

December 2nd, 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 undersigned organizations, we are writing to express significant concerns that [FEMA has approved only 172 New Jersey residents to receive Continued Rental Assistance following Hurricane Ida](#). The large number of bureaucratic obstacles that disaster survivors must navigate to access this form of assistance, and the lack of information provided to disaster survivors on how to do so, have prevented many of the lowest-income and most marginalized survivors from receiving the funding support they need to fully recover. FEMA's failure to provide assistance puts them in danger of displacement and, in worst cases, homelessness. We urge FEMA to act immediately to ensure that all eligible disaster survivors receive the assistance for which they are eligible.

Upon successful application, FEMA's Individual and Households Program (IHP) provides disaster survivors displaced from their primary residence as a result of a presidentially-declared disaster like Hurricane Ida with initial rental assistance of up to two months to rent alternate temporary housing. For survivors that require assistance beyond that two-month period, FEMA has historically offered Continued Temporary Housing Assistance which remains available throughout the period of assistance following a disaster.¹ After past disasters, such as Superstorm Sandy, families who were able to receive FEMA rental assistance to keep afloat for several months after their homes were similarly damaged to help them get back on their feet.

Despite the critical need for rental assistance, far too many households impacted by Hurricane Ida have been unable to access this resource. After disaster survivors affected by Hurricane Ida received their first batch of IHP assistance, they should have been provided an application by FEMA to apply for monthly rental assistance. For many disaster survivors, this did not occur. Where survivors did apply for Continued Rental Assistance, FEMA wrongfully rejected them, claiming that applicants were ineligible due to funding caps - in opposition to stated FEMA policy. Unlike other IHP programs, FEMA rental assistance does not have a maximum cap, and this assistance does not count towards the IHP max but rather continues until eligibility no longer applies.² As a result, survivors were not able to access affordable temporary housing as they recovered from the disaster, placing significant strain on their financial resources and placing them in danger of homelessness.

¹ FEMA, Individual Assistance Program and Policy Guide (May 2021) at page 91.
https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf

² Id. at page 41-42

The challenges faced by Hurricane Ida survivors are not new. In fact, Continued Rental Assistance has been almost impossible to access for many disaster survivors in recent years due to obstacles created by FEMA. In addition to FEMA requiring survivors to access and file a continued rental assistance form, the agency's subsequent application requires survivors to submit numerous supplemental documents as well as evidence that alternative rental housing is unavailable or, for homeowners, that their storm damaged home remains uninhabitable. For lower-income individuals who may lack internet or phone access, need language translation, special accommodations, or face other barriers when applying for assistance, completing multiple, lengthy, applications can be especially problematic.

In addition to presenting obstacles for survivors, the duplicative nature of FEMA applications lengthen the amount of time it takes to get assistance to those in need and discourages the completion of additional paperwork. FEMA's application process is confusing, lengthy, and burdensome. When applying for Continued Rental Assistance, disaster survivors will have already been required to submit several applications to federal agencies such as the SBA, along with multiple layers of personal identification, proof of ownership and residency, citizenship, insurance reporting, and more. This "application fatigue" creates significant barriers to accessing assistance.³

Typically, appeals for FEMA denials of assistance are extremely difficult to file without legal assistance. However, successful appeals of a Continued Rental Assistance denial are rare even with an attorney's support.⁴ Whether successful or not, these appeals take months to complete and submit, leaving disaster survivors in limbo and delaying recovery.⁵

Despite the clear need, FEMA and its disaster housing programs often fail to address the housing needs of disaster survivors, exacerbating housing insecurity. Without the affordable and accessible homes survivors need, many return to uninhabitable homes, sleep in cars or tents, stay at shelters, double- or triple-up with other low-income families, or pay more than half of their limited incomes on rent, putting them at increased risk of foreclosure or eviction. To ensure that all impacted households can fully recover, FEMA must move to immediately implement the following changes:

- **Reopen IHP applications** for families wishing to apply for Continued Rental Assistance
- **Provide retroactive assistance** from the point of eligibility in cases where a household has been unjustly denied Continued Rental Assistance.

³ Danny Vinik, "'People Just Give Up': Low Income Hurricane Victims Slam Federal Relief Programs," Politico, May, 29, 2018. Available at: <https://www.politico.com/story/2018/05/29/houston-hurricane-harvey-fema-597912>

⁴ Equal Justice Works, ABA Young Lawyers Division, National Disaster Attorney Guidebook (March 2022) at page 26. https://www.equaljusticeworks.org/wp-content/uploads/2022/02/Disaster-resilience-Ebook_FINAL.pdf

⁵ Texas Law Help, "Disaster Manual: Section 2 – FEMA and Related Forms of Assistance" (September 2021), Available at: <https://texaslawhelp.org/article/disaster-manual-section-2-fema-and-related-forms-of-assistance#top>;

- **Immediately assign case managers** to Hurricane Ida survivors and require that they help survivors utilize all aid they are eligible for;
- **Extend the period of assistance** for Hurricane Ida to ensure that households can utilize FEMA housing programs as their homes are repaired or as they find acceptable alternative permanent housing;
- **Remove barriers to Continued Rental Assistance** during future disasters through administrative action;
- **Activate the Disaster Housing Assistance Program (DHAP)** in conjunction with HUD. Given the difficulties in accessing FEMA assistance and housing resources in impacted areas, FEMA should immediately move to provide this less-burdensome, longer-term, assistance in conjunction with HUD, the only federal agency that has robust housing experience assisting households at risk of homelessness.

FEMA programs can provide crucial assistance to help survivors recover from a disaster by providing temporary shelter and financial assistance and making basic structural repairs to homes. However, FEMA has created unnecessary and often insurmountable barriers to accessing these programs, leaving far too many survivors without the resources they need to rebuild their lives. We request that FEMA move to immediately address these issues.

Sincerely,

Adam Gordon, Executive Director Fair Share Housing

Staci Berger, Executive Director Housing & Community Development Network of New Jersey

Maria Lopez-Núñez, Deputy Director, Organizing and Advocacy Ironbound Community Corporation

Diane Yentel, President and CEO, National Low Income Housing Coalition

Melissa Miles, Executive Director New Jersey Environmental Justice Alliance

Amanda Deveck-Rinear, Executive Director New Jersey Resource Project

Sue Atman, State Director, New Jersey Working Families

Chief Vincent Mann, Chief of Ramapough Lenape Turtle Clan

Kim Gaddy, Executive Director South Ward Environmental Alliance

CC: Samuel Viavattine, Deputy Commissioner at New Jersey Department of Community Affairs; Daniel Kelly, Executive Director Governor's Disaster Recovery Office; Courtney Wald-Wittkop, Program Manager NJDEP Blue Acres; Parimal Garg Chief Counsel to the Governor; Senator Bob Menedez; Senator Cory Booker; Congressman Donald Norcross; Congressman Jeff Van Drew; Congressman Andy Kim; Congressman Chris Smith; Congressman Josh Gottheimer; Congressman Frank Pallone; Congressman Tom Malinowski; Congressman Albio Sires; Congressman Bill Pascrell; Congressman Donald Payne Jr.; Congresswoman Mikie Sherrill; Congresswoman Bonnie Watson Coleman