



# FEMA Applications and Appeals

GUIDE FOR ATTORNEYS  
November 2022



LADRC.org



Legal Aid Disaster  
Resource Center

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## 1. INTRODUCTION

The Federal Emergency Management Agency (“FEMA”) is an agency within the Department of Homeland Security. It is tasked with coordinating federal, state, and local aid and disaster response initiatives in order to alleviate the suffering and damage caused by natural disasters.<sup>1</sup> This guide will serve as a resource for disaster survivors and their advocates to help them navigate the FEMA application for individual and household assistance. It will also review the fundamental components of FEMA assistance for individuals and households and will provide detail on what is required of applicants throughout the process. Finally, this guide will also include information on what the FEMA appeals process entails.

## 2. WHAT DOES FEMA ASSISTANCE LOOK LIKE?

FEMA’s Individuals and Households Program (“IHP”) provides financial assistance and/or direct service assistance to eligible individuals and households that have uninsured or underinsured expenses and needs caused by a qualifying disaster.<sup>2</sup> IHP assistance does not substitute for insurance.<sup>3</sup> It is only intended to meet basic needs and supplements other recovery efforts. It does not cover all losses caused by a disaster.

IHP assistance can be in the form of financial assistance and/or direct assistance. Financial assistance includes lodging expense reimbursement, rental assistance, and assistance to repair and/or replace the damaged residence, utilities, or infrastructure.<sup>4</sup> Direct assistance includes: making repairs to vacant multi-family housing units in order to provide temporary housing to eligible applicants; providing transportable temporary housing units; and providing assistance to individuals to construct permanent housing.<sup>5</sup> FEMA may also provide direct assistance in the form of leasing temporary housing units to eligible applicants.<sup>6</sup> FEMA may also fund other serious disaster-related expenses like medical, dental, or funeral costs.<sup>7</sup> Reasonable lodging expenses incurred in anticipation of or immediately before the disaster may also be eligible for FEMA assistance.<sup>8</sup>

## 3. HOW AND WHEN TO APPLY FOR FEMA ASSISTANCE?

Individuals must apply for IHP assistance within 60 days from when the President makes a Disaster Declaration.<sup>9</sup> Late applications may be acceptable within a 60-day limited time frame and upon a showing of good cause.<sup>10</sup> IHP assistance is limited to 18 months from the date on which the President declared the disaster.<sup>11</sup> The President may extend the period of assistance at his discretion.<sup>12</sup>

## 4. WHO IS ELIGIBLE TO APPLY?



FEMA assistance is available for U.S. citizens or non-citizen nationals (i.e. legal permanent residents) or qualified aliens (i.e. those who have legal status through, for example, asylum, suspension of deportation, domestic violence, parole, or refugee status).<sup>13</sup> A parent or legal guardian can apply as a co-applicant if their dependent is a U.S. citizen, non-citizen national, or qualified alien and lives in the same household.<sup>14</sup> An individual who does not fit into the aforementioned designated categories can still apply if another adult household member meets and certifies their eligibility criteria.<sup>15</sup>

## 5. HOW CAN ONE APPLY FOR FEMA ASSISTANCE?

The application is accessible through four ways:

1. Online: [www.disasterassistance.gov](http://www.disasterassistance.gov)
2. Mobile App: FEMA mobile app <https://www.fema.gov/mobile-app>
3. Phone: toll-free numbers are available with multilingual operators from 7 a.m.-10 p.m. Eastern Standard Time. FEMA telephone operators are available to assist with registration in foreign languages. Operators have so far handled applications in 176 languages.<sup>16</sup>
  - a. Toll-free helpline: 800-621-3362
  - b. For disaster survivors who are deaf, hard of hearing, or have a speech disability and use a Text Telephone (“TTY”): 800-462-7585
  - c. For disasters survivors who use 711 or Video Relay Service (“VRS”): 800-621-3362
4. In-person: Disaster Recovery Centers (“DRC”), if applicable
  - a. DRCs are usually opened shortly after a disaster occurs and remain open for a limited period of time.<sup>17</sup> To find the nearest DRC location, check online at <https://asd.fema.gov/inter/drcLocator.jsp> or call 1-800-621-3362, or call TTY: 1-800-462-7585

