

FEMA and Its Programs

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History

In 1803, a congressional act was passed providing financial assistance to a New Hampshire town that had suffered a large fire – the first example of federal involvement in a local disaster. Until the 1930s, *ad hoc* legislation was passed in response to hurricanes, earthquakes, floods, and other disasters. When the federal approach to disaster-related events became popular, the Reconstruction Finance Corporation and the Bureau of Public Roads were both given authority to make disaster loans for repair and reconstruction of certain public facilities following an earthquake, and later, other types of disasters. In the 1950's, emergency management efforts were housed primarily within the Department of Defense, a series of White House Civil Defense Offices, and state-level civil defense organizations that primarily focused on preparing the population for an eventual nuclear attack. These civil defense coordinators are considered the first “emergency managers” as we know them today.

By the 1970's, emergency management functions were spread throughout the federal government, with the Department of Housing and Urban Development (HUD) taking responsibility for disaster relief. Following the destructive Hurricane Betsy, Agnes, and the San Fernando Earthquake in 1971, the “Disaster Relief Act of 1974” provided HUD with the most significant authority for disaster response and recovery and firmly established the process of presidential disaster declarations. Still, more than 100 federal agencies remained involved in some aspect of disaster response and recovery.

With no clear federal lead agency in emergency management, state civil defense coordinators

and the National Governors Association pushed for the consolidation of emergency management functions into a single agency. Finally, on April 1, 1979, President Jimmy Carter signed Executive Order 12127, merging many of the separate federal disaster-related responsibilities into the newly created FEMA and ensuring FEMA's director would directly report to the president. Through subsequent decades, FEMA worked to standardize and consolidate emergency management standards and the federal government's response to disasters.

FEMA's role was further standardized by the “[Robert T. Stafford Disaster Relief and Emergency Assistance Act](https://www.fema.gov/media-library/assets/documents/15271)”: <https://www.fema.gov/media-library/assets/documents/15271> (Public Law 100-707), which became law on November 23, 1988. The bill amended the “Disaster Relief Act of 1974” to create the response and recovery system still in place today, through which presidential disaster declaration of an emergency triggers financial and physical assistance through FEMA. The act gives FEMA responsibility for coordinating government-wide relief efforts and provides orderly and systemic federal disaster assistance for state and local governments. Congress' intention was to encourage states and localities to develop comprehensive disaster preparedness plans, prepare for better intergovernmental coordination in the face of a disaster, encourage the use of insurance coverage, and provide federal assistance for disaster-related losses.

As FEMA continued to grow, changes in administrations often resulted in dramatic swings in priorities between preparing for nuclear attack, natural hazards, and after 2001, terrorism. In 2003, FEMA became part of the newly formed Department of Homeland Security (DHS), the FEMA director lost direct access to the President, and many disaster response and recovery

authorities were spread to numerous sub-offices in the new agency. DHS sought to utilize remaining FEMA programs to focus on responding to terrorist attacks, and cannibalized FEMA funding to support high-priority programs within DHS. As a result, 75% of available federal emergency management resources were being applied to terrorism-related work. These decisions directly contributed to the failed response to Hurricane Katrina in 2005, which killed over 1,856 people and left tens of thousands displaced and suffering due to an inadequate response by emergency management officials. In response to this well-publicized failure, Congress passed the “Post-Katrina Emergency Management Reform Act of 2006,” which elevated FEMA within DHS, protected its funding, and returned its direct access to the President.

In the succeeding years, additional reform efforts occurred, typically following a catastrophic event. After Hurricane Sandy struck the Northeastern United States in 2012, President Barack Obama signed the “Sandy Recovery Improvement Act (SRIA) of 2013,” which authorized several significant changes to the way FEMA delivered federal disaster assistance. The “Disaster Recovery Reform Act,” (Public Law 115-254) was signed into law in October 2018, after the destructive 2017 hurricane and wildfire seasons. That act further reformed FEMA, increasing the agency’s pre-disaster planning process and its overall efficiency. Notably, the act changed the factors FEMA considers when advising a president to issue a federal disaster declaration, so that it must consider a disaster-stricken state’s ability to pay for its own recovery along with damage reports and assessments.

