I. **FEMA Benefits—Overview**
   A. Laws and Regulations
      2. Regulations: 44 C.F.R. § 206.110 et seq.
   B. Information and Resources
      1. FEMA
         a. [www.fema.gov](http://www.fema.gov)
         (also available in Spanish)
         c. FEMA Helpline: (800) 621- FEMA (621-3362)
      2. Florida Legal Assistance Manual
         a. Florida Bar Foundation Manual on Disaster Legal Assistance at [www.povertylaw.org](http://www.povertylaw.org)
      3. Other useful websites
         a. [www.katrinalegalaid.org](http://www.katrinalegalaid.org)
         b. [www.femaanswers.org](http://www.femaanswers.org)
   C. Expedited or Essential Assistance: 42 U.S.C. § 5170b
      1. Red Cross is providing shelter and financial aid: call (800) 975-7585
      2. Red Cross hotel/motel vouchers do not count against the Individuals & Households Program (IHP) aid limit. See § II-IV below
      3. FEMA's Individual & Households Program follows after essential assistance and is operational now for Katrina

II. **FEMA's Individuals & Households Program (IHP):** 42 U.S.C. § 5174; 44 C.F.R. § 206.110 et. seq.
   A. Overview of IHP Programs
      1. Replaces old Temporary Housing Assistance (THA) and Individual and Family Grant (IFG) program
      2. Two parts
         a. Housing programs: 42 U.S.C. § 5174(c); 44 C.F.R. § 206.117(b)
            (i) Mortgage assistance no longer provided; but was part of previous version of 42 U.S.C. § 5174 et seq.
            (ii) $2,000 + $2,358 already paid could be used for housing and FEMA says were part of IHP
         b. Other Needs Assistance (“ONA”)—to replace personal property, meet necessary expenses or serious needs: 42 U.S.C. § 5174(e); 44 C.F.R. § 206.119
3. **IHP Aid Limit**
   a. The maximum a person/household can receive for all IHP programs is $26,200.00 ($25,000 + cost of living adjustment (cola)). See www.fema.gov. 42 U.S.C. § 5174(h)(1),(2); 44 C.F.R. § 206.110(b)
   (i) Unclear if limit applies to person or household
   (ii) Expedited checks of $2,000, FEMA now says counts as part of IHP
   (iii) Current rent checks of $2,358 count towards IHP

III. **IHP Housing Programs**
A. Eligibility Criteria for all IHP Housing Assistance: 44 C.F.R. §§ 206.113(a), 206.117(b)(2), (3)
   1. Insufficient (or no) insurance coverage
      a. Or cannot get paid in time and agree to repay from insurance proceeds, or claim denied. 44 C.F.R. § 206.113(a)(2)-(4)
         (i) But note: Problems with Hurricane insurance covering flood damage
         (ii) Also, FEMA flood bar—"one bite at the apple"
      b. Cannot live in home now, cannot get to home due to disaster, or requires repairs. 44 C.F.R. § 206.113(a)(8)-(9)
         (i) Inspection establishes if person meets this requirement
      c. Home is in a declared disaster area. 44 C.F.R. § 206.113(a)(1)
      d. Household member is a U.S. Citizen, Lawful Permanent Resident (LPR), or qualified alien
         (i) Note: All immigrants qualify for emergency non-case help (shelter, food, medical care, etc.)
      e. No resource test for these benefits

