, transportation expense and reimbursement, and loss of personal property.

### *Procedural Issues*

- **Recertification**

Temporary Housing Assistance should be provided on a continuous basis, without gaps in assistance, to all applicants who demonstrate continued financial need. Continued need should be established when the applicant's post-disaster housing expenses exceed 30% of the applicant family's post-disaster income. Post-disaster housing expenses should include post-disaster rent and utilities, as well as any pre-disaster housing expenses such as mortgage payments, utilities, taxes and homeowner's and flood insurance payments.

Recertification should occur based on the applicant's need without gaps in assistance and without onerous recertification requirements. Any requirements for recertification should be published on the FEMA website and mailed to the applicant more than 30 days prior to the deadline for recertification.

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Temporary Housing Assistance should not be discontinued to an applicant with demonstrated financial need and should continue as long as adequate housing remains unavailable or unaffordable in the displaced household's pre-disaster community or as long as the pre-disaster community lacks adequate infrastructure including utility and telephone service, schools, emergency services including police and fire, medical care including ambulance service, etc.

- **Housing Assistance Pending Appeal**

FEMA must continue to provide temporary housing assistance to a household pending an appeal of denial of temporary housing assistance. These funds would be subject to recoupment if the household is found through the appeal to be ineligible for the assistance.

- **Guidance on Housing Assistance**

FEMA must be required to issue public guidance in simple terms explaining: all types of housing assistance available under the Stafford Act to households affected by a major disaster; the specific requirements that households must meet to be eligible for the different types of housing assistance, including requirements for continuation of housing assistance provided; and procedures for applying for such assistance. Said guidance should be posted on FEMA's website and provided in accessible format to any household requesting housing assistance.

The guidance must be issued in alternate formats that may be understood by individuals with limited English proficiency, vision or hearing impairments, including through video relay and TTY system answered by live operators. The information must be available no later than 5 days after the declaration of a major disaster.

We support the Housing Assistance Guidance language included in S.3721 (Sec.218 (c)). Language should be added requiring FEMA to disseminate information to federal agencies that administer programs under the McKinney-Vento Homeless Assistance Act and those agencies should be required to disseminate their information to their grantees.

- **Temporary Housing Assistance Benefits**

Temporary Housing Assistance should include rental payments, including advance rental payments when required by the landlord, utilities, utility deposits, and security deposits required by the landlord.

- **Other Needs Assistance Related to Temporary Housing**

Other Needs Assistance should include any moving and storage expenses necessary to obtain and move into temporary housing and to preserve and transport salvageable personal property and basic household necessities. Temporary housing assistance shall also include moving expenses necessary for the household to obtain affordable housing and moving expenses related to re-patriation. Moving expenses shall be capped at \$3,000 adjusted for inflation.

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- **Guidelines to Accommodate Individuals with Disabilities**

FEMA should be required to develop guidelines to accommodate individuals with disabilities, including guidelines for the accessibility of, and communications (including video relay service) and programs in, shelters, recovery centers and other facilities.

We support the Guidelines requirement language included in S.3721 (Sec.212 (a)). Language should be added to this section requiring the provision of guidelines to accommodate service animals.

- **Hardship Waivers for and Appeals for Recoupment**

FEMA should provide hardship waivers for recipients subject to recoupment and recipients must be notified of the availability of such a waiver. All persons who receive a recoupment letter must be notified of the possible availability of a waiver for hardship. This notice must also explicitly describe the process for obtaining a hardship waiver. FEMA's regulations and practice is that it will, in its discretion, provide for a repayment plan, but there is no requirement that those who are truly low-income will not be subject to recoupment. Fraud cases would be exempt from this provision

All temporary housing assistance shall continue pending the appeal of any recoupment or request for hardship waiver. Recoupment payments should not be due and interest and penalties should not begin to run until the appeal is decided.

