NLSLA

Neighborhood Legal Services
of Los Angeles County

NLSLA Disaster Assistance Training

January 21, 2025

Neighborhood Legal Services of Los Angeles County

- Non-profit law firm that provides FREE legal services to individuals in Lost Angeles County who have low-income
- We assist with:

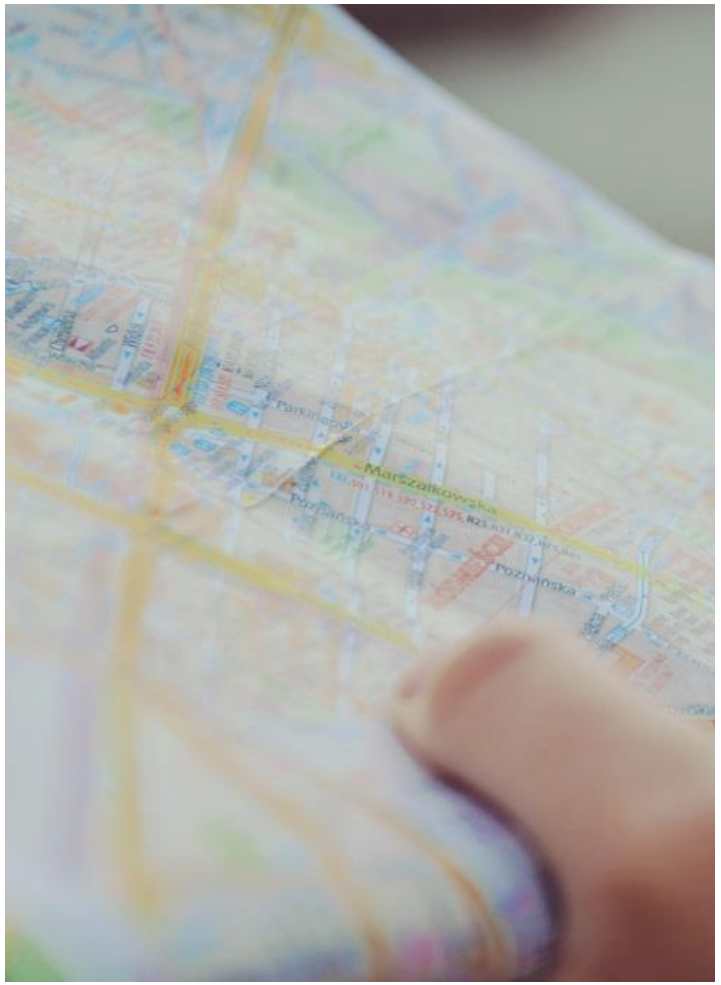
Housing
Healthcare Access
Worker's Rights
Domestic Violence/Family
Consumer

Public Benefits
Clean Slate/Expungement
Immigration
Education
Disaster

- We have offices in Pacoima, El Monte, Glendale, and Boyle Heights; are located in Self-Help Centers in five courthouses in Los Angeles County, and our Medical Legal Community Partnership provides services in four healthcare centers throughout Los Angeles
- www.nlsla.org

Agenda

- Coordinated Legal Disaster Response
- Emergency Response
- Trauma Informed Assistance
- Language Access
- Common Legal Issues After a Disaster
- Pro Bono Assistance
- FEMA Training



Disaster Assistance Project

- Legal Service Delivery After a Disaster

Counsel and Advice Hotline

Staffing DRCs and Legal Clinics

Legal Assistance and Representation

Systemic Issues

Community Presentations and Materials

Immediate Help After Disaster

- ✓ Shelter, food, clothing
- ✓ Medical supplies
- ✓ Reunification services
- ✓ Local Assistance Centers

Individuals who are undocumented can get emergency help and will not be asked about their immigration status.

Hierarchy of Help After a Disaster

- Voluntary Agencies (E.g., Red Cross)
- Insurance proceeds
- Federal Emergency Management Administration (FEMA) benefits
- Small Business Administration (SBA) loans
- California State Supplemental Grant Program

- ✓ CalWORKs Emergency Assistance
- ✓ Disaster Food Benefits

Survivors – Trauma Informed Interviewing

- ✓ Survivors may be "numb"
- ✓ Memory is impacted, non-linear
- ✓ Listen, even if that is "all" you can do
- ✓ Be Patient, Kind, Supportive

Working with Disaster Survivors

- Everyone reacts to situations differently – don't make assumptions
- Ask for multiple ways to contact client
- Explain what you/your agency can assist with and when your client can expect to hear from you
- Only attorneys may give legal advice
- Schedule enough time for the intake/client meetings
- Create a calm environment (this is more difficult at a busy DRC) and be ready to take breaks
- Be ready to shift interview/meeting goals (while still communicating important information such as relevant deadlines)
- Make warm referrals whenever possible
- Maintain confidentiality

Language Access

- NLSLA is committed to providing the same high-quality legal services to everyone who seeks assistance from the program, regardless of the language they speak.
- Language access is required by state and federal law
- If you need language access assistance at a DRC or legal clinic consult your volunteer materials for resources
- Identify language barriers/issues with government assistance/agencies

Common Legal Issues

Legal Needs Following a Disaster

WHAT ARE THE LEGAL NEEDS FOLLOWING A DISASTER?