B. **FEMA's IHP Housing Assistance**
   1. **Rental assistance**: 42 U.S.C. § 5174 (c)(1); 44 C.F.R. § 206.117(b)(1)(i)
      a. Money for rent, transportation, and utility hookups. 44 C.F.R. § 206.117(b)(1)(i)
         (i) FEMA provided Katrina and Rita evacuees with $2,000 in expedited assistance; FEMA now says this is part of IHP
         (ii) $2,358 in Transitional Housing Assistance (in areas identified via satellite imaging as uninhabitable); counts as part of IHP
      b. Will **not** pay for rental security deposit (ask the Red Cross). 44 C.F.R. § 206.117(b)(1)(i)(D)
         (i) In “extraordinary circumstances” Regional Director (or designee) can pay deposits (renter must return deposit to FEMA when leave unit). 44 C.F.R. § 206.117 (b)(1)(i)(D)
      c. Will **not** pay utilities that are not part of rent (consider LIHEAP program). 44 C.F.R. § 206.117(b)(1)(i)(C)
      d. Lasts up to 18 months (more if extended by FEMA). 42 U.S.C. 174(c)(1)(B)(ii); 44 C.F.R. § 206.110(e)—but FEMA prefers short term. See 44 C.F.R. § 206.114(a)
e. Continued rental assistance—"Recertification"
   (i) Must submit rent receipts. 44 C.F.R. § 206.114(b)(2)
   (ii) Must document continuing need and develop a permanent housing plan, unless good cause. 44 C.F.R. § 206.114(b)(1)-(4)
      (a) Good cause might include the fact that their home community has not been rebuilt yet
f. **Note:** FEMA/HUD is also providing rental assistance to former homeless and HUD tenants, see § VIII. KDHAP Program below

2. **Direct assistance—Temporary housing units:** 42 U.S.C. § 5174(c)(1)(B); 44 C.F.R. § 206.117(b)(1)(ii)
   a. Types of housing
      (i) Mobile homes (trailers), housing on military bases, cruise ships
   b. Eligibility for IHP Housing Programs. 44 C.F.R. § 206.117
      (i) Available if home is destroyed or uninhabitable
      (ii) Cannot use rental assistance (due to housing shortage). 44 C.F.R. § 206.117(b)(1)(ii)(A)
      (iii) After the 18 month period, FEMA can charge fair market rent (FMR). 44 C.F.R. § 206.117(b)(1)(ii)(F)
      (iv) For other eligibility requirements, see also § III.A.1 & B.1 above
   c. Continued direct assistance
      (i) FEMA may provide continued housing assistance based on need, and generally only when rentals are not available or a permanent housing plan has not been fulfilled through no fault of the applicant. 44 C.F.R. § 206.114(a)
         (a) If a community has not yet been rebuilt and you plan to return there, then this might be good cause for lack of a permanent housing plan
   d. Can be terminated from housing assistance if:
      (i) Have gotten it for 18 months (unless period is extended by FEMA);
      (ii) Adequate alternate housing is available;
      (iii) Got into it through misrepresentation or fraud;
      (iv) Fail to comply with lease/rental agreement;
      (v) Do not provide evidence that you are working towards permanent housing plan (if no good cause). See 44 C.F.R. § 206.117(b)(1)(ii)(G)
         (vi) Housing Direct—15-day notice to terminate for unit specifying the reasons for termination. 44 C.F.R. § 206.117(b)(1)(ii)(H)
            (a) Tenants have appeal rights
            (b) Consider action in state court to challenge

3. **"Hazard Mitigation" Repairs:** Money to repair damaged homes (primary residence) (emergency repair benefits): 42 U.S.C. § 5174(c)(2); 44 C.F.R. § 206.117(b)(2)(i)-(iii)
   a. For homeowners
   b. Money to repair home to make it safe and sanitary
      (i) Not to return to pre-disaster conditions
   c. Only certain acceptable types of repairs
"Hazard Mitigation" Repairs (cont'd.)

(i) Structural, foundation, water, sewage, heating, cooling; no cosmetic repairs or changes  
(ii) Up to $5,000.00 (plus COLA). 42 U.S.C. § 5174(c)(2)(C), 44 C.F.R. § 206.117(b)(2)(iv)  
(iii) Must apply for insurance, but not SBA loan. 44 C.F.R. § 206.117(b)(2)(iv)

4. **Money to replace destroyed housing:** 42 U.S.C. § 5174(c)(3); 44 C.F.R. § 206.117(b)(3), 44 C.F.R. § 206.117(c)(1)  
   a. Homeowners only—limit is $10,000.00  
      (i) Can combine with SBA loan—use as down payment—but don’t have to apply for SBA first  
      (ii) Must be approved (usually) by associate director of FEMA  
      (iii) Money to help homeowner with the cost of replacing destroyed home  
      (iv) Not intended to cover the entire cost of home replacement, or to return home to pre-disaster condition; just to return home to safe and sanitary living condition—SBA loan also possible

