

A microscopic view of virus particles, showing a large, complex, spherical structure with many protruding spikes, and several smaller, simpler particles. The background is a solid blue color.

# PANDEMIC RECOMMENDATIONS TO PRESIDENT-ELECT BIDEN

DISASTER HOUSING RECOVERY COALITION, C/O NATIONAL LOW INCOME HOUSING COALITION

**To: President-Elect Biden's FEMA Transition Team**  
**From: Diane Yentel, President and CEO of the National Low Income Housing Coalition**  
**Re: Pandemic and Disaster Recovery Recommendations to President-elect Biden**

The National Low Income Housing Coalition (NLIHC) and the NLIHC-led Disaster Housing Recovery Coalition (DHRC) look forward to working with President-elect Biden and his pick to lead the Federal Emergency Management Agency (FEMA) to address the immediate and urgent need for coronavirus-related emergency housing and homelessness resources and move toward a new federal disaster housing response and recovery framework centered on the needs of the lowest-income and most marginalized survivors and their communities.

The DHRC is a group of more than 850 local, state, and national organizations, including many working directly with disaster-impacted communities and with first-hand experience recovering after disasters, that works to ensure a complete and equitable housing recovery for the lowest-income and most marginalized households, including people of color, seniors, people with disabilities, people experiencing homelessness, people with limited English proficiency, and other individuals and their communities.

The ongoing COVID-19 pandemic has underscored the inextricable connection between housing and health, the deep inequities in our nation's disaster housing response and recovery system, and the urgent need for reform. When disasters strike, the lowest-income and most marginalized survivors are often hardest hit, have the fewest resources, and face the longest, steepest path to recovery. Despite the clear need, federal efforts frequently leave these survivors without the assistance needed to get back on their feet and their communities less resilient to future disasters. The result is a disaster housing recovery framework that exacerbates the housing crisis, retrenches segregation, and widens inequities.

Decades of systemic racism have resulted in the pandemic and housing crisis disproportionately harming Black, Latino, and Native people. Black and Native people - who, even before the pandemic, faced higher rates of homelessness and housing instability - are most at risk of severe illness and death due to the coronavirus, and Black and Latino people are disproportionately harmed by the resulting economic impacts. With President-elect Biden's leadership, however, our country can meet the urgent housing needs of the lowest-income and most marginalized individuals during and beyond the COVID-19 pandemic and reform federal disaster response and recovery efforts to be inclusive and intersectional.

The NLIHC-led DHRC is committed to working with the Biden administration and Congress to ensure that federal responses to the pandemic and natural disasters are fair and equitable. In this memorandum, we provide our recommendations on steps FEMA can take in the Biden administration to address the urgent housing needs of people experiencing homelessness during the pandemic and redesign our federal disaster housing recovery framework to address and prioritize the needs of the lowest-income and most marginalized survivors.

# PANDEMIC AND DISASTER RECOVERY RECOMMENDATIONS TO PRESIDENT-ELECT BIDEN

## COVID-19 PANDEMIC

**A**s a result of the national emergency declaration for COVID-19, FEMA activated its [Public Assistance \(PA\) Grant Program](#) to provide assistance to state, territorial, tribal, and local government entities and certain private non-profit organizations as they work quickly to respond to and recover from the pandemic.

Under Category B of FEMA's PA program, state and local governments can receive reimbursement for eligible emergency protective measures taken to respond to the COVID-19 pandemic. While FEMA generally does not provide PA funding for emergency sheltering in non-congregate environments, such as hotel rooms, motels, and dorms, the agency determined that certain non-congregate sheltering costs will be reimbursable under the PA program to protect public health and save lives. Since the start of the pandemic, state and local governments have used PA funds in tandem with other federal and state funding streams to move people experiencing homelessness living in congregate settings – either in shelters or encampments – into hotel rooms and other non-congregate shelters to safely isolate and quarantine.