## 6. WHAT DOES THE APPLICATION ASK FOR?

The FEMA application should take approximately 20 minutes to complete.<sup>18</sup> The application will ask for:

1. the name and Social Security Number (SSN) of the primary applicant;
2. the current address of applicant and the damaged home address;
3. current contact information, including a phone number where FEMA can reach the applicant and leave a message and an address where the applicant can receive mail (if it is an alternate address from that of the damaged home);
4. the names of everyone who lived with the applicant before the disaster;
5. any type of insurance the applicant has;
6. the applicant’s income before taxes, and the income of anyone who lived with them;
7. description of the damages and losses caused by the disaster; and
8. instructions to set up direct deposit to the applicant’s account (usually account and routing number).<sup>19</sup>



## 7. WHAT IS THE IDENTITY VERIFICATION PROCESS?

FEMA generally verifies an applicant's identity through a search of public records.<sup>20</sup> If FEMA is unable to verify an applicant's identity this way, the applicant may be asked to submit a copy of an acceptable form of documentation to verify their name and SSN.<sup>21</sup> Acceptable documents include: documents from the Social Security Administration or other federal agency, containing the full or last four digits of the SSN, Social Security Card and federal or state-issued ID card, payroll document containing the last four digits of the full SSN, military identification, or a U.S. passport. If residing in a U.S. territory, FEMA may allow specific identity verification documents such as voter registration cards.<sup>22</sup> If identity verification is needed for applicants who are applying on behalf of a minor child who is a U.S. citizen, the following documents may be used for identification verification: the child's birth certificate and a copy of their social security card or documentation from the social security administration or other federal agency containing the full or last four digits of the SSN. FEMA can provide information on how to obtain an SSN for a minor child.<sup>23</sup> Note that the child must have lived with the applicant at the time of the disaster.<sup>24</sup>

If the applicant has legally changed their name, the following documents could be used to provide proof of name change: name change court order; marriage, civil union or domestic partnership certificate; divorce or annulment decree; certificate of citizenship or naturalization; U.S. tribal government document; official amended or corrected birth certificate.<sup>25</sup>

## 8. WHAT IS THE HOMEOWNER OR TENANT VERIFICATION PROCESS?

For eligibility purposes, an applicant must meet one of FEMA's three definitions of owner-occupied residence<sup>26</sup>:

- Applicant is the legal owner who permanently resides at the disaster-damaged residence;
- Applicant does not hold formal title to the residence and pays no rent, but is responsible for the payment of taxes or maintenance of the residence; or
- Applicant has lifetime occupancy rights with formal title vested in another.

Upon request for further FEMA verification of identity, the following documents are acceptable to prove homeownership or tenancy: driver's license with name and address of the damaged property, a public official's statement such as a Postmaster, federal or state tax return, landlord statement, voter registration card, employer statement, deed or official record of trust to the property, or mortgage documentation.<sup>27</sup>

## 9. WHAT OTHER INFORMATION IS REQUIRED BY THE APPLICATION?

The application will also require the following:

- The name of all occupants in the pre-disaster household;
- A list of any type of household insurance, if applicable;



- The household's total pre-disaster annual income (i.e. gross income);
- A description of the describe the damages and losses caused by the disaster; and
- Banking information for direct deposit of aid if that is requested (i.e. routing or account numbers for checking or savings account).<sup>28</sup>

## 10. WHAT ARE SOME TIPS FOR A SUCCESSFUL APPLICATION?

It is important to keep FEMA updated of any changes in address and/or means of communication. An applicant has a few options<sup>29</sup>:

- Online: By visiting [www.disasterassistance.gov](http://www.disasterassistance.gov); the applicant can navigate to the 'check your application status' bar >> login >> login now >> use the given user ID and password or open an account
- Phone: 1-800-621-3362; TTY: 1-800-462-7585; applicant should give the agent their FEMA number and let them know they seek to update their contact information
- In-person: Stopping by a Disaster Recovery Center ("DRC").

