



FEMA

February 5, 2022

MEMORANDUM FOR: Sharon Block  
Acting Administrator  
Office of Information and Regulatory Affairs  
Office of Management and Budget

THROUGH: Eric Hysen  
Chief Information Officer  
Department of Homeland Security

FROM: Alexandra Travis  
Chief Administrative Officer  
Mission Support  
Federal Emergency Management Agency

SUBJECT: Emergency Approval Request of Revisions to Office of Management and Budget (OMB) Collection 1660-0061 Federal Assistance to Individuals and Households Program

The Federal Emergency Management Agency (FEMA) seeks **emergency** approval from the Office of Management and Budget (OMB) to revise information collection 1660-0061 Disaster Assistance Registration to increase the types of documentation FEMA may accept from applicants for disaster assistance to demonstrate eligibility under the Individuals and Households Program (IHP). This program provides financial assistance and, if necessary, direct assistance to eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured, necessary expenses, and serious needs, and are unable to meet such expenses or needs through other means.

On August 16, 2021, FEMA requested emergency approval to increase the types of documentation FEMA may accept from applicants for disaster assistance to demonstrate eligibility under the IHP during the Disaster Assistance Registration period. FEMA had become aware that IHP requirements for verification of eligibility during registration were creating barriers to assistance. As a result, OMB approved our expansion of documentation acceptance during disaster assistance registration earlier this year.

Applicants who are denied following registration may appeal that decision and others regarding assistance. As FEMA supporting documentation verification during registration has been expanded so as not to pose barriers to underserved populations, the agency asks now to do the same in this collection dealing almost exclusively with assistance-related appeals. Current IHP requirements for verifying eligibility for IHP financial assistance such as, home repair and replacement needs, essential needs and personal property assistance, pose a substantial barrier to underserved populations, including people of color and others adversely impacted by persistent

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poverty and inequality. These barriers often result in underserved applicants being denied for IHP assistance on appeal when they are unable to provide documentation verifying IHP assistance cost eligibility within the current restrictions.

Emergency approval of the proposed revisions to this collection is required to ensure FEMA is able to more efficiently administer the IHP assistance and evolve in order to more equitably support the ongoing pandemic response and meet the historical demands of disaster response. The ongoing impacts of the COVID-19 pandemic, in concert with the current flu season and fluctuating restrictions have impacted the timely availability of essential services. Medical and dental providers sometimes require applications to pay for documentation or for providers to complete required forms. This poses additional barriers to disaster survivors by limiting their ability to obtain personal, public, and commercial records to verify their eligibility and further underscores the need for FEMA to rapidly implement alternatives to traditional means of verifying disaster survivor IHP eligibility.

For any declared disaster, unless FEMA is able to accept the increased documentation options, applicants who cannot satisfy the current and more limited documentation options will likely be denied assistance. This could impact thousands of survivors if a disaster strikes before this collection revision is approved. As IHP addresses disaster-related losses that are not covered by insurance or provided by any other source, the assistance is vital to assist the most vulnerable disaster survivors in recovering from disasters. Without the IHP assistance, applicants may find themselves without housing or other necessities following a disaster.

In accordance with the Paperwork Reduction Act (PRA) and the OMB implementing regulations at 5 C.F.R. § 1320.13: (1) this information is necessary to the mission of the agency, (2) this information is necessary prior to the normal timeframes established under the PRA, (3) public harm is reasonably likely to result if normal clearance procedures are followed, and (4) unanticipated events have occurred.

As a result of the continuing COVID-19 pandemic, FEMA applicants continue to encounter interruptions and delays in obtaining and updating public records in public offices. As a result, FEMA is expanding the documentation applicants can submit to FEMA to establish eligibility for disaster assistance and ultimately support any efforts to appeal a FEMA assistance decision for lack of traditional supporting documentation.

FEMA requests approval to accept written appeal letters and expanded documentation categories in support of eligibility for and appeals in support of eligibility for IHP assistance within OMB Collection 1660-0061 Federal Assistance to Individuals and Households Program in the following manner:

- FEMA relies on supporting documentation from the applicant regarding the costs of lost items, property damage or necessary medical treatment for the award of Individuals & Household Program assistance. Without this information FEMA cannot determine the applicant's need and provide assistance which may prevent applicants from receiving needed medical care or leave them with medical debt that hinders their disaster recovery.