C. **IHP Housing—Split housing problem for rental and direct assistance:** FEMA wants to only give one housing payment/unit per pre-disaster household. 44 C.F.R. § 206.117(b)(1)(i)(A)  
   1. Household is those living together before or likely to return after disaster. 44 C.F.R. § 206.111 (definitions—household)  
   2. But FEMA can pay to more than one based on "size" or “nature” of household. 44 C.F.R. § 206.117(b)(1)(i)(A), (B); see also Locket v. FEMA, 836 F.Supp 847 (S.D.Fla.1993)

IV. **FEMA Individuals & Households Program (IHP)—Other Needs Assistance (ONA)**

A. **Overview—Other Needs Assistance (“ONA”)**—for special needs & to replace personal property: 42 U.S.C. § 5174(e); 44 C.F.R. § 206.119  
   1. Personal needs  
      a. Items or services to overcome a disaster-related hardship, injury, or adverse condition. 44 C.F.R. § 206.111 (definition-serious need)  
      b. Not to return personal property to pre-disaster condition  
      c. For continued assistance, must document continuing need  
   2. **Note:** Total aid for housing & needs is $26,200.00 (as of 9/15/05)  
      a. Not clear if this is per person or household, assume household

B. **Types of ONA:** 42 U.S.C. § 5174(e), (f); 44 C.F.R. § 206.119(b)-(c)  
   1. Disaster-related medical and dental costs  
   2. Replacement of repair of necessary medical items such as durable medical equipment  
   3. Disaster-related funeral and burial costs  
   4. Clothing, furnishings, appliances, tools for jobs, educational materials  
   5. Cleaning and sanitization of property  
   6. Vehicles damaged by the disaster
Types of ONA (cont'd.)

7. Moving and storage expenses
8. Other things approved by FEMA. 42 U.S.C. § 5174(h); 42 U.S.C. § 5174(e)(2); 44 C.F.R. § 206.119(b)(2)(ii)
   a. Possibly repairs to primary residence of up to $26,200 under “ONA” for other “unique” “necessary expenses” or “serious needs”

C. To Get Money Under ONA—SBA loans & FEMA IHP ONA: 42 USC § 5174(a)(2)
   1. First look to insurance proceeds, if any. 44 C.F.R. § 206.113(a)(1)-(9)
   2. SBA loan application necessary?
      a. Yes: for non-housing programs; if able to repay and applying for other needs assistance. 44 C.F.R. §§ 206.117(b), 206.119(a)(1)-(3)
         (i) If SBA loan is insufficient, can get IHP. 44 C.F.R. § 206.119(a)(3)
      b. No: for housing programs; rental assistance, replacement money for homes (42 USC § 5174(a)(2)), and money for repairs (42 USC § 5174(c)(2)(B); 44 C.F.R. §206.117(b)(2)(iv)), and temporary housing is available without an SBA application
   3. FEMA refers IHP applicants for assistance to SBA
      a. See § IX.A below
   4. Attorneys have appealed issue of ability to repay an SBA loan

D. FEMA IHP ONA procedures
   1. FEMA says states administer ONA
   2. Some states administer FEMA's IHP through their own Office of Emergency Services
      a. This is important so you can know who to file an appeal with, state or FEMA
   3. States and Feds use price lists to "cap" amount paid for each item
   4. Continued assistance: Keep going back to FEMA if need more help; must always document needs. 44 C.F.R. § 206.114(b)(6)

E. Eligibility for IHP ONA: 44 C.F.R. §§ 206.110(a), 206.113
   1. Losses in area declared a disaster area
   2. Insufficient (or no) insurance coverage
   3. Accepted assistance from all other sources (including SBA loans)
   4. Necessary expenses or serious needs due to the disaster
   5. Household member is a U.S. citizen, Legal Permanent Resident, or qualified alien

F. IHP Aid Limit for Housing and ONA
   1. Limit is $26,200 for all IHP assistance. See www.fema.gov. 42 U.S.C. § 5174(h)(1), (2); 44 C.F.R. § 206.110(b)

V. FEMA Benefits—Application and Processing
A. How to Apply: www.fema.gov/about/process/apply_for_assistance.shtm
   1. Online: www.fema.gov or by phone: (800) 621-FEMA (3362)
   2. Application form, information needed:
      a. Social Security Number
      b. Description of disaster-caused losses
FEMA Benefits: How to apply (cont'd.)

