
September 14, 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 express my appreciation for and concerns with Federal Emergency Management Agency's (FEMA) efforts to overcome barriers that have prevented Hurricane Maria survivors who do not have the formal title to their homes from receiving much-needed Individual and Housing Program assistance and to urge immediate further action. FEMA's Office of Chief Counsel worked closely with DHRC members Ayuda Legal Huracan Maria, Fundacion Fondo de Acceso a la Justicia, and Servicios Legales de Puerto Rico to prepare an alternative form that would allow Puerto Rican households struggling to prove ownership of their homes to receive the assistance to which they are entitled. In order for the new form to be effective, however, FEMA must ensure that all eligible survivors receive and understand how to use this resource to appeal their cases and that FEMA staff, including those at Disaster Recovery Centers, are trained on how to make the form available. We are deeply concerned that FEMA has not taken such action, raising several major due process concerns.

The Disaster Housing Recovery Coalition is led by the National Low Income Housing Coalition and includes more than 700 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.

We urge FEMA to take immediate action to correct the following issues that have arisen since the agency's approval of the new form:

1. **Inconsistencies in the application of the form** – Legal service providers have received numerous reports of Disaster Recovery Centers that are not aware of the new form or its applicability to many of the cases they receive. As a result, FEMA is not informing survivors of this new resource and survivors are not being treated in an equitable manner across FEMA's Disaster Recovery Centers. This raises major due process concerns. It is urgent that the new form is established in FEMA's Standard Operating Procedure and that all Disaster Recovery Center staff are clear about the importance of this opportunity for the people they are serving.
2. **Denial of services to hurricane survivors** – We have received reports of survivors who are still being denied services – including receiving copies of the new form – by FEMA Disaster Recovery Center staff. FEMA staff have refused to provide such services to survivors who they have identified as “squatters.” We are seriously concerned about

instructions given to Disaster Recovery Center staff relative to who should be denied services on these grounds. The only FEMA staff who can decide whether a survivor qualifies for assistance under this new form are those in FEMA's appeals office. FEMA must clarify this with staff at all Disaster Recovery Centers.

3. **Publication and dissemination of the form** – In order to inform the public about the new form and the opportunity it provides for survivors who have been denied assistance due to title/ownership issues, FEMA's press release had to be timely and clear. Instead, FEMA's press [release](#) was vague as to which survivors may benefit from this new form, presenting it only as an "additional option" for proving ownership. The press release did not explain how those who received "final denials" or who have not appealed their cases may be able to file an appeal using the new form—as agreed to by FEMA's Office of Chief Counsel. Moreover, the press release did not include the newly approved form as an attachment. It is essential that the form is recognized clearly by FEMA as an option for all "ownership-not-verified" denials. Moreover, the form and press release must be made accessible through all of FEMA's platforms (including Facebook and WebPage).
4. **Technological Barriers** – Many survivors in Puerto Rico do not have access to the internet or computers and printers. It is not only important to make the form available in the electronic platforms, but to also make it available at FEMA's Disaster Recovery Centers. Instead, FEMA staff are referring survivors to third-party nonprofit organizations and legal aid attorneys for more information and access to the approved form. This does not provide viable access for the hundreds of thousands of individuals who were denied FEMA assistance due to "ownership not verified." Survivors turn to Disaster Recovery Centers to resolve disaster recovery issues and their ability to receive FEMA assistance should not be dependent on access to lawyers. To be successful and effective, the form must be provided to survivors at the Disaster Recovery Centers.

For these reasons, we formally request that you take the steps necessary to make the approved form available to all hurricane survivors who were previously denied assistance due to "ownership not verified" and to treat them in an equitable manner. In particular, we request that FEMA send a form letter—which our partners in Puerto Rico can help draft—to all survivors previously denied Individuals and Households Program (IHP) assistance for land title issues, regardless of whether they appealed their applications, advising them 1) to reapply with the attached form and 2) that the 30-day appeal period does not apply to them or should not prevent them from acting now.

Thank you for your attention to this critical issue. 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