



May 18, 2023

Dr. Melissa Forbes
Assistant Administrator
Office of Response and Recovery
FEMA
Washington, DC

Re: Flood insurance in Puerto Rico

Dear Doctor Forbes:

Ayuda Legal Puerto Rico has provided legal representation to survivors and engaged in advocacy efforts seeking equitable access to funding and just recovery for Puerto Ricans after multiple disasters. In continuance of that mission, we write to urge you to address flood insurance requirements for disaster assistance in Puerto Rico.

Lack of flood insurance is a severe obstacle to families surviving disasters accessing FEMA and other assistance funds. Currently, FEMA assistance is contingent on survivors maintaining flood insurance if they received assistance for a previous disaster, mainly when the house is in a flood zone (Special Flood Hazard Area, SFHA). Survivors who do not obtain this expensive insurance may not have access to assistance to repair, replace, and rebuild homes and cover losses to impacted personal property in the event of future flood damage.

The Government of Puerto Rico estimated that as little as 0.7% of families affected by Hurricane Fiona in September 2022 had flood insurance. This coverage gap is highly relevant to the case of Puerto Rico. Close to 24% of Puerto Rico's population is estimated to live in medium-high or high-risk areas, with flooding as the greatest danger. More than 240,000 homes are located in flood zones. The structural barriers to obtaining insurance are palpable. Ignorance about this requirement is compounded by the costs of premiums that are out of reach for impoverished families and the ownership requirements needed to obtain coverage. Furthermore, households with formal titles over their homes may be able to obtain coverage.

FEMA Letter

With regard to title documentation, FEMA has acknowledged the barriers that someone who owns their home but has no title documentation faces when applying for assistance through FEMA. While the agency has taken preliminary steps to address the problem, those efforts remain half measures if insurers require a title to extend coverage. Requiring flood insurance in order to receive assistance from FEMA means that title documentation requirements remain in place – something contrary to the amendments and clarifications issued by the agency over the past year that seek to promote more equity in access to recovery funds.

From Ayuda Legal Puerto Rico, we urge FEMA to consider waiving its flood insurance requirement for Individual Assistance in Puerto Rico. A waiver could specifically target those who cannot be insured because of their lack of title or very low income. Evidence shows that 70,000 households were wrongfully denied assistance after Hurricane Maria due to a lack of formal title. FEMA should recognize the lack of resources of the local population to obtain affordable flood insurance and the impact of a rapidly changing landscape, as demonstrated by the Advisory Base Flood Elevations (ABFEs) maps approved after Hurricane Maria, not to mention the time needed to update Puerto Rico's planning and regulatory framework to lower insurance costs, create a situation where an even larger number of applicants will be denied access to FEMA assistance. To prevent this, FEMA should issue a waiver of this requirement for the near future.

We wish to insist on the core nature of this issue and the urgency to address it. As usual, we await your response and attention. We are available to meet with your work team to discuss these proposals.

Cordially,

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