c. Insurance information
d. Location of property
e. Telephone contact number

3. Get assigned a FEMA application number

4. Deadline for applications: 44 C.F.R. § 206.112
   a. 60 days (plus 60 days) or 120 days after the declaration; this deadline is often extended by FEMA
      (i) Usually need "good cause" to apply during last 60 days of application period
   b. Deadlines as of 10/28/05: [www.femaanswers.org/index.php/Main_Page](http://www.femaanswers.org/index.php/Main_Page)
      (i) Katrina victims in Louisiana and Mississippi: January 11, 2006
      (ii) Katrina victims in Florida: October 28, 2005
      (iii) Katrina victims in Alabama: October 29, 2005
      (iv) All other Rita victims: November 23, 2005

B. After Applying for Benefits: [www.fema.gov/about/process/apply_for_assis_process.shtm](http://www.fema.gov/about/process/apply_for_assis_process.shtm)

1. **Inspection:** FEMA will **USUALLY** promptly inspect the property
   a. Applicant should try to be present
   b. Must verify ownership and/or occupancy
   c. In past disasters there have been problems with quality of inspections (e.g., "drive-by inspections")
   d. Inspection is the key, it is used to document:
      (i) Damage to apartment/home for housing assistance
      (ii) Damage to personal property for ONA
      (iii) Repair money

2. **Determination:** Within 10 days of inspection, should get a letter with determination
   a. Will be followed by check if approved
   b. May include SBA loan application
   c. Can appeal if denied, or if award isn't large enough

C. Once Approved for Benefits

1. Money must be ONLY used for intended purpose. 44 C.F.R. § 206.116(b)
   a. If not, FEMA can recoup. 44 C.F.R. § 206.116(b)
   b. **Keep receipts** and bills to document use

2. FEMA benefits are NOT attachable
   a. Tax free, exempt from garnishment, etc. 44 C.F.R. § 206.110(g)

3. **Continue to go back if needs are not met**—document needs, i.e., "recertification"; **BE PERSISTENT**

D. FEMA money doesn't count in Welfare and Other Aid Programs

1. FEMA, state, local and similar benefits whether in cash or in kind
2. Should not count as income or resources in any federal "means-tested" program, e.g., welfare, SSI, Food Stamps, etc. 42 U.S.C. § 5155(d); 44 C.F.R. § 206.110(f)

A. Written appeal must be postmarked within 60 days of decision letter. 42 U.S.C. § 5189a(a); 44 C.F.R. §206.115(a)
   1. Signed by applicant or by Authorized Representative. 44 C.F.R. §206.115(b)
   2. Include the person's FEMA registration number and disaster number (listed on denial letter)
   3. FEMA uses codes in denial letters. See FEMA's applicant guide for explanation of denial codes at: [www.fema.gov/about/process/why_not_eligible.shtm](http://www.fema.gov/about/process/why_not_eligible.shtm)
   4. Fax to (800) 827-8112, Attention: FEMA – Individuals and Households Program
   5. Or, State number, if State administers Other Needs Assistance program
      a. FEMA says States will administer ONA for Katrina and Rita

B. FEMA should respond in writing within 90 days of receipt of notice of appeal. 42 U.S.C. § 5189a.(b); 44 C.F.R. § 206.115(f)

C. FEMA decision is final. 44 C.F.R. § 206.115(f)

VII. **Immigrant Eligibility for FEMA Programs:** 42 U.S.C. § 601 et seq.
A. To Get Cash Aid
   1. One member of household must be a U.S. Citizen, an LPR, or a "qualified alien"
      a. A "qualified alien" includes anyone who has been granted legal permanent residence ("green card"), refugee or asylee status, withholding of deportation, conditional entry, parole into the U.S. for at least 1 year; or a Cuban-Haitian entrant; or a battered spouse or child(ren) with a pending or approved spousal petition or petition for relief

B. To Get Non-Cash Aid
   1. Other immigrants are eligible for emergency non-cash help, e.g., shelter, food, etc.

C. Some workers may believe an applicant has to have a Social Security number or card to be eligible, but this is incorrect

