

Depending on the nature of the disaster/emergency and subsequent losses, individuals may be referred to other agencies and organizations authorized to provide assistance such as the Small Business Administration, the American Red Cross, the Internal Revenue Service, etc. The applicant is informed at the beginning of the information collection process about the Privacy Act and the possible sharing of information with these Referral Agencies.

## Stafford Act Section on Applications -

### TITLE 44--Emergency Management and Assistance

#### CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

#### SUBCHAPTER D--DISASTER ASSISTANCE

#### PART 206--FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED ON OR AFTER NOVEMBER 23, 1988

##### Subpart D—Federal Assistance to Individuals and Households

#### **§ 206.101 Temporary housing assistance for emergencies and major disasters declared on or before October 14, 2002.**

(a) *Purpose.* This section prescribes the policy to be followed by the Federal Government or any other organization when implementing section 408 of the Stafford Act for Presidentially-declared emergencies and major disasters declared on or before October 14, 2002 (Note that the reference to section 408 of the Stafford Act refers to prior legislation amended by the Disaster Mitigation Act 2000).

(b) *Program intent.* Assistance under this program is made available to applicants who require temporary housing as a result of a major disaster or emergency that is declared by the President. Eligibility for assistance is based on need created by disaster-related unlivability of a primary residence or other disaster-related displacement, combined with a lack of adequate insurance coverage. Eligible applicants may be paid for authorized accommodations and/or repairs. In the interest of assisting the greatest number of people in the shortest possible time, applicants who are able to do so will be encouraged to make their own arrangements for temporary housing. Although numerous instances of minor damage may cause some inconvenience to the applicant, the determining eligibility factor must be the livability of the primary residence. FEMA has also determined that it is reasonable to expect applicants or their landlords to make some repairs of a minor nature. Temporary housing will normally consist of a check to cover housing-related costs wherever possible.

(e) *Applications—(1) Application period.* The standard FEMA application period is the 60 days following the date the President declares an incident a major disaster or an emergency. The Regional Director may, however, extend the application period, when we anticipate that we need more time to collect applications from the affected population or to establish the same application deadline for contiguous Counties or States. After the application period has ended, FEMA will accept and process applications for an additional 60 days only from persons who can provide an acceptable explanation (and documentation to substantiate their explanation) for why they were not able to contact FEMA before the application period ended.

(2) *Household composition.* Members of a household shall be included on a single application and be provided one temporary housing residence unless it is determined by the Regional Director that the size of the household requires that more than one residence be provided.

**Alvin Warner**

# **Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Public Law 106-390, October 30, 2000**

## **UNITED STATES CODE**

### **Title 42. THE PUBLIC HEALTH AND WELFARE**

#### **CHAPTER 68. DISASTER RELIEF**

*[As amended by Pub. L. 103-181, Pub. L. 103-337, and Pub. L. 106-390]*

(Pub. L. 106-390, October 30, 2000, 114 Stat. 1552 - 1575)

#### **§ 5155. DUPLICATION OF BENEFITS {Sec. 312}**

##### **a. General prohibition**

The President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a result of a major disaster or emergency, shall assure that no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.

##### **b. Special rules**

###### **1. Limitation**

This section shall not prohibit the provision of Federal assistance to a person who is or may be entitled to receive benefits for the same purposes from another source if such person has not received such other benefits by the time of application for Federal assistance and if such person agrees to repay all duplicative assistance to the agency providing the Federal assistance.

###### **2. Procedures**

The President shall establish such procedures as the

President considers necessary to ensure uniformity in preventing duplication of benefits.

3. Effect of partial benefits

Receipt of partial benefits for a major disaster or emergency shall not preclude provision of additional Federal assistance for any part of a loss or need for which benefits have not been provided.

c. Recovery of duplicative benefits

A person receiving Federal assistance for a major disaster or emergency shall be liable to the United States to the extent that such assistance duplicates benefits available to the person for the same purpose from another source. The agency which provided the duplicative assistance shall collect such duplicative assistance from the recipient in accordance with chapter 37 of title 31, United States Code [31 U.S.C. §§ 3701 et seq.], relating to debt collection, when the head of such agency considers it to be in the best interest of the Federal Government. (d) Assistance not income

Federal major disaster and emergency assistance provided to individuals and families under this Act, and comparable disaster assistance provided by States, local governments, and disaster assistance organizations, shall not be considered as income or a resource when determining eligibility for or benefit levels under federally funded income assistance or resource-tested benefit programs.