1 to 6 WEEKS AFTER EVENT

Housing
- Lease Terminations & Evictions
- Utility Shutoffs
- Security Deposits
- Repair Issues
- FEMA Applications
- Insurance Claims

Document Replacement
- Birth Certificates
- Driver's Licenses
- Social Security Cards
- Deeds

Income Protection
- Wage Theft Issues
- Unemployment Applications/Appeals
- Public Benefits Applications/Appeals
- SBA Disaster Loan Applications

SHORT TERM

1 to 6 MONTHS AFTER EVENT

Housing & Consumer
- FEMA/SBA Appeals
- Landlord-Tenant Issues
- FEMA/HUD Rent Subsidy Renewals
- Displaced Public Housing Tenant Issues
- Foreclosure Prevention
- Real Property Title Clearing & Probate
- Section 8 Portability
- Mobile Home Questions
- Repair & Contractor Scams
- Insurance Scams & Claim Disputes
- Price Gouging

Family & Education
- Access to Public Education While Displaced
- Powers of Attorney (for care of a child or senior)
- Guardianships & Supportive Decision Making
- Emergency Custody Modifications
- Parenting Order Modifications (new home/school locations)
- Domestic Violence Issues (including protective orders)

MEDIUM TERM

6 MONTHS to YEARS AFTER EVENT

Housing
- Foreclosures
- Landlord-Tenant Issues
- Flood Insurance Disputes
- FEMA Recoupments
- Other Housing Disputes

Consumer
- Disaster Tax Relief Applications
- Bankruptcies

General Civil
- Civil & Disability Rights Cases
- Legal Counsel for Community Organizations

LONG TERM

Texas Access to Justice Commission (2018)

Landlord Tenant Issues

- **Fully Destroyed Homes**
  - Tenant DOES NOT owe rent (tenancy/rental agreement has ended)
  - Tenant entitled to return of unused portion of January's rent payment
  - Tenant entitled to return of security deposit
    - Must be returned within 3 weeks (tell landlord where to mail the check)
    - If tenant was behind on rent, landlord can deduct arrears from security deposit
  - Landlord not required to pay relocation assistance
- **Severely Damaged Homes (Including "Red Tagged" Properties)**
  - Tenant may choose to end lease or return to rental unit after repairs are made
    - Tenant should communicate decision to landlord and keep records
  - Tenant does not owe rent while home is uninhabitable
    - After repairs are complete, tenant must resume paying rent
  - Return of security deposit in accordance with California law
    - 21 days to return, itemized accounting, landlord cannot charge tenant for damage tenant did not cause
  - Relocation assistance?
    - Property not subject to rent control ordinance – no relocation
    - Property subject to rent control ordinance – permanent or temporary relocation assistance
      - LARSO (LA City), RSTPO (Unincorporated LA County), Pasadena

Landlord Tenant Issues

- **Homes with Minor Damage**
  - Tenancy is still valid
  - Tenant still owes rent

- **Habitability Issues**
  - Landlord is obligated to maintain the safety and habitability of rental unit
    - Ash, debris, smoke damage
  - Tenant should document substandard conditions and request repairs in writing
  - Remedies – repair and deduct, rent withholding, affirmative lawsuit
  - Complaints
    - LA County Department of Consumer and Business Affairs, LA County Department of Public Health
    - City of Pasadena Code Compliance Division
    - Los Angeles Housing Department (LA City)

Landlord Tenant Issues

- **Price Gouging**
  - California Penal Code 396 protects consumers against price gouging during emergency – protections extended until January 7, 2026
  - Rental housing, hotel accommodations, repair costs and other essential consumer goods and services (food, gasoline, etc.)
  - Prohibits price increases of more than 10% higher than pre-disaster rates
  - Rent protections apply to current and prospective tenants
  - Prohibits eviction of tenant to lease to another tenant for higher rent
  - Violators subject to criminal prosecution and civil fines (illegal rent increase defenses to eviction cases)
  - Report violations: 311 (LA City), DCBA, CA Attorney General

- **Unauthorized Occupants**
  - Governor Newsom issued an Executive Order prohibiting landlords from evicting tenants for sheltering one or more people displaced by the fires
  - In effect until March 8, 2025
  - Similar protections may be implemented by LA County, LA City and other local municipalities

Mobile Home Issues

- Owner-occupied
  - Communicate with bank (mortgage); Insurance companies to discuss coverage
  - Utilities companies for gas, electricity and water bills
  - CA Dept of Housing and Community Development
    - If need title and registration documentation or permits for repairs:
    - https://www.hcd.ca.gov/about-hcd/newsroom/assistance-mobilemanufactured-homeowners-impacted-natural-disasters
- Tenant-occupied
  - Treatment is the same as any regular tenancy, review lease / rental agreement
  - Renters insurance, if there is a policy in place
  - Landlord is responsible for repairs
  - If uninhabitable, the rental agreement/lease can be forfeited (given up)
    - No longer responsible for rent
- Special issues: contact an attorney
  - Rent Controlled Spaces / Units – potential relocation assistance
  - Park Closures

Price Gouging and Consumer Issues

- Price gouging rules also apply food, repairs, construction, emergency and medical supplies, gasoline, storage facilities and animal boarding facilities. You can report at:
  - **Online**: **online complaint reporting tool**
  - **Phone**: 800-593-8222
  - **Email**: complaints@dcba.lacounty.gov
- **Important**: Keep your records and receipts so you can prove the price gouging!
- Learn more about price gouging at **dcba.lacounty.gov/pricegouging**.

Consumer Scams

- Common scams
  - Fake Contractor – solution: Look up license number with state, check with BBB
  - Criminals who claim to work for the government (FEMA or otherwise), utility or insurance company, or claim to help with FEMA applications – solution: ask for ID, call insurance company and generally be wary of sharing personal info
  - Fake job scams – solution: do not submit PII
  - Payment scams – solution: do not use gift cards, wire transfers, crypto

- Scams often involve
  - Payment upfront
  - Unasked for communications that demand quick action
  - Poor grammar and spelling
  - Caller IDs and emails that resemble legitimate contacts but are slightly altered
  - High-pressure tactics

Chapter 7 Bankruptcy

- Proceed with caution – things to consider with a Chapter 7:
  - Even if a home was damaged in the fire, home or the land may still be at risk.
  - No access to credit/credit cards.
  - Harder to rent an apartment due to adverse impact on credit score.
  - Funds from crowd-sourcing sites like gofundme.com or insurance benefits may be put at risk.

