



**NATIONAL LOW INCOME
HOUSING COALITION**

October 17, 2022

The Honorable Deanne Criswell
Administrator
Federal Emergency Management Agency
500 C Street, S.W.
Washington, DC 20024

To Administrator Criswell,

On behalf of the National Low Income Housing Coalition (NLIHC) and the NLIHC-led Disaster Housing Recovery Coalition (DHRC), I am writing to express significant concerns that FEMA is wrongfully denying Individual Assistance (IA) to eligible low-income disaster survivors from Hurricanes Fiona and Ian. Despite recent changes to FEMA policy to address decades-long title documentation barriers that wrongfully prevented many of the lowest-income and most marginalized disaster survivors from accessing FEMA assistance, consistent challenges remain. Without immediate action by FEMA to resolve these issues, disaster survivors – including those with the greatest needs – will be effectively barred from receiving FEMA assistance altogether, and may face displacement and, in worse cases, homelessness. FEMA must act immediately to ensure that all disaster survivors receive the assistance for which they are eligible.

The DHRC includes more than 850 local, state, and national organizations, including many organizations working directly with disaster-impacted communities and with first-hand experience recovering after disasters. Together, we work to ensure that federal disaster recovery efforts reach all impacted households, including those with the lowest incomes. For decades, FEMA required homeowners to submit title documents to receive assistance, and the agency refused to accept alternative documentation. This requirement effectively barred low-income homeowners – predominantly households of color – from receiving the assistance for which they were eligible. Work to reform FEMA's harmful policies began with efforts by NLIHC and disaster survivors and partners in Louisiana, Alabama, and Mississippi after Hurricane Katrina, and they were continued by the DHRC and advocates in Texas and Florida after Hurricanes Harvey and Michael, in California after several wildfires, and in Puerto Rico in the aftermath of Hurricane Maria, where over 77,000 households were wrongfully denied FEMA assistance due to title issues. In response to continued advocacy, FEMA finally changed its policy in 2021. Under FEMA's new policy, survivors can now self-certify ownership of their homes when they do not have other documentation, overcoming a major hurdle to recovery. FEMA policy also allows all survivors to submit a broader array of documents to prove occupancy and ownership of their homes.

A 2021 FEMA memo details the agency's updated standards for proving ownership or occupancy of disaster damaged housing and reiterated that FEMA would accept written self-declarative statements:

“Additionally, FEMA may accept a written self-declarative statement as a last resort from survivors who lived in mobile homes or travel trailers and experience challenges with

obtaining traditional forms of documentation. FEMA may also accept these statements as a last resort from applicants living in insular areas, islands, and tribal lands. Self-declarative statements may be written post-disaster but must be provided to FEMA in writing to be maintained in the applicant's file.”¹

Despite these important reforms, however, DHRC members in Puerto Rico and Florida report that title documentation issues remain a significant barrier to a complete and equitable recovery in Puerto Rico and Florida. Preliminary IA data in Puerto Rico following Hurricane Fiona indicate that 10% of all denied applications involve some form of failure to verify ownership – an issue that may be addressed through the use of a self-declarative form. Although such denials may be preliminary and applicants may appeal, in practice, low-income applicants are unlikely to take those steps without access to legal assistance, given the difficult and time-consuming appeals process.

Likewise, we are deeply concerned that persistent barriers will continue and prevent the thousands of mobile home owners whose homes were impacted by Hurricane Ian from accessing the FEMA assistance to which they are entitled. Owners of manufactured homes frequently do not have access to title documents. Residents may not receive title documentation when the mobile home is delivered, and title documents are often held by mobile park owners rather than the owners of the home. Tracking former owners can be challenging and mobile home park owners often fail to keep records updated.

We are deeply concerned that without immediate action by FEMA to address persistent title documentation barriers, eligible disaster survivors will be unable to access the FEMA assistance they need for a complete and equitable recovery. Below are key recommendations for FEMA, created in direct consultation with DHRC partners.

- 1. Educate staff and contractors that current policy allows disaster survivors to submit self-declarative statements without notarization and correct inaccurate information FEMA provided to survivors.**

FEMA must continue to educate FEMA employees and contractors that under existing agency policies, self-declarations of ownership are a valid method of proving ownership of disaster-damaged property, and that the agency does not require self-declarative forms be notarized to be valid.