The applicant can also let the Post Office know of any change in address by visiting [www.usps.gov](http://www.usps.gov); calling 1-800-ASK-USPS; or change of address forms are available at any post office.

## 11. WHAT DOES THE IDEAL APPLICATION LOOK LIKE?

It is important to keep photographic records of the disaster damage prior to any cleanup process as well as any receipts for completed repairs for the FEMA inspector's visit.<sup>30</sup> When filling out the application, keep in mind the limited purposes that FEMA serves and adjust expectations accordingly. Remember that FEMA assistance is limited to the amount needed to restore home safety. FEMA will not cover the repair of costs for additional spaces such as family rooms, extra bedrooms, etc.<sup>31</sup> FEMA assistance is temporary and is not designed to restore applicants to their pre-disaster status.<sup>32</sup>

## 12. WHAT HAPPENS AFTER THE APPLICATION IS SUBMITTED?

Once the applicant is registered, they will receive a copy of their application in the mail. Within a few days of registration, a FEMA inspector will follow up by phone to schedule an in-person visit to the damaged home in order to determine the applicant's eligibility for FEMA assistance.<sup>33</sup> The FEMA inspector will usually come between two to four days after the phone call, depending on the severity of the disaster.<sup>34</sup>

## 13. WHAT HAPPENS DURING THE FEMA INSPECTOR VISIT?

During the visit, a FEMA inspector may ask to see and review documentation such as medical bills, repair receipts, or photographic evidence for disaster-caused losses. The FEMA inspector will review and



record disaster-related damages both inside and outside of the home (including damage to furniture, clothing, appliances, and cars). The inspector will also review and record any homeowner/co-op/renter/condo/vehicle insurance and ask for any paper documentation that proves the applicant owns and/or lives at the property.<sup>35</sup>

The FEMA inspector will also ask the applicant relevant questions and ask the applicant to sign a form authorizing that the information given is correct. FEMA may also use geospatial inspection verification to assess damages.<sup>36</sup> It is important to note that inspectors themselves do not determine FEMA eligibility – they only report the damages and information provided by the applicant to FEMA. FEMA will follow up regarding eligibility by mail.<sup>37</sup> Applicants have 60 days from the date marked on the FEMA decision letter to appeal the decision.<sup>38</sup> Once FEMA approves an applicant's eligibility, it usually takes two to three days to receive funds which are either deposited into the applicant's bank account or mailed in the form of a check.<sup>39</sup>

#### **14. WHAT ARE SOME COMMON REASONS THAT FEMA ISSUES DENIALS?**

Common reasons FEMA will deny an application include the following:

- Applicant's insurance covers the damage-caused losses.
  - However, just because an applicant carries insurance does not mean that they should not apply to FEMA. The best practice is to file an insurance claim and apply to FEMA at the same time.<sup>40</sup> If the applicant gets partial coverage or has disaster-related expenses that were underinsured or not covered by insurance, FEMA may be able to assist.<sup>41</sup> There are also other forms of disaster assistance including a disaster assistance loan from the US Small Business Administration.<sup>42</sup> If the applicant is eligible for other forms of disaster assistance, FEMA may deny an application.<sup>43</sup> Essentially, FEMA cannot duplicate any benefits received from other sources of disaster assistance.<sup>44</sup>
- The damages sustained to the property are not sufficient damages to the essential living areas or personal property to qualify for FEMA assistance;
- FEMA is unable to verify the damaged homeownership and its occupancy status;
- FEMA finds the damages to the home were not found to be caused by the disaster; or
- The damaged property is a vacation home or secondary home.
- The car was not registered or did not have insurance when it was destroyed;
- The applicant is eligible for other forms of assistance (like a disaster loan from the Small Business Administration)<sup>45</sup>

#### **15. WHAT CAN AN APPLICANT APPEAL?**

A FEMA applicant may appeal the following determinations:

- FEMA's initial eligibility determination for Housing Assistance (HA) and Other Needs Assistance (ONA).