Public Benefits

- DPSS Cash Aid
  - CalWORKs for families with children
    - Available for mixed-status families
    - Some homeless assistance (disaster exception applies)
    - Immediate need ($200 if applicant), Special Needs grant up to $600 to cover destroyed things
  - General Relief
  - CAPI
  - RCA/TCVAP
- SSA Benefits
  - Increase to SSI if loss of cooking facility
- Note: Disaster grants like FEMA generally are not treated as income or resources for means-tested programs

CalFresh

- **Disaster SNAP:**
  - Provides immediate food assistance for people impacted financially by disasters (living or working in area)
  - Total income & liquid assets minus disaster-related expenses does not exceed Disaster Gross Income Limit (DGIL - $2171 in FY 2025): Gives max benefits, and supplement to max benefits for all CF HHs.
  - No immigration/SSN requirements
  - Approval pending: anticipated **1/27/2025 to 2/4/2025**.
  - Guide to Disaster CalFresh Issues- see page 19
- **Replacement benefits**
  - Form 303 through Feb. 5th
  - Mass replacement waiver pending
- **Hot Food waiver in effect through Feb. 8**
  - Can buy hot food at grocery store. Automatic, all LA

Workers Issues

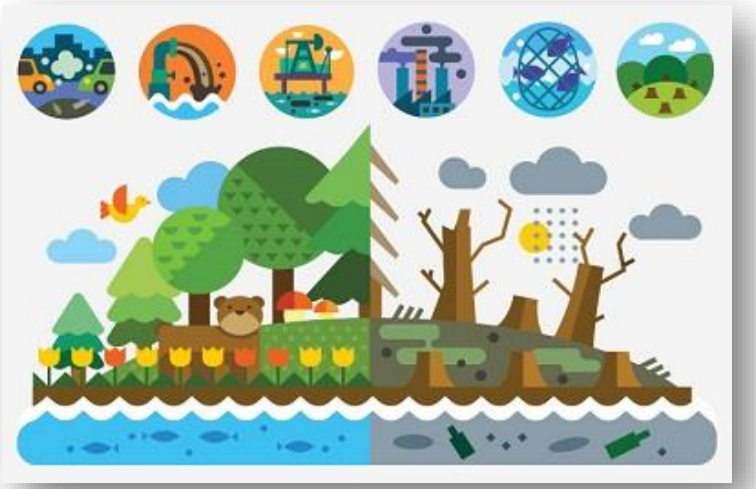
- Disaster Unemployment Assistance: https://edd.ca.gov/en/about_edd/disaster_related_services/
  - Available for workers in LA county who are unemployed as a result of a disaster
  - One-week waiting period waived
- PFL/SDI
  - Benefits to workers who cannot work due to injury or need to care for injured family member/self
- Protected Leave
  - Up to 40 hours of leave due to children's school or childcare closure
- Workers Safety
  - Right to file CalOSHA complaint if you work in evacuation zone
  - Right to refuse to work or report to work in an evacuation zone
  - Right to wear N95 masks or change at job site due to wildfire smoke

Family Law

- Restraining order due to increase in family violence
- Change to Custody Order due to relocation and/or change in housing status
- Need for safety planning at DRCs, shelters, confidential addresses
- Missed hearings in disaster area or as a result of being displaced

Education Issues

- Enroll as homeless youth
- IEP/504 plan can and should be implemented at new school
- Request transportation to school and services
- Request school-based counseling and mental health services
- Ask for hot spot and Chromebook if internet needed for schoolwork
- Request remote or alternative placements if student's health impacted by air quality



Health Issues and Disaster

- Medi-Cal beneficiaries who lost their Medi-Cal card can access care using their SSN and Date of Birth.
- Medicare and Covered California plans give survivors Special Enrollment Periods to change their plans for at least 60 days after a disaster state of emergency.
  - The Covered California Special Enrollment Period ends March 8, 2025.
- **Prescription Drugs**
  - Medi-Cal beneficiaries can get prescriptions at any pharmacy enrolled in Medi-Cal.
  - Find open pharmacies at: https://www.healthcareready.org/rxopen
    - If you can't access your pharmacy, you can go to another pharmacy and ask them to transfer your prescription.
    - All insurance providers have been ordered to suspend prescription refill limits for necessary medications for affected individuals.

… cont. Health Issues and Disaster

- **Durable Medical Equipment (DME) and Supplies**
  - To get a DME (e.g., wheelchair, prosthesis, oxygen tank, etc.) replacement due to a fire disaster, you can:
    - Contact your DME supplier directly; or
    - Have your primary care provider write a new order or prescription explaining your medical need; or
    - Contact your health plan to find out how it replaces DME.

Immigrant Access to Disaster Services

- **Use of any disaster-related services, or FEMA assistance, does not impact immigration status.**
- **No immigration eligibility restrictions for immediate needs like**:
  - Emergency shelter, food, water, and medical assistance
  - Transportation and help locating missing people
  - Crisis Counseling and Disaster Case Management
  - Emergency supplies like medicine, clothing, diapers, formula, etc.

- **Long-term disaster relief from FEMA limited to**:
  - U.S. Citizens (U.S.-born or naturalized)
  - "Qualified Non-Citizens"
    - Lawful Permanent Residents (green card holders)
    - Refugees, people GRANTED asylum, people granted "withholding of deportation"
    - Certain survivors of domestic violence
    - Trafficking survivors
    - People paroled in U.S. for at least one year
    - And others

Immigrant Access to Disaster Services

- **What about mixed status households?**
  - The household may be eligible for assistance if an adult household member meets the eligibility criteria and certifies their citizenship status OR
  - If there is a minor child in the home who is a U.S. citizen or has another qualifying immigration status – parent can apply on behalf of child
    - The parent would tell FEMA that they want the services only for their child and not for themselves. The parent would not be required to provide their own SSN – and should not provide information about their own immigration status.

  - **Never provide false information**. This can cause problems for non-citizens and may affect their chance of getting U.S. citizenship or a green card.