FEMA Programs

FEMA may provide disaster victims with low-interest loans, veterans’ benefits, tax refunds, excise tax relief, unemployment benefits, crisis counseling, and free legal assistance. These resources are available once the president grants

a governor’s request for Individual Assistance (IA) programs as part of a disaster declaration. Assistance offered by FEMA include:

Transitional Shelter Assistance (TSA): <https://bit.ly/4d6voHv>. When requested by the state, territorial, or Tribal Nation impacted by a federally declared disaster, FEMA provides TSA to cover the cost of staying in an approved hotel or motel for an initial period of up to 14 days (which may be extended in 14-day intervals for up to six months if an applicant remains eligible). TSA does not cover additional fees, such as resort fees, that hotels may include in the cost of a room. Some participants in the program have been required to present credit cards before being provided access to rooms, in accordance with an individual hotel’s policy on incidentals. These costs and requirements constitute major barriers to accessing temporary housing under this program. TSA is funded through the Public Assistance Program, discussed later in this article.

The Individuals and Households Program (IHP): https://www.fema.gov/sites/default/files/documents/fema_ia_individuals-households-program-fact-sheet_112024.pdf. The Housing Assistance provision of the IHP provides financial and direct assistance for disaster-caused housing needs not covered by insurance or provided by any other source. IHP Assistance lasts for up to 18 months, although the impacted state may request an extension that must be approved by FEMA personnel. To receive IHP housing funds, a disaster survivors’ home must be shown at inspection to be uninhabitable and require repairs to be made habitable or be otherwise inaccessible due to disaster damage. It is important to note that individuals who were experiencing homelessness before a disaster are not eligible for the majority of IHP programs.

Since at least 1995, FEMA’s title requirement has barred many of the lowest-income survivors, including owners of mobile homes and other low-income homeowners who may not have updated title documentation, from receiving the

assistance for which they are eligible. Due to pressure from NLIHC and its partners, the agency recently [expanded the list of eligible documentation: https://bit.ly/4jSjPWY](https://bit.ly/4jSjPWY) permitted to demonstrate that a disaster survivor owns or occupies their home. Applicants in the continental US who reside in mobile home parks can self-certify the ownership of their home as a last resort.

Four types of housing assistance are available under IHP:

1. Temporary housing assistance, which includes:
 - a. *Lodging Expense Reimbursement (LER)*. Financial assistance to reimburse for hotels, motels, or other short-term lodging while an applicant is displaced from their primary residence. Funds are awarded for expenses incurred from the start date of the disaster to seven days following the disaster survivor's approval for rental assistance. While LER is similar in concept to the TSA program discussed above, program funding is only available to reimburse disaster survivors for short-term lodging costs that already have been paid. As a result, this program is often inaccessible to disaster survivors with lower incomes, who have less of an ability to pay such expenses up front.
 - b. *Rental Assistance*. FEMA may provide 18 months of financial assistance to rent temporary housing. The initial amount is based on the impacted area's Fair Market Rent (FMR) and covers rent plus utilities typically for two months, although it may also be used as a security deposit equal to one month of FMR. Households may seek [Continued Temporary Housing Assistance: https://bit.ly/4jNvFkA](https://bit.ly/4jNvFkA) when alternate housing is not available. Full rental assistance is available for a period of 18 months. FEMA's rental assistance program often is unworkable for low-income survivors because assistance is only provided in 2-month

increments and the amount of assistance may not be enough to secure housing.