- The amount or type of housing or ONA that is received.
- FEMA HA determinations including:
  - Termination of eligibility for housing assistance;
  - FEMA’s intent to collect rent or the amount of rent collected from a FEMA-provided temporary housing unit; and
  - The denial of a request to purchase a FEMA-provided Manufactured Housing Unit (a readily fabricated dwelling).<sup>46</sup>
- FEMA’s determination that applicant was not eligible for some or all of the money received, or that they received duplicate assistance from another source (i.e. damages covered by insurance).<sup>47</sup>
- FEMA’s denial of an application that is submitted late.

Essentially, an applicant can appeal any of FEMA’s eligibility or participation determinations, actions, or inactions.<sup>48</sup>

## 16. WHAT INFORMATION IS REQUIRED IN A FEMA APPEAL?

Appeals are accepted in letter formats. The letter should include the following information:

1. On each page:
  - a. Applicant’s full name;
  - b. Applicant’s FEMA application number;
  - c. Applicant’s disaster number;
  - d. Address of applicant’s pre-disaster primary residence;
  - e. Applicant’s current phone number and address. A back up phone number is also suggested; and
  - f. Last four digits of the applicant’s social security number.
2. If someone other than the applicant is filing the appeal, the applicant must include a signed statement to authorize the person filing the appeal to represent the applicant. Written consent must be signed and dated by the applicant and include the applicant’s full name, date of birth, and current address. It must also be notarized or include a statement verifying that the information included in the appeal is true under penalty of perjury.<sup>49</sup>
3. The appeal must include the words, “I appeal” or a variation of this to trigger the appeal and ensure that FEMA categorizes the communication as an appeal
4. The appeal must also include a reason for appeal and must include documentation to prove the statements made in their appeal
5. The end of the letter should include the following statement before the signature of the applicant or the authorized filer of the appeal: “I declare under penalty of perjury that the information provided is true.”<sup>50</sup>
6. The letter should also include supporting documents, when appropriate (i.e. repair estimates, contractor estimates, receipts, photographs, etc.).<sup>51</sup>

It is important to ask for and retain a copy of all documents received by and sent to FEMA.<sup>52</sup> The deadline to appeal from a FEMA decision is 60 days from the date marked on the FEMA decision letter.<sup>53</sup> Late





appeals may be accepted upon a showing of good cause.<sup>54</sup> If FEMA does not respond within 90 days, the appeal will be considered denied as a matter of law.<sup>55</sup> The applicant should still call the FEMA helpline to discuss their appeal with an agent to ensure that FEMA is not on a backlog.

## **17. WHAT DOCUMENTATION SHOULD BE INCLUDED IN AN APPEAL?**

FEMA considers letters to be the “start of the conversation” between the homeowner and the agency, not the end.<sup>56</sup> Thus, individuals and households seeking assistance should not feel discouraged by an initial denial. FEMA does not accept multiple appeals for the same reason, but it may request additional information and conduct further reviews as new information is received.<sup>57</sup>

Any appeal to FEMA must be filed in writing<sup>58</sup> and within 60 days of the date of FEMA’s decision notification.<sup>59</sup> Appeals should include all documentation supporting the appeal, such as damage repair estimates, contractor estimates<sup>60</sup> and proof of occupancy or ownership of the property.<sup>61</sup>

After a disaster, the President can make a Major Disaster Declaration, which activates the federal government’s emergency response and allows for the provision of federal assistance programs, such as FEMA’s Individual Assistance. As a best practice, the appeal should incorporate language from the corresponding Major Disaster Declaration in the letter and clearly articulate how the disaster caused the damage in question.<sup>62</sup> For example, if the disaster affecting the applicant is a flood, the letter should state how the flood produced the damage.<sup>63</sup>

Finally, by law, FEMA cannot provide funds for losses that are covered by insurance.<sup>64</sup> Therefore, FEMA cannot process an application without proof of insurance coverage. Failure to provide insurance verification is the most common reason for ineligibility determinations.<sup>65</sup> For applicants who do not have insurance coverage, they must certify this and let FEMA know. Those with insurance coverage should submit documentation that indicates how much they received from their insurance provider and demonstrate how these funds fall short of incurred costs.