Replacing Documents

- Social Security Card:
  - Online: https://www.ssa.gov/number-card/replace-card
  - Social Security Office
  - Call SSA for help: 800-772-1213
  - At DRC
- Driver License
  - Visit a DMV Office. Schedule an appointment at www.dmv.ca.gov or apply online: www.edl.dmv.ca.gov/apply
  - At DRC
- EBT Card with DPSS:
  - (866) 613-3777
  - Online via BenefitsCal.Com
  - visit DPSS office
  - DPSS booth at DRC

Other Legal Issues –Pro Bono Need

- Insurance
- Mortgage issues
- Title/Deed clearing
- Tax
- FEMA Appeals—PART II of this training

Pro Bono Opportunities

- Volunteer at Pasadena/UCLA Disaster Recovery Center
  - Shifts: 9 am – 2:30 pm, 2:30 pm – 8 pm
- FEMA Pro Per Appeal Clinics (TBD)
- Full-Scope Representation
  - High Needs: FEMA appeals, LL/T, Insurance, Title/Deed issues, Mortgage issues, Tax
    - Partner with legal aid
    - Take in-house b/c not eligible (income/immigration status)
- Research, drafting pro-per demand letters and materials
- Other outreach, workshops
  - Know Your Rights
  - Visit Shelters
  - Potential LL/T clinics

Questions?

Lena Silver: lenasilver@nlsla.org
Julie Rattray: julierattray@nlsla.org
Skip Koenig: skipkoenig@nlsla.org

Sign up to volunteer: Volunteer Sign-up form

FEMA Appeal Session

Disaster Benefits Series

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What will this presentation cover?

House Program

the Federal Register on January 31, 2024 e

ed disasters occurring after March 22, 2024

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Initial steps in a FEMA case

- Get Admin Documents, Client ID and FEMA Authorization at the very beginning
- Call and determine the status of the client's application
  - If authorization already on file, can call FEMA without client present
  - If applied online may be able to check status with their log in
- Determine Deadlines:
  - Appeal deadline 60 days from the date on the letter
  - Pre-decision letters may have shorter deadlines
- Request FEMA file
  - You likely will not receive this before your initial appeal is due, so
  - Discuss applicant's needs, what documents they may have, what assistance they need and can qualify for
- Determine what the applicant has already submitted
  - Confirm they have actually applied
  - Confirm if inspection has occurred and if so how many
  - Have they submitted documents after they received the determination letter?

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Initial steps in a FEMA case

- Compile documents based on denial reason
- Submit appeal
  - Online at DisasterAssistance.gov
  - In person at a Disaster Recovery Center
  - By mail at:
    - FEMA - Individuals & Households Program National Processing Service Center
      P.O. Box 10055
      Hyattsville, MD 20782-8055
  - Fax to:
    - (800) 827-8112
      Attention: FEMA - Individuals & Households Program
- FEMA no longer requires a signed and written cover letter and will accept documents as appeal.
- Check back in with FEMA 1-2 weeks after submission
- FEMA will only send determination letters to applicant so check in often with your client

General eligibility: IHP

- Only U.S. citizens, non-citizen nationals, or "qualified alien"
- Only need one eligible person in the household
  - Any adult member that qualifies; or
  - Minor child –parent or guardian within that household can apply on child's behalf
- Any member of the household is a U.S. Citizen, Legal Permanent Resident, or Qualified Alien
  - All immigrants qualify for emergency non-cash assistance
- Just because you can, should you?
  - FEMA form contains some detailed household information
- Privacy Act applies but . .
  - "I understand that the information provided regarding my application for FEMA disaster assistance may be subject to sharing within the Department of Homeland Security (DHS) including, but not limited to, the Bureau of Immigration and Customs Enforcement."

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General eligibility: IHP

- Applicant resided in a disaster declared county at the time of the disaster
- Applicant has damage
  - Confirmed by FEMA inspection
- Insufficient or no insurance coverage
  - If insurance proceeds are not timely, then applicant can seek FEMA assistance and repay FEMA insurance proceeds

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Individual Assistance Program Equity Rule

- The rule:
  - Changes Critical Needs Assistance program to Serious Needs Assistance
  - Creates Displacement Assistance program
  - Reworks how insurance factors into assistance
  - Removes SBA application requirements of ONA assistance
  - Changes habitability standards
    - No longer requires dwelling to be "fit to occupy" and removed requirement that damaged is "disaster-related"
  - Increases assistance for household accessibility components
    - Disability related improvements are eligible regardless if those features existed prior to the disaster and disability does not have to be caused by the disaster.
  - Increased assistance for household resilience components
  - Modifies appeals process
    - NEW – appeal form
  - Streamlines housing assistance applications
  - Make late applications easier to file.
    - Supporting documentation is no longer required for late application., just need to state reason in person, by phone, or in writing.

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FEMA IHP programs

Housing Assistance

- Temporary Housing Assistance
- Home Repair Assistance
- Home Replacement Assistance
- Permanent Housing Construction

Other Needs Assistance

- Personal property
- Cleaning and Sanitation
- Transportation
- Medical and Dental
- Funeral and burial
- Childcare
- Moving and Storage
- Serious Needs Assistance
- Displacement Assistance

2025 Max Award Cap: $43,600 each

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Housing Assistance

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Temporary Sheltering Assistance

- Hotel/Motel Assistance
- Direct payment from FEMA to Hotel
  - Voucher program
- Short-term assistance
  - Initially, 5-14 days (maybe 30)
  - Can be extended in 14-day intervals up to 6 months

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Temporary Housing Units

- Can be in the form of Mobile home, military bases, cruise ships…
- Available if home is destroyed or uninhabitable
- Rental Assistance cannot be used due to housing shortage
- Lasts up to 18 months but can be extended
- Not counted towards FEMA max award cap