President-elect Biden and his pick to lead FEMA must take bold action to slow the spread of the coronavirus by preventing outbreaks among people experiencing homelessness. People who are homeless and contract coronavirus are twice as likely to be hospitalized, two to four times as likely to require critical care, and two to three times as likely to die than others in the general public. This has enormous implications for individuals, their communities, and our already overstretched hospital and shelter systems.

### DAY 1

#### Expand eligibility to all individuals experiencing homelessness.

FEMA has limited reimbursements for Category B expenses to only cover individuals experiencing homelessness that have been exposed to or tested positive for COVID-19 or are medically at-risk. Homeless service providers have worked tirelessly to accommodate social distancing and protect individuals experiencing homelessness from possible infection, but the pandemic has strained our nation's overstretched homeless shelter systems. Many state and local shelters lack the capacity to open winter shelters, endangering the lives of people experiencing homelessness and their communities this upcoming winter. In addition, the narrow definition of eligibility creates a significant administrative burden on the part of municipalities and states to track FEMA-eligible non-congregate shelter residents separately from those funded through other programs. Expanding eligibility for FEMA non-congregate sheltering reimbursements to all individuals experiencing homelessness would help ensure that everyone has access to safe, non-congregate shelter during the pandemic and lower the administrative burden on municipalities and states when submitting reimbursement requests.

#### Announce that non-congregate sheltering will continue to be approved under the PA Program through 6 months after the expiration of the Department of Health and Human Service's COVID-19 Emergency Declaration.

State and local requests for non-congregate sheltering reimbursement approval are granted by FEMA Regional Administrators in short, 30 to 60-day increments and require substantial information gathering, reporting, and local or state level public health declarations from public health officials. These requests

constitute a substantial administrative lift for multiple sectors of state and local government - which are already under stress from the ongoing pandemic. Additionally, FEMA often refrains from granting extension requests until the last moment, creating confusion and concern among non-congregate shelter residents and advocates that the agency will abruptly stop reimbursing hotel rooms. Despite the ongoing public health emergency, some states and municipalities are phasing out their programs under the assumption that FEMA will stop reimbursing hotel rooms, forcing officials to abruptly shut down hotels before the pandemic is over and before they have the opportunity to move residents into permanent housing. This forces an exceptionally vulnerable population back into congregate shelter or out on the street - areas with high levels of disease transmission.

Tying non-congregate sheltering reimbursement to the DHHS COVID-19 Emergency Declaration instead of requiring extension requests to be provided every 30 days would enable state and local officials to continue offering these critical programs needed to prevent and respond to outbreaks among people experiencing homelessness and to ensure non-congregate shelter residents can transition to permanent housing solutions when the programs eventually end.

### Increase the federal cost-share for COVID-19-related and other major disaster reimbursements.

FEMA funding through the PA program and other disasters programs are provided at the typical 75% federal cost-share, although the Stafford Act often allows FEMA to provide a higher cost share. The cost-share requirement places significant strain on state and local budgets already depleted from COVID-19 response, resulting in some areas being unable to take advantage of this critical program. The resources needed to keep people experiencing homelessness safe during the public health emergency exceed the response capabilities of state and local governments and warrant the full force and support of the federal government.

The "[FEMA Assistance Relief Act of 2020](#)" (H.R. 8266), sponsored by House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR) and passed unanimously by the House of Representatives, would direct FEMA to increase reimbursement for eligible PA costs to 100% for COVID-19 related reimbursements and to increase reimbursement for disaster response costs from 75% to 90% for all 2020 major disasters. The Administration already has this authority and can move to avoid lengthy discussions in the Senate by directing FEMA to increase the federal cost share. Increasing the federal cost-share percentage would simultaneously ease budgetary restraints on cities and states conducting non-congregate shelter while also encouraging the use of this strategy in additional areas around the country.