## **18. WHAT DOCUMENTATION IS REQUIRED FOR APPEALS OF RENT FOR FEMA DIRECT ASSISTANCE?**

Direct Housing Assistance is available for applicants that are unable to make use of FEMA’s Rental Assistance program to secure temporary housing.<sup>66</sup> By statute, FEMA cannot provide Direct Assistance beyond the end of the 18-month period that begins on the date of the Presidential Disaster Declaration, unless FEMA approves an extension of the program period.<sup>67</sup> For applicants still residing in Direct Assistance units following the end of the 18-month period, FEMA is statutorily authorized to charge a monthly fair market rent for each temporary housing unit provided.<sup>68</sup>

As with other FEMA Individual and Household Assistance appeals, primary occupants unable to pay the monthly rent set by FEMA may appeal the rent determination within 60 days of receiving FEMA’s notice of the requirement to pay rent.<sup>69</sup> Appeals must include documentation demonstrating the pre-disaster and post-disaster monthly gross income of all household occupants aged 18 years or older.<sup>70</sup> Additionally,



appeals must include documentation indicating the pre-disaster and post-disaster monthly housing costs associated with the pre-disaster residence while it is being repaired. Applicable housing costs include rent/mortgage payments (including principal, interest and real estate taxes), real property insurance, and utility costs. Monthly charges for cable, internet, and phone services are not taken into account.<sup>71</sup>

For applicants whose monthly gross adjusted income increased or decreased following the disaster, FEMA will consider the primary occupant capable of paying a monthly amount of thirty percent of their household income or the Fair Market Rent (FMR) for the area, as determined by the Department of Housing and Urban Development (HUD). FEMA will then subtract post-disaster monthly housing costs from the amount FEMA considers the primary occupant capable of paying to determine the new monthly rent rate.<sup>72</sup> However, under no circumstance will FEMA charge the primary occupant more than the fair market rent.<sup>73</sup>

While the appeal is being processed, rent will continue to accrue. If the appeal is denied, the primary occupant must pay the total originally determined rent within 30 days of the date of the appeal decision.<sup>74</sup>

## **19. IF FEMA DENIES THE APPEAL, CAN THE DECISION BE REVIEWED BY A COURT?**

FEMA will provide the applicant with written notice of its decision within 90 days of receiving the appeal, and this decision is considered final.<sup>75</sup> FEMA is immune from suit for any claim relating to the exercise of a discretionary function.<sup>76</sup> Courts have held that FEMA's individual and financial assistance determinations are discretionary functions, and thus barred from judicial review.<sup>77</sup> Applicants may still sue FEMA on other claims, including but not limited to Americans with Disabilities Act (ADA)-related claims, civil rights violations suits or due process claims. However, any lawsuit merely challenging FEMA's individual assistance decision determination without another claim is not likely to be appealable in court. While FEMA does not allow multiple appeals for the same decision, appeals can be filed for other FEMA determinations related to the same disaster.

## **20. CAN APPLICANTS REQUEST AN ORAL HEARING OR ADMINISTRATIVE APPEAL FOR A FEMA DECISION?<sup>78</sup>**

Oral hearings are available for appealing Other Needs Assistance (ONA) decisions. ONA can be run either by the State or by FEMA. Each disaster is different and each State has its own guidance. Texas' ONA guidance states the following: First, applicants must file a request for grant reconsideration in writing to the ONA grant coordinating officer (GCO) within 60 days of the date of the letter notifying them of the decision.<sup>79</sup> Applicants will be notified of the ONA reconsideration decision by letter within 20 days of the reconsideration.<sup>80</sup> After receiving the reconsideration decision, applicants can then further appeal by filing a written request for an appeal for ONA within 60 days of the date of the reconsideration decision letter.<sup>81</sup> A hearing officer in the region where the applicant is living will hold the hearing.<sup>82</sup> Prior to the hearing, ONA staff will review the case, write a case summary, and prepare an entire case record – a copy of which will be mailed to the applicant.<sup>83</sup>



## **21. WHAT ARE SOME BEST PRACTICES TO ENSURE THAT AN APPEAL IS APPROVED?**

Once a disaster has been declared, you must register with FEMA promptly. Applicants typically have 60 days following a disaster declaration to register with FEMA.<sup>84</sup> After this period ends, FEMA will only accept late registrations for those able to provide sufficient documentation to support and justify the delay.<sup>85</sup>