- As it is difficult to determine the degree of damage and cost in home repair and replacement assistance, FEMA provides initial funds for the cost of a licensed technician's professional assessment associated with the repair or replacement of these components and applicants may appeal with supporting documentation to include receipts or estimates of the cost to repair the disaster damage to these specific items.
- In support of Housing Assistance and some forms of Other Needs Assistance (ONA), FEMA must collect documentation that identifies an applicant's insurance settlements or benefits, to include denials, to ensure FEMA assistance is being provided in accordance with our authorities. FEMA may not duplicate benefits, to include insurance, and may only provide assistance for uninsured losses. Some forms of applicable insurance include homeowner's insurance, flood insurance, renter's insurance, medical insurance, and burial insurance.
- Applicants must verify the need and the disaster related nature of a disability. FEMA collects a, itemized bill, receipt, or estimate for the accessibility-related item(s) and installation or construction costs, and a written and signed statement from a medical or health care provider, indicating the contact information of the medical provider, the date of the disability, injury, or illness. disability, injury, or illness, confirmation the disability limits one or more major life activity (i.e., seeing, walking, hearing, respiration, bending, etc.), that the disability was caused by the disaster, and that the accessibility-related structural modification (i.e., exterior ramp, grab bar, and/or accessible path of travel to the residential entrance) of the dwelling is required to meet the household's access and functional need. Accessible temporary housing is always in limited supply and so assistance that allows applicants with disabilities to more quickly return to their own home which meets their accessibility needs is vital in supporting the recovery needs of this vulnerable population.

## **1. Mission Essential Information**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288) (the Stafford Act), as amended, is the legal basis for FEMA to provide disaster-related financial assistance and services to individuals who apply for disaster assistance benefits in the event of a federally-declared disaster. Regulations in title 44 of the Code of Federal Regulations (CFR), Subpart D, "Federal Assistance to Individuals and Households," implement the policy and procedures set forth in section 408 of the Stafford Act, 42 U.S.C. 5174, as amended. This program provides financial assistance and, if necessary, direct assistance to eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured damage, necessary expenses, and serious needs which are not covered through other means. The ONA provision of the IHP provides financial assistance to address disaster related medical, dental, funeral, childcare, personal property, transportation, and other necessary expenses or serious needs resulting from a major disaster not covered by insurance or provided by any other source.

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The emergency revisions for this collection relate to FEMA's financial assistance under the ONA provision of the IHP to individuals and households with home and work-related expenses as well as medical or dental expenses caused by a disaster. To provide additional flexibility to disaster survivors who may experience difficulty in gathering specific documents, FEMA has expanded the types of documents we will accept from applicants to verify criteria on appeal.

Applicants may submit a written appeal if they disagree with any FEMA determination. Per FEMA's regulations, an appeal must be in writing and explain the reason for the appeal and be signed by the person submitting the appeal. If someone other than applicant files submit signed statement giving that person authority to represent that applicant. By policy, FEMA requests appeals also include supporting documentation, such as repair bills and estimates that include the business or entities' name and phone number. This additional information assists FEMA in validating the applicant's additional need without requiring FEMA to inspect the applicant's home again, in some instances. This documentation also helps minimize payments for fraudulent requests. Lastly, while not required, FEMA suggests applicants include the following information in their appeal, the applicant's full name, FEMA application number, disaster number, current address and phone number, and pre-disaster primary residence address. The information collected from the above documents is electronically transferred to FEMA's official system of record, the National Emergency Management Information System (NEMIS), so the data can be stored and processed. The personally identifiable information requested assists FEMA in placing the incoming documentation into the correct applicant file in NEMIS.

Any person who incurs disaster-caused medical or dental expenses may apply for and, if eligible, receive Medical and Dental Assistance. FEMA relies on supporting documentation from the applicant regarding the costs of the lost items or necessary treatment, applicable insurance coverage, a written statement from the medical or dental provide identifying the loss or treatment as disaster-caused and medically necessary. Without this information FEMA cannot determine the applicant's need or provide assistance which may prevent applicants from receiving needed medical care or leave them with medical debt that hinders their disaster recovery.

FEMA also provides assistance for essential tools lost or damaged due to the disaster under ONA. Essential tools include uninsured losses for tools and items, such as computers, required for employment or education and not supplied by the employer or school. In order to determine the applicant's need and verify the losses were disaster related, FEMA collects the following documents when applicable; a statement from the employer on company letterhead documenting the applicant is required to provide their own tools or computer as a condition of employment, including an itemized list of the tools required by the employer, a statement on school letterhead documenting a computer is required as a condition of education and the school does not provide access to computers to use outside of class, such as a school computer lab, an itemized receipt, estimate, or bill for repair or replacement of the disaster-damaged items, and a written statement signed by the applicant verifying that the items were disaster-damaged and the following statement, "I hereby declare under penalty of perjury that the foregoing is true and correct." It is vital that applicants return to their jobs with all necessary items to minimize disaster impacts on applicant's income and support their individual recovery goals.

FEMA's Home Replacement Assistance may provide financial assistance to owners whose primary residences were destroyed as a result of a Presidentially declared disaster. Similarly, FEMA's Home Repair Assistance seeks to support low income and other vulnerable disaster survivors who may not have the means to immediately address disaster damage by increasing the amount of assistance FEMA's Home Repair Assistance provides for repairs. The IHP recently expanded this assistance to allow for disaster caused damage-related repair assistance for utilities such as wells, furnaces and septic systems where local ordinances require repair or construction of the same. In some instances, FEMA may determine a home repairable, but further disaster damage or other factors may ultimately lead the home to be condemned. Applicants appealing for additional funds may provide documentation such as a notice of condemnation for demolition and removal, a letter of substantive damage, or a notice of demolition to support their claim their home is destroyed due to the disaster. This supporting documentation helps speed FEMA's review and consideration of the appeal by providing third party information on the state of the applicant's home due to the disaster.