In addition to increasing the federal cost-share, FEMA should announce that Emergency Solutions Grants Program CARES Act (ESG-CV) funds can be used to meet the PA program's non-federal cost-share requirement. Current policy allows FEMA PA recipients to use funds from the U.S. Department of Treasury's Coronavirus Relief Fund and the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant CARES Act (CDBG-CV) to meet the PA non-federal cost-share. Permitting state and local governments and homeless service providers to use ESG-CV funds for the non-federal cost-share would enable recipients to utilize the multiple, flexible sources of funding provided in the CARES Act - including HUD's major homelessness assistance program - to effectively and efficiently address the urgent and severe health and housing needs facing people experiencing homelessness during the pandemic.

## FIRST 100 DAYS

### Authorize the Disaster Housing Assistance Program (DHAP) to transition to permanent housing solutions.

While jurisdictions across the country are developing plans to transition people temporarily residing in FEMA-funded hotels into permanent housing, there is widespread concern that participants will be pushed back into homelessness when FEMA ends its PA programs – a crisis that is preventable and predictable. The [Disaster Housing Assistance Program \(DHAP\)](#) plays a critical role in providing safe, decent, and affordable homes to individuals with the greatest needs after a disaster by providing longer-term rental assistance and wrap-around services. Both Democratic and Republican administrations have recognized DHAP as a best practice for disaster recovery. Despite the need and a successful track record, the Trump administration refused to activate DHAP after recent disasters. Before FEMA ends its PA programs, the agency should activate DHAP to help transition individuals into permanent housing. Such assistance should be provided to survivors for as long as it is needed.

### Issue clarifying guidance on program rules.

The health and safety of people experiencing homelessness and other marginalized populations depend on greater clarity and transparency by FEMA. Due to the large scale of the pandemic, FEMA has taken the unusual step of delegating the responsibilities for processing and approving assistance applications to FEMA Regional Administrators. While FEMA regional offices are more familiar with the needs of the areas they cover, this has contributed to inter-region variations in non-congregate sheltering approval decisions and confusion surrounding PA program rules and guidance. During the pandemic, homeless shelter and service providers often lacked critical information needed from FEMA to plan and interface with the PA program, such as application processes and expiration dates. While FEMA issued additional guidance on non-congregate sheltering as the pandemic progressed, state and local officials have continued to report challenges in accessing clear guidance on basic program rules. These include questions on the who is eligible for non-congregate sheltering, whether the direct conversion of hotels into long-term non-congregate shelter can be reimbursed under the PA program, the extent to which administrative costs accrued running non-congregate shelter programs are eligible for reimbursement, and whether RVs or manufactured housing units fit with the definition of non-congregate shelter.

FEMA should issue broad, clarifying guidance on non-congregate sheltering to enable states and localities to better utilize the program. The agency should ensure that regional offices consistently apply this guidance to reduce interregional variations in application decisions and program utilization. In addition, FEMA should offer a mechanism to allow subgrantees operating non-congregate sheltering an easier mechanism to receive answers from FEMA on potential questions, many are inexperienced working with FEMA programs and systems and are forced to seek answers from state emergency management staff that are already overwhelmed with applying for non-congregate sheltering reimbursement approvals, reporting requirements, and other pandemic-related activities.

### Ensure full transparency on program details.

The administration should direct FEMA to make publicly available online and in a timely manner all documentation surrounding the request, approval, and justification of non-congregate sheltering reimbursement. Full transparency would enable housing and homeless service providers to utilize the PA program to the most effective extent possible. At a minimum, FEMA should be required to make publicly available monthly the number of people currently housed in FEMA-reimbursable hotels and other non-congregate shelters by state; the number of people who were previously experiencing homelessness prior to participation in the non-congregate shelter program by state; and copies of every state request for non-congregate shelter and every letter of approval and/or denial by FEMA.