Before filing an appeal, applicants should request their file from FEMA, as this will indicate what evidence FEMA used to make its decision.<sup>86</sup> A request for the copy of a file must be made in writing. Applicants should also take detailed photographs and notes of all damages, as they may be more comprehensive than those taken by FEMA inspectors. Additionally, while not required by statute, applicants should provide copies of 2-3 contractor estimates of property damage. These estimates should be on the contractor's letterhead and signed by the contractor. These estimates should also specify that the damages are related to the federally declared disaster and provide a line-by-line breakdown of costs.<sup>87</sup> Applicants should ensure that the name of the homeowner is listed on all supporting documents, and check for discrepancies between names on documents and identification documents.<sup>88</sup>

Finally, applicants should keep copies of all original documents, including supporting evidence and FEMA correspondence. Applicants should also keep records of all communications with FEMA officials, including their names and contact information.

## **22. HOW HAS THE DISASTER RECOVERY REFORM ACT OF 2018 (DRRA) IMPACTED DISASTER ASSISTANCE AND RECOVERY?**

The DRRA has increased the total amount of financial assistance available to individuals and households by changing the way the caps on assistance received are calculated. Prior to the DRRA's enactment, there was a combined cap on both the maximum amount of housing assistance and ONA that an applicant could receive.<sup>89</sup> Thus, for example, an applicant with significant housing assistance needs would have little if any amount left over for ONA. Post-DRRA, there is a cap of \$35,500 (FY 2020, adjusted annually) for housing assistance and a separate cap of \$35,500 for ONA, allowing for an overall maximum assistance amount of \$71,000.<sup>90</sup> Financial assistance to rent alternate housing is not subject to the cap.<sup>91</sup>

The DRRA also excludes certain accessibility-related expenses from the cap for individuals with disabilities. Accessibility-related property improvements under FEMA's repair assistance, replacement assistance, and permanent housing construction program are excluded from the cap. Similarly, accessibility-related personal property improvements under FEMA's financial assistance to address other needs – personal property, transportation and other expenses assistance – are also excluded from the cap.

## **23. WHERE CAN SOMEONE REVIEW FEMA DEFINITIONS AND OTHER GUIDANCE?**



Information regarding FEMA’s response and resources for disasters is available on the FEMA website. The [FEMA homepage](#) is periodically updated to reflect current disaster declarations. [Disasterassistance.gov](#) provides in-depth resources for applicants to learn about what forms of assistance may be available to them, and allows individuals to apply for assistance online and check the status of their application. [Benefits.gov](#) also provides primers on the various forms of disaster relief assistance available, including programs that are not administered by FEMA.

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<sup>1</sup> Stafford Act § 101(b).

<sup>2</sup> Stafford Act § 102(4), 42 U.S.C. § 5122 and Title 44 of the Code of Federal Regulations (C.F.R.) § 206.2(a)(22); FEMA Fact Sheet on Individuals and Households Program, US Department of Homeland Security, July 2019 [https://www.fema.gov/media-library-data/1571949706314-838a916aad698391afe34b45ac13100a/1\\_FACTSHEET\\_Individuals\\_and\\_Households\\_Program.pdf](https://www.fema.gov/media-library-data/1571949706314-838a916aad698391afe34b45ac13100a/1_FACTSHEET_Individuals_and_Households_Program.pdf)

<sup>3</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 43

<sup>4</sup> 7 Stafford Act § 408(c)(1)(A)(i), 42 U.S.C. 5174 (c)(1)(A)(i) and 44 C.F.R. 206.117(b)(1)(i); 44 § C.F.R. 206.111; Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 45.

<sup>5</sup> 42 U.S.C. § 5174(c) (1)(B)(ii); 42 U.S.C. § 5174(c)(4) and 44 C.F.R. § 206.117(b)(4); US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 107, 127.

