Congressional Research Service
Informing the legislative debate since 1914

FEMA's Individuals and Households Program (IHP)—Implementation and Considerations for Congress

Updated March 3, 2025

Congressional Research Service
https://crsreports.congress.gov
R47015

SUMMARY

FEMA's Individuals and Households Program (IHP)—Implementation and Considerations for Congress

R47015

March 3, 2025

Elizabeth M. Webster
Specialist in Emergency Management and Disaster Recovery

The Federal Emergency Management Agency (FEMA) may provide several forms of assistance, if authorized, pursuant to a presidential declaration of emergency or major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act; P.L. 93-288, as amended; codified at 42 U.S.C. §§5121 et seq.), including assistance to help disaster survivors recover—known as Individual Assistance (IA).

There are various forms of IA that can support disaster survivors. This report provides an overview of one type of IA: the Individuals and Households Program (IHP), which is authorized under Stafford Act Section 408 (42 U.S.C. §5174) and may be provided pursuant to either an emergency or major disaster declaration. The IHP is the only form of IA, and the only form of FEMA assistance, that provides grants of financial assistance directly to individuals and households to support their disaster recovery (FEMA may also provide direct assistance under the IHP). To that end, IHP assistance may include financial and/or direct assistance for housing and financial assistance for other needs to eligible individuals and households who have uninsured or under-insured necessary expenses and serious needs as a result of a disaster that cannot be met through other means or forms of assistance. Specifically, this report describes the categories and types of available IHP Housing Assistance and Other Needs Assistance (ONA), as well as the considerations or limitations associated with the provision of each form of IHP assistance, and IHP assistance generally. It also provides some specific examples when IHP assistance was implemented to support the recovery from recent disasters, such as the Coronavirus Disease 2019 (COVID-19) pandemic.

State, territory, and Indian tribal governments do not automatically receive IA when a disaster occurs. Instead, the governor of an affected state or territory or the chief executive of an affected Indian tribal government must request that the President declare an emergency or major disaster and that IA be authorized. When making such a request, the state, territory, or Indian tribal government must demonstrate that the incident exceeds its capacity to effectively respond without federal assistance. FEMA then evaluates the request using set factors, and provides a recommendation to the President, who determines whether to authorize the request for a Stafford Act declaration authorizing IA. The process by which requests for IA are evaluated, and the way aspects of the IHP are implemented, changed in 2018 and 2019, and in 2024. These changes were made through the enactment of the Disaster Recovery Reform Act of 2018 (DRRA, Division D of P.L. 115-254), a new rule going into effect (which updated the IA factors FEMA evaluates when considering a governor's request for a major disaster declaration authorizing IA), updates to FEMA's IA guidance, including the *Individual Assistance Program and Policy Guide (IAPPG)*, and an interim final rule going into effect (which amended FEMA's IHP regulations and updated various aspects of the IHP). In addition to an overview of IHP assistance, this report discusses the process for requesting IA, the factors considered when determining whether to authorize IA (and specifically IHP assistance), and significant program implementation updates and considerations.

Finally, this report discusses some of the potential IHP-related challenges and considerations that may be of interest to Congress, including considerations for increasing transparency associated with FEMA's IA factors evaluation, which is part of the disaster declaration process; addressing the current lack of IHP assistance cost data, which is needed to support an evaluation of the cost of IHP assistance; and assessing whether FEMA's current IHP assistance programs are sufficient to meet the needs of future disaster survivors.

Contents

Figures

Tables

Appendixes

Contacts

Introduction

After the President issues an emergency or major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), the Federal Emergency Management Agency (FEMA) may provide three primary forms of disaster assistance: Individual Assistance (IA), Public Assistance (PA), and Hazard Mitigation Assistance (HMA).[1]

IA provides aid to affected disaster survivors, and can take the form of assistance for housing and/or other needs through the Individuals and Households Program (IHP).[2] In addition to providing IHP assistance, FEMA's IA program includes the Crisis Counseling Assistance and Training Program;[3] Disaster Unemployment Assistance;[4] Disaster Legal Services;[5] and Disaster Case Management,[6] all of which are beyond the scope of this report.[7] The IHP and other forms of IA are funded through the Disaster Relief Fund (DRF), which is managed by FEMA.[8]

The IHP is the focus of this report. It is the only form of IA, and the only form of FEMA assistance, that provides grants of financial assistance directly to individuals and households to address their disaster-caused housing and other needs (FEMA may also provide direct assistance for housing under the IHP). This report begins with an overview of the IHP, including the categories and types of IHP assistance that may be made available, selected considerations or limitations associated with each type of assistance, and selected legislative, regulatory, and guidance/policy-related program updates. This report then outlines the process for requesting and authorizing IA, including the factors that FEMA considers when evaluating a governor or tribal chief executive's request for a major disaster declaration authorizing IA (these factors are

---

[1] Disaster Relief Act of 1974 (P.L. 93-288) (retitled the Robert T. Stafford Disaster Relief and Emergency Assistance Act and codified, as amended, at 42 U.S.C. §§5121 et seq.). The Robert T. Stafford Disaster Relief and Emergency Assistance Act is hereinafter referred to as the Stafford Act. The Federal Emergency Management Agency's (FEMA's) "How a Disaster Gets Declared" web page, available at https://www.fema.gov/disasters/how-declared, provides additional information on the declaration process and the types of assistance that may be authorized pursuant to a presidential declaration of emergency or major disaster (hereinafter FEMA, "How a Disaster Gets Declared"). The Individual Assistance (IA) program, and specifically the Individuals and Households Program (IHP), is the focus of this report. For information on FEMA's other programs, including the Public Assistance (PA) program, which may provide grants to sub-federal governments and certain private nonprofit organizations for emergency work following an emergency or major disaster declaration, and permanent work following a major disaster declaration, see CRS In Focus IF11529, *A Brief Overview of FEMA's Public Assistance Program*, by Erica A. Lee, and CRS Report R46749, *FEMA's Public Assistance Program: A Primer and Considerations for Congress*, by Erica A. Lee. For additional information on FEMA's Hazard Mitigation Assistance (HMA) funds for mitigation and resiliency projects and programs to reduce the threat or impacts of future disasters, see CRS Insight IN11187, *Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance*, by Diane P. Horn.

[2] Stafford Act Section 408—Federal Assistance to Individuals and Households (hereinafter referred to as the Individuals and Households Program or IHP)—is codified at 42 U.S.C. §5174 and the citation to the U.S. Code is used hereinafter. IHP assistance may be authorized pursuant to either an emergency or major disaster declaration.

[3] Stafford Act Section 416, 42 U.S.C. §5183.

[4] Stafford Act Section 410, 42 U.S.C. §5177.

[5] Stafford Act Section 415, 42 U.S.C. §5182.

[6] Stafford Act Section 426, 42 U.S.C. §5189d.

[7] These other forms of IA, with the exception of Crisis Counseling, may only be authorized pursuant to a major disaster declaration. The IHP and Crisis Counseling may be authorized pursuant to either an emergency or major disaster declaration (42 U.S.C. §5192(a)(6) (authorizing the President to provide assistance in accordance with 42 U.S.C. §5174 (IHP) and 42 U.S.C. §5183 (Crisis Counseling)).

[8] FEMA publishes monthly reports with information on the Disaster Relief Fund (DRF) and available funding. See FEMA, "Disaster Relief Fund: Monthly Reports," https://www.fema.gov/about/reports-and-data/disaster-relief-fund-monthly-reports. For more information on the DRF and its history, see CRS Report R45484, *The Disaster Relief Fund: Overview and Issues*, by William L. Painter.

described in more detail in **Appendix A**).[9] Other IA administrative information, including the application process for individuals and households, eligibility requirements, and how assistance decisions may be appealed, is also included. This report concludes by describing some of the IHP's general program limitations, as well as selected challenges and considerations that may be of interest to Congress, including related to increasing transparency in IA declaration decisions, expanding access to IHP spending data, and ensuring IHP assistance can meet the needs of future disaster survivors. Additionally, **Appendix B** details the roles of the state/territory and federal government in providing IHP assistance, and **Appendix C** provides an overview of FEMA's publicly available IHP program data.

Selected Definitions

State: Per Stafford Act Section 102(4), the term "state" means "any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands" (42 U.S.C. §5122(4)).

Governor: Per Stafford Act Section 102(5), the term "governor" means "the chief executive of any State" (42 U.S.C. §5122(5)).

Indian Tribal Government: Per Stafford Act Section 102(6), the term "Indian tribal government" means "the governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. §§479a et seq.)" (42 U.S.C. §5122(6)).

Chief Executive: Per Stafford Act Section 102(12), the term "Chief Executive" means "the person who is the Chief, Chairman, Governor, President, or similar executive official of an Indian tribal government" (42 U.S.C. §5122(12)). (Also referred to herein as "tribal chief executive.")

Uninhabitable: the DHS/FEMA interim final rule "Individual Assistance Program Equity" revises FEMA's definition of "uninhabitable" to mean "the dwelling is not safe or sanitary" (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4004 and 4120, January 22, 2024; 44 C.F.R. §206.111).

Safe: the DHS/FEMA interim final rule "Individual Assistance Program Equity" revises FEMA's definition of "safe" to mean "secure from hazards or threats to occupants" (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4004 and 4119, January 22, 2024; 44 C.F.R. §206.111).

Sanitary: the DHS/FEMA interim final rule "Individual Assistance Program Equity" revises FEMA's definition of "sanitary" to mean "free of health hazards" (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4004 and 4119, January 22, 2024; 44 C.F.R. §206.111).

Functional: the DHS/FEMA interim final rule also changes the requirement that a disaster-damaged real property component must be functional immediately before the disaster, meaning it was capable of being used for its intended purpose (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4004, January 22, 2024).

[9] For information on the Public Assistance (PA) factors considered when evaluating a governor or tribal chief executive's request for a major disaster declaration, see 44 C.F.R. §206.48(a) and FEMA's *Tribal Declarations Pilot Guidance*, January 2017, pp. 34-36, https://www.fema.gov/sites/default/files/2020-04/tribal-declaration-pilot-guidance.pdf (hereinafter FEMA, *Tribal Declarations Pilot Guidance*); FEMA, *Tribal Declarations Interim Guidance*, FP 104-009025-001, December 2024, pp. 63-66, https://www.fema.gov/sites/default/files/documents/fema_tribal-declarations-interim-guidance_2024.pdf (hereinafter FEMA, *Tribal Declarations Interim Guidance*).

Overview of Stafford Act Section 408—Federal Assistance to Individuals and Households

Following an incident, the President may authorize the IHP[10] and allow FEMA to provide financial and/or direct assistance for housing, as well as financial assistance for other needs (referred to as Other Needs Assistance or ONA) to eligible individuals and households. The IHP covers uninsured or under-insured necessary expenses and serious needs resulting from the disaster that cannot be otherwise met.[11] IHP assistance is intended to meet basic needs (e.g., repairing a home to make it habitable[12] or replacing standard household appliances like refrigerators)[13]—and is not designed to return primary residences or property to their pre-disaster condition. As such, per FEMA's guidance, "IHP assistance is not a substitute for insurance and cannot compensate for all losses caused by a disaster.... "[14]

The IHP is authorized under Stafford Act Section 408—Federal Assistance to Individuals and Households.[15] The

Emergency Declarations Authorizing IA

The President may declare an emergency under the Stafford Act when federal assistance is necessary to save lives and protect public health and safety. Although the President may authorize IA pursuant to an emergency or major disaster declaration, the IHP is one of only two forms of IA that may be authorized pursuant to an emergency declaration (Crisis Counseling may also be authorized pursuant to an emergency) (42 U.S.C. §5192(a)(6)).

According to FEMA, it is uncommon for IA-IHP to be authorized pursuant to an emergency declaration. The IHP has been authorized pursuant to an emergency declaration three times since 1985. Most recently, the Florida Surfside Building Collapse (3560-EM-FL) received a presidential emergency declaration authorizing IA-IHP on June 25, 2021. Prior to that, the Texas Explosion (EM-3363-TX) received a presidential declaration of emergency on April 19, 2013, for which IHP assistance was added on May 1, 2013, and Connecticut received a presidential declaration of emergency for Hurricane Irene (EM-3331-CT) on August 27, 2011, for which IHP assistance was added on September 2, 2011. According to FEMA, these are the only emergencies for which the IHP has been authorized from January 1, 1985 to December 6, 2021.

(FEMA, "Florida Surfside Building Collapse (3560-EM-FL)," https://www.fema.gov/disaster/3560; FEMA, "Texas Explosion (EM-3363-TX)," https://www.fema.gov/disaster/3363; FEMA, "Connecticut Hurricane Irene (EM-3331-CT)," https://www.fema.gov/disaster/3331; email correspondence from FEMA Congressional Affairs staff, December 6, 2021).