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Rental Assistance

- Lasts up to 18 months unless extended
- Money covers rent and utilities like water, electricity, etc
- Recertification:
  - Applicant will need to recertify the need for rental assistance every 2-3 months

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Home Repair Assistance

- Applicants must be a homeowner under FEMA standards
  - Official: Deed, Deed of Trust or other official record
  - Unofficial: Public official's letter or receipts for major improvement, not a renter and property tax payments
  - Heirship property: Affidavit of Heirship, death certificate and will, Bill of sale or bond for title, etc
- Purpose of Home Repair Assistance is to make home habitable
  - Definition of Habitable: a dwelling that is not safe or sanitary
  - Safe: secure from hazards or threats to occupants
  - Sanitary: free of health hazards
- Applicant's home repairs are eligible for financial assistance from FEMA regardless of pre-existing conditions

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Home Replacement Assistance

- Applicant must be a homeowner
  - Can be combined with a SBA Disaster Loan for a down payment
  - Generally, applicant must be approved by the Regional Administrator
- The money is to assist the applicant with the cost of replacing a destroyed home
- The money is not intended to cover the entire cost of home replacement or to return home to pre-disaster condition.

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Other Needs Assistance

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Types of Other Needs Assistance

- Serious Needs Assistance
- Displacement Assistance
- Transportation Assistance
- Personal Property
- Moving and Storage
- Medical and Dental Assistance
- Funeral Assistance
- Child Care Assistance
- Clean and Sanitize Assistance
- Miscellaneous

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Personal Property

- The damaged item needs to be repaired or replaced
- The occupants of the household have an unmet disaster-related need for the damaged item
  - FEMA may not provide assistance if the applicant can meet that need with another similar item in their possession or available to the household
- The item was owned and used by occupants of the household
  - FEMA does not provide assistance for furnishings or appliances provided by a landlord
  - Items used by guests and relatives who were not members of pre-disaster household are not eligible for assistance

Personal Property

- **Appliances:**
  - Included standard household appliances, such as a refrigerator, washing machine, etc…
  - Assistance is based the number and type of household appliances in need of repair or replacement
  - Applicants may receive assistance for two appliances that serve a similar purpose or function (e.g., a range and a microwave)
- **Clothing:**
  - Essential clothing needed due to overall loss, damage or contamination
  - Assistance is based on the number of household members requiring clothing as determined during FEMA inspection
  - FEMA defines an essential need for clothing if existing clothing has been destroyed, is physically gone (e.g., blown away), or contaminated by chemicals or sewer backup as a result of disaster
- **Room Furnishings:**
  - Standard furnishings found in a bedroom, kitchen, bathroom, and living room
  - Assistance is based on the level of damage to furnishings within specific rooms as recorded during FEMA inspection
  - The rooms must be one of the four types required to meet the needs of a typical household: kitchen, living room, bathroom, or bedroom
- Essential Tools:
  - Tools and equipment required by an employer as a condition of employment and items required as a condition of an applicant's or household members education
  - Schoolbooks/Supplies: Equipment and supplies required to be provided by the applicant for educational courses or schooling, including home schooling, college, and trade school courses
  - Uniforms: Required for school or work when the applicant is responsible for replacement of the uniforms.
  - Computers: eligible for replacement regardless if it is required for work or educational purposes
  - Occupational Tools: Essential tools and equipment required by an employer (including self-employment) as a condition of employment

Transportation

- The vehicle sustained disaster-caused damage, and the damage occurred within the declared disaster area.
- The damaged vehicle is an approved vehicle type
  - Example: vans, trucks, sport utility vehicles, and cars.
- Registered with the State and insured
- The damaged vehicle is owned or leased (i.e., not a rental vehicle) by the applicant, co-applicant, or household member.
- The applicant does not own an operational and unaffected second vehicle

Serious Needs Assistance (SNA)

Formerly Critical Needs Assistance (CNA)

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Serious Needs Assistance

- Serious Needs Assistance is available for survivors who apply during the first 30 days after a disaster is declared. FEMA can extend this time to 60 days in response to a written request from the impacted state, territory, or Tribal Nation.
- FEMA will limit assistance to applicants who are displaced from their pre-disaster primary residence because of a disaster OR to those sheltering in their pre-disaster residence and report a need to shelter somewhere else
- Serious needs includes but not limited to water, food, first aid, infant formula, diapers, personal hygiene items, and fuel for transportation s needs after a disaster.
    - FEMA will not require receipts documenting the use of the assistance.
- Unlike CNA, SNA will be available after every disaster in which Individual and Household Programs (IHP) is authorized
- Amount is adjusted annually. Currently: $750

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Displacement Assistance

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Displacement Assistance

- Displacement Assistance is a one-time payment. FEMA may provide up to two weeks of funds for temporary lodging at a hotel, motel, or the home of friends or family, for displaced applicants who apply during the registration period
- Intended to assist displaced applicants with the cost of short-term living arrangements immediately following a disaster
- To seek out temporary lodging while they make repairs or pursue temporary housing if their current homes are uninhabitable due to a disaster
- Applicants can still request and receive initial rental assistance
- The amount of money is based on 14 days of hotel costs based on a rate chosen by the state, territory, or Tribal Nation impacted by the disaster.
- Insurance Additional Living Expenses or Loss of Use coverage will preclude an applicant from receiving DA unless you can show an insurance denial, or all proceeds have been spent and applicant needs DA in excess of what insurance paid.