<sup>6</sup> 44 § C.F.R. 206.111(ii)(A); US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 107, 124

<sup>7</sup> FEMA: Apply Now for Federal Disaster Assistance, FEMA.gov, May 8 2018. <https://www.fema.gov/news-release/2018/05/08/4363/apply-now-federal-disaster-assistance>

<sup>8</sup> 44 CFR §206.110(d)

<sup>9</sup> 42 USC §5122(2); Figuring Out FEMA, Public Access Design, [http://welcometocup.org/file\\_columns/0000/2043/figuring\\_out\\_fema.pdf](http://welcometocup.org/file_columns/0000/2043/figuring_out_fema.pdf)

<sup>10</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 70

<sup>11</sup> Id. at 43.

<sup>12</sup> Id.



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- <sup>13</sup> FEMA: Qualified Aliens Eligible to Apply for State and Federal Assistance, US Department of Homeland Security, June 22 2001 <https://www.fema.gov/news-release/2001/06/22/qualified-aliens-eligible-apply-state-and-federal-assistance> ; Individuals and Households Program (IHP) – Other Needs Assistance, Benefits.gov <https://www.benefits.gov/benefit/816>
- <sup>14</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 48
- <sup>15</sup> Id.
- <sup>16</sup> How Do I Apply for Disaster Assistance? US Department of Homeland Security FEMA Presentation [https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how\\_do\\_i\\_apply\\_for\\_disaster\\_assistance\\_flyer.pdf](https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how_do_i_apply_for_disaster_assistance_flyer.pdf) p. 7
- <sup>17</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 68-9
- <sup>18</sup> Disaster Assistance.gov, FEMA application <https://www.disasterassistance.gov/DAC/ri/displayPage.do?forward=instructions&>
- <sup>19</sup> How Do I Apply for Disaster Assistance? US Department of Homeland Security FEMA Presentation [https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how\\_do\\_i\\_apply\\_for\\_disaster\\_assistance\\_flyer.pdf](https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how_do_i_apply_for_disaster_assistance_flyer.pdf) p. 13
- <sup>20</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 49
- <sup>21</sup> Id.
- <sup>22</sup> Id.
- <sup>23</sup> How Do I Apply for Disaster Assistance? US Department of Homeland Security FEMA Presentation [https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how\\_do\\_i\\_apply\\_for\\_disaster\\_assistance\\_flyer.pdf](https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how_do_i_apply_for_disaster_assistance_flyer.pdf). P. 12
- <sup>24</sup> Id.
- <sup>25</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 50
- <sup>26</sup> Id. at 54-55; 44 CFR § 206.111.
- <sup>27</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 53.
- <sup>28</sup> Id. at 71.



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- <sup>30</sup> FEMA: Apply Now for Federal Disaster Assistance, US Department of Homeland Security, May 8, 2018, <https://www.fema.gov/news-release/2018/05/08/4363/apply-now-federal-disaster-assistance>
- <sup>31</sup> Id.
- <sup>32</sup> How Do I Apply for Disaster Assistance? US Department of Homeland Security FEMA Presentation [https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how\\_do\\_i\\_apply\\_for\\_disaster\\_assistance\\_flyer.pdf](https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how_do_i_apply_for_disaster_assistance_flyer.pdf) p. 2
- <sup>33</sup> Id. FEMA Frequently Asked Questions (FAQS), US Department of Homeland Security, July 24, 2008 <https://www.fema.gov/news-release/2008/07/24/fema-frequently-asked-questions-faqs#:~:text=Once%20FEMA%20determines%20you%20are,simply%20mail%20you%20a%20check.>
- <sup>34</sup> FEMA Frequently Asked Questions (FAQS), US Department of Homeland Security, July 24, 2008 <https://www.fema.gov/news-release/2008/07/24/fema-frequently-asked-questions-faqs#:~:text=Once%20FEMA%20determines%20you%20are,simply%20mail%20you%20a%20check.>
- <sup>35</sup> Id. at 10.
- <sup>36</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019 <https://www.fema.gov/media-library-data/1551713430046-1abf12182d2d5e622d16accb37c4d163/IAPPG.pdf> p. 72
- <sup>37</sup>How Do I Apply for Disaster Assistance? US Department of Homeland Security FEMA Presentation [https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how\\_do\\_i\\_apply\\_for\\_disaster\\_assistance\\_flyer.pdf](https://www.fema.gov/media-library-data/20130726-1818-25045-5206/how_do_i_apply_for_disaster_assistance_flyer.pdf) p. 10
- <sup>38</sup> Mo' Disasters, Mo' Problems: Providing Legal Assistance in the Aftermath of a Disaster – Presentation by Disaster Relief Unit, Equal Justice Works, Lone Star Legal Aid <http://hcmjba.com/disasters.pdf>
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- <sup>43</sup> 42 U.S.C. § 5174(a)(1); Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019