[10] 42 U.S.C. §5174; 44 C.F.R. §206.110(a); and Federal Emergency Management Agency (FEMA), *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, pp. 6 and 41, https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf (hereinafter FEMA, *IAPPG*). In March 2019, FEMA released updated guidance to serve as a comprehensive IA program policy resource: the *Individual Assistance Program and Policy Guide (IAPPG)* applies to emergencies and disasters declared on or after March 1, 2019. It was subsequently updated in May 2021, and Version 1.1 applies to incidents declared on or after May 26, 2021. The *IAPPG* includes a chapter dedicated to IHP implementation and administration. Prior to the release of the *IAPPG*, the *Individuals and Households Program Unified Guidance (IHPUG)* served as the policy guide for the IHP. The *IHPUG* applies to incidents declared on or after September 26, 2016, through February 28, 2019. For additional information on FEMA's Individual Assistance (IA) program, see CRS In Focus IF11298, *A Brief Overview of FEMA's Individual Assistance Program*, by Elizabeth M. Webster. The *IAPPG* has also been amended, including through the Memorandum from Keith Turi, FEMA Assistant Administrator, Recovery Directorate to FEMA Regional Administrators, "RE: Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," September 2, 2021, pp. 11-12, https://www.fema.gov/sites/default/files/documents/fema_iappg-policy-amendments-memo.pdf (hereinafter Memorandum from Keith Turi RE: Amendment to the IAPPG).

[11] 42 U.S.C. §5174; 44 C.F.R. §206.110(a); and FEMA, *IAPPG*, p. 41.

[12] FEMA, *IAPPG*, p. 85.

[13] FEMA, *IAPPG*, p. 167.

[14] FEMA, *IAPPG*, pp. 6 and 41.

[15] 42 U.S.C. §5174.

subcategories of Housing Assistance and ONA, as well as the types of IHP assistance under each subcategory, are listed in **Table 1**.

Table 1. Types of Housing Assistance and Other Needs Assistance

Housing Assistance: Financial	Housing Assistance: Direct	ONA
Lodging Expense Reimbursement	Multi-Family Lease and Repair	Serious Needs Assistance
Rental Assistance	Transportable Temporary Housing Units	Displacement Assistance
Home Repair Assistance	Direct Lease	Personal Property Assistance
Home Replacement Assistance	Permanent Housing Construction	Transportation Assistance
		Group Flood Insurance Policy
		Funeral Assistance
		Medical and Dental Assistance
		Childcare Assistance
		Assistance for Miscellaneous Items
		Moving and Storage Assistance
		Clean and Sanitize Assistance

Sources: CRS's interpretation of "Figure 5: Housing Assistance" and "Figure 28: Other Needs Assistance, Non-SBA-Dependent and SBA-Dependent" of the FEMA *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, pp. 44 and 146, https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf; Memorandum from Keith Turi, FEMA Assistant Administrator, Recovery Directorate to FEMA Regional Administrators, "RE: Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," September 2, 2021, pp. 11-12, https://www.fema.gov/sites/default/files/documents/fema_iappg-policy-amendments-memo.pdf; DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 3990-4125, January 22, 2024; and FEMA, "Voluntary Organization Information Sharing for Engagement VOISE Partner Call: Reforming Individual Assistance," January 25, 2023 (see slide on "The Future of FEMA Individual Assistance").

Note: The different types of Housing Assistance may constitute either financial or direct assistance; however, all types of Other Needs Assistance (ONA) are forms of financial assistance.

More detailed descriptions of these IHP assistance options, as well as recent significant programmatic changes, are described in the sections that follow.

Housing Assistance

FEMA has many different types of housing assistance that it can employ, depending on the disaster-caused housing needs of affected individuals and households. Options may include Financial Housing Assistance (i.e., a grant of money) and/or Direct Housing Assistance (i.e., a place to live temporarily). Per FEMA's regulations and *IAPPG* guidance, the appropriate type of housing assistance depends on considerations of "cost effectiveness, convenience to the individuals and households and the suitability and availability of the types of assistance."[16] Other relevant considerations relate to the individual or household's "disaster-caused losses, access to life-sustaining services, … and other factors."[17]

[16] 44 C.F.R. §206.110(c).

[17] FEMA, *IAPPG*, p. 43. See also 44 C.F.R. §206.117(b). With regard to other factors, for example, some forms of IHP assistance consider access to wrap-around services, which FEMA states in its guidance may include "basic social services, access to transportation, police/fire protection, emergency/health care services, communications, utilities, grocery stores, child care, and educational institutions" (FEMA, *IAPPG*, p. 117). According to its guidance, "FEMA will not provide Direct Temporary Housing Assistance in locations where disaster survivors will not have access to wrap-around services" (FEMA, *IAPPG*, p. 117). For example, this applies to FEMA's evaluation of Multi-Family Lease and Repair (MLR) properties (FEMA, *IAPPG*, p. 110), as well as site selection for Transportable Temporary Housing Units (TTHUs) (FEMA, *IAPPG*, pp. 114 and 116).

In addition, individuals and households may require multiple types of housing assistance when a disaster affects their home's habitability.[18] For example, a household may need to use FEMA's Rental Assistance program to temporarily rent alternative accommodations while repairs are made to their primary residence through FEMA's Home Repair Assistance program. (Households are referred to because IHP assistance may be limited based on people's specific living arrangements (e.g., if they are members of a family, roommates, or boarders).[19]

FEMA first looks to provide financial assistance such as Rental Assistance and Repair Assistance before providing other types of housing assistance.[21] In some cases, FEMA may authorize a state, territory, or Indian tribal government's request for Direct Housing Assistance when eligible applicants are unable to use Rental Assistance because affordable housing resources are unavailable.[22]

The federal share of the costs of IHP Housing Assistance is 100%.[23]

Defining "Cost Share"

By statute, the federal government pays 100% of the cost associated with providing IHP Housing Assistance. The federal government pays 75% of the cost associated with providing IHP ONA, and the nonfederal share of ONA is paid from funds made available by the state, territory, or Indian tribal government (42 U.S.C. §5174(g); and 44 C.F.R. §206.110(i)).

Although the Stafford Act does not provide the authority for the President or FEMA to adjust the federal share of ONA (42 U.S.C. §5174(g)(2)), FEMA may waive or adjust the cost share for disaster grants in insular areas such as the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands (48 U.S.C. §1469a).

Of note, a cost share includes the portions of a federal assistance program borne by the federal government and a nonfederal entity (2 C.F.R. §§200.29 and 200.306). The nonfederal entity may contribute cash or use third party in-kind contributions to meet its portion of the cost share (per the criteria in 2 C.F.R. §200.306). However, as the Stafford Act specifies that the ONA nonfederal share must be paid from "funds made available by the state," according to FEMA, this means that the Stafford Act does not permit states, territories, or tribes to count donated resources towards satisfying their nonfederal cost share for ONA.[20]

Financial Housing Assistance

Financial Housing Assistance is a grant provided directly to the individual or household by FEMA, and includes funding for temporary lodging expenses (i.e., Lodging Expense Reimbursement (LER)), rent for temporary housing accommodations (i.e., Rental Assistance), and to repair or replace a damaged primary residence (i.e., Repair Assistance and Replacement Assistance, respectively).[24] Brief descriptions of the types of Financial Housing

---

18 42 U.S.C. §5174(b) and (c); 44 C.F.R. §206.110(c); and FEMA, *IAPPG*, pp. 78 and 93.

19 FEMA, *IAPPG*, pp. 57-62. Per FEMA's guidance, "Generally, FEMA provides all eligible IHP awards under only the head of household's application to assist all members of the pre-disaster household. Only the head of household will be eligible for additional categories of IHP assistance" (FEMA, *IAPPG*, p. 57).

20 FEMA, *Disaster Operations Legal Reference*, v. 4.0, September 25, 2020, pp. 6—79. For additional information on cost shares, see CRS Report R47646, *Stafford Act Cost Shares: History, Trends, Analysis*, by Erica A. Lee.

21 44 C.F.R. §206.110(c). FEMA's Financial Housing Assistance programs can be implemented using existing resources (e.g., Rental Assistance can help a household temporarily rent available alternative accommodations), but FEMA's Direct Housing Assistance programs require additional coordination with the affected state, territory, or Indian tribal government and overhead/administration support (e.g., FEMA may need to lease properties and make any needed repairs or improvements to ensure accessibility).

22 FEMA, *IAPPG*, p. 94. Direct Temporary Housing Assistance may be approved if the following three factors have been verified, per FEMA's *IAPPG*: (1) a lack of available housing prevents eligible applicants from making use of Rental Assistance; (2) increasing the Rental Assistance rate to 125% of the U.S. Department of Housing and Urban Development's (HUD's) Fair Market Rent (FMR) will be insufficient to meet the disaster-caused housing needs; and (3) assistance from providers, including other federal and nonfederal government sources, as well as nonprofit and voluntary organizations, is insufficient to meet eligible applicants' disaster-caused temporary housing needs.

23 42 U.S.C. §5174(g)(1); 44 C.F.R. §206.110(i)(1); and FEMA, *IAPPG*, p. 5. For more information on cost shares, see CRS Report R47646, *Stafford Act Cost Shares: History, Trends, Analysis*, by Erica A. Lee.

24 FEMA, *IAPPG*, pp. 43 and 78.

Assistance, and select considerations or limitations associated with each type of assistance, are included below.[25]

Lodging Expense Reimbursement (LER)

LER provides funding for out-of-pocket hotel, motel, or other short-term temporary lodging costs, including taxes, when the applicant is displaced from their primary residence because the declared disaster affected its habitability or accessibility (i.e., it cannot be entered). Two of the limitations on LER Assistance include (1) assistance is not to exceed seven days from the approved date of an Initial Rental Assistance award (unless an extension is authorized); and (2) expenses incurred during mandatory evacuations are not reimbursable.[26]

Rental Assistance

Rental Assistance provides funding to applicants to rent alternative temporary housing accommodations (including funding for monthly rent, essential utilities, and a security deposit) while the applicant is displaced from their primary residence because it is uninhabitable, inaccessible, affected by a utility outage, or unavailable. FEMA may provide up to two months of Initial Rental Assistance. Awards are based on (1) the number of required bedrooms, as established by the U.S. Department of Housing and Urban Development (HUD); and (2) the Fair Market Rent (FMR) where the pre-disaster residence is located. This is the case regardless of whether the individual/household is renting in the same area or an area with higher rental costs.[27]

Defining "Fair Market Rent"

44 C.F.R. §206.111 defines Fair Market Rent (FMR) as "housing market-wide estimates of rents that provide opportunities to rent standard quality housing throughout the geographic area in which rental housing units are in competition. The fair market rent rates applied are those identified by the Department of Housing and Urban Development as being adequate for existing rental housing in a particular area."

Continued Temporary Housing Assistance (a continuation of Rental Assistance) is provided "based on need and generally only when adequate, alternate housing is not available." Additionally, applicants must identify and work toward achieving their permanent housing plan.[28] To that end, individuals receiving Continued Temporary Housing Assistance must recertify their need for such assistance and demonstrate that they are making progress on their permanent housing plan. Further, they are expected to obtain and occupy permanent housing at the earliest

---

[25] The FEMA *IAPPG*, beginning on page 78, lists additional conditions of applicant eligibility, eligible expenses, required documentation, program limitations and exclusions, and exceptions for each type of Financial Housing Assistance.

[26] FEMA, *IAPPG*, pp. 78-79.

[27] FEMA, *IAPPG*, p. 80. The FEMA *IAPPG* states "FEMA uses the applicable [FMR] rate based upon the location of the housing unit, the number of bedrooms in the housing unit, and the fiscal year in which the major disaster declaration was issued." (FEMA, *IAPPG*, p. 109 (see "Fair Market Rent (FMR)" text box).) FEMA uses its FMR Calculator to evaluate the need for a Rental Assistance rate increase, and may authorize a rate increase "when the FMR Calculator demonstrates available housing for the area is insufficient to meet the disaster-caused housing need, or when elevated housing market rates adversely impact eligible applicants' ability to obtain rental resources" (FEMA, *IAPPG*, p. 85). HUD's Office of Policy Development and Research (PD&R) posts FMR information at https://www.huduser.gov/portal/datasets/fmr.html.