The agency should be directed to develop and make publicly available plans to ensure that individuals have permanent, stable housing prior to ending FEMA assistance. Requiring FEMA to report this data will help policymakers and service providers better understand FEMA's role in providing non-congregate shelter.

## Create additional incentives for hotel owner participation in non-congregate sheltering

As non-congregate sheltering programs have continued around the country, local governments and advocates have found it more and more difficult to find hotel owners willing to host non-congregate sheltering in their hotels. While some areas, such as areas of rural California, have successfully utilized RVs and other types of temporary housing to provide non-congregate sheltering due to an overall lack of hotel unit stock, but this fix may not be as viable in more urbanized areas with enough hotel rooms to operate the program but owners unwilling to participate. The reason for this lack of cooperation can be a product of local pressure against locating individuals experiencing homelessness in their immediate area. In addition, areas of the country that are prematurely reopening some owners may be more interested in hosting travelers or tourists as opposed to individuals experiencing homelessness. By providing direct incentives to hotel owners to host non-congregate sheltering, or by releasing guidance or best practices informing state and local governments how best to incentivize participation in non-congregate sheltering, FEMA can ensure that non-congregate sheltering can match need as the pandemic continues.

### LONG-TERM SOLUTIONS

#### Expand access to FEMA PA resources.

FEMA should modify PA program rules so that critical non-congregate sheltering can continue even if a public health directive is rescinded or not provided by state officials. During the pandemic, FEMA has required that reimbursement approval for PA non-congregate sheltering depend on public health directives issued by state governments, in combination with direct requests by governors and emergency management agencies. Regardless of whether a state has issued or rescinded public health orders, the risk to public health posed by congregate sheltering during a pandemic remains immediate and severe.

## NATURAL DISASTERS

America's disaster housing recovery framework is broken and in need of major reform. When disasters strike, the lowest-income and most marginalized survivors - including people of color, seniors, people with disabilities, people experiencing homelessness, people with limited English proficiency, and other individuals - are often hardest hit and have the fewest resources and face the longest, steepest path to recovery.

Despite the clear need, federal efforts frequently leave these survivors without the assistance needed to get back on their feet and their communities less resilient to future disasters. The result is a disaster housing recovery framework that exacerbates and reinforces racial, income, and accessibility inequities at each stage of response and recovery.

President-elect Biden and his pick to lead FEMA must take bold action to move toward a new federal disaster housing response and recovery framework centered on the needs of the lowest-income and most marginalized survivors and their communities.

## DAY 1

### Provide equal eligibility for people experiencing homelessness.

FEMA frequently denies individuals that were experiencing homelessness prior to a disaster access to a wide variety of IA assistance. For individuals experiencing homelessness, disasters can upend their access to assistance and overwhelm nonprofit organizations that serve them as those that lost their homes during the disaster seek aid. For those living on the street or in encampments, the disaster recovery system currently does little to help them access housing, leaving them in a dangerous situation with no prospects for assistance. The Biden administration can direct FEMA to ensure that individuals that experienced homelessness prior to a disaster are able to access these important rental assistance programs.

### Modernize FEMA's interpretation of the Stafford Act's nondiscrimination clause.

Currently FEMA has interpreted the non-discrimination provision of the Stafford Act to bar the agency from making programmatic or policy changes to address the unique barriers faced by low-income and other historically marginalized populations - holding that doing so would create unequal treatment under the law. Non-discrimination language should not be interpreted in a manner that prevents FEMA from addressing the unique needs of low-income and other marginalized survivors.

### Amend rigid title documentation requirements.

Another barrier for many low-income and marginalized households is the requirement that survivors provide formal title and related documentation when applying to receive assistance. Low-income households are more likely not to have title and related documents required by the FEMA. Mobile home park, manufactured housing residents, and heirs property holders can experience substantial barriers that prevent access to their title documents. These barriers can be avoided by directing FEMA to widen the list of documents that can be used to prove home ownership - including utility bills, pay stubs, drivers licenses, and school registrations. FEMA should also allow the use of declarative forms allowing disaster survivors to attest to the ownership of their home where other documentation cannot be accessed. These reforms are found in the "[Housing Survivors of Major Disasters Act](#)," (H.R. 2914) sponsored by Representative Adriano Espaillat (D-NJ) and Senator Elizabeth Warren (D-MA), which passed the House of Representatives in November of 2020.

