



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

March 6, 2024

MEMORANDUM FOR: The Honorable Dominic Mancini
Deputy 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: 1660-AB07, Individual Assistance Program Equity Interim Final Rule
Information Collection Processing: Revising Office of Management and
Budget (OMB) Collection 1660-0061

On January 22, 2024, the Federal Emergency Management Agency (FEMA) published 1660-AB07: Individual Assistance (IA) Program Equity, an *interim final rule*. FEMA now seeks emergency approval from the Office of Management and Budget (OMB) to revise information collection 1660-0061 upon the effective date of 1660-AB07: Individual Assistance (IA) Program Equity. 1660-AB07 will go into effect for disasters declared on or after March 22, 2024.

This submission is made pursuant to 5 C.F.R. § 1320.5(c)(1)ⁱ and 5 C.F.R. § 1320.10, Clearance of collections of information, other than those contained in proposed rules or in current rulesⁱⁱ for approval of new forms within OMB Collection 1660-0061: (1) **FEMA Form FF-104-FY-22-228 – (English)**, Individuals and Households Program (IHP) – Supplemental Application for Continued Temporary Housing Assistance; (2) **FEMA Form FF-104-FY-22-228-A – (Spanish)**, Individuals and Households Program (IHP) – Programa De Individuos Y Familias Solicitud Suplementaria De Asistencia De Vivienda Temporal Continua; (3) **FEMA Form FF-104-FY-22-229 – (English)**, Individuals and Households Program (IHP) – Appeal Request; (4) **FEMA Form FF-104-FY-22-229-A – (Spanish)**, Programa de Individuos Y Familias (IHP) Solicitud de Apelación.ⁱⁱⁱ

1. Information is Essential to the Mission of the Agency

FEMA, via the IHP and as established in Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), provides disaster-related financial assistance and direct services to eligible individuals who have uninsured or underinsured necessary expenses and serious needs as a result of a federally declared disaster or emergency.

As a result of lessons learned and survivor feedback, FEMA amended its regulations at 44 C.F.R. § 206.110 - § 206.120 via an Interim Final Rule. These changes include amending the application of “safe, sanitary, and functional” for Home Repair and Home Replacement Assistance; amending the requirement that applicants must apply and be denied for a Small Business Administration loan prior to receiving certain types of Other Needs Assistance (ONA); adding eligibility criteria for Serious Needs Assistance; creating Displacement Assistance; amending its requirements for Continued Temporary Housing Assistance (CTHA); amending its approach to insurance proceeds; amending Personal Property Assistance; and amending the appeal process. Additionally, FEMA revised the regulations to reflect statutory authority that had not yet been implemented in regulation, to include the provision of utility and security deposit payments, lease and repair of multifamily rental housing, child care assistance, maximum assistance limits, and its waiver authority. Lastly, FEMA amended its regulations so that self-employed individuals may receive assistance for essential tools under ONA; certain accessibility-related items may be eligible under Home Repair and Home Replacement Assistance; and the registration period may be re-opened when the President adds new counties to the major disaster declaration. These changes were published for public comment in the Federal Register and are to take effect for any disasters declared on or after March 22, 2024.

The emergency revisions for this collection relate to the changes made to the regulations on CTHA and Appeals.

FEMA may provide CTHA to eligible applicants based on need and generally only when adequate, alternate housing is not available, or when the applicant’s permanent housing plan has not been fulfilled through no fault of the applicant. To remain eligible for CTHA, the continued temporary housing need must be documented, and the applicant must continue to work toward obtaining permanent housing. In order to provide additional customer service to applicants who may need assistance in meeting their permanent housing plan, FEMA developed the *Supplemental Application for Continued Temporary Housing Assistance*, which will give applicants the ability to inform FEMA of what their permanent housing plan is and whether they are encountering issues working toward that plan. Upon receipt of the *Supplemental Application*, FEMA will utilize the information provided by the applicant to determine if the applicant is eligible for additional assistance and whether FEMA may be able to provide additional resources (e.g., connections to local voluntary agencies) that may be able to assist the applicant in obtaining their permanent housing plan prior to the end of the disaster’s period of assistance.

Additionally, in order to assist applicants who would like to appeal a FEMA determination, FEMA created the *Appeal Request* form. This form will be optional, but applicants may utilize it in order to better explain to FEMA why they are appealing the decision. It is FEMA’s belief that this form will streamline the appeal process and reduce complexity for applicants.

2. 5 C.F.R. § 1320.10: The Collection of Information in Interim Final Rules

Collections of information introduced in interim final rules are processed in accordance with 5 C.F.R. § 1320.10:

On or before the date of submission to OMB, the agency shall, in accordance with the requirements in § 1320.5(a)(1)(iv), forward a notice to the Federal Register stating that OMB approval is being sought. The notice shall direct requests for information, including copies of the proposed collection of information and supporting documentation, to the agency, and shall request that comments be submitted to OMB within 30 days of the notice's publication. The notice shall direct comments to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for [name of agency]. A copy of the notice submitted to the Federal Register, together with the date of expected publication, shall be included in the agency's submission to OMB.

1660-AB07 served as Federal Register notice that FEMA seeks OMB approval for its collections revised by the interim final rule.