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<sup>46</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019

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<sup>47</sup> Id.

<sup>48</sup> Id.

<sup>49</sup> Id. at 74.

<sup>50</sup> Mo’ Disasters, Mo’ Problems: Providing Legal Assistance in the Aftermath of a Disaster – Presentation by Disaster Relief Unit, Equal Justice Works, Lone Star Legal Aid, <http://hcmjba.com/disasters.pdf>

<sup>51</sup> Individual Assistance Program and Policy Guide (IAPPG), US Department of Homeland Security, March 2019

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<sup>52</sup> Id.

<sup>53</sup> Mo’ Disasters, Mo’ Problems: Providing Legal Assistance in the Aftermath of a Disaster – Presentation by Disaster Relief Unit, Equal Justice Works, Lone Star Legal Aid <http://hcmjba.com/disasters.pdf>

<sup>54</sup> Id.

<sup>55</sup> Id.

<sup>56</sup> <https://www.fema.gov/blog/2012-11-09/appealing-fema-assistance-denial-decision>

<sup>57</sup> FEMA IAPPG, p. 65

<sup>58</sup> 44 C.F.R. § 206.115(b)

<sup>59</sup> 44 C.F.R. § 206.115(a)

<sup>60</sup> FEMA IAPPG, p. 66

<sup>61</sup> SBP USA, Disaster Assistance Process Overview, p. 9

<sup>62</sup> SBP USA, Disaster Assistance Process Overview, p. 11



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<sup>63</sup> Id.

<sup>64</sup> 42 U.S.C. 5154(b)

<sup>65</sup> FEMA, Fact Sheet: FEMA Individual Assistance is Not a Substitute for Insurance, Oct. 10, 2018,

<sup>66</sup> 42 U.S.C. 5174(c)(1)(B)(i)

<sup>67</sup> 42 U.S.C. 5174(c)(1)(B)(iii)

<sup>68</sup> 42 U.S.C. 5174(c)(1)(B)(iv)

<sup>69</sup> FEMA IAPPG, p. 101

<sup>70</sup> Id.

<sup>71</sup> FEMA IAPPG, p. 102

<sup>72</sup> Id.

<sup>73</sup> Id.

<sup>74</sup> Id.

<sup>75</sup> 44 C.F.R. § 206.115(f)

<sup>76</sup> 42 U.S.C. § 5148

<sup>77</sup> See St. Tammany Parish ex rel. Davis v. FEMA, 556 F.3d 307, 325 (5th Cir. 2009).

<sup>78</sup> Note: This ONA guidance was provided by Texas' Department of Health and Human Services. Further verification is needed with respect to other states' application of ONA procedures.

<sup>79</sup> <https://hhs.texas.gov/laws-regulations/handbooks/ihp-ona/11000-case-decision-review-closing>

<sup>80</sup> Id.

<sup>81</sup> Id.

<sup>82</sup> Id.

<sup>83</sup> Id.

<sup>84</sup> 44 C.F.R. § 206.112(a)

<sup>85</sup> 44 C.F.R. § 206.112(c)

<sup>86</sup> SBP USA, Disaster Assistance Process Overview, p. 11

<sup>87</sup> Id.





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<sup>88</sup> Id.

<sup>89</sup> The Disaster Recovery Reform Act of 2018 (DRRA): A Summary of Selected Statutory Provisions, CRS Report, R45819, p. 23

<sup>90</sup> Id.

<sup>91</sup> §1212 of DRRA, P.L. 115-254