Inspections

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FEMA inspections

- The purpose of a FEMA inspection is to establish that the home is uninhabitable, needs repairs or replacing and catalog damage for other needs assistance eligibility.
- Applicant should try to be present because:
  - FEMA Inspector must verify ownership and occupancy at every inspection
  - Ensure the quality of the inspection- may need to detail poor quality inspection in an appeal
- Inspectors are not FEMA employees
  - FEMA contracts with companied to provide inspections as independent contractors
  - Only requirement is a criminal background check
  - Do not need experience in housing or construction
  - Receives minimal training on FEMA standards
  - Are not required to speak the same language as the applicant during the inspection
- Inspectors cannot:
  - Use ladders to view roof
  - Go underneath the home

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FEMA inspections

- FEMA inspectors decide facts relating to:
  - Whether ownership has been verified
  - Whether applicant occupies home
  - Whether damage or losses are disaster-related
  - Whether housing damage affects habitability
  - Whether essential items were affected
  - Whether other needs are serious

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FEMA inspections

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Appeals

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What documents are needed for appeal?

- Cover Letter*
  - Applicant's name
  - Applicant's FEMA application number and Disaster Number
  - Address of the applicant's pre-disaster primary residence
  - Applicant's current phone number and address
- FEMA Authorization
- Government Issued ID
- Declaration*
- Evidence

*Optional under new FEMA rule

Applicant Name
Application Number
Disaster number
Street Address
City, State, Zip
Phone number

Dear FEMA,

On February 17, 2016, I received a letter from you stating that I am ineligible for assistance because I have insurance. I would like to appeal your decision, as my insurance company will not cover the damage.

Enclosed please find my insurance denial letter showing that I do not have insurance coverage for the damage to my home and personal property located at 123 Main Street, Everytown, Virginia.

Please review the enclosed information and reconsider your decision.

Thank you,

Applicant
[Signature]

FEMA's sample appeal letter

What documents are needed for appeal?

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

OMB Control No. 1660-0061
Expiration: 09/30/2024

INDIVIDUALS AND HOUSEHOLDS PROGRAM (IHP)
APPEAL REQUEST

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 15 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0061). **NOTE: Do not send your completed form to this address.**

PRIVACY ACT STATEMENT

AUTHORITY: The Privacy Act of 1974 protects your rights as to how FEMA uses and shares your information with entities such as states, tribes, local governments, and other organizations. The Stafford Act and other laws allow FEMA to collect information to determine eligibility and provide assistance as a result of a Presidentially declared disaster.

PRINCIPAL PURPOSE(S): FEMA collects and maintains your information in order to respond to any inquiries or appeals regarding financial assistance eligibility decisions under a Presidentially declared disaster. Additionally, FEMA may review your information for quality assurance purposes to assess FEMA's disaster assistance customer service.

ROUTINE USE(S): FEMA may share the personal information of U.S. citizens and lawful permanent residents contained in their disaster assistance files outside of FEMA as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended, and as detailed in the following Privacy Impact Assessment: DHS/FEMA/PIA-049 Individual Assistance (IA) Program (Jan. 11, 2018). This includes sharing your personal information with Federal, State, Tribal, local agencies and voluntary organizations to enable individuals to receive additional disaster assistance, to prevent duplicating your benefits, or for FEMA to recover disaster funds received erroneously, spent inappropriately, or through fraud as necessary and authorized by routine uses published in DHS/FEMA-008 Disaster Recovery Assistance Files System of Records Notice, 87 Fed. Reg. 7852 (Feb. 10, 2022), and upon written request, by agreement or as required by law as well as DHS/FEMA/PIA-057 Individuals and Households Program Equity Analysis (June 30, 2022) which allows collection and analysis of information from FEMA applicants to ensure the equitable and impartial distribution of supplies, processing of applications, and performance of other relief and assistance activities, in accordance with Section 308(a) of the Stafford Act, which prohibits discrimination on grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status.

DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent you from receiving FEMA benefits.

If you disagree with FEMA's decision regarding disaster assistance, you have the right to appeal. To appeal, you need to send FEMA documents that show why you need assistance that FEMA hasn't approved, or if you need more money than FEMA gave you. Documents you can send include receipts, bills, repair estimates, contractor estimates, property titles, or deeds, that show why you need more help. You can use this form to give FEMA additional information that we should consider or to clarify anything in the documents that helps FEMA understand why the documents you sent show that you need assistance. Please read the decision letter FEMA sent to you for examples of the documents you should send to appeal FEMA's decision. You may also call FEMA's Helpline at 1-800-621-3362 for more information.

Note: This form is optional. You can write and sign your own explanation to send with your documents, or you can just send the documents that explain why you need more assistance without an additional explanation.

Appeals must be postmarked or submitted within 60 days of the date on your disaster assistance eligibility notification letter. Make sure you write your name, disaster number, and FEMA application number on all additional documents you send to FEMA. Supporting documents such as receipts, bills, and/or estimates must include contact information for the service provider. This completed form and supporting documentation can be submitted by:

Upload to:	**Fax to:**	**Mail to:**
www.DisasterAssistance.gov *Click "Check Status" on the Home Page and follow the instructions*	800-827-8112 Attn: FEMA	FEMA P.O. Box 10055 Hyattsville, MD 20782-8055

1. FEMA APPLICATION NUMBER	2. DISASTER #		
3. APPLICANT NAME (LAST, FIRST, MI)	4. PRIMARY PHONE NUMBER		
5. DAMAGED ADDRESS (NO., STREET, AND APT/LOT/UNIT NO.)	CITY	STATE	ZIP CODE
6. CURRENT MAILING ADDRESS (NO., STREET, AND APT/LOT/UNIT NO.)	CITY	STATE	ZIP CODE

Explanation/Reason for Appeal: Please explain the portion of FEMA's decision you disagree with and why. If applicable, please explain how your documentation supports your appeal request. *Note: Additional pages may be attached.*

Applicant/Co-Applicant Signature Date

You will receive a decision letter from FEMA within **90** days of FEMA's receipt of your appeal.

To check the status of your appeal,visit www.DisasterAssistance.gov and select *Check Your Application Status*, or call FEMA's Helpline at 800-621-3362 (TTY: 800-462-7585). If you use a relay service, such as your Videophone, InnoCaption or CapTel, please provide your specific number assigned to that service. It is important that FEMA is able to contact you, and you should be aware phone calls from FEMA may come from an unidentified number.