Upon appeal, eligible applicants may receive assistance up to actual cost when funds are available under their Housing Assistance maximum. Without heat in the winter or reliable, clean water for a home, an applicants' home is not considered habitable, and they must remain in a temporary housing situation further delaying disaster recovery and utilizing the often-limited housing resources in the impacted area.

## **2. Paperwork Reduction Act Timeframes**

In order for FEMA to provide disaster-related financial assistance and services to individuals under the Stafford Act, adhering to the standard PRA timeframe to accept verification documentation from applicants without expanding the range of acceptable documents would hinder FEMA's ability to provide swift assistance to all applicable individuals and households.

For every disaster declared before the approval of this package, FEMA will have to deny assistance to survivors who cannot prove eligibility for IHP financial assistance under the more limited documentation options. There is a substantial risk of a disaster declarations daily during the current Hurricane Season and the approaching winter storm season. FEMA recently expanded disaster assistance registration access: FEMA believes this will yield an increase in appeals that beg the approval of additional supporting documentation allowable on appeal. In addition, the COVID-19 pandemic has complicated response to all disasters, including the ongoing wildfires in California and the western states. Disaster response has been further complicated by international delays in shipping and the implementation of vaccine mandates. The pandemic has made it imperative that FEMA assist survivors to make their permanent dwellings habitable so that survivors are not left to high density temporary housing situations where COVID-19 could flourish. To this end, survivors should immediately be allowed to utilize the increased options to satisfy the ownership and occupancy requirements for assistance.

### **3. Public Harm is reasonably likely to Result if Normal Clearance Procedures are followed**

Earlier this year, the Washington Post published a series of articles highlighting the struggle underserved applicants experience meeting FEMA's documentation requirements for appeals and ownership documentation. In response, FEMA expanded the types of documents and the acceptable dates on the documents that may be used to prove ownership and occupancy during disaster assistance registration. For those initially denied aid for failure to meet assistance eligibility elements, the Stafford Act requires the filing or receipt of an appeal to FEMA within 60 days of their decision letter awarding or denying the assistance request. This can be challenging for applicants working to recover from a disaster, who are often left with lost or damaged paperwork in the aftermath.

If FEMA does not expand the type of supporting documentation it accepts in support of appeals for IHP's crucial financial assistance from survivors, following an earlier approval of the expansion of supporting documentation during registration, public harm is reasonable likely due to unexpected delays related to the delivery of assistance to many impacted Americans. The collection of additional types of documentation will ensure that all applicable individuals and households who may have been burdened unexpectedly or previously underserved have equitable access to IHP assistance. If FEMA were required to follow the normal clearance process, it would be impossible to implement the changes needed to address known barriers experienced by historically underserved applicants in time for major disasters. The effects of the COVID-19 pandemic and the Delta and Omicron variants have caused an extraordinary burden on U.S. individuals and households. Finally, the country is already experiencing winter storms, and crucial assistance related to extreme winter weather is necessary once more.

### **4. Unanticipated Events**

The effects of the COVID-19 pandemic and the Delta variant continue to impact the American public and the scope continues to evolve while the Nation deals with recurring disasters such as the Atlantic Hurricane Season, winter storm season, and the western wildfires. While, not all impacts are fully known at this time, restrictions implemented throughout the country may have made it more difficult for survivors to access or update public records. FEMA's earlier effort to expand access to the IHP program through supporting documentation was an unanticipated but welcome administration priority. The instant request is a logical outgrowth of that earlier move toward accessibility and equity in the delivery of IHP assistance. FEMA must act immediately to provide necessary financial assistance to individuals and households in accordance with section 408 of the Stafford Act, 42 U.S.C. 5174.

**Conclusion**

Following the normal clearance procedures for OMB approval to collect information during the ever-changing environment associated with the COVID-19 pandemic and Delta and Omicron variants will delay FEMA’s ability to assist Americans in their disaster response and recovery to recurring disasters such as extreme winter weather and the western wildfires.

As discussed, FEMA certifies that this request meets the requirements of 5 C.F.R. § 1320.13(a) and it is vital that this revised collection be implemented immediately because: (1) this information is essential to the mission of the Agency, (2) this information is necessary prior to the timeframes established under the PRA, (3) public harm will result if normal clearance procedures are followed, and (4) unanticipated events have occurred.

The Department of Homeland Security respectfully requests your approval of FEMA’s emergency revision expanding the documentation applicants can submit establishing their eligibility for disaster assistance.

Thank you for your consideration.

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Approve

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Date

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Disapprove

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Date