The IFR PRA regulatory statement informs the public that FEMA's implementation of the IA Program Equity IFR requires revision of its collections of information. Pursuant to 5 C.F.R. § 1320.10, the statement explains the collection is submitted under OMB's emergency clearance procedures to allow implementation as of the effective date of this interim final rule. Additionally, FEMA will seek public comments through normal clearance deadlines following emergency clearance processing.

3. Interim Final Rule and Companion Information Collection Revisions Represent Necessary Program Updates

The IFR seeks to increase equity by simplifying processes, removing barriers to entry, and increasing eligibility for certain types of assistance under the program. FEMA's IHP regulations have not been updated since section 206 of the Disaster Mitigation Act of 2000 replaced the Individual and Family Grant Assistance Program with the current IHP. Some minor changes to Repair Assistance were completed in 2013, but Congress has passed multiple other laws that have superseded portions of the regulations and created other programs or forms of assistance with no supporting regulations. This IFR will update the IHP regulations now to bring them up to date and address other lessons learned through the course of implementing the IHP in disasters much larger than any previously addressed at the time the regulations were first developed. The information collection revisions aim to ease survivors' entry into this crucial assistance program following disasters.

Without approval of this revision, FEMA cannot fully implement the substantial efficiencies created by the new rule. The public is harmed by any delay in streamlining assistance for applicants. Every day a survivor must wait for assistance in a disaster situation could result in personal hardship.

4. Emergency Processing Procedures Appropriate for Information Collections revised by Interim Final Rule 1660-AB07, effective 60 Days after Publication

FEMA seeks approval of the information collections revised by 1660-AB07: IA Program Equity as an interim final rule. This request also serves as the written determination that the request satisfies the requirements for emergency processing procedures in 5 C.F.R. § 1320.13(a).^{iv}

Revising an information collection as part of an interim final rule effective 60 days after publishing requires approval ahead of the § 1320.10 clearance provision calling for 90 days of public comment in information collection approvals.^v Publishing the interim final rule with an effective date 60 days after the date of publication functionally necessitates emergency procedures in OMB Control Number 1660-0061.

The necessary program updates in this rulemaking are essential to FEMA’s mission of helping people before, during, and after disasters.^{vi} Executive Order 13985, “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,”^{vii} signed January 20, 2021 by President Joseph R. Biden, tasked federal agencies with reviewing their policies to assess whether underserved communities and individuals face barriers in accessing programs and engaging in agency action. Consistent with this Executive Order and to gain additional information on the issues identified, on April 22, 2021, FEMA published a Request for Information (RFI) on FEMA Programs, Regulations, and Policies.^{viii} Through the public engagement process, FEMA received public input that several of its documentation requirements could be amended to improve access to the IHP Program.

1660-AB07’s information collection revisions aim to easy entry into the IHP. The use of normal clearance procedures here will disrupt the implementation of 1660-AB07, a regulatory action essential to FEMA’s mission and compliance with E.O. 13985.

Conclusion

Following the normal clearance procedures for OMB approval to collect information is not appropriate here given the interim final rule regulatory action. “Agencies shall submit collections of information contained in interim final rules or direct final rules in accordance with the requirements of § 1320.10.” 5 C.F.R. § 1320.5(c)(1). As discussed, FEMA certifies that this request meets the requirements of 5 C.F.R. §§ 1320.10 and 1320.13(a) with both its 1660-AB07 IFR PRA regulatory statement and the submission of the instant processing package.

The Department of Homeland Security respectfully requests your approval of FEMA’s emergency revision expanding the documentation options for disaster survivors.

Thank you for your consideration.

ⁱ Agencies shall submit collections of information contained in interim final rules or direct final rules in accordance with the requirements of § 1320.10.

ⁱⁱ [5 C.F.R. 1320.10\(a\)](#).

ⁱⁱⁱ OMB approval for IHP instruments is provided by information collection 1660-0002 together with information collection 1660-0061. However, the forms at issue here are all included in 1660-0061. Revisions to 1660-0002 will be handled through non-emergency procedures.

^{iv} [Section 1320.13\(a\)\(1\)](#) requires that requests for emergency processing of collections of information be accompanied by a written determination that: the collection of information is needed prior to the expiration of time periods established under 5 C.F.R. part 1320 and is essential to the mission of the agency; and the requesting agency cannot reasonably comply with the normal clearance procedures because (i) public harm is reasonably likely to result if normal clearance procedures are followed; (ii) an unanticipated event has occurred; or (iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

^v [5 C.F.R. § 1320.10](#).

^{vi} The regulatory amendments align with the 2022-2026 FEMA Strategic Plan to instill equity as a foundation of emergency management by removing barriers to FEMA programs through a people first approach and achieving equitable outcomes for those we serve. The IFR also aligns with Strategic Plan, Goal 3: Promote and sustain a ready FEMA and prepared Nation. Strategic Goal

3.1 of the 2018-2022 FEMA Strategic Plan was to reduce the complexity of FEMA and to streamline the disaster survivor and grantee experience, which also would be furthered by these changes.

vii [86 FR 7009](#).

viii [86 FR 21325](#).