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**FEMA**

August 14, 2018

The Honorable Robert Menendez  
United States Senate  
Washington, D.C. 20510

Dear Senator Menendez:

This is in response to your letter dated August 2, 2018, concerning the appeals process for Puerto Rico disaster applicants once the Federal Emergency Management Agency (FEMA) determines them to be ineligible for the Individuals and Households Program. I am pleased to address the questions you raised by providing information about what FEMA is doing to support the residents of Puerto Rico affected by Hurricanes Irma and Maria.

Puerto Rico's recovery from Hurricane Maria is unique in many ways. By law, FEMA must verify ownership of a pre-disaster primary residence to determine eligibility for federal financial disaster assistance for repairs or replacement of the damaged dwelling. Although FEMA often verifies ownership through automated public and government records, such as deeds or mortgage documentation, in Puerto Rico many residents do not have those standard documents.

To address the complex nature of home ownership in Puerto Rico and support disaster survivors through the verification process, FEMA coordinated with legal aid groups including Ayuda Legal Huracán María, Fundación Fondo de Acceso a la Justicia, and Servicios Legales de Puerto Rico, among others, to develop additional documentation options for survivors.

Survivors who need assistance appealing an eligibility decision because of missing home ownership documentation are encouraged to contact a local legal aid organization, including those noted above. One method that can help support a home ownership verification for an applicant's appeal is through a Sworn Declaration. This declaration is not a FEMA form; it is provided by the legal aid organizations. The two-page document is tailored to address property laws within the Civil Code of Puerto Rico. The declaration provides survivors the opportunity to self-certify their legally recognized ownership through various classifications, including heirship and prescription (better known as "adverse possession").

The Sworn Declaration will not automatically entitle an applicant to repair or replacement assistance. It is an additional tool to help eligible survivors find the assistance they need to

recover. All other eligibility criteria, including occupancy, identity and citizenship verification, still remain.

Survivors may download the Sworn Declaration statement from Legal Help PR's website at <https://ayudalegalpr.org/resource/formulario-para-solicitar-o-apelar-a-fema-sin-titulo-formal>.

The Sworn Declaration may be mailed with the appeal, uploaded to the applicant's online FEMA account at [DisasterAssistance.gov](https://DisasterAssistance.gov), faxed to 800-827-8112 or delivered in person to a disaster recovery center.

Your letter requested information about FEMA's process for determining eligibility and the appeals process. To date, FEMA has approved 462,000 households for \$1.39 billion in grants. There have been more than 62,000 appealed cases. Of those, nearly 14,000 have been approved. Others may still be working through the appeal process. Currently, the ineligibility rate for appeals in Puerto Rico is 74.76%. That percentage is in line with appeal ineligibility rates of other current open disasters, including Texas (77%) and Florida (74%).

In response to your specific questions, we provide the following:

- *Now that FEMA has updated its Owner Verification Guidance to address the problem of IHP denials in Puerto Rico, will FEMA allow applicants who had been previously denied IHP applications to resubmit their application using a sworn declarative statement rather than a signed affidavit? Will this updated guidance apply to new IHP applicants?*  
Applicants may submit a written appeal if they disagree with any FEMA determination. The applicant's appeal letter must explain the reasons for their appeal and be accompanied by documentation to support their appeal request, such as a signed Sworn Declaration. Alternatively, FEMA may accept a written statement from the applicant indicating that they are the owner of the disaster-damaged dwelling, it was their primary residence at the time of the disaster, and the address of the property. The statement must be signed and dated. FEMA refers to these alternate verification documents as "statements" rather than "affidavits," since notarization is not required.
- *What steps is FEMA taking to make sure that previously denied IHP applicants know about the "sworn statement" guidance and have another opportunity to appeal?*  
FEMA distributed information about the Sworn Statement to media, governmental and voluntary organizations and the staff at disaster recovery centers. The agency continues to provide this information to the public through media interviews, local government agencies and voluntary organizations. These efforts are part of FEMA's continual outreach to provide options for survivors in Puerto Rico.
- *Will that guidance apply to displaced families applying in the Continental United States who wish to return to Puerto Rico?*  
Yes.
- *How will FEMA personnel working in Puerto Rico or in States with currently displaced communities of Puerto Ricans be trained in the new guidance?*



FEMA recently updated its Disaster Specific Operating Procedure addressing this new documentation and posted guidance alerting FEMA personnel adjudicating IHP appeals. FEMA is notifying survivors who come to disaster recovery centers and is contacting survivors currently in hotels under the Transitional Sheltering Assistance program. Nongovernmental organizations are spreading word of the Sworn Statement option. A local legal aid group is developing a webinar for FEMA staff to clarify Puerto Rico law and summarize the various classifications of home ownership in Puerto Rico.

- *Does FEMA intend to conduct active public information and outreach campaigns regarding this new guidance for new IHP applicants and formerly denied applications? Please provide a detailed outline of any proposed outreach efforts.*

The Sworn Statement referred to above is not a FEMA form, but it is designed to provide information FEMA can use to verify ownership. Therefore, outreach on the particular form is being conducted by nongovernmental and legal aid organizations since FEMA cannot promote forms that are not official agency forms. FEMA continues to provide information on proof of ownership through news releases, public service announcements and social media to external partners and stakeholders.

FEMA shares your concern for the well-being of hurricane survivors in Puerto Rico. More than 2,700 FEMA employees are on the island and the long-term recovery operation will be one of the largest in U.S. history. Seventy percent of our employees are local Puerto Rico residents, many of whom suffered damage from Maria. We have staffed our Joint Recovery Office, field offices, disaster recovery centers and other facilities with Spanish-speaking staff to ensure strong communication with survivors. From the earliest days of response, we assigned Spanish-speaking staff in the field assisting survivors with registration. Our call center in Puerto Rico has nearly 300 bilingual specialists.

In addition to the \$1.39 billion for households, FEMA's Public Assistance program has obligated \$3 billion to the Government of Puerto Rico and its municipalities for debris removal, emergency work and power restoration. The Tu Hogar Renace program, funded by FEMA, has completed 59,904 home repairs. FEMA's Voluntary Agencies Leading and Organizing Repairs program has completed more than 1,351 home repairs. We want to do everything we can to help Puerto Rico survivors recover from the disaster. We will be on the job as long as it takes.

If you have further questions, please contact our Congressional Affairs Division at (202) 646-4500.

Sincerely,



Michael Byrne  
Federal Coordinating Officer  
FEMA-4336/4339-DR-PR