- c. *Direct Temporary Housing Assistance*. FEMA may provide direct housing assistance when disaster survivors are unable to use Rental Assistance due to a lack of available housing resources. The program is open to renters whose primary residence was destroyed and to homeowners whose primary residence suffered damage above \$12 per square foot. Recipients of Direct Temporary Housing Assistance are required to work with a case manager to access alternative permanent housing at the conclusion of the program. Assistance is provided for up to 18 months unless extended at the request of the impacted government and approved by FEMA. Direct Temporary Housing Assistance is not counted toward the IHP maximum award amount and must be specifically requested by the impacted government. Direct Temporary Housing Assistance may include:
 - Direct Lease Program, which allows FEMA to lease directly with existing, non-damaged, rental properties for disaster survivors. In recent years, Direct Lease Programs have been unable to serve many households because it has been challenging to recruit landlords to participate.
 - Manufactured Housing Units provided by FEMA and made available to use as temporary housing.
 - Multi-Family Lease and Repair, which allows FEMA to enter into lease agreements with owners of multi-family rental properties and make repairs to provide temporary housing.
 - Permanent or Semi-Permanent Housing Construction, which allows home repair and/or construction services to be provided in insular areas outside the continental U.S. and other locations

where no alternative housing resources are available, and where other types of FEMA Housing Assistance are unavailable, infeasible, or not cost effective.

2. **Home repair:** <https://bit.ly/4jL186P> cash grants, available to homeowners for damage not covered by insurance. These grants are intended to repair homes to safe, sanitary, or functional conditions. Grants are not intended to return the home to its pre-disaster condition. However, recent FEMA reforms now permit accessibility features needed due to a disaster-created disability, as well as some home strengthening measures to be added.
3. Home replacement cash grants, available to homeowners to help replace a destroyed home that is not covered by insurance.

Other Needs Assistance (ONA): <https://www.fema.gov/assistance/individual/housing>:

In addition to housing assistance, the IHP includes ONA, which provides financial assistance for disaster-related necessary expenses. State, Tribal, and Territorial governments are required to pay for 25% of ONA costs, while FEMA covers the remaining 75%. Governments can decide to administer the program directly, in tandem with FEMA, or allow FEMA to fully administer the program. FEMA removed the requirement that applicants apply for SBA loans in order to access portions of this program in 2024.

Displacement Assistance: <https://bit.ly/42s933f>, FEMA created this new form of assistance in 2024 to increase access to disaster assistance. Displacement assistance is a one-time payment based on the cost of 14 days in a hotel at a rate chosen by the state, territory, or Tribal Nation impacted by the disaster.

Serious Needs Assistance: <https://bit.ly/4jINAbX>, which provides up to \$750 to meet lifesaving or life-sustaining needs such as water, food, first aid, prescriptions, infant formula, diapers, consumable

medical supplies and durable medical equipment, and fuel for transportation. It is important to note that there are two forms of Serious Needs Assistance. *Expedited* Serious Needs Assistance can provide the one-time payment up front to disaster survivors applying from the impacted area. Non-expedited Serious Needs Assistance still require a FEMA inspection finding the home was sufficiently damaged.

Reimbursement for Cleaning and Sanitization Expenses, is available to assist disaster survivors in paying for cleaning and demolding impacted homes to prevent additional damage or potential health and safety concerns.

Reimbursement for Medical, Dental, Child-care, Personal Property, and Transportation Expenses created by the disaster are also available.

Public Assistance (PA): FEMA provides disaster assistance to state, territorial, tribal, and local governments as well as certain private nonprofits through the PA program. Under the Permanent Work component of Public Assistance, FEMA provides grants to state and local governments to repair roads, bridges, water control facilities, public utilities, public buildings, and parks and recreational facilities (Categories C through G). In addition, PA can be provided to nonprofits to restore damaged facilities, which could include repair funds for public housing agencies. The Emergency Work component of PA aids in the removal of debris and carries out emergency protective measures – which can include emergency mass sheltering (Categories A and B). FEMA generally provides 75% of the cost of PA, requiring the state and subgrantees (for example, counties) to provide the remaining 25%. FEMA has the authority to temporarily modify this cost share ratio under certain circumstances.

While PA funds are typically not able to be utilized for direct housing assistance, the

program was used heavily during the COVID-19 pandemic to provide non-congregate sheltering to individuals at risk of death from COVID-19 infection.