**Robert T. Stafford Disaster Relief and Emergency Assistance Act,  
as amended by Public Law 106-390, October 30, 2000**

**SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.****(a) In General.—**

**(1) Provision of assistance.—**In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

**(2) Relationship to other assistance.—**Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

**(b) Housing Assistance.—**

**(1) Eligibility.—**The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of individuals and households who are displaced from their predisaster primary residences or whose predisaster primary residences are rendered uninhabitable as a result of damage caused by a major disaster.

**(2) Determination of appropriate types of assistance.—**

**(A) In general.—**The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

**(B) Multiple types of assistance.—**One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

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**(c) Types of Housing Assistance.—**

**(1) Temporary housing.—**

**(A) Financial assistance.—**

**(i) In general.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, housing, recreational vehicles, or other readily fabricated dwellings.**

**(ii) Amount.—The amount of assistance under clause (i) shall be based on the fair market rent for the accommodation provided plus the cost of any transportation, utility hookups, or unit installation not provided directly by the President.**

**(B) Direct assistance.—**

**(i) In general.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).**

**(ii) Period of assistance.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.**

**(iii) Collection of rental charges.— the end of the 18-month period referred to in clause (ii), the President may charge fair market rent for each temporary housing unit provided.**

**(2) Repairs.—**

**(A) In general.—The President may provide financial assistance for—**

**(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) by a major disaster to a safe and sanitary living or functioning condition; and**

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**(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.**

**(B) Relationship to other assistance.--A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.**

**(C) Maximum amount of assistance.--The amount of assistance provided to a household under this paragraph shall not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.**

**(3) Replacement.--**

**(A) In general.--The President may provide financial assistance for the replacement of owner- private residences damaged by a major disaster.**

**(B) Maximum amount of assistance.--The amount of assistance provided to a household under this paragraph shall not exceed \$10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.**

**(C) Applicability of flood insurance requirement.--With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.**

**(4) Permanent housing construction.--The President may provide financial assistance or direct assistance to individuals or households to construct permanent housing in insular areas outside the continental United States and in other remote locations in cases in which--**

**(A) no alternative housing resources are available; and**

**(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, not cost-effective.**

**(d) Terms and Conditions Relating to Housing Assistance.--**

**(1) Sites.--**

**(A) In general.--Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that--**

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**(i) is complete with utilities; and**

**(ii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.**

**(B) Sites provided by the president.--A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.**

**(2) Disposal of units.--**

**(A) Sale to occupants.--**

**(i) In general.--Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.**

**(ii) Sale price.--A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.**

**(iii) Deposit of proceeds.--**

**Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.**

**(iv) Hazard and flood insurance.--A sale of a temporary housing unit under clause (i) be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.**

**(v) Use of GSA services.--The President may use the services of the General Services Administration to accomplish a sale under clause (i).**

**(B) Other methods of disposal.--If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—**

**(i) may be sold to any person; or**



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(ii) may be sold, transferred, donated, otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, governmental agency, or voluntary organization agrees—

(I) to comply with the nondiscrimination provisions of section 308; and

(II) to obtain and maintain hazard and flood insurance on the housing unit.

**(e) Financial Assistance To Address Other Needs.—**

(1) **Medical, dental, and funeral expenses.—**The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, funeral expenses.

(2) **Personal property, transportation, and other expenses.—**The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

**(f) State Role.—**

**(1) Financial assistance to address other needs.—**

(A) **Grant to state.—**Subject to subsection (g), a Governor may request a grant from the President to provide financial assistance to individuals and households in the State under subsection (e).

(B) **Administrative costs.—**A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative costs of providing financial assistance to individuals and households in the State under subsection (e).

(2) **Access to records.—**In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, by providing to the States access to the electronic records of individuals and

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**households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.**

**(g) Cost Sharing.—**

**(1) Federal share.--Except as provided in paragraph (2), Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.**

**(2) Financial assistance to address other needs.--In the case of financial assistance provided under subsection (e)—**

**(A) the Federal share shall be 75 percent; and**

**(B) the non-Federal share shall be paid from funds made available by the State.**

**(h) Maximum Amount of Assistance.—**

**(1) In general.--No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster.**

**(2) Adjustment of limit.--The limit established under paragraph (1) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.**

**(i) Rules and Regulations.--The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.**

*(d) Effective Date.--The amendments made by this section take effect 18 months after the date of enactment of this Act.*

**(Pub.L. 106-390, § 206, October 30, 2000)**

**§ 5175. REPEALED. Pub. L. 100-707, title I, § 105(m)(2), Nov. 23, 1988, 102 Stat. 4696.**

**~~§ 5176. MINIMUM STANDARDS FOR PUBLIC AND PRIVATE STRUCTURES (Sec. 409)~~**

~~—As a condition of any disaster loan or grant made under the provisions of this Act, the recipient shall agree that any repair or construction to be financed therewith shall be in~~