

111TH CONGRESS  
1ST SESSION

# S. 763

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments.

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## IN THE SENATE OF THE UNITED STATES

APRIL 1, 2009

Mrs. FEINSTEIN introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to authorize temporary mortgage and rental payments.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Mortgage and Rental  
5       Disaster Relief Act of 2009”.

6       **SEC. 2. DISASTER RELIEF.**

7       Section 408(c) of the Robert T. Stafford Disaster Re-  
8       lief and Emergency Assistance Act (42 U.S.C. 5174(c))  
9       is amended by adding at the end the following:

1           “(5) TEMPORARY MORTGAGE AND RENTAL PAY-  
2           MENTS.—

3           “(A) DEFINITIONS.—In this paragraph—

4                   “(i) the term ‘adjusted gross income’  
5                   means the adjusted gross income (as that  
6                   term is defined in section 62 of the Inter-  
7                   nal Revenue Code of 1986) of the relevant  
8                   individual or household for the last taxable  
9                   year that such individual or household filed  
10                  a tax return; and

11                  “(ii) the term ‘financial hardship  
12                  caused by a major disaster’ means that an  
13                  individual or member of a household—

14                          “(I) is employed by a business, or  
15                          owns a business, located in the area  
16                          for which the President declared the  
17                          relevant major disaster;

18                          “(II) became unemployed, or lost  
19                          significant income, because the em-  
20                          ployer or business of that individual  
21                          or member of a household has or, on  
22                          the day before the date of the relevant  
23                          major disaster, had a significant busi-  
24                          ness relationship with a business lo-  
25                          cated in the area for which the Presi-

1                   dent declared the relevant major dis-  
2                   aster; or

3                   “(III) resides in the area for  
4                   which the President declared the rel-  
5                   evant major disaster and has suffered  
6                   financially due to travel restrictions or  
7                   station or road closures in effect after  
8                   the date of that major disaster.

9                   “(B) AUTHORIZATION.—In accordance  
10                  with this paragraph, the President may provide  
11                  assistance on a temporary basis in the form of  
12                  mortgage or rental payments to or on behalf of  
13                  individuals and households who, as a result of  
14                  financial hardship caused by a major disaster,  
15                  have received written notice of dispossession or  
16                  eviction from a residence by reason of a fore-  
17                  closure of any mortgage or lien, cancellation of  
18                  any contract of sale, or termination of any  
19                  lease, entered into before such major disaster.

20                  “(C) ELIGIBILITY.—

21                  “(i) INCOME.—

22                  “(I) IN GENERAL.—Except as  
23                  provided in subclause (II), an indi-  
24                  vidual or household may receive as-  
25                  sistance under this paragraph if the

1 adjusted gross income of that indi-  
2 vidual or household was not more  
3 than \$75,000.

4 “(II) AREAS WITH A HIGH COST  
5 OF LIVING.—An individual or house-  
6 hold that, on the day before the date  
7 of the relevant major disaster, resided  
8 in an area with a high cost of living,  
9 as determined by the President, may  
10 receive assistance under this para-  
11 graph if the adjusted gross income of  
12 that individual or household was not  
13 more than \$100,000.

14 “(ii) ADJUSTMENT.—The President  
15 shall adjust the limits established under  
16 clause (i) annually to reflect inflation.

17 “(D) PERIOD OF ASSISTANCE.—Assistance  
18 under this paragraph shall be provided for the  
19 duration of the period of financial hardship  
20 caused by a major disaster, not to exceed 18  
21 months.

22 “(E) PROCEDURES.—

23 “(i) IN GENERAL.—An individual or  
24 household seeking assistance under this  
25 paragraph shall submit an application in

1 such manner and accompanied by such in-  
2 formation as the President shall establish,  
3 which shall include a requirement that  
4 such an individual or household sign a  
5 statement indicating that individual or  
6 household meets the eligibility require-  
7 ments under subparagraph (C).

8 “(ii) LACK OF RECORDS.—If an indi-  
9 vidual or household does not have access to  
10 records necessary to demonstrate eligibility  
11 under subparagraph (C), that individual or  
12 household shall submit such records not  
13 later than 6 months after the date that in-  
14 dividual or household applies for assistance  
15 under this paragraph.

16 “(iii) INELIGIBLE RECIPIENTS.—If an  
17 individual or household receives assistance  
18 under this paragraph and was not eligible  
19 to receive such assistance, that individual  
20 or household shall return the full amount  
21 of that assistance to the Government.”.

22 **SEC. 3. APPLICABILITY.**

23 The amendment made by this Act shall apply to any  
24 major disaster (as that term is defined in section 102 of  
25 the Robert T. Stafford Disaster Relief and Emergency As-

1 sistance Act (42 U.S.C. 5122)) declared on or after Octo-  
2 ber 21, 2007.

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