D. Receipt of disaster benefits is NOT public charge

E. See also information at [www.nilc.org](http://www.nilc.org)

VIII. **HUD/FEMA's Katrina Disaster Housing Assistance Program (KDHAP)**
A. What is KDHAP?
   1. HUD-FEMA initiative to aid pre-disaster HUD-assisted and homeless families in finding temporary housing
   2. Assistance cannot exceed 18 months
   3. Money for rental units

B. Benefits Provided
   1. To families
      a. Rent subsidy equal to the rent specified in the lease up to 100% of the fair market rent (FMR)
      b. Actual security deposit capped at 100% of local FMR
      c. Actual deposits for utilities capped at $325
KDHAP: Benefits Provided (cont'd.)

(i) **Note**: Family must pay for any utilities not included in the rent

2. To Public Housing Authorities
   a. One time fee of $1,000 per family housed under KDHAP rent contract for housing search, temporary shelter, and lease-up activities
   b. 15% of the housing assistance payment (HAP) for monthly ongoing administration

3. Relationship to IHP
   a. FEMA says KDHAP is a separate program from IHP and does not count against $26,200 IHP aid limit

C. For More Information
   1. See [www.hud.gov/webcasts/092505slideshow.ppt](http://www.hud.gov/webcasts/092505slideshow.ppt)
   2. Contact Barbara Sard at [www.cbpp.org](http://www.cbpp.org)
   3. Contact Jim Grow at [www.nhlp.org](http://www.nhlp.org)


A. **Relationship to FEMA Applications**
   1. Must take a loan, if available, and applicants want to get IHP Other Needs Assistance, and has sufficient income. 44 U.S.C. § 206.119(a)(1)
      a. If low-income, may want to try to get a "summary denial" or "desk denial" to avoid delays with IHP (housing, or other needs assistance)
      b. Others may want help qualifying for larger SBA loans to rebuild
      (i) Ability to repay can be an issue
   2. FEMA can do a desk denial without an SBA application if:
      a. The household's income is below a set income level (about 150% of Poverty Level)
      b. FEMA will not do desk denials for self-employed; or
   3. Anyone who receives an SBA application must fill it out and send it in, or will not get IHP ONA help
      a. If low-income, SBA can review an application and do a summary denial for low income and forward to FEMA for action on their IHP ONA application
   4. Problems with online applications:
      a. If pre-disaster income field is empty, or income is listed at zero, applicant will get an SBA application even if very low income—should fill it out and return

   1. Personal/Real Property Loans
      a. For both homeowners and renters. 15 U.S.C. § 636(b)(1)(B); 13 C.F.R. § 123.100(a)(1)-(2)
      b. To repair or replace disaster damages to real property (primary residence) or personal property. 15 U.S.C. § 636(b)(1)(A); 13 C.F.R. § 123.7
   2. Up to $40,000.00 personal property. 13 C.F.R. § 123.105(a)(1)
      a. If not enough to cover loss—apply for IHP
General Information about SBA Disaster Loans (cont'd.)

3. Up to $200,000.00 for homeowners to repair or replace a primary residence. 13 C.F.R. § 123.105(a)(2)

C. Physical Disaster Business Loans: 13 C.F.R. § 123.200 et seq.
1. For repair or replacement of business real and personal property. 13 C.F.R. § 123.200(a)
2. Available to businesses of any size, including non-profits. 13 C.F.R § 123.200(a)
3. $1.5 million maximum for total loans under SBA's Business Physical and Economic Injury. 13 C.F.R § 123.202(a)
4. Includes inventory, business equipment, including vehicles if used for business at time of disaster. 13 C.F.R § 123.200(b)

D. Economic Injury Disaster Loans (EIDL): 13 C.F.R. § 123.300 et seq.
1. For working capital to small businesses, small nurseries, small agricultural cooperatives and producer cooperatives to meet ongoing financial obligations. 13 C.F.R. §§ 123.303(a), 123.303(c)(1)-(3)
2. To assist them through the disaster recovery period
3. If Katrina related damage to business inventory or property or for loss of business
4. $1.5 million maximum for total loans under SBA's Business Physical and EIDL