[28] FEMA, *IAPPG*, pp. 80-81; 44 C.F.R. §206.114(a) and (b)(1) and (2). FEMA's updates to its regulations are making a change to when IHP applicants seeking continued rental assistance must have established a realistic permanent housing plan such that the plan no longer needs to be established at the first certification for continued assistance. Instead, according to FEMA's interim final rule, "FEMA splits the recertification process into several timeframes and allow applicants to build upon their preliminary documentation as the disaster recovery continues" (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4035-4037, January 22, 2024).

possible time.[29] Unlike Initial Rental Assistance, Continued Temporary Housing Assistance is based on the location of the post-disaster housing unit, and the assistance rate may be increased in accordance with HUD FMR.[30]

Rental Assistance, including both Initial Rental Assistance and Continued Temporary Housing Assistance, may be provided "for a total of 18 months or until the end of the 18-month period of assistance, whichever comes first," unless the period of assistance is extended.[31] In addition, applicants can receive an additional month of rent when used for a security deposit.[32]

Home Repair Assistance

Home Repair Assistance provides funding to homeowners to repair an owner-occupied primary residence, utilities, and residential infrastructure (e.g., privately owned access routes).[33] The objective of Home Repair Assistance is to make the disaster survivors' home "safe, sanitary, or functional."[34] FEMA may provide repair assistance for a mix of disaster-caused and pre-existing damage when needed to make a home habitable.[35] Two limitations on Home Repair Assistance include (1) it is subject to the maximum amount of financial assistance for housing, with some exclusions (described below); and (2) it is generally not intended to improve or even to return the primary residence to its pre-disaster condition, with the exceptions of making reasonable hazard mitigation measures to make the

Maximum IHP Housing Award

In FY2024, the maximum amount of financial assistance for housing is $42,500 (adjusted annually). Financial assistance to rent alternative housing accommodations does not count towards the housing assistance cap, and excluded from the housing assistance cap are accessibility-related repair or replacement costs.

(DHS/FEMA, "Notice of Maximum Amount of Assistance Under the Individuals and Households Program," 88 *Federal Register* 72520, October 20, 2023, https://www.govinfo.gov/content/pkg/FR-2023-10-20/pdf/2023-23168.pdf.)

[29] FEMA's regulation at 44 C.F.R. §206.114, which describes the criteria for receiving continued assistance, does not specify the period for certification for continued assistance, nor is it specified in FEMA's guidance. However, in the past, it has been done in three-month increments—this was specified in a previous version of FEMA's regulations that applied to disasters on or before October 2002 (see 44 C.F.R. §206.101(k)(2)), and it is in FEMA releases related to some recent incidents, such as FEMA's April 19, 2022, release related to Hurricane Ida, "Continued Rental Assistance: It's Here If You Need It," available at https://www.fema.gov/fact-sheet/continued-rental-assistance-its-here-if-you-need-it, which states, "Extensions on rental assistance may be granted for three-month periods up to a maximum of 18 months from August 29, 2021, the date of the Hurricane Ida disaster declaration." Additionally, FEMA's interim final rule, effective March 22, 2024, provides a table of timeframes for Continued Temporary Housing Assistance that lists three phases: Initial Recertification Phase (firsts two payments); Intermediate Recertification Phase (second two payments); and Concluding Recertification Phase (final payments and any extension of the period of assistance) (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4036, January 22, 2024 (see "Table 5: Continued Temporary Housing Assistance Timeframes").

[30] FEMA, *IAPPG*, p. 81.

[31] FEMA, *IAPPG*, pp. 41, 80-81. FEMA can extend the IHP period of assistance at the written request of the affected state, territory, or Indian tribal government.

[32] FEMA, *IAPPG*, pp. 80-81.

[33] A non-exhaustive list of real property components that are eligible for repair is included in the FEMA *IAPPG* on page 86. It includes components such as the structural components of a home (e.g., foundation, exterior walls, roof). Additionally, assistance to repair real property components impacted by disaster-caused mold growth is eligible for Home Repair Assistance (Memorandum from Keith Turi RE: Amendment to the IAPPG, pp. 9-10).

[34] FEMA, *IAPPG*, p. 85.

[35] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4004, January 22, 2024. Prior to the new rule going into effect, in order for FEMA to provide Repair Assistance, the component had to be functional immediately prior to the declared incident (44 C.F.R. §206.117(b)(2)(i)(B)).

home more resilient (described below) or improvements as required to conform with current local building code requirements or ordinances.[36]

With regard to eligible hazard mitigation measures, the Home Repair Assistance provided for mitigation is limited. However, selected reasonable hazard mitigation measures that make homes more resilient may be permitted (even if they improve upon a component's pre-disaster condition). Specifically, in June 2021, FEMA announced initial mitigation measures that are eligible for Home Repair Assistance, and in July 2022, FEMA announced additional eligible wildfire mitigation measures.[37] Home Repair Assistance includes the following mitigation measures:

- Roof repair to withstand higher winds and help prevent water infiltration;
- Elevating a water heater or furnace to avoid future flood damage;
- Elevating or moving an electrical panel to avoid future flood damage;
- Covering vents in attics, crawlspaces, and enclosures below decks with metal screens to prevent embers from entering (for eligible applicants affected by wildfires); and
- Installing noncombustible leaf guards over gutters (for eligible applicants affected by wildfires).

FEMA also permits Home Repair Assistance to be used to address disaster-caused mold.[38]

With regard to improvements, FEMA expanded the provision of Home Repair Assistance for accessibility-related items to allow individuals with pre-existing or disaster-caused disabilities to install or construct new real-property components that are necessary to meet their accessibility-related needs—even if such items were not present in the home prior to the disaster.[39] FEMA's guidance specifies some accessibility-related items as being eligible for Home Repair Assistance, including disaster-damaged grab bars and an access ramp.[40] Additionally, in September 2021, FEMA amended its Home Repair Assistance policy to extend eligibility for accessibility-related real property items to people with disaster-caused disabilities, as they now have a need for accessibility items, including an exterior ramp; grab bars; and a paved path to the home's entrance.[41] Accessibility-related items do not count toward the maximum amount of financial assistance for housing.[42]

---

[36] FEMA, *IAPPG*, pp. 85-88. Repair Assistance for privately owned access routes includes additional eligibility conditions, and limitations and exclusions (see FEMA, *IAPPG*, pp. 89-90 for details).

[37] FEMA's guidance details the specific types of mitigation measures available for Home Repair Assistance. 44 C.F.R. §§206.111 and 206.117(a), (b)(2)(i), (b)(2)(iii), and (b)(2)(iv); FEMA, *IAPPG*, pp. 85-88; FEMA, "Hazard Mitigation Under the Individuals and Households Program," press release, June 10, 2021, https://www.fema.gov/fact-sheet/hazard-mitigation-under-individuals-and-households-program (hereinafter FEMA, "Hazard Mitigation Under the IHP"); FEMA, "FEMA to Provide Additional Hazard Mitigation Funds to Help Homeowners Affected by Wildfires," press release, HQ-22-089, July 28, 2022, https://www.fema.gov/press-release/20220728/fema-provide-additional-hazard-mitigation-funds-help-homeowners-affected (hereinafter FEMA, "Hazard Mitigation for Wildfires").

[38] Memorandum from Keith Turi RE: Amendment to the IAPPG, p. 9.

[39] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 3997, January 22, 2024.

[40] FEMA, *IAPPG*, p. 86.

[41] Memorandum from Keith Turi RE: Amendment to the IAPPG, p. 10.

[42] 42 U.S.C. §5174(h)(4)(A).

Home Replacement Assistance

Home Replacement Assistance provides funding to homeowners to help replace a disaster-destroyed owner-occupied primary residence.[43] Home Replacement Assistance is unavailable for nontraditional housing or residence types, such as tents, lean-to structures, yurts, and converted shipping containers.[44] Funding for Home Replacement Assistance may be applied toward the purchase of a new permanent residence, even if the cost of the new permanent residence exceeds the maximum IHP housing award.[45]

When FEMA's Financial Housing Assistance programs are unable to meet the disaster-caused housing needs of individuals and households, FEMA may authorize a state, territory, or Indian tribal government's request for Direct Housing Assistance. This may be done when eligible applicants are unable to use Rental Assistance because affordable housing resources are unavailable.[46]

Direct Housing Assistance

Direct Housing Assistance is housing provided to the individual or household by FEMA (or the state, territory, or Indian tribal government).[47] There are two forms of Direct Housing Assistance: (1) Direct Temporary Housing Assistance, which includes Multi-Family Lease and Repair (MLR), Transportable Temporary Housing Units (TTHUs), and Direct Lease; and (2) Permanent Housing Construction (PHC).[48]

Direct Housing Assistance must be requested in writing by the affected state, territory, or tribe, and FEMA will only authorize it when

1. Rental Assistance cannot be used by eligible applicants due to insufficient available housing resources;

---

[43] FEMA, *IAPPG*, p. 91. FEMA calculates the award amount using the consumer price index data for the types of housing in the area where the damage occurred (the type of pre-disaster home could include a "manufactured home, travel trailer, houseboat, or residential construction (e.g., single-family home)").

[44] FEMA, *IAPPG*, p. 92.

[45] FEMA, *IAPPG*, p. 91.

[46] FEMA, *IAPPG*, p. 94. Direct Temporary Housing Assistance may be approved if the following three factors have been verified, per FEMA's *IAPPG*: (1) a lack of available housing prevents eligible applicants from making use of Rental Assistance; (2) increasing the Rental Assistance rate to 125% of the U.S. Department of Housing and Urban Development's (HUD's) Fair Market Rent (FMR) will be insufficient to meet the disaster-caused housing needs; and (3) assistance from providers, including other federal and nonfederal government sources, as well as nonprofit and voluntary organizations, is insufficient to meet eligible applicants' disaster-caused temporary housing needs.

[47] DRRA Section 1211(a) amended the Stafford Act to expand the types of FEMA IHP assistance that state, territory, and Indian tribal governments may request to administer to include Direct Temporary Housing Assistance under Section 408(c)(1)(B) and Permanent Housing Construction under Section 408(c)(4), in addition to Other Needs Assistance under Section 408(e) (which state, territory, and Indian tribal governments were already permitted to administer). On July 28, 2020, FEMA announced the publication of the *State-Administered Direct Housing Grant Guide*, available at https://www.fema.gov/sites/default/files/2020-07/fema_state-administered-direct-housing-grant-guide_DRRA1211_July2020.pdf, which made state, local, tribal and territory governments eligible to receive grants to provide Direct Housing Assistance for a limited period of time; this pilot grant program concluded on October 5, 2020. The *State-Administered Direct Housing Grant Guide* stated that FEMA would implement a permanent grant program after issuing final regulations. FEMA has not yet begun the rulemaking process. See DHS OIG *Final Report: FEMA Did Not Fully Implement the State-Administered Direct Housing Grant Program (REDACTED)*, OIG-24-41, July 29, 2024, https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-41-Jul24-Redacted.pdf).

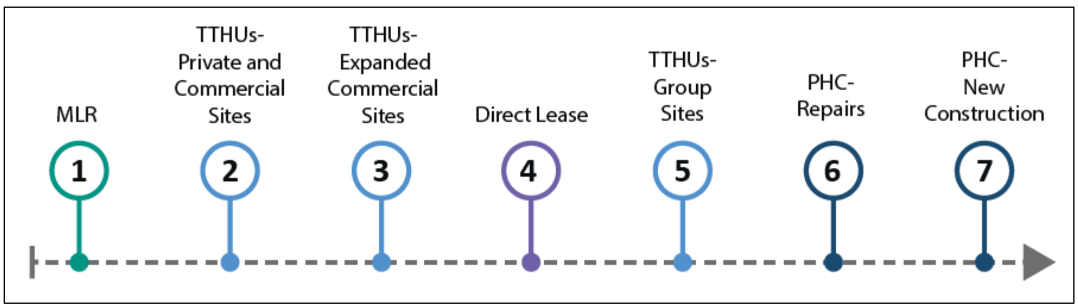
[48] FEMA, *IAPPG*, p. 93.

2. increasing the Rental Assistance rate to 125% of the HUD FMR will be insufficient to meet the housing needs; and
3. assistance from other providers (e.g., government and voluntary organizations) is insufficient to meet the housing needs.[49]

Unlike some forms of Financial Housing Assistance, Direct Housing Assistance is not subject to the limit of the maximum amount of financial assistance an individual or household is eligible to receive; however, other eligibility and programmatic limitations apply.[50]

FEMA follows a sequence of delivery when determining which Direct Housing Assistance options to implement. Per FEMA's *IAPPG*, this is based on "locations and numbers of eligible applicants and the availability, feasibility, and cost-effectiveness of each option."[51] That sequence generally follows the order depicted in **Figure 1**. PHC, which is included at the end of the sequence, may only be provided in insular areas and locations where other housing options are "unavailable, infeasible, or not cost-effective."[52] Brief descriptions of the types of Direct Housing Assistance, and selected considerations or limitations associated with each type of assistance, are included below.[53]

Figure 1. FEMA Direct Temporary Housing Assistance Options Sequence of Delivery



Source: Developed by CRS based on "Figure 22: General Sequence of FEMA Direct Housing Assistance Options" of the FEMA, *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, p. 95, https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf.