This form is intended to assist you in submitting appeals but is not required.

If you have a FEMA file

- What is in a FEMA file
  - Copies of correspondence
    - Written and verbal
  - Comments from FEMA
    - Inspector comments, if any
    - FEMA decisionmaker comments
    - Sometimes gives insight in how to approach an appeal.
    - Sometimes tells you breakdown of amounts awarded.
    - Sometimes warns of recoupment concerns
    - Record of contacts between client, FEMA, advocates and third-parties (contractors on estimates)
  - Skeletal inspection report
    - Not as comprehensive as what was provided to FEMA by inspectors
  - No photos

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Serious Needs Assistance (SNA)

Formerly Critical Needs Assistance (CNA)

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What type of evidence is needed for this type of appeal?

- If not automatically awarded to applicant, probably need to request in a cover letter* and declaration* with facts detailing:
  - Applicant is displaced from their pre-disaster primary residence because of a disaster OR
  - Applicant is sheltering in their pre-disaster residence and report a need to shelter somewhere else

*Optional under new FEMA rule

Rental Assistance

What type of evidence is needed in an initial Rental Assistance request?

- Declaration*
  - State the damage to the home
  - Explain the need rental assistance
  - Specifically state that the client is willing to temporarily relocate during repairs
  - Include a permanent housing plan
- Evidence the home is uninhabitable, inaccessible, affected by utility outages, or unavailable due to forced relocation

*Optional under new FEMA rule

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Initial rental assistance continued…

- Insufficient insurance to meet temporary housing needs
- Evidence the client does not have access to:
  - Adequate rent-free housing
  - A secondary/vacation home within reasonable commuting distance
  - Own an available rental property that meets temporary housing needs

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Evidence for continued rental assistance

- Declaration*
  - State why the applicant is unable to return to pre-disaster housing and include a permanent housing plan
- Copy of lease or rental agreement signed by landlord and tenant
- Proof initial Rental Assistance was exhausted for intended use
  - Receipts for rent, essential utilities, security deposit, hotel/motel stays
- Proof of post-disaster income
  - Pay stubs, W-2s or tax returns, documents for government assistance, self-employment documents, statement of no income, etc
- Proof of current pre-disaster housing costs**
  - Mortgage statement, lease, tax statement, insurance statement
  - Essential utility bills

*Optional under new FEMA rule
**Only required if applicant is still responsible for costs related to pre-disaster home

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Denial for Occupancy

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What type of evidence is needed for this type of appeal?

- Utility bills*
- Merchant's statement*
  - Bank/credit card statement
  - Phone/cable bill
- Employer's statement*
  - Pay stub or similar document
- Leasing/housing agreement (not expired)
- Rent receipts*

- Driver's license, state-issued ID card, voter registration card (not expired)
- Medical provider's bill
- Social service organization documents (e.g. Meals on Wheels).
- Motor vehicle registration
- Affidavits of Residency or other court documentation
- Letter or mail delivered to your address from an employer, public official, social service organization, local school or school district, mobile home park owner or manager
  - If public official, dated within 19- month period of assistance

*Dated within **1 year** prior to the incident period

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Denial for Ownership

Traditional Ownership Documents

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What type of evidence is needed for this type of appeal?

- Declaration**
- Deed, Deed of Trust, or official record
- Mortgage statement or escrow analysis
- Real property insurance document, bill, payment record, or structural insurance documentation*
- Bill of sale

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*Dated within **1 year** prior to the incident period
**Optional under new FEMA rule

Denial for Ownership

Non-traditional Ownership Documents

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What type of evidence is needed for this type of appeal?

- Declaration*
- Property tax receipt or property tax bill
- Proof of repairs
- Manufactured home certificate of title
- Real Estate Provision
- Contract for Deed
- Land Installment Contract
- Bill of Sale or Bond for Title
- Will or Affidavit of Heirship naming the applicant heir to the property and a death certificate

*Optional under new FEMA rule

Self-declarative statement

- May use written self-declarative statement as proof of ownership if:
  - You own a home, live in an insular area, island, or tribal land or in a travel trailer or mobile home
  - Do not have any acceptable forms of ownership
  - As a last resort
- Must include:
  - The address of the disaster-damaged residence
  - Length of time you lived in the disaster-damaged home, as your primary residence, prior to the Presidential disaster declaration
  - Your or your co-applicant's name and signature
  - Major elements of the following statement:

Self-declarative statement

- "I have made a good faith effort, in coordination with FEMA, to obtain and provide a copy of acceptable ownership documentation. I do meet FEMA's definition of an owner-occupant because I am either (A) the legal owner of the home. (B) pay no rent but am responsible for the payment of taxes or maintenance for the residence, or (C) hold lifetime occupancy rights. I was unable to obtain this documentation because [provide an explanation of the circumstances that prevent standard ownership verification of the appropriate owner-occupant category] I hereby declare under penalty of perjury that the foregoing is true and correct."

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Self-declarative statement: heirship

- May use self-declarative statement if:
  - You own and live in a home that was passed down via heirship
  - Do not have any acceptable forms of ownership
  - As a last resort
- Must include:
  - The address of the disaster-damaged residence
  - Length of time you lived in the disaster-damaged home, as your primary residence, prior to the Presidential disaster declaration
  - Your or your co-applicant's name and signature
  - A copy of the decedent's death certification
- Major elements of the following statements:

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Self-declarative statement

- "I have made a good faith effort, in coordination with FEMA, to obtain and provide a copy of acceptable ownership documentation. I was unable to obtain this documentation because [provide an explanation of the circumstances that prevent standard ownership verification]."
- "As the nearest relative of the deceased in the line of succession, my ownership includes all the rights and obligations of the deceased. The decedent's name is _____, and they died on _____. I understand I must submit the death certificate along with this declaration. I hereby declare under penalty of perjury that the foregoing is true and correct."

