

TITLE BARRIERS TO ACCESSING FEMA ASSISTANCE

America's lowest-income and most marginalized households are often the hardest-hit by disasters and have the fewest resources to recover afterwards. Despite the clear need, these households frequently face unnecessary and preventable barriers to accessing the resources they need to recover.

A key example is FEMA's requirement that survivors provide title documentation when applying to receive assistance to repair their homes. Since at least 1995, FEMA's title requirement has barred many of the lowest-income survivors, including owners of mobile homes and other low-income homeowners who may not have updated title documentation, from receiving the assistance for which they are eligible.

After recent disasters, FEMA allowed survivors to use a declaration form to prove ownership of their home in cases where updated title documents were inaccessible. In 2019, however, FEMA announced that it will no longer accept declaration forms in states impacted by disasters. This policy change will prevent many of the lowest-income disaster survivors from receiving assistance or will delay such assistance by forcing these households to first go through an expensive and time-consuming title clearing process. A legislative fix is needed.

Title Barriers Harm Low-Income Survivors and Survivors of Color

Manufactured housing - like mobile homes - are one of the fastest growing types of affordable housing across the country. Manufactured housing ownership rates are high in areas that experienced disasters in 2020 such as Oregon, California, Louisiana, Alabama, and Florida. For example, over 103,000 households in the path of Hurricane Laura live in manufactured housing.

Mobile home park and manufactured housing residents can experience substantial barriers that prevent access to their title documents. Residents frequently do not have 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. In 2018, almost 160,000 mobile homeowners lacked title in California alone.

Many other low-income households may lack access to title documents for their homes. Again, there are a myriad of reasons for this, with some families utilizing informal ownership to pass down houses through generations of family members. Others may be unable to pay for legal assistance to clear title, may lack of English proficiency, or be unaware that a title is needed. We know that the phenomenon heavily corresponds to low-income, Black, and Indigenous communities. During Hurricane Katrina, over 20,000 homeowners in New Orleans were found to have clouded title. Title issues affected 90% of all applicants for assistance in low-income areas of Houston in the aftermath of Hurricane Rita and Hurricane Dolly. Over 77,000 assistance applications were denied due to title issues in the aftermath of Hurricane Maria.

In addition, the nature of some disasters can prevent a survivor from having ready access to title documentation. Title and related ownership documents can be destroyed along with the homes and personal property of a survivor.

FEMA Eliminates A Tool to Overcome Title Barriers

During the response to Hurricanes Harvey and Maria and the 2017-2018 California wildfire season, FEMA accepted a declaration statement form allowing survivors to declare under penalty of perjury that they owned their home in lieu of providing title documentation. While survivors faced challenges in using the declaration form - many survivors were unaware of this opportunity, and FEMA refused to make the declaration form available on its website or at Disaster Recovery Centers - many low-income survivors successfully utilized the declaration form during those disasters.

In 2019, FEMA changed policy to only allow declaration forms in insular areas, tribal lands, and territories - not in states.

Without use of a declaration form, many survivors will wait even longer for needed assistance while they navigate a complex title replacement process with their state or local government - which has often shut down or curtailed services in the disasters wake. Other survivors will be unable to obtain new title documents and will be barred from receiving FEMA assistance altogether. Many survivors are so overwhelmed by the complicated application process that they will give up and not even apply for assistance.

HOUSING SURVIVORS OF MAJOR DISASTERS ACT

The "Housing Survivors of Major Disasters Act" would ensure that all survivors can receive the assistance for which they are eligible, despite not having updated title documentation. Sponsored by Representative Espaillat (D-NY) and Senator Elizabeth Warren (D-MA) and supported by the NLIHC-led Disaster Housing Recovery Coalition (DHRC), the bill was passed unanimously by the House Transportation and Infrastructure Committee in early 2020.

This Housing Survivors of Major Disasters Act would:

- Require FEMA to allow survivors to use declaration statements to establish ownership of their properties when formal documents are unavailable.
- Require FEMA to create a standardized declaration statement that can be accepted in disaster areas across the country.
- Require FEMA to make declaration statements available at Disaster Recovery Centers and on FEMA's webpage for use during future disasters.
- Increase the number and types of documents that can be used to prove residency, including utility bills, pay stubs, drivers' licenses, and school registrations.
- Require FEMA to review and reconsider any application for assistance that was denied in recent years because of the lack of title documentation.

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