Notes: MLR stands for Multi-Family Lease and Repair; TTHUs stands for Transportable Temporary Housing Units; and PHC stands for Permanent Housing Construction.

Multi-Family Lease and Repair (MLR)

MLR assistance temporarily places disaster survivors in a FEMA-leased, currently existing, vacant multi-family housing unit (e.g., an apartment in a building that FEMA has leased; FEMA must have exclusive use of the property for temporary housing for a period of not less than 18 months from the declaration date) that FEMA has repaired or improved, if needed (e.g., to make a

[49] FEMA, *IAPPG*, p. 94. HUD's PD&R posts FMR information at https://www.huduser.gov/portal/datasets/fmr.html.

[50] FEMA, *IAPPG*, p. 93.

[51] FEMA, *IAPPG*, p. 95. According to a December 2020 U.S. Government Accountability Office (GAO) report, FEMA also considers the "convenience to individuals and households and timeliness and availability of other forms of assistance" (GAO, *Disaster Housing: Improved Cost Data and Guidance Would Aid FEMA Activation Decisions*, GAO-21-116, December 2020, pp. 5 and 10 (see footnotes 13 and 22), https://www.gao.gov/products/GAO-21-116 (hereinafter GAO, *Disaster Housing: Improved Cost Data and Guidance*)).

[52] FEMA, *IAPPG*, pp. 93 and 95.

[53] The FEMA *IAPPG*, beginning on page 93, lists additional conditions of applicant eligibility, program limitations and exclusions, and considerations for each type of Direct Housing Assistance.

unit accessible).[54] MLR is not intended to make repairs or improvements to multi-family housing units for the purpose of rehousing existing tenants.[55] With regard to determining the eligibility of a property for MLR, there are several eligibility requirements that must be met, including that the MLR-eligible property must be located in a county or jurisdiction designated for IA or, if there are no available properties in the area designated to receive IA, the MLR-eligible property must be in the same state or territory, located within reasonable commuting distance of the declared area, and affected by the same incident.[56] FEMA will prioritize the use of MLR properties based on an evaluation of considerations, such as cost, time to complete repairs, proximity to wrap-around services, and accessibility.[57]

Transportable Temporary Housing Units (TTHUs)

TTHUs place disaster survivors in FEMA-purchased or leased temporary housing units (i.e., Recreational Vehicles (RVs) or Manufactured Housing Units (MHUs)).[58] TTHU sites must meet specific requirements that include (1) providing access to available and functional utilities;[59] (2) complying with government ordinances; and (3) satisfying federal floodplain management and Environmental Planning and Historic Preservation (EHP) compliance review requirements.[60] The *IAPPG* states that "FEMA selects locations based on the cost-effectiveness, timeliness, and suitability of each potential site,"[61] and the *IAPPG* includes a complete list of requirements and considerations for the eligibility and prioritization of each site type.[62]

TTHU Site Types

Private Sites are provided at no cost to FEMA by the applicant (usually on the applicant's property).

Commercial Sites allow FEMA to lease available pads in an existing manufactured home park.

Group Sites are provided by the state or local government (e.g., publicly owned park land), and are only considered when no other Direct Temporary Housing Assistance options can meet the housing need.

FEMA has the statutory authority to dispose of TTHUs via sale or donation when requested, in writing, by the affected state, territory, or Indian tribal government when certain conditions are

54 FEMA, *IAPPG*, p. 107. Following Hurricane Sandy, Section 1103 of the Sandy Recovery Improvement Act of 2013 (Division B of P.L. 113-2) formalized FEMA's Multi-Family Lease and Repair (MLR) program.

55 FEMA, *IAPPG*, p. 107.

56 DRRA Section 1213 amended Stafford Act Section 408(c)(1)(B)(ii)(I)(aa) to allow FEMA to enter into lease agreements with owners of multi-family rental properties "impacted by a major disaster or located in areas covered by a major disaster declaration." See also FEMA, *IAPPG*, pp. 107-108.

57 FEMA, *IAPPG*, p. 110.

58 The types of Transportable Temporary Housing Units (TTHUs) include Recreational Vehicles (RVs) or Manufactured Housing Units (MHUs). MHUs are built to meet the construction and safety standards set forth by HUD at 24 C.F.R. Part 3280. A manufactured home is defined in 24 C.F.R. §3280.2 as "... a structure, transportable in one or more sections ... and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.... " The *IAPPG* provides additional information on the certification standards that FEMA-provided RVs and MHUs must meet (FEMA, *IAPPG*, pp. 112-113; see 24 C.F.R. §§3280 et seq. for the Manufactured Home Construction and Safety Standards).

59 FEMA, *IAPPG*, pp. 113-116. Utilities include available and functional sanitation, electrical service, and potable water service.

60 FEMA, *IAPPG*, p. 112.

61 FEMA, *IAPPG*, p. 112.

62 FEMA, *IAPPG*, pp. 113-116.

met,[63] including that a TTHU can be sold to its occupants if they lack permanent housing, or a TTHU may be sold, transferred, donated, or made available to a government entity or voluntary organization to enable them to continue providing temporary housing to eligible occupants who are unable to afford to purchase the TTHU from FEMA.[64]

Direct Lease

Direct Lease places disaster survivors in FEMA-leased residential properties.[65] To be eligible for Direct Lease, (1) a property must be a residential property that is not typically available to the general public (e.g., a vacation rental); and (2) the owner must permit permanent accessibility-related modifications or improvements to be made.[66] The *IAPPG* includes a complete list of Direct Lease property compliance standards and prioritization considerations.[67]

Permanent Housing Construction (PHC)

PHC is a last resort used to provide repairs or new home construction.[68] Additionally, per the *IAPPG*, PHC is only available "in insular areas outside the continental U.S." or "in other locations where no alternative housing resources are available and other types of Temporary Housing Assistance are unavailable, infeasible or not cost-effective."[69] The *IAPPG* details the information that must be included in PHC requests, as well as additional eligibility conditions and assistance thresholds. For example, for PHC repairs, the real property verified loss amount must exceed $12 per square foot up to the disaster-specific financial cost cap, but the property has not been destroyed and repairs are more cost-effective than new construction; or, for PHC new construction, the disaster destroyed the pre-disaster residence, or the real property verified loss amount exceeds $12 per square foot and the residence is repairable, but new construction is more cost-effective.[70] Although PHC is not subject to the maximum amount of financial assistance, there is a cost cap for PHC repair and new construction, which is set at the disaster level.[71]

---

[63] 42 U.S.C. §5174(d)(2); FEMA, *IAPPG*, p. 119 (see the considerations for authorizing the disposal of TTHUs through sales and donations).

[64] 42 U.S.C. §5174(d)(2); see also FEMA, *IAPPG*, pp. 119-124.

[65] FEMA, *IAPPG*, p. 124. FEMA developed its Direct Lease program in 2017, and it has been implemented since 2018 as a form of Direct Temporary Housing Assistance (email correspondence from FEMA Congressional Affairs staff, March 9, 2019).

[66] FEMA, *IAPPG*, p. 125. The ability to use stand-alone residential sites that are not typically available to the public distinguishes Direct Lease from MLR (e.g., FEMA may lease a vacation property when apartments are unavailable).

[67] FEMA, *IAPPG*, pp. 125-126.

[68] FEMA, *IAPPG*, p. 127.

[69] FEMA, *IAPPG*, p. 127. According to the *IAPPG*, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and the U.S. Virgin Islands are insular areas, and the Alaskan interior is an example of a remote area (FEMA, *IAPPG*, p. 76). *Unavailable* means temporary housing options are unavailable for a reasonable cost or in a reasonable amount of time. *Infeasible* means there are no available rental housing resources, or forms of Direct Temporary Housing Assistance cannot be used because of various challenges (e.g., distance, time delays), which FEMA cannot overcome with reasonable means. *Not cost-effective* means the provision of other forms of Direct Temporary Housing Assistance would cost more than providing Permanent Housing Construction.

[70] FEMA, *IAPPG*, p. 141.

[71] FEMA, *IAPPG*, p. 128.

Legislative and Regulatory Changes and Significant Program Updates: Housing Assistance

Several sections of the Disaster Recovery Reform Act of 2018 (DRRA, Division D of P.L. 115-254) amended the provision of Housing Assistance under Stafford Act Section 408.[72] These statutory amendments changed the implementation of IHP Housing Assistance, and are reflected in the current *IAPPG*. DRRA:

- **Increased the Maximum IHP Award Amounts (DRRA Section 1212)** by establishing separate caps of equal amounts for the maximum amount of financial assistance eligible individuals and households may receive for Financial Housing Assistance and ONA.[73] It also removed financial assistance to rent alternative housing accommodations (i.e., Lodging Expense Reimbursement, Rental Assistance, and Continued Temporary Housing Assistance) from the cap,[74] and created an exclusion to the cap for accessibility-related repair or replacement costs associated with real and personal property (e.g., eligible household items).[75]
- **Expanded MLR Property Eligibility (DRRA Section 1213)** by expanding the eligible areas for MLR,[76] and deducting the value of improvements from the value of the lease agreement.[77]

DRRA Separated the Maximum Awards for Housing Assistance and ONA

Prior to DRRA's enactment, the Stafford Act imposed a total limit on the maximum amount of all IHP financial assistance an individual or household could receive for a single disaster (i.e., housing assistance and ONA combined to count towards the cap).

DRRA Section 1212 created two separate limits on the financial assistance eligible individuals and households may receive: one for housing assistance and one for ONA. Additionally, DRRA excluded some forms of assistance that previously counted towards the limit. Thus, post-DRRA, financial assistance for housing-related needs may not exceed $42,500 (FY2024; adjusted annually), and financial assistance for ONA may not exceed $42,500 (FY2024; adjusted annually).

The enactment of DRRA Section 1212 effectively increased the amount of financial assistance an individual or household could be eligible to receive through the IHP.

(DHS/FEMA, "Notice of Maximum Amount of Assistance Under the Individuals and Households Program," 88 *Federal Register* 72520, October 20, 2023, https://www.govinfo.gov/content/pkg/FR-2023-10-20/pdf/2023-23168.pdf.)

On January 22, 2024, FEMA published an interim final rule (IFR)—"Individual Assistance Program Equity"—amending its IHP regulations, which went into effect March 22, 2024. Significant changes to FEMA's housing assistance include

- **Allowing Home Repairs for a Mix of Disaster-Caused and Pre-Existing Damage**, enabling disaster survivors to repair their homes to a "safe and sanitary

[72] For more information on DRRA, see CRS Report R46776, *The Disaster Recovery Reform Act of 2018 (DRRA): Implementation Updates for Select Provisions*, coordinated by Elizabeth M. Webster and Bruce R. Lindsay, and CRS Report R45819, *The Disaster Recovery Reform Act of 2018 (DRRA): A Summary of Selected Statutory Provisions*, coordinated by Elizabeth M. Webster and Bruce R. Lindsay.

[73] DRRA Section 1212.

[74] FEMA, *IAPPG*, pp. 41-42.

[75] DRRA Section 1212.

[76] DRRA Section 1213(b). Eligible MLR properties include both properties that are located in areas covered by an emergency or major disaster declaration and areas that are impacted by a major disaster.

[77] DRRA Section 1213(a).

living or functioning condition," consistent with the statute, by removing the regulatory limitations associated with pre-existing damage.

- **Expanding Home Repair Assistance for Accessibility-Related Items** to allow individuals with pre-existing or disaster-caused disabilities to install or construct new real-property components that are necessary to meet their accessibility-related needs—even if such items were not present in the home prior to the disaster.[78]

Other Needs Assistance

Individuals and households may require various types of Other Needs Assistance (ONA), which provides a grant of financial assistance for disaster-related necessary expenses and serious needs that are not covered by insurance or provided by another source. A *necessary expense* is defined as "the cost associated with acquiring an item, obtaining a service, or paying for any other activity that meets a serious need." A *serious need* is defined as "the requirement for an item or service that is essential to an applicant's ability to prevent, mitigate, or overcome a disaster-caused hardship, injury, or adverse condition."[79]

There are several limitations on the amount of ONA an individual or household is eligible to receive. Applicants may receive up to the maximum amount of financial assistance for ONA.[80] Additionally, available ONA assistance may be further limited by the affected state, territory, or Indian tribal government. This is because the affected state, territory, or Indian tribal government predetermines some items that are eligible for ONA assistance, and establishes the number of items that can be ONA-funded and/or the maximum amount of ONA funding that can be provided for select items.[81] For example, "FEMA may award applicants Funeral Assistance and Child Care Assistance up to the limits established by the STT [state, territory, or tribal] government in the ONA Administrative Option Selection Form.... "[82]

Additionally, ONA, unlike housing assistance, is subject to a cost share.[83] The federal share for ONA is 75%, and the nonfederal cost share is the remaining 25%. The statutory text states that "the non-Federal share shall be paid from funds made available by the state."[84] Thus, the affected

---

[78] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 3990-4125, January 22, 2024.