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Denial for Home Repair: Home Safe to Occupy

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What type of evidence is needed for this type of appeal?

- Declaration*
  - State how home is not safe or sanitary.
  - Safe= secure from hazards or threats to occupants
  - Sanitary= free of health hazards

- Contractor's estimate
  - Must be detailed and itemized
  - Make sure they are available and responsive for when FEMA contacts
- Photos
  - Not required but possibly useful

- Think of the contractor estimate as your expert
- The goal of this appeal is not to get cash assistance but to get a second inspection issued.

*Optional under new FEMA rule

Denial for Insurance

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What type of evidence is needed for this type of appeal?

- Declaration*
  - State the damages related to the assistance applied for and how insurance is insufficient
- A denial letter
  - Proof that you are not being covered by your insurance company or you have uninsured losses
- A settlement letter
  - Stating what is being covered by your insurance company
- A delay letter
  - Proof there has been no official decision yet by your insurance company on your claim, and it has been more than 30 days since you filed the claim

*Optional under new FEMA rule

Denial for Other Needs Assistance

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What type of evidence is needed for this type of appeal?

- Declaration*
  - Include the damage and impacts of the disaster
- Evidence depends on type of assistance
  - Be sure to request FEMA file and review the denial reason
- E.g., Transportation Assistance
  - Copy of vehicle title
  - Copy of vehicle registration
  - Description of the vehicle and its uses
  - Bill from a mechanic for the repair costs
  - Verification of insurance
  - If client has more than one functioning vehicle, explanation for why they need more than one
- E.g., Personal Property Assistance
  - Detailed list of items categorized room by room. Helpful to list if that room was occupied.
  - Estimates of repair
  - Receipts showing that applicant owned that property

*Optional under new FEMA rule

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Identity Verification Failure

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What type of evidence is needed for this type of appeal?

- Minor children can be applicants in mixed status households
  - Children often don't have an ID or a passport
- Submit a copy of the child's birth certificate and a copy of the child's Social Security Card or a document from other federal entity containing the full or last four digits of the child's SSN.

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Additional Information

Sample declaration

DECLARATION OF [APPLICANTS NAME]

- My name is [APPLICANTS NAME], I am over the age of eighteen (18) and I am competent to make this statement. My FEMA Application number is [FEMA APPLICATION NUMBER], [DAMAGED DWELLING ADDRESS], [DOB].

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Appeal deadline

- Must appeal initial eligibility determinations within 60 days of the date on their eligibility notification letter
- May call the applicant and sends a letter requesting additional information with a deadline of 30 days to submit the additional information
- FEMA has 90 days to respond

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Approved for benefits

- Money must be used only for intended purposes
  - Keep receipts and bills to document use for at least 3 years
  - FEMA can audit and seek to recoup if assistance is misused
- Money is tax free and exempt from garnishment
- Money does not count against other types of federally funded means-tested aid

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Duplication of Benefits

- Rule: By law, FEMA cannot duplicate benefits received from another source. However, there are many different types of assistance available through FEMA and FEMA will review each application for DOB.
- GoFundMe: If a survivor receives money from a GoFundMe page for a specific disaster-related expense--such as home repairs, funeral expenses or other emergency needs—they may not be able to receive FEMA aid for the same expense. For example, if they receive donations to clean up storm damage to their home, FEMA may not be able to also grant them financial assistance for home clean up.
- Practice Tip: Ensure that your GoFundMe campaign is for general disaster recovery rather than a specific need that would otherwise be eligible for FEMA funding.
- Practice Tip: Advise and prepare for possible recoupment case. Tell them to keep receipts of of how they spent the GoFundMe funds to show no DOB.

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Practice tips

- Every appeal should include
  - FEMA Authorization
  - Client Photo ID
  - Supporting documents
  - Cover letter*
  - Applicant declaration*

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Practice tips

- What to do if FEMA has not responded?
  - Check in with FEMA
    - Request NEW FEMA file
    - While FEMA DRC's are open request copies of letters to be printed
    - Check online account
- Why?
  - You may find
    - Missed electronic notices
      - Make sure client wants to receive the information the way it is being sent
    - FEMA made a mistake
    - A typo in address
    - FEMA forgot to send the letter out

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Practice tips

- When should you call FEMA?
  - If your client has not heard anything from FEMA?
  - If you have received a negative decision and don't know why
- What do you need when you call FEMA?
  - Up to date FEMA Authorization form (on file with FEMA)
  - Client's ID (on file with FEMA)
  - FEMA will ask you to confirm:
    - Applicants Name
    - Damaged Dwelling Address
    - FEMA Application Number
    - FEMA Disaster Number
    - Current Mailing Address
    - Last 4 of Social Security Number
    - Applicant's Phone Number

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Practice tips

- Who are you talking to?
  - You are speaking with a helpline worker, not a decision maker
  - FEMA helpline workers may tell you that they can make decision they don't have the authority to make
  - Helpline workers have a tendency to say yes

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Practice tips

- Client wants to appeal again?
  - Do you have additional documents, facts, or information?
  - Did FEMA misunderstand or misapply the law?
- Why?
  - You may find
    - Missed electronic notices
      - Make sure client wants to receive the information the way it is being sent
    - FEMA made a mistake
    - A typo in address
    - FEMA forgot to send the letter out

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Practice tips

- How many appeals are allowed?
  - Housing Assistance categories
    - Regulations say you can only have one appeal
    - In Practice, FEMA has always considered more than one housing appeal
    - Generally, FEMA usually only grants two inspections
  - Other Needs Assistance
    - Depends on how your state administers ONA
    - Check State Action Plans and Administrative Codes

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Helpful links

https://www.fema.gov/assistance/individual/after-applying/appeals

https://texaslawhelp.org/article/appealing-a-fema-decision

Individual Assistance Program and Policy Guide (IAPPG)

https://www.fema.gov/assistance/individual/after-applying/verifying-home-ownership-occupancy