### Make data publicly available to ensure greater racial, income, and accessibility equity.

OpenFEMA - a data sharing initiative - was originally designed to allow researchers, academic institutions, and the general public to access disaster recovery information. The program itself has fallen by the wayside and remained inactive for several years. By resurrecting the program, FEMA can would allow researchers and advocates the ability to identify where FEMA programs are being implemented most effectively and what segments of the populations were having trouble fully recovering. By doing so, best practices and input could be created through the disaster research community and shared with FEMA and emergency managers nationwide. Data should be made publicly available disaggregated by protected class and on as granular a geographic area as possible. By allowing vetted institutions access to personally identifiable data, their assessments and research can have improved accuracy while still ensuring that data is protected.

### Eliminate barriers to FEMA's Transitional Shelter Assistance Program.

Financial barriers often prevent low-income survivors from accessing FEMA's Transitional Sheltering Assistance (TSA), which provides disaster survivors with short-term housing in the form of hotel rooms. Currently, participating hotels charge daily "resort" fees, require security deposits, and require that

displaced households have credit cards - all of which are barriers for low-income households that have already depleted any savings that they may have had and that are often unbanked or underbanked. There are numerous accounts of individuals that were unable to access FEMA's TSA program that later needed emergency hospital care after returning to mold-infested homes. In addition, TSA often ends prematurely, resulting in the eviction of families from FEMA-funded motels and putting many low-income families at risk of homelessness.

## FIRST 100 DAYS

Activate the Disaster Housing Assistance Program (DHAP) after every major disaster to provide longer-term housing assistance to low-income households.

Both Democratic and Republican administrations have recognized the Disaster Housing Assistance Program ([DHAP](#)) as a best practice for disaster recovery and determined that HUD - not FEMA - should lead on longer-term housing solutions given the agency's expertise on large-scale housing challenges, extensive experience providing housing assistance, and network of state and local housing agencies. Despite the clear need and a successful track record, the Trump administration has refused to activate DHAP after recent disasters. The Biden administration should work with Congress to permanently authorize DHAP and automatically activate it after every major disaster to provide longer-term housing assistance and wrap-around services to low-income survivors.

Work with Congress to permanently authorize the CDBG-DR and CDBG-MIT program.

HUD's Community Development Block Grant - Disaster Relief (CDBG-DR) and Mitigation (CDBG-MIT) Programs are the main method for getting federal funding to disaster areas for long-term recovery and mitigation activities. Although this program is incredibly important in the disaster recovery process, the program itself is not permanently authorized, meaning that implementation guidance must be drawn up every time it is implemented. Not only does this make it more difficult for states and local governments to anticipate what the CDBG-DR/CDBG-MIT application process will entail, but it also slows the disbursement of funds. By permanently authorizing the program, state and local governments can work before a disaster to ensure that they are ready to apply for the program, and create a long-term recovery plan that can anticipate where the funds can be used.

## LONG-TERM SOLUTIONS

Create a universal application for assistance from all federal agencies.

With so many federal agencies active in the aftermath of a disaster many survivors can easily become overwhelmed with the complicated process, leading to incomplete applications, confusion over how programs function, and failure to gain any assistance at all. In addition to presenting obstacles for survivors, the duplicative nature of the application processes only serves to lengthen the amount of time it takes to get assistance out the door. By directing the agencies involved in disaster recovery to create a universal aid application that would allow survivors to apply for numerous programs through one form, the Administration not only ensure that these recovery programs are accessible to all survivors, but make the entire process more efficient.