[79] FEMA, *IAPPG*, p. 145.

[80] Financial assistance for ONA may not exceed $42,500 (FY2024; adjusted annually) (DHS/FEMA, "Notice of Maximum Amount of Assistance Under the Individuals and Households Program," 88 *Federal Register* 72520, October 20, 2023, https://www.govinfo.gov/content/pkg/FR-2023-10-20/pdf/2023-23168.pdf).

[81] FEMA, *IAPPG*, p. 147. State, territory, and Indian tribal governments establish the maximum amount of assistance that may be awarded for some categories of ONA, including Transportation Assistance for repair or replacement, Funeral Assistance, and Child Care Assistance. Personal Property and Miscellaneous Items may also be requested. The requesting state, territory, and Indian tribal government must list the additional items, maximum quantity, maximum award amount, and justification and situations for use. This is submitted to FEMA annually via the "ONA Administrative Option Selection Form" (FEMA, "Individuals and Households Program (IHP)—Other Needs Assistance Administrative Option Selection," form, O.M.B. Control No. 1660-0061, expires December 31, 2021, https://www.fema.gov/sites/default/files/documents/fema_individuals-households_ONA-administrative-option_Form_010-0-11.pdf; FEMA, *IAPPG*, pp. 147, 149). However, the "ONA Administrative Option Selection Form" may be changed "during any non-disaster period or within three days of a major disaster declaration" (FEMA, *IAPPG* p. 149).

[82] FEMA, *IAPPG*, p. 149.

[83] See the "Defining 'Cost Shares'" text box for the cost share definition.

[84] 42 U.S.C. §5174(g)(2)(B).

state, territory, or Indian tribal government—rather than the individual/household—bears responsibility for covering a portion of the costs associated with providing ONA.[85]

Serious Needs Assistance

Serious Needs Assistance is a new form of ONA that provides $750 (FY2024 rate; to be adjusted annually based on the U.S. Department of Labor Consumer Price Index data) to eligible applicants who report they are displaced from their pre-disaster primary residence, sheltering in their pre-disaster residence but need to shelter elsewhere, or have a serious need, so they can address their immediate post-disaster needs for items such as "water, food, first aid, infant formula, diapers, personal hygiene items, and fuel for or the cost of transportation."[86]

Displacement Assistance

Displacement Assistance is a new form of ONA that provides up-front financial assistance to eligible applicants when their pre-disaster primary residence is uninhabitable or inaccessible, so they can immediately obtain short-term accommodations while they work to secure temporary housing (such as FEMA Rental Assistance).[87] Such assistance is to be awarded as a one-time, lump-sum award amount based on 14 days at the nightly rate established by the affected state, territory, or tribal government.[88]

Personal Property Assistance

Personal Property Assistance provides funding to repair or replace eligible items damaged or destroyed as a result of a declared emergency or disaster.[89] Eligible Personal Property items include standard household appliances (and selected accessibility items); essential clothing; standard furnishings; essential, specialized tools and equipment required by an employer (essential equipment for self-employment is ineligible) or for education, as well as a self-employed individual's disaster-damaged essential tools and equipment, and required items for their trade/profession.[90]

Per the *IAPPG*, FEMA and the affected state, territory, or Indian tribal government determine the personal property that may be eligible for assistance, including establishing the maximum

---

[85] 42 U.S.C. §5174(g)(2); 44 C.F.R. §206.110(i)(2); and FEMA, *IAPPG*, p. 147.

[86] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4012, 4023-4024, and 4123, January 22, 2024. Serious Needs Assistance replaced Critical Needs Assistance (sometimes referred to as "Immediate Needs Assistance"). Critical Needs Assistance could be requested by an affected state, territory, or Indian tribal government within 14 days of a Stafford Act declaration, when needed, to assist applicants from a specific geographic area who were displaced from their primary residence or who had to temporarily shelter elsewhere, but Serious Needs Assistance is available immediately for declarations when IA is authorized and IHP assistance is available, and it is also available to disaster survivors who have immediate needs—and not only individuals who are displaced or need to shelter elsewhere. See also Memorandum from William C. Hagmaier, FEMA Assistant Administrator, Recovery Directorate to FEMA Regional Administrators, Regional Recovery Division Directors, "RE: Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," March 22, 2024, pp. 14-16, https://www.fema.gov/sites/default/files/documents/fema_ifr-implementation_IAPPG-Amendment_Memo_03-22-2024.pdf.

[87] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4024 and 4123, January 22, 2024.

[88] Memorandum from William C. Hagmaier, FEMA Assistant Administrator, Recovery Directorate to FEMA Regional Administrators, Regional Recovery Division Directors, "RE: Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," March 22, 2024, pp. 16-17, https://www.fema.gov/sites/default/files/documents/fema_ifr-implementation_IAPPG-Amendment_Memo_03-22-2024.pdf.

[89] FEMA, *IAPPG*, pp. 166-167.

[90] FEMA, *IAPPG*, p. 167; DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4010, January 22, 2024.

quantity that may be awarded for each item. This is done through the "ONA Administrative Option Selection Form's" "Standard Personal Property Line Items" list.[91]

Accessibility items that are eligible for Personal Property Assistance and are exempted from the ONA maximum amount of financial assistance include the following items:

- Computer (if it is a person's sole means of communication);
- Raised—or elevated—toilet seat (for people who have mobility limitations);
- Front-loading washer (for people who use a wheelchair/have mobility limitations);
- Side-by-side refrigerator (for people who use a wheelchair/have mobility limitations);
- Hospital-style bed;
- Walker;
- Wheelchair;
- Shower chair;
- Specialty Smoke Alarm (for people who are vision/hearing-impaired); and
- Text telephone devices (TTYs or TDDs).[92]

Transportation Assistance

Transportation Assistance provides funding to repair or replace a vehicle damaged by a declared emergency or disaster.[93] Unlike most forms of IHP assistance, applicants do not need to live in the area designated to receive IA, provided (1) the vehicle was damaged as a direct result of the presidentially declared emergency or major disaster; and (2) the damage occurred in the area designated to receive IA.[94] Additional eligibility requirements include that the applicant (1) owns or leases the vehicle; and (2) does not own an operational second vehicle, or additional operational vehicles are insufficient to meet the needs of the household.[95] Per the *IAPPG*, FEMA and the affected state, territory, or Indian tribal government determine the maximum amount of Transportation Assistance that may be awarded for repair or replacement, which is based on the degree of damage and the state/territory/tribe-set maximum established in the "ONA Administrative Option Selection Form."[96]

Group Flood Insurance Policy

Individuals and households who receive federal financial assistance for flood-related damage to their real and personal property—including IHP assistance for Home Repair, Home Replacement,

---

[91] FEMA, *IAPPG*, pp. 166-167.

[92] FEMA, *IAPPG*, p. 146.

[93] FEMA, *IAPPG*, p. 170. Eligible vehicles include cars, vans, sport utility vehicles (SUVs), and trucks, and may include motorcycles, boats, golf carts, etc. if specified by the affected state, territory, or Indian tribal government on their "ONA Administrative Option Selection Form."

[94] FEMA, *IAPPG*, p. 170.

[95] FEMA, *IAPPG*, pp. 170, 172.

[96] FEMA, *IAPPG*, p. 170.

PHC, or Personal Property Assistance—are required to buy and maintain flood insurance for future flood damage to insurable real and personal property as a condition of IHP eligibility.[97]

To reduce future flood expenses, the Group Flood Insurance Policy (GFIP) enables FEMA or the state, territory, or Indian tribal government to directly purchase a GFIP on an applicant's behalf if the applicant is required to purchase and maintain flood insurance, but could not otherwise purchase a policy.[98] GFIPs are established under the National Flood Insurance Program (NFIP). The premium for a three-year certificate of coverage costs $2,400,[99] and it covers real and personal property equaling the maximum amount of financial assistance available for both Housing Assistance and ONA (e.g., for FY2024, $85,000).[100]

There are a few special eligibility criteria that must be met for a person to be eligible for a GFIP, including (1) the damage was caused by flooding and the flood-damaged items are insurable under the NFIP; (2) the applicant is required to purchase and maintain flood insurance, but otherwise lacks the ability to do so; and (3) the property is located in a Special Flood Hazard Area (SFHA).[101] Two limitations of note: (1) the cost of the GFIP cannot exceed the remaining amount of financial assistance available to the applicant through ONA. If the GFIP policy cost exceeds this, FEMA will not purchase a policy; however, the applicant is still responsible for purchasing a flood insurance policy; and (2) upon the expiration of the GFIP, the applicant must purchase and maintain flood insurance. Failure to do so may affect future IHP eligibility.[102]

Funeral Assistance

Funeral Assistance provides funding to assist with eligible funeral expenses (e.g., interment or reinterment, funeral and officiant services, and death certificates).[103] Unlike most forms of IHP assistance, applicants do not need to live in the area designated to receive IA,[104] provided they incurred or will incur expenses related to a death or disinterment that is directly or indirectly attributable to the presidentially declared emergency or major disaster,[105] and the expenses are not covered by other sources (e.g., burial insurance or assistance from voluntary agencies).[106]

---

[97] 44 C.F.R. §206.110(k)(3); FEMA, *IAPPG*, p. 63.

[98] FEMA, *IAPPG*, p. 172.

[99] Per 44 C.F.R. §61.17(b), the Group Flood Insurance Policy (GFIP) premium is a "flat fee of $600 per insured" and 44 C.F.R. §61.17(d) states that the term is for 36 months—or 3 years; however, the regulation notes that the premium may be adjusted "to reflect NFIP loss experience and any adjustment of benefits under the IHP program." FEMA's guidance notes the premium is $2,400 (FEMA, *IAPPG*, p. 172).

[100] FEMA, *IAPPG*, p. 172.

[101] FEMA, *IAPPG*, p. 173. To be eligible for GFIP, the property cannot be located in a sanctioned community, Coastal Barrier Resources System (CBRS) area, or otherwise protected area (OPA). The FEMA *IAPPG* defines the different types of Flood Zones and Protected Areas, including Special Flood Hazard Areas (SFHAs), sanctioned communities, CBRS units, and OPAs, beginning on page 63. Individuals who receive federal financial assistance for flooding must purchase flood insurance on real or personal property that is, or will be, in an SHFA and can be insured under the National Flood Insurance Program (NFIP). Section 582 of the National Flood Insurance Reform Act of 1994 (NFIRA, P.L. 103-325) prohibits the provision of federal financial assistance for repair, replacement or restoration of damaged personal or real property if the receipt of financial assistance was conditioned on their obtaining and maintaining flood insurance, and they fail to do so (codified at 42 U.S.C. §5154a).

[102] FEMA, *IAPPG*, p. 174.

[103] FEMA, *IAPPG*, pp. 150-152.

[104] FEMA, *IAPPG*, p. 150.

[105] FEMA, *IAPPG*, p. 150

[106] FEMA, *IAPPG*, p. 151.

FEMA COVID-19 Funeral Assistance

In response to the Coronavirus Disease 2019 (COVID-19) pandemic, Congress authorized FEMA to provide COVID-19 Funeral Assistance through Section 201 of the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Division M of the Consolidated Appropriations Act, 2021, P.L. 116-260), and Section 4006 of the American Rescue Plan Act of 2021 (P.L. 117-2), which authorized FEMA to provide financial assistance for COVID-19-related funeral expenses at 100% federal cost share.

Although FEMA's role in administering Funeral Assistance typically varies depending on the preference of the affected state, territory, or tribe, in the case of COVID-19 Funeral Assistance, FEMA administered the program under the ONA FEMA Option and FEMA also issued interim policy guidance to "streamline the delivery of Funeral Assistance" because of the "unprecedented number of deaths caused by COVID-19."

(FEMA, *IAPPG*, p. 148; FEMA, "FEMA Policy: COVID-19 Funeral Assistance: Individuals and Households Program Policy (Interim), v. 2, FEMA Policy # 104-21-0001, June 29, 2021, https://www.fema.gov/sites/default/files/documents/fema_covid-19-funeral-assistance-interim-policy-version-2_06-29-2021.pdf.)

