
October 19, 2018

The Honorable Brock Long, Administrator
Federal Emergency Management Agency
500 C Street, SW
Washington, D.C. 20472-0001

Dear Administrator Long:

On behalf of the Disaster Housing Recovery Coalition (DHRC), I am writing to ask clarifying questions regarding a letter sent on October 8, 2018 by Christopher B. Smith, Director of the Individual Assistance Division of the Recovery Directorate at the Federal Emergency Management Agency (FEMA) in response to the serious due process concerns we raised in a letter to the agency on September 14, 2018.

The Disaster Housing Recovery Coalition is led by the National Low Income Housing Coalition and includes nearly 800 national, state, and local organizations, including many organizations working directly with disaster-impacted communities and with first-hand experience recovering after disasters. We work to ensure that federal disaster recovery efforts reach all impacted households, including those with the lowest incomes who are often the hardest-hit by disasters and have the fewest resources to recover afterwards.

In our September 14th letter, we expressed concern about the agency's failure to ensure that Hurricane Maria survivors have access to a newly developed "sworn statement" – developed collaboratively between FEMA's Office of Chief Counsel and DHRC members Ayuda Legal Huracan Maria, Fundacion Fondo de Acceso a la Justicia, and Servicios Legales de Puerto Rico – for applicants FEMA has determined may not possess title to their property.

Below are several questions we have regarding FEMA's statements in its October 8 letter:

1. *FEMA states, "FEMA is . . . contacting all affected applicants to provide them with information on how to prove ownership with the sworn declaration."*
 - a. Are all applicants who were previously denied because of a determination of lack of homeownership being notified – whether they appealed or not?
 - b. How are they being notified? If emailed or part of a letter, please share a copy of this email and/or letter from FEMA.
 - c. How many have been contacted?
2. *FEMA states, "Applicants who have been previously denied assistance are encouraged to submit a written appeal if they disagree with any FEMA determination."*
 - a. Does this signify that FEMA will reopen appeals already denied? Is there a timeframe restriction on the applicants to re-appeal?
 - b. If an applicant was denied but has never appealed, is FEMA allowing such applicant to appeal now? If so, has FEMA established, or does it intend to establish, a deadline by which such appeal must be filed?

- c. Will any time limit by which the applicant may file initial appeal or re-appeal begin to run after the applicant has been contacted by FEMA and instructed that FEMA is accepting the ownership form and relevant related evidence?
3. *FEMA states, "The Declaration was developed by legal aid groups and is not a FEMA form to distribute . . . or post it to official FEMA web pages."*
- a. Staff in the FEMA Office of Chief Counsel traveled to Puerto Rico to work with three legal aid groups to develop this document. Please provide, in writing, FEMA's policy relative to what constitutes a FEMA document and the restrictions on what FEMA distributes or posts and identify and provide any and all statutory, regulatory, guidance or other authority that authorizes or mandates this policy.

Thank you for your attention to this critical issue and for your timely response. Please feel free to reach out to me or NLIHC Senior Director Sarah Mickelson (smickelson@nlihc.org) at any time.

Sincerely,



Diane Yentel
President and CEO
National Low Income Housing Coalition