E. SBA Loan Terms: 15 U.S.C. § 636(c)
1. Must show ability to repay. 15 U.S.C. § 636(i)(5)(A); 13 C.F.R. § 123.6
2. Collateral for loans over $10,000. 15 U.S.C. § 636(c)(6); 13 C.F.R. § 123.11
3. Term depends on ability to repay—can be up to 30 yrs. 13 C.F.R. § 123.105(c)
4. Low interest rates

F. How to Apply for SBA Loans
1. Online at www.sba.gov or by phone (800) 659-2955
2. Application deadlines
   a. Physical business disaster loans: October 28, 2005 (check website to see if extended)
   b. EIDL: May 29, 2006
3. For more information see SBA's website at www.sba.gov

X. Employment Related Disaster Benefits
A. Unemployment & Disaster Unemployment Assistance (DUA): 42 U.S.C. § 5177(a); 20 C.F.R. § 625.1 et seq.
1. Apply for regular UIB first
2. DUA: see www.nelp.org
   a. Cash benefit - available for up to 26 weeks
   b. Should apply for both DUA and regular unemployment insurance benefits, if possible
   c. Application deadline has been extended to November 30, 2005 (was October 7, 2005)
3. How to apply
   a. Apply in person at unemployment office
Unemployment & Disaster Unemployment Assistance (cont'd.)

b. Clients can call (877) 872-5627 or (877) US2-JOBS to find nearest location

B. Re-employment Services: 42 U.S.C. § 5177(b); 20 C.F.R. § 625.3

1. New Jobs through the National Emergency Grant Programs: www.doleta.gov/neg/apply_neg.cfm
   a. DoL has authorized new jobs under national emergency grant program
      (i) 12 weeks in “humanitarian efforts,” demolition and clean up projects, and weatherization for low-income
      (ii) @ $9.00/hr. for up to 40 hrs./wk. (announced in Louisiana)
      (iii) Apply through Job Centers

2. Re-employment services: www.jobsearch.org/hurricanejobs/
   a. Job search help
   b. Career counseling from the existing job centers

C. Job Skills Training: www.doleta.gov/brg/JobTrainingInitiative/#content

1. DoL has authorized new funds for hard skills training programs in Louisiana, Alabama, Mississippi, and Texas

2. Millions of doctors to train victims for construction, clean up, health care, security, etc.—to work in recovery efforts
   a. Short-term credential/certificate programs

XI. Other Benefits

A. Food Stamps

1. Disaster food stamps. 7 U.S.C. § 2014(h); 7 C.F.R. § 280.1
   a. United States Department of Agriculture (USDA) has authorized disaster food stamps
   b. Application deadline in Louisiana was September 29, 2005, by 4:30 p.m. in the severely impacted parishes of Orleans, Jefferson, Plaquemines, St. Bernard, and St. Tammy in Louisiana (may be extended)
   c. Check your state for specific deadlines; may need further extensions
   d. People who may be eligible include those who, due to Katrina, lost a job, lost income/wages, had damage to their homes, have no access to bank accounts
   e. To apply go to local welfare office

2. Replacement food stamps. 7 U.S.C. § 2014(h)(3)(A); 7 C.F.R. § 280.1
   a. Can be authorized if:
      (i) Usual means of commercial distribution is disrupted
      (ii) Means of distribution has been restored
      (iii) Money to replace lost food due to disruption in power

3. Expedited food stamps. 7 C.F.R. § 273.2(i)(1)
   a. New applicants are eligible for "expedited" help—within 7 calendar days of application

B. WIC Benefits

1. For low income pregnant or postpartum women, women who are breastfeeding, children up to the age of five
WIC Benefits (cont'd.)

2. Call your state welfare department or "211" for information on where to use WIC vouchers

C. Disaster Medicaid and Health Care
   1. Federal government has announced relaxed verification for Katrina victims
   2. Check your state's website.

D. TANF
   2. Check your state's laws to see if they have special benefits such as:
      a. Immediate need
      b. Expedited need
      c. Housing assistance
   3. Go to local welfare office

E. Social Security Benefits
   1. See www.ssa.gov for general information and www.ssa.gov/emergency for information on lost checks and emergency programs