While FEMA has reiterated numerous times that self-declarative statements need not be notarized, DHRC partners in Puerto Rico have reported that FEMA staff have refused to accept self-declarative statements due to lack of notarization. Most recently, this occurred on October 13, 2022 in Toa Baja, Puerto Rico. In this case, an applicant offered a self-declarative statement accessed via Ayuda Legal Puerto Rico to show ownership over heirs property. The document was refused by the FEMA home inspector, who told the applicant that he deemed the document “decorative” because it had not been notarized. We have heard from partners in Puerto Rico of many cases where FEMA staff have rejected self-declarative forms or dissuaded applicants without title from applying.

FEMA must correct incomplete and inaccurate information the agency shared that misinform disaster survivors of their ability to use self-declarative forms. In Puerto Rico, FEMA released fact sheets on ownership and title requirements, yet those documents do not include any

¹ https://www.fema.gov/sites/default/files/documents/fema_updated-iappg-version-1.1.pdf

mention that disaster survivors can submit declarative statements. To make matters worse, the Spanish language translation of those documents incorrectly states that FEMA policy still requires title documents, using the phrase “Titularidad de la Vivienda” to mean ownership when it actually translates to “Home Title.”² A similar fact sheet has not been released in connection with Hurricane Ian.

2. Provide self-declarative statements at Disaster Recovery Centers (DRCs), on the FEMA website, and as an attachment to the IA application.

FEMA should make self-declarative forms – and information clearly explaining the process create a self-declarative form – available on its website, as an attachment to the IA application, and at Disaster Recovery Centers (DRCs).

While FEMA has accepted self-declarative statements in the past, ensuring that disaster survivors know such forms can be created and submitted has fallen solely on the shoulders of the legal aid and community-based, nonprofit community because the agency has refused to share any up-front information with disaster survivors regarding self-declarations. During the response to Hurricanes Harvey and Maria and the 2017-2018 California wildfire season, for example, FEMA accepted a declaration statement form to allow disaster survivors to declare under penalty of perjury that they owned their home in lieu of providing title documentation. Many disaster survivors were unaware of this option, however, and FEMA refused to make the declaration form available on its website or at DRCs. As a result, thousands of eligible disaster survivors were unable to access FEMA assistance.

Legal aid and the community-based non-profit community in Puerto Rico and Florida are working diligently to inform disaster survivors about self-declarative forms, however, their efforts would be greatly assisted if FEMA ensured that DRCs and the FEMA website contained similar information. Without knowledge of self-declarative forms, many disaster survivors will be unable to proceed with the FEMA application process and be unable to receive the assistance for which they are eligible.

3. Raise awareness through an information campaign, detailing the application process for IA, including self-declarative statements.

The role of media is key to the field of emergency management. Television, radio, and the print medium are pathways of information dissemination and channelers of critical information. It is how most citizens learn about disasters and efforts to respond to them. As a result, media can play a significant role in ensuring that disaster survivors have a working knowledge of the IA application process and what is needed to complete an application.

FEMA should work with media partners in Florida and Puerto Rico to share critical information with disaster survivors and ease the application process both for disaster survivors and the legal aid and community-based organizations that survivors rely on when clear information is otherwise unavailable. Too many disaster survivors remain unaware of the steps required to access FEMA assistance and where to access in-person application assistance. Many have been misinformed and believe FEMA will refuse their application due to a lack of title documentation.

Any awareness campaign should include:

² <https://twitter.com/ayudalegalpr/status/1580266556642455552/photo/1>

- A step-by-step explanation of the application process;
- A checklist of any required documents;
- Information on how to create self-declarative statements;
- Information on the full range of assistance available to disaster survivors;
- The location of DRCs and how to access them;
- Ways disaster survivors can reach FEMA if they are unable to access DRCs; and
- Details on recent FEMA reforms to expand eligibility for assistance.

The dissemination of this information is critical in Puerto Rico, where the power supply is rapidly fluctuating, many do not have access to broadband internet needed to access the FEMA website, and where hold times for the FEMA call center are three to seven hours long. In Florida, many of those most heavily impacted by Hurricane Ian are older adults that may not have access to the internet or social media and be unaware of the process required to apply for assistance. For these Florida and Puerto Rico residents, local media is one of the only methods by which they receive news.

It is not enough for FEMA to simply change its policies on title documentation requirements. FEMA must also take concrete steps to ensure disaster survivors can benefit from these policy changes by training staff and contractors on the new policy, correcting inaccurate information provided to survivors, providing self-declarative forms in accessible formats for survivors, and raising awareness through an information campaign.

Sincerely,

A handwritten signature in cursive script that reads "Diane Yentel".

Diane Yentel
President and CEO
National Low Income Housing Coalition