

Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities

FEMA 592, June 2007

**Robert T. Stafford Disaster Relief and Emergency Assistance Act,
Public Law 93-288, as amended, 42 U.S.C. 5121-5207,
and Related Authorities**

UNITED STATES CODE

TITLE 42. THE PUBLIC HEALTH AND WELFARE

CHAPTER 68. DISASTER RELIEF

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**** This section of the Stafford Act has been amended by either the Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109-295, 120 Stat.1355 (2006), signed on October 4, 2006, the Pets Evacuation and Transportation Standards Act of 2006, Pub. L. No 109-308, 120 Stat. 1725 (2006), signed on October 6, 2006, or the Security and Accountability for Every Port Act of 2006, Pub. L. No. 109-347, 120 Stat. 1884 (2006), signed on October 13, 2006. The changes are effective for***

emergencies or major disasters declared on or after October 4, 6, or 13, 2006. For events before those dates, please consult an earlier version of the Stafford Act.

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Sec. 408. Federal Assistance to Individuals and Households (42 U.S.C. 5174)*

(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, direct 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, or with respect to individuals with disabilities, rendered inaccessible or 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, manufactured housing, recreational vehicles, or other readily fabricated dwellings. Such assistance may include the payment of the cost of utilities, excluding telephone service.

(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, security deposits, 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 - After 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) damaged by a major disaster to a safe and sanitary living or functioning condition; and

(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.

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(3) Replacement -

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

(B) 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 or semi-permanent housing construction - The President may provide financial assistance or direct assistance to individuals or households to construct permanent or semi-permanent housing in insular areas outside the continental United States and in other 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, or 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 -

(i) is complete with utilities;

(ii) meets the physical accessibility requirements for individuals with disabilities; and

(iii) 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.

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(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) shall 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
- (ii) may be sold, transferred, donated, or 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, other governmental agency, or voluntary organization agrees -
 - (a) to comply with the nondiscrimination provisions of section 5151 of this title; and
 - (b) 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, and 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.

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- (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, including by providing to the States access to the electronic records of individuals and 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), the 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) Verification Measures - In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to

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(1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;

(2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;

(3) collect any duplicative payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;

(4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and

(5) conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance under this section is denied.

(j) 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.