Forecast for 2025

Given the chaotic history of the agency, FEMA personnel and many emergency managers around the country remain fiercely defensive of the agency and extremely apprehensive toward any external attempt to curtail or otherwise marginalize the agency and agency-created frameworks for disaster response and recovery. FEMA priorities are typically slow to change, and conscious of how rapid shifts in political and public consensus about FEMA's role and objectives have directly impacted the agency's ability to respond to disasters. This also contributed to the agency's reluctance to partner with other federal agencies in areas of conflicting authorities, including disaster housing recovery.

Under the previous FEMA Administrator, Deanne Criswell, there was a significant effort within the agency to address equity related issues in a number of FEMA programs and systems. The agency removed significant barriers to federal disaster support for tribal nations and worked to improve the authority and visibility of its Office of Disability Integration and Coordination under Director Sherman Gillums, Jr., Ed.D. In addition, the agency released information confirming that FEMA programs had been disproportionately providing less assistance to lower-income households and issued a series of reforms in early 2024 that sought to counteract this effect. While the agency continues to work on fully implementing these reforms, they at the very least demonstrate an acknowledgement of systemic issues – a testament to the work conducted by advocates for many years.

Regardless, the agency continues to have significant morale issues and staffing shortages that may impact FEMA leadership's perception of the agency's capacity and the quality of the

agency's response. Initiatives in recent years, such as FEMA's efforts to decrease the number of disaster declarations issued each year and provide for state-administered disaster housing programs, demonstrate that FEMA is seeking to respond to capacity issues by devolving administrative responsibilities while maintaining its role as funder. Therefore, it is highly advisable that advocates build and maintain relationships with state and local emergency management agencies and offices *before* disasters occur to ease communication and cooperation with both FEMA and their local counterparts.

Legislatively, several NLIHC-endorsed bills in 2024 are expected to be reintroduced in 2025. The "Disaster Assistance Simplification Act" (S.1528) was introduced in 2023 by Senate Homeland Security and Government Affairs Committee Chairman Gary Peters, Ranking Member Rand Paul, Senator James Lankford (R-OK), and Thomas Tillis (R-NC). The bill would create a universal application system for federal programs, removing the need for disaster survivors to fill out multiple applications to receive assistance from different federal agencies. The bill would also streamline information sharing between federal agencies that maintain disaster recovery programs. The bill was passed by the Senate in 2023.

The "Housing Survivors of Major Disasters Act" introduced in 2019 and again in 2021 by Congressman Adriano Espaillat (D-NJ) and Senator Elizabeth Warren (D-MA), passed unanimously out of the House Transportation and Infrastructure Committee and then the entire House of Representatives in 2020. The bill addresses the requirement that applicants for FEMA disaster assistance provide title documentation to show ownership over disaster damaged property. This requirement constitutes a major barrier to aid for low-income households. People living in manufactured housing such as mobile homes and people with inherited, family-owned property without formal legal documentation –

known as “heirs’ property” – often lack access to clear title. These households are forced into lengthy and expensive legal title clearing procedures before they can be found eligible for FEMA assistance.

The “Housing Survivors of Major Disasters Act” would require FEMA to expand the list of documents eligible to prove ownership for the purposes of receiving recovery assistance and require the agency to develop a “declarative form” allowing owners who are unable to procure ownership documents to attest to ownership of their home under penalty of perjury. The bill will continue to be pushed by NLIHC and its congressional partners in 2023.

In October 2024, Congress approved over \$20 billion in FEMA funds after FEMA’s Disaster Relief Fund had reached a historic low following multiple disaster responses.

In addition to potential legislative changes, advocates should remain aware of administrative and programmatic releases from federal agencies regarding disaster recovery. FEMA has recently demonstrated a commitment to equity within its programs, indicating that substantial changes are underway at the agency. FEMA issued a series of IA reforms in early 2024 to increase equity in the program. It is unclear if these reforms will remain in place for future disasters.

For More Information

FEMA’s Resource Library for Individual Assistance, <https://www.fema.gov/assistance/individual/library>.

FEMA Fact Sheet on Appeals, <https://www.fema.gov/assistance/individual/after-applying/appeals>.

Equal Justice Works National Disaster Attorney Guidebook, https://www.equaljusticeworks.org/wp-content/uploads/2022/02/Disaster-resilience-Ebook_FINAL.pdf.