Child Care Assistance

Child Care Assistance is provided in the form of a one-time payment that covers up to eight cumulative weeks of childcare and eligible expenses (e.g., registration fees), or the maximum amount of Child Care Assistance identified in the state/territory/tribe's "ONA Administrative Option Selection Form," whichever is less.[107] The assistance can be used to care for children aged 13 and under, and/or children up to age 21 who have a disability as defined by federal law and need assistance with activities of daily living.[108] Three eligibility considerations are (1) the increased financial burden for child care must be caused by the disaster either because of a disaster-caused decrease in gross household income or a disaster-caused increase in the cost of child care;[109] (2) other childcare services must not be available;[110] and (3) the care provider must be licensed, regulated, or registered per the applicable state, territory, tribal or local government's laws.[111]

Medical and Dental Assistance

Medical and Dental Assistance provides funding to assist with medical and dental expenses (e.g., injury, illness, loss of prescribed medication or equipment, insurance deductibles and copayments, and loss or injury of a service animal).[112] Unlike most forms of IHP assistance, applicants do not need to live in the designated declared area, provided they incurred medical or dental expenses as a direct result of the presidentially declared emergency or major disaster.[113]

---

[107] FEMA, *IAPPG*, p. 155.

[108] FEMA, *IAPPG*, p. 155. The *IAPPG* defines *activities of daily living* as "routine activities that people tend to do every day without needing assistance. There are six basic ADLs [activities of daily living]: eating, bathing, dressing, toileting, transferring (walking), and continence."

[109] FEMA, *IAPPG*, p. 156. To determine if post-disaster child care costs create a financial burden, according to the *IAPPG* "FEMA compares the percentage of the household's gross income spent for child care expenses before the disaster to the percentage spent following the disaster.... If the percentage of household gross income spent on child care post-disaster is higher than the percentage of household gross income spent on child care pre-disaster, the household has an increased financial burden for child care and may be eligible for assistance to cover the increase." Eligible individuals and households may receive FEMA assistance for the difference spent on pre- and post-disaster child care.

[110] FEMA, *IAPPG*, p. 156.

[111] FEMA, *IAPPG*, p. 156.

[112] FEMA, *IAPPG*, p. 153.

[113] FEMA, *IAPPG*, p. 153.

Miscellaneous Expenses

Miscellaneous Expenses provides funding to reimburse people for purchasing or renting eligible items to assist with their disaster recovery efforts.[114] Eligible items can include carbon monoxide and smoke detectors, dehumidifiers or humidifiers, chainsaws, generators, and weather radios,[115] but the availability of such items will depend on what the state, territory, or Indian tribal government included in the miscellaneous line items on their "ONA Administrative Option Selection Form"; additional miscellaneous items could also be included by the state, territory, or tribe.[116]

Moving and Storage Assistance

Moving and Storage Assistance provides funding to store and then return essential personal property and households goods to a repaired primary residence, or relocate essential personal property and households goods to a new primary residence, to avoid additional damage to such items.[117] A few limitations on the receipt of assistance include (1) expenses are limited to the period of assistance (i.e., 18 months following the date of the declaration) or up to the maximum amount of financial assistance for ONA, whichever comes first; and (2) if the damage results from flooding and the applicant failed to maintain flood insurance as a condition of receiving previous federal assistance, then FEMA will not provide assistance for the first $1,000 of expenses.[118]

Clean and Sanitize Assistance

Clean and Sanitize Assistance (CSA) can be requested by an affected state, territory, or Indian tribal government and approved by FEMA for any type of incident (the previous version of this assistance, referred to as Clean and Removal Assistance, was limited to "flood" incidents).[119] CSA is provided in the form of a one-time payment, which is limited to $300, to "ensure minimal damage to the home is addressed in order to prevent additional losses and potential health and safety concerns."[120] Eligibility is limited to applicants who do not qualify for Home Repair Assistance because their primary residence was not rendered uninhabitable.[121]

Legislative and Regulatory Changes and Significant Program Updates: ONA

As described in detail above in the "Legislative and Regulatory Changes and Significant Program Updates: Housing Assistance" section, DRRA Section 1212 amended the provision of ONA by establishing separate financial caps of equal amounts for ONA and Financial Housing Assistance, and excluding accessibility-related repair or replacement costs from the cap (for a list of eligible

[114] FEMA, *IAPPG*, pp. 160-162.

[115] FEMA, *IAPPG*, pp. 160-162. Miscellaneous items may assist disaster survivors with gaining access to their property or assisting with cleaning efforts. Reimbursements for chainsaws and generators are permitted under limited circumstances if certain conditions are met.

[116] FEMA, *IAPPG*, pp. 160-161. Per the *IAPPG*, "Assistance for Miscellaneous Items is limited to the quantity established for the item by the STT government on the 'ONA Administrative Option Selection Form.'"

[117] FEMA, *IAPPG*, p. 162.

[118] FEMA, *IAPPG*, pp. 162 and 164.

[119] Memorandum from Keith Turi RE: Amendment to the IAPPG, p. 11; and FEMA, *IAPPG*, p. 165.

[120] Memorandum from Keith Turi RE: Amendment to the IAPPG, pp. 11-12.

[121] Memorandum from Keith Turi RE: Amendment to the IAPPG, p. 11.

personal property items, see the shaded text box "Accessibility Items Eligible for Personal Property Assistance").[122]

Additionally, FEMA's interim final rule (IFR), "Individual Assistance Program Equity," which went into effect March 22, 2024, amended FEMA's IHP regulations, including related to the provision of ONA. The amended regulations seek to address long-standing concerns expressed by some Members of Congress, stakeholders including disaster survivors, and federal agencies (comments to this effect and FEMA's responses are detailed throughout the IFR). For example, some Members of Congress, stakeholders, and the Government Accountability Office found the process to receive Small Business Administration (SBA)-Dependent ONA unnecessarily confusing and onerous; the IFR has simplified this process. Specifically, the IFR removed the previous requirement that IHP applicants who met the SBA's minimum income requirements first apply for an SBA disaster loan, and either be denied or receive a partial loan, before they could be considered for FEMA's SBA-Dependent ONA, which included assistance for personal property, transportation, and GFIPs. The new process allows IHP applicants to receive the IHP assistance they apply and are eligible for, including all forms of ONA, without first having to apply for an SBA disaster loan.[123] (IHP applicants may still choose to apply for an SBA disaster loan if they require additional funding to address their unmet real or personal property needs.)

In addition, the IFR established the new forms of ONA: Serious Needs Assistance and Displacement Assistance (described above). Further, it allows self-employed individuals to receive Personal Property Assistance for disaster-damaged essential tools and equipment, and required items for the trade/profession (described above).

Approving Requests for Individual Assistance

Federal assistance is intended to supplement—not supplant—the local, state, territory, or Indian tribal government's response and recovery efforts.[124] For this reason, state, territory, and Indian tribal governments do not automatically receive a presidential declaration of emergency or major disaster, nor do they automatically receive Individual Assistance (IA).[125] Instead, following an *incident*,[126] the governor or tribal chief executive must request that the President declare an emergency or major disaster authorizing IA.[127] The governor or tribal chief executive's request

[122] DRRA Section 1212. For more information on DRRA, see CRS Report R46776, *The Disaster Recovery Reform Act of 2018 (DRRA): Implementation Updates for Select Provisions*, coordinated by Elizabeth M. Webster and Bruce R. Lindsay; and CRS Report R45819, *The Disaster Recovery Reform Act of 2018 (DRRA): A Summary of Selected Statutory Provisions*, coordinated by Elizabeth M. Webster and Bruce R. Lindsay.

[123] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4009, January 22, 2024.

[124] The governor or tribal chief executive's request must document that the "situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments" and that supplemental federal assistance is necessary (44 C.F.R. §§206.35 and 206.36). To justify a declaration of emergency, supplemental federal assistance must be needed to "save lives and to protect property, public health and safety, or to lessen or avert the threat of a disaster" (44 C.F.R. §206.35). To justify a declaration of major disaster, federal assistance must be needed to "supplement the efforts and available resources of the State, local governments, disaster relief organizations, and compensation by insurance for disaster-related losses" (44 C.F.R. §206.36).

[125] 44 C.F.R. §§206.35-206.38, and 206.40(a); and FEMA, "How a Disaster Gets Declared."

[126] An *incident* is defined as "[a]ny condition which meets the definition of major disaster or emergency as set forth in §206.2 which causes damage or hardship that may result in a Presidential declaration of a major disaster or an emergency" (44 C.F.R. §206.32(e)).

[127] 42 U.S.C. §§5191 and 5170; 44 C.F.R. §§206.35, 206.36, 206.38, and 206.40(a); and FEMA, "How a Disaster Gets Declared." It is possible for the President to unilaterally declare an emergency under Stafford Act Section 501(b) when the federal government has the primary responsibility for response because "the emergency involves a subject area for (continued...)

must demonstrate that they are unable to effectively respond to the incident without federal assistance.[128] To that end, the request must include information about the actions taken and resources that have been or will be committed, and an estimate of the amount and severity of the disaster-caused damages, in addition to other required information.[129]

Using the information submitted by the governor or tribal chief executive in their major disaster declaration request, FEMA evaluates specific factors to determine whether there is a need for supplemental federal assistance to individuals (i.e., IA).[130] This includes information collected through the Preliminary Damage Assessment (PDA) process, which is validated by local, state, territory, Indian tribal government, and federal authorities.[131] FEMA then provides a recommendation to the President.[132] The decision to grant an emergency or major disaster declaration request is at the President's sole discretion.[133]

The President's initial notice declaring a major disaster may indicate that IA has been authorized, and may specify the types of IA authorized. The notice also includes the sentence

> Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

According to FEMA, this sentence has been included in presidential declarations under the Stafford Act since 2009, and it "authorizes FEMA to make changes to programs approved in the declaration (e.g., add counties), but not to approve additional forms of assistance. As such, since 2009, FEMA has sought White House approval when states [and territories] or tribes request additional types of assistance under a declaration." Thus, although FEMA's regulations state that FEMA has the delegated authority to "determine and designate the types of assistance to be made available," in practice, FEMA has stated that they will seek the President's approval when authorizing additional forms of assistance.[134]

The following sections describe the process by which FEMA evaluates a governor or tribal chief executive's request for a major disaster authorizing Individual Assistance and, specifically, IHP assistance.

FEMA's Evaluation of the IA Factors: Major Disaster

There is no automatic threshold for authorizing a request for Individual Assistance. Instead, FEMA's regulations and guidance detail the factors that help FEMA assess the "severity,

---

which, under the Constitution or laws of the United States, the United States exercises exclusive or preeminent responsibility and authority." For more information about the disaster declaration process, see CRS Report R43784, *FEMA's Disaster Declaration Process: A Primer*, by Bruce R. Lindsay.

[128] 44 C.F.R. §§206.35 and 206.36.

[129] For a list and description of information requirements to accompany a governor or tribal chief executive's request for an emergency declaration and a major disaster declaration, see 44 C.F.R. §206.35 and 44 C.F.R. §206.36, respectively.

[130] 44 C.F.R. §206.48(b); FEMA, *Tribal Declarations Pilot Guidance*, pp. 36-38; FEMA, *Tribal Declarations Interim Guidance*, pp. 66-70.

[131] FEMA, *Preliminary Damage Assessment Guide*, August 2021, p. 1, https://www.fema.gov/sites/default/files/documents/fema_2021-pda-guide.pdf (hereinafter FEMA, *Preliminary Damage Assessment Guide*); see also FEMA's *Preliminary Damage Assessment Guide*, June 2024 (Draft 1.1), https://www.fema.gov/sites/default/files/documents/fema_pad-pda-guide_operational-draft_v1.1.pdf (in effect for events with incident periods starting on July 22, 2024, and after; hereinafter FEMA, *Preliminary Damage Assessment Guide Draft 1.1*).

[132] 44 C.F.R. §206.37(c).

[133] 44 C.F.R. §206.38.

[134] 44 C.F.R. §206.40; and email correspondence from FEMA Congressional Affairs staff, June 12, 2020.

magnitude, and impact of a disaster, as well as the capabilities of the affected jurisdictions" and whether the incident has overwhelmed the requesting government's capabilities, making Stafford Act assistance necessary.[135] As noted above, FEMA evaluates these factors to provide the President with a recommendation regarding whether to declare a major disaster authorizing IA, and to identify the types of IA that should be made available (e.g., low disaster-related unemployment may indicate there is not a need for Disaster Unemployment Assistance).[136]

Recent IA Legislation, Rulemaking, and Guidance

In 2018 and 2019, FEMA's IA program, including the IHP, was modified through legislation and changes to FEMA's guidance. Following numerous natural disasters that affected the United States, including Hurricanes Harvey, Irma, and Maria in 2017 and the devastating wildfires in California during 2017 and 2018, the Disaster Recovery Reform Act of 2018 (DRRA, Division D of P.L. 115-254) was enacted on October 5, 2018. DRRA amended many sections of the Stafford Act, including sections related to the provision of IHP, to improve assistance and services provided in support of disaster recovery. In addition, in early March 2019, FEMA released updated guidance for managing IA: *Individual Assistance Program and Policy Guide (IAPPG)*, which applies to emergencies and disasters declared on or after March 1, 2019. The *IAPPG* was updated in May 2021, including to incorporate the IA updates authorized by DRRA.