- **Provision of Rental Assistance Dollars**

When an applicant is found eligible for temporary housing benefits, the benefit should be provided as of the date the applicant incurred expenses for temporary housing.

## **Rental Assistance Issues**

- **Adjustment to Rental Assistance Amount**

There should be a requirement that the amount of rental assistance given to displaced households be no less than HUD's fair market rent (FMR). Household assistance will set at 120% of local FMR if the President determines that the disaster has resulted in rental market changes such that the FMR does not accurately reflect the cost of renting an apartment. "Extraordinary circumstances," including when accommodating the housing needs of a person with disabilities, would allow for households to receive above 120% FMR. Any adjustment to the amount of assistance must be publicly announced.

We support the Rental Assistance Amount language included in S.3721 (Sec.218 (b)(3) (iii)).

## **Direct Housing Assistance Issues**

- **Accessible Direct Housing Assistance**

Not less than 15% of direct housing assistance units should be made accessible for persons with mobility impairments. Not less than an additional 2% of such units should be accessible for persons with hearing or vision impairments and not less than 1% of these units should be accessible for persons with mobility and vision or hearing impairments.

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We support the Accessible Direct Housing Assistance language included in S.3721 (Sec.214 (iv)). We recommend the following language be added to this provision: “modular homes, or other alternative semi-permanent or permanent housing provided to displaced households must comply with Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act amendments.

All direct housing assistance shall be habitable meaning that the unit is safe, sanitary, and secure. Safe is defined as 1) the exterior is structurally sound, to include windows, dorrs, and roof; 2) components for electricity, gas, heat, plumbing, etc. are properly functioning, and 3) the interior is structurally sound, to include floors, walls, and ceiling. Sanitary is defined as free of detectable health hazards. Secure is defined as having functional locking menchanisms on exterior doors and windows.

## **Coordination**

- **Coordination with Local Food Banks**  
FEMA should be required to coordinate with local food banks to ensure access to food for persons in FEMA provided housing. FEMA also should coordinate to ensure that eligible residents of FEMA trailers or other temporary housing programs get connected with all public benefits for which they may be eligible, including food stamps.
- **Coordination with Providers of Social Service and Case Management Assistance**  
FEMA should be required to coordinate with local social service providers to ensure that households have access to a range of case management, referral to additional benefits, mental health services, health care, employment, and other necessary social services.
- **Equitable Provision of Social Services Regardless of Classification of Emergency Shelter**  
Functional needs shelters and general population shelters are the two general categories of shelters after disasters. Often, different resources are available to populations of different shelters. Access to social services and information about housing opportunities should be provided in an equitable manner to all persons, without regard to the category of emergency shelter and the agencies responsible for administering the emergency shelter.
- Private non-profits shall be reimbursed for the provision of emergency shelter to households waiting for individual and household assistance under the Stafford Act.

## **Evaluation of Data**

- **Provision of Data for Evaluation of FEMA Disaster Housing Assistance**  
To improve the administration of housing assistance in future disasters, it would be useful to document the specific problems experienced by displaced individuals and families following the 2005 hurricanes. The best way to do this would be to conduct a follow-up study of Katrina evacuees to determine the extent to which they received assistance for which they were eligible, the difficulties they encountered in obtaining assistance, and the extent to which the assistance they received met their temporary housing needs. GAO or a private research group could
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conduct such a study, but they would need contact data for a representative sample in order to do a rigorous and meaningful study.

We recommend that Congress require FEMA to make such data available from its registration databases.

## **Other**

- **Monetary Cap**

The provision of temporary housing assistance to disaster victims is often inequitable: those households that receive rental assistance have the amount of such assistance deducted from the monetary cap on assistance; those households that receive direct housing assistance, in the form of a mobile home or travel trailer, do not have the worth of their housing assistance deducted from the cap.

To correct this imbalance, the monetary value of all forms of temporary housing assistance should be exempt from monetary cap on assistance.

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