Further, on March 21, 2019, as required by Section 1109 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2), FEMA issued its final rule revising the factors considered when evaluating a governor's request for a major disaster authorizing IA to establish more objective criteria for evaluating the need for assistance, to clarify eligibility requirements, and to expedite a presidential declaration determination (codified at 44 C.F.R. §206.48(b)).[137] The updated factors became effective June 1, 2019.

FEMA uses a separate set of factors when evaluating a chief executive of an Indian tribal government's request for a major disaster authorizing IA.[138] FEMA's release of the *Tribal Declarations Pilot Guidance* in January 2017, made effective specific factors considered when

[135] DHS/FEMA, "Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster," 84 *Federal Register* 10632, March 21, 2019, https://www.govinfo.gov/content/pkg/FR-2019-03-21/pdf/2019-05388.pdf (hereinafter DHS/FEMA, "Factors Considered When Evaluating a Request for IA"); see also DHS/FEMA, "Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster; Correction," 84 *Federal Register* 25685, June 4, 2019, https://www.govinfo.gov/content/pkg/FR-2019-06-04/pdf/2019-11656.pdf; 44 C.F.R. §206.48(b); FEMA, *Tribal Declarations Pilot Guidance*, pp. 34 and 36; FEMA, *Tribal Declarations Interim Guidance*, pp. 66-70. Additionally, "Appendix D; Tribal-Specific Considerations" of FEMA's *Preliminary Damage Assessment Guide* includes useful resources and unique considerations for Indian tribal governments during the PDA process; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, Appendix D.

[136] FEMA, *Individual Assistance Declarations Factors Guidance*, June 2019, p. 13, https://www.regulations.gov/document/FEMA-2014-0005-0071 (hereinafter FEMA, *IA Declarations Factors Guidance*).

[137] Section 1109 of SRIA; DHS/FEMA, "Factors Considered When Evaluating a Request for IA"; and 44 C.F.R. §206.48(b).

[138] Initially, the factors for states/territories and Indian tribal governments were the same. Section 1110 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2) amended Stafford Act Sections 401 and 501 (42 U.S.C. §§5170 and 5191) to enable chief executives of affected Indian tribal governments to request a major disaster or emergency (alternatively, the Indian tribe may receive assistance through the state's declaration). Initially, FEMA used the same factors to evaluate a governor or tribal chief executive's request for a presidential major disaster declaration, which allowed Indian tribal governments to exercise this authority immediately upon SRIA's enactment. According to FEMA's website "Tribal Declarations Pilot Guidance," available at https://www.fema.gov/disasters/tribal-declarations, the period when Indian tribal governments could use the state/territory regulations ran from January 29, 2013, when SRIA was enacted, through January 9, 2017, when FEMA released its *Tribal Declarations Pilot Guidance*.

evaluating a tribal chief executive's request for a major disaster declaration authorizing IA.[139] Subsequently, in December 2024, FEMA released updated *Tribal Declarations Interim Guidance*, effective for incidents occurring on or after December 3, 2024.[140] (This is described in more detail in **Appendix A**.)

IA Factors

Per FEMA's regulations and guidance, the IA factors FEMA evaluates differ depending on whether the requesting entity is a state/territory or Indian tribal government. **Table 2** lists the factors considered when evaluating IA requests made by a governor of an affected state or territory, as well as a chief executive of an affected Indian tribal government. **Figure 2** lists the various forms of IA and the associated IA factors that FEMA considers when recommending which IA programs to authorize pursuant to a governor's request for a major disaster declaration authorizing IA.

Table 2. Individual Assistance Factors for States/Territories and Tribes

Factors Considered When Evaluating a Governor's Request for IA	Factors Considered When Evaluating a Tribal Chief Executive's Request for IA
1. State Fiscal Capacity and Resource Availability 2. Uninsured Home and Personal Property Losses 3. Disaster-Impacted Population Profile 4. Impact to Community Infrastructure 5. Casualties 6. Disaster Related Unemployment	1. Tribal Nation Capacity and Resources to Respond to the Disaster 2. Uninsured Home and Personal Property Losses and Pre-Existing Conditions 3. Disaster Impacted Population Profile 4. Impact to Community Infrastructure and Cultural Facilities 5. Casualties, Injuries, and Missing Individuals 6. Disaster-Related Unemployment 7. Displaced Households and Availability of Housing Resources 8. Unique Conditions that Affect Tribal Nations 9. 36-month Disaster History or Recent Multiple Disasters that Impacted the Nation 10. Other Relevant Information

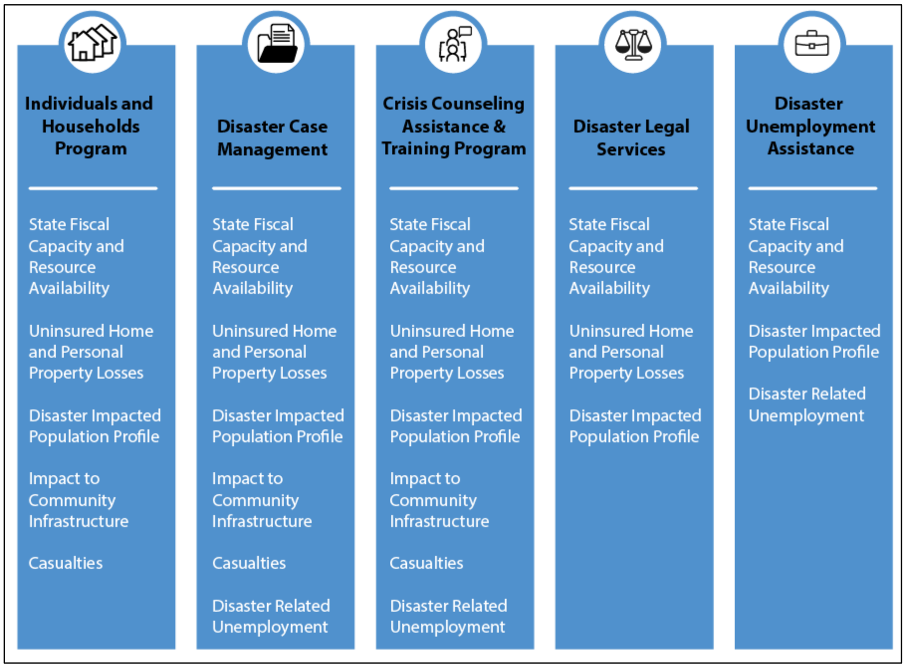
Sources: 44 C.F.R. §206.48(b); FEMA, *Tribal Declarations Interim Guidance*, FP 104-009025-001, December 2024, https://www.fema.gov/sites/default/files/documents/fema_tribal-declarations-interim-guidance_2024.pdf (in effect for incidents on or after December 3, 2024).

Note: FEMA also considers other relevant information provided by the state, territory, or tribe in its declaration request. The tribal declaration factors are ordered in this table to align with the state/territory declaration factors for ease of comparison (the *Tribal Declarations Interim Guidance* presents them in a different order).

[139] FEMA, *Tribal Declarations Pilot Guidance*.

[140] According to FEMA, the need to update the Tribal Declaration Factors was identified as a component of its *2022-2026 FEMA National Tribal Strategy*, available at https://www.fema.gov/about/organization/tribes/strategy. In December 2024, after working in 2023 to conduct consultations and listening sessions with Tribal Nations, FEMA released updated guidance for tribal declarations occurring on or after December 3, 2024 (FEMA, *Tribal Declarations Interim Guidance*). The previous guidance applies to declarations occurring prior to December 3, 2024 (FEMA, *Tribal Declarations Pilot Guidance*). See also DHS/FEMA, "FEMA Tribal Declarations Interim Guidance," 89 *Federal Register* 95804, December 3, 2024.

Figure 2. IA Programs and Consideration Factors



Source: Developed by CRS based on the FEMA, *Individual Assistance Declarations Factors Guidance*, June 2019, p. 13, https://www.regulations.gov/document/FEMA-2014-0005-0071.

Note: This figure is based on the table listing the Individual Assistance (IA) programs and factors that FEMA considers when evaluating a governor's request for a major disaster declaration authorizing IA.

Evaluating the Need for IHP Assistance: Governor's Request for a Major Disaster

Just as there is no automatic threshold for authorizing a request for IA, there is no automatic threshold for authorizing IHP assistance.[141] Instead, per the FEMA regulation related to evaluating a governor's request for IA, two principal factors are considered when evaluating the need for the IHP:

1. Fiscal Capacity; and
2. Uninsured Home and Personal Property Losses.[142]

FEMA's evaluation of the Fiscal Capacity factor is detailed in **Appendix A**. Information collected during the damage assessment process is submitted to FEMA to support the agency's evaluation of the Uninsured Home and Personal Property Losses factor. Additionally, the damage assessment process helps establish the estimated cost of assistance.

Per FEMA's *Preliminary Damage Assessment Guide*, "The cost of assistance estimate is established by assessing and categorizing the degree of damage of disaster-impacted residences."

[141] FEMA, *IA Declarations Factors Guidance*, p. 15.

[142] Per 44 C.F.R. §206.48(b), "State fiscal capacity (44 CFR 206.48(b)(1)(i)) and uninsured home and personal property losses (44 CFR 206.48(b)(2)) are the principal factors that FEMA will consider when evaluating the need for supplemental Federal assistance under the Individuals and Households Program but FEMA will always consider all relevant information submitted as part of a declaration request. If the need for supplemental Federal assistance under the Individuals and Households Program is not clear from the evaluation of the principal factors, FEMA will turn to the other factors to determine the level of need."

FEMA established four categories of damage: (1) destroyed; (2) major; (3) minor; or (4) affected. According to FEMA's *Preliminary Damage Assessment Guide*, the cost of assistance estimate "encompasses a significant portion of a Presidential disaster declaration request." However, although it is a significant consideration, other information is submitted as part of the declaration request package, and FEMA considers all relevant information submitted by the requesting state/territory or tribe. Moreover, FEMA's guidance explains,

> There is no set number of damaged homes that will automatically trigger a Presidential disaster declaration for a state, tribe, or territory. Each disaster must be evaluated individually on the impacts that have overwhelmed the capacity and resources of the state, tribal, or territorial government. During the PDA process, state, tribal, or territorial governments should consider all factors that FEMA uses to evaluate a disaster request and write a compelling impact statement to demonstrate how the impacts of the disaster have generally outweighed the capacity and resources of the impacted governments.[143]

Although there is no set threshold, FEMA has provided requesting states/territories with information to help them evaluate the likelihood that their request for a major disaster declaration authorizing IA will be approved, which is based on historic approval data.[144] Specifically, FEMA provided data reflecting IA approvals versus estimated cost of assistance dollar ranges. This data demonstrates that the higher the estimated cost of IHP assistance, the more likely a request will be granted—"given other factors that may be taken into account."[145]

FEMA also provided data showing approved disaster declarations for different IHP Cost-to-Capacity (ICC) Ratios, which compare the estimated cost of IHP assistance to the state's fiscal resources (see the "ICC Ratio Formula" text box).[146] The higher the estimated cost of IHP assistance and the lower the state's fiscal resources, the more likely a request will be granted.[147]

ICC Ratio Formula

The Individuals and Households Program (IHP) Cost-to-Capacity (ICC) Ratio is derived from a ratio of the estimated cost of IHP assistance based on the Preliminary Damage Assessment (PDA) to the state's Total Taxable Resources (TTR). The ICC Ratio may be considered to provide an indication of the likelihood that IHP assistance will be authorized.

$$\text{ICC Ratio} = \frac{\text{Estimated Cost of IHP from PDA}}{(\text{State TTR in billions / \$1 million})}$$

The estimated cost of IHP assistance comes from information collected during the PDA process on uninsured home and personal property losses (this relates to the Uninsured Home and Personal Property Losses factor). TTR data is calculated annually by the U.S. Department of the Treasury and represents the "unduplicated sum of the income flows produced within a State and the income flows, received by its residents, which a State could potentially tax" (this relates to the Fiscal Capacity factor).

---

143 FEMA, *Preliminary Damage Assessment Guide*, pp. 28-41; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 49.

144 FEMA, *IA Declarations Factors Guidance*, pp. 14-15.

145 FEMA, *IA Declarations Factors Guidance*, p. 14. According to FEMA, based on historical request data from 2008 to 2016, incidents for which the dollar amount of estimated costs of assistance was $1.5 million or less were declared 6% of the time; incidents for which the dollar amount of estimated costs of assistance was between $1.5 million and $7.5 million were declared 42% of the time, and incidents for which the dollar amount of estimated costs of assistance was $7.5 million or more were declared 90% of the time.

146 FEMA, *IA Declarations Factors Guidance*, p. 14.

147 FEMA, *IA Declarations Factors Guidance*, p. 15.

According to FEMA, based on historical request data from 2008 to 2016, incidents with an ICC Ratio greater than 25 receive IHP assistance 85% of the time; incidents with an ICC Ratio between 10 and 25 receive IHP assistance 45% of the time, and incidents with an ICC Ratio less than 10 receive IHP assistance 10% of the time.

(FEMA, *Individual Assistance Declarations Factors Guidance*, p. 14; FEMA, *Preliminary Damage Assessment Guide*, p. 28; FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, pp. 47-48; and U.S. Department of the Treasury (Treasury), "Total Taxable Resources, Estimates," https://home.treasury.gov/policy-issues/economic-policy/total-taxable-resources. For an overview of TTR, including how it is estimated and the limitations of using TTR as a measurement of fiscal capacity, see Treasury, Office of Economic Policy, *Treasury Methodology for Estimating Total Taxable Resources (TTR)*, December 2002, https://www.treasury.gov/resource-center/economic-policy/Documents/nmpubsum.pdf.)

Additionally, FEMA released information about the potential for IHP approval based on a comparison of the estimated cost of IHP assistance and the ICC Ratio, as depicted in **Figure 3**. This figure combines the information in FEMA's guidance on the IA factors related to the estimated cost of assistance for past requested and approved declarations[148] and the ICC Ratio for past requested and approved declarations.[149] Again, this information is only intended to provide an indication of the likelihood of a request being approved; it does not represent a threshold for when IA and the IHP will be authorized.

Figure 3. Potential for IHP Approval based on a comparison of the Estimated Cost of IHP Assistance and the ICC Ratio

Estimated Cost of IHP Assistance

ICC Ratio	< $1.5m	$1.5m - $7.5m	> $7.5m
< 10	Likely Denial	Lean Denial	
10 - 25	Lean Denial		Lean Approval
> 25		Lean Approval	Likely Approval

Sources: Developed by CRS based on the Federal Emergency Management Agency (FEMA), "Individual Assistance Declarations Factors Final Rule and Guidance," webinar, April 30, 2019; FEMA, "Individual Assistance Declarations: New Rule and Guidance," PowerPoint slides, May 2019. A copy of the PowerPoint may be provided to congressional clients by CRS upon request.

Notes: FEMA expanded on its *Individual Assistance Declarations Factors Guidance* in the webinar and associated PowerPoint by providing an example of how the Estimated Cost of Individuals and Households Program (IHP) Assistance and the IHP Cost-to-Capacity Ratio—or ICC Ratio—may relate to the likelihood a state/territory/Indian tribal government will receive IHP Assistance. As described above, there are no thresholds for receiving IHP assistance, so in all instances, it is possible that the request for assistance could be authorized, regardless of the estimated cost of IHP assistance and the ICC Ratio.

According to FEMA's guidance on the IA factors, after the principal factors are evaluated (i.e., (1) Fiscal Capacity and (2) Uninsured Home and Personal Property Losses), FEMA will consider the remaining factors, as appropriate.[150] States/territories should also include other relevant information in their major disaster declaration request, as detailed in FEMA's regulation at 44

---

[148] FEMA, *IA Declarations Factors Guidance*, p. 14. See the information provided in "Table 1: Estimated Cost of Assistance Compared to Declaration Decision Comparative."

[149] FEMA, *IA Declarations Factors Guidance*, p. 14. See the information provided in "Table 2: Number of IA Requests and Granted IA Requests by ICC Ratio."

[150] FEMA, *IA Declarations Factors Guidance*, p. 15.

C.F.R. §206.48(b), and in FEMA's *Preliminary Damage Assessment Guide* and *Individual Assistance Declarations Factors Guidance*. FEMA will provide a recommendation for the President based on all of the available information, which will be forwarded to the President with the governor's request.[151] Ultimately, however, the decision to approve a governor's request for a major disaster declaration authorizing IA is at the discretion of the President.[152]

A detailed description of all of the IA factors can be found in **Appendix A**.

Implementing IHP Assistance

Once a presidential declaration of emergency or major disaster authorizing IA and assistance through the IHP has been issued, individuals and households may apply to FEMA for assistance. The following sections provide a brief overview of the application process for individuals, as well as eligibility requirements, and information on appealing FEMA's decisions regarding the provision of IHP assistance.[153]

Applying for IHP Assistance

The following sections describe aspects of applying for IHP assistance, including the period when applicants can register for assistance, and IHP applicant eligibility requirements, including descriptions of the general eligibility conditions.

Registration Period

After an emergency or major disaster declaration has been issued and IA has been authorized, applicants (i.e., individuals) may register for FEMA IHP assistance.[154] Disaster survivors can register for assistance online or through the FEMA mobile application, by telephone, or in-person at a Disaster Recovery Center (DRC).[155]

Applicants generally have 60 days from the presidential declaration authorizing Individual Assistance to apply for IHP assistance. After the end of the initial registration period, FEMA may accept late applications for an additional 60 days if the applicant provides a reasonable explanation for the delay (no written justification or documentation explaining the circumstances

[151] 44 C.F.R. §206.37(c)(1).

[152] 44 C.F.R. §206.38(a).

[153] For more information on the IHP application process, see FEMA, *IAPPG*, pp. 69-77. For more information on IHP eligibility considerations, see FEMA, *IAPPG*, pp. 46-66; and Memorandum from Keith Turi RE: Amendment to the IAPPG, pp. 1-9. For more information on the IHP appeals process, see FEMA, *IAPPG*, pp. 66-68. See also CRS Report R47297, *Disaster Survivor FAQ: FEMA Individuals and Households Program*, by Elizabeth M. Webster, for additional information on frequently asked questions that arise as disaster survivors navigate the IHP application process and receive IHP assistance.

[154] When an emergency or major disaster is declared, areas of the impacted state/territory are "designated" as having been deemed eligible for federal assistance (44 C.F.R. §206.2(a)(6); and FEMA, *IAPPG*, p. 5). Designated areas can be "counties, parishes, tribes or tribal lands, municipalities, villages, or districts."

[155] FEMA, *IAPPG*, p. 69.

that prevented them from applying on time are required; this is a change made by FEMA's updated regulations).[156] FEMA does not accept applications after this point.[157]

The registration deadline does not change for areas that are subsequently designated for assistance (meaning they may have shorter application periods). The registration period, however, can be extended at the request of the affected state/territory/tribe (with approval from FEMA). If the Stafford Act declaration is amended to include additional counties following the expiration of the registration period, then the registration period can be reopened, but only for the newly authorized counties (this is a change made by FEMA's updated regulations).[158]

Applicant Eligibility

The registration process requires applicants to submit a Declaration and Release Form,[159] and other information to complete their application for IHP assistance (e.g., related to identity verification, insurance, pre-disaster annual gross income, disaster-caused losses).[160]

IHP Application Requirements

Required information to complete an IHP application includes

- certification that the applicant is, or is the parent/guardian of a minor who is, a U.S. citizen, noncitizen national, a qualified alien;
- the primary applicant's social security number (or social security number of a minor in the household who is a U.S. citizen, noncitizen national, or qualified alien);
- current and pre-disaster addresses;
- names of pre-disaster household occupants;
- contact information;
- insurance information;
- financial information (i.e., pre-disaster household annual gross income);

[156] Department of Homeland Security (DHS)/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 3995 and 4031, January 22, 2024. Reasonable explanations for late applications can include incarceration, that the applicant was the victim of human trafficking, ongoing domestic situations in which persons pose an immediate threat to a family member in the same household, major life events (e.g., birth or a child, marriage), hospitalization/illness/disability of the applicant or an immediate family member, death of an immediate family member, or proof of personal or business travel out of the area during the application period.

[157] FEMA, *IAPPG*, pp. 70-71; 44 C.F.R. §206.112.

[158] DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4030, January 22, 2024. FEMA provided CRS with an example of one instance when the registration period was reopened. According to FEMA, following the 2020 Puerto Rico Earthquakes (DR-4473-PR), the municipality of Rincon was approved and added to the presidential declaration after the registration period and the 60-day late registration period had ended. Specifically, the registration period for DR-4473-PR closed on July 2, 2020, and the late registration period closed on September 1, 2020. Rincon Municipality was designated for Individual Assistance on March 25, 2021. Facing the previously unprecedented situation of having an additional designation for IA more than six months after the late registration period had already closed, the FEMA Individual Assistance Division consulted with FEMA's Office of Chief Counsel (OCC) to identify a solution to provide disaster survivors in Rincon Municipality the opportunity to apply for and receive assistance. FEMA's OCC determined that the registration period could be reopened in this one instance to allow applicants from the Rincon Municipality to apply for assistance. The registration period remained closed for all other municipalities included in DR-4473-PR.

[159] DHS/FEMA, "Declaration and Release," Form, O.M.B. No. 1660-0002, expires March 31, 2024, https://www.fema.gov/sites/default/files/documents/fema_form-ff-104-FY21-128_042022.pdf.

[160] FEMA, *IAPPG*, pp. 71-72. The standard mechanism for verifying loss and determining eligibility—in the case of the IHP—is an on-site inspection conducted by a FEMA inspector. Other methods to verify losses include a geospatial inspection or a review of documentation.

- disaster-caused losses; and
- banking information (for direct deposit of financial assistance).

(FEMA, *IAPPG*, pp. 71-72.)

IHP applicants must meet general eligibility requirements—they must

1. be a U.S. citizen, noncitizen national, or "qualified alien" (or the parent or guardian of such a minor);[161]
2. have their identity verified by FEMA;
3. have disaster-caused needs that cannot be met through their insurance or other forms of disaster assistance; and
4. have necessary expenses and serious needs that were directly caused by a declared disaster.[162]

Each type of IHP assistance requires that additional eligibility conditions be met, and may require additional documentation.[163] For example, Home Repair and Home Replacement assistance are only available to homeowners, and some forms of assistance require proof of occupancy and/or ownership.[164] **Table 3** lists the eligibility of homeowners and renters for the different forms of Housing Assistance.

Table 3. Eligibility for Types of Housing Assistance

Housing Assistance: Financial	Homeowner/Renter	Housing Assistance: Direct	Homeowner/Renter
Lodging Expense Reimbursement	Homeowner/Renter	Multi-Family Lease and Repair	Homeowner/Renter
Rental Assistance	Homeowner/Renter	Transportable Temporary Housing Units	Homeowner/Renter
Home Repair Assistance	Homeowner	Direct Lease	Homeowner/Renter

161 FEMA cites the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA; P.L. 104-193), which provides that only "qualified aliens" are eligible for federal public benefits—to include IHP assistance (see the section on "Additional Information on the Requirement that IHP Applicants be Citizens, Noncitizen Nationals, or Qualified Aliens," below, for further information). Further, there are some categories of "aliens lawfully present in the U.S. who are not eligible for IHP assistance," such as temporary tourist visa holders (FEMA, *IAPPG*, p. 47). On April 26, 2024, FEMA issued a memorandum to implement the statutory amendments to the IHP and make changes to the *IAPPG*, including to reflect that, "Legal residents in accordance with the Compacts of Free Association with the Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau" are qualified non-citizens (Memorandum from Frank Matranga, FEMA Individual Assistance Division Director to FEMA Regional Administrators, "RE: Compact of Free Association Citizen Eligibility for the Individuals and Households Program and Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," April 26, 2024, https://www.fema.gov/sites/default/files/documents/fema_iappg-amendment_cofa_April-26-2024.pdf; FEMA, "Qualifying for FEMA Disaster Assistance: Citizenship and Immigration Status Requirements," last updated May 21, 2024, https://www.fema.gov/assistance/individual/program/citizenship-immigration-status). Thus, FEMA may now provide IHP assistance to eligible COFA (Compacts of Free Association) migrants who are affected by declared disasters.

162 FEMA, *IAPPG*, p. 46. See also FEMA, "Eligibility Criteria for FEMA Assistance," last updated November 28, 2022, https://www.fema.gov/assistance/individual/program/eligibility; FEMA, "Individuals and Households Program," last updated April 5, 2023, https://www.fema.gov/fact-sheet/individuals-and-households-program.

163 See the *IAPPG* guidance on the type of IHP assistance being requested for additional requirements.

164 FEMA, *IAPPG*, pp. 46, 51-55; Memorandum from Keith Turi RE: Amendment to the IAPPG, pp. 2-9.

Housing Assistance: Financial	Homeowner/Renter	Housing Assistance: Direct	Homeowner/Renter
Home Replacement Assistance	Homeowner	Permanent Housing Construction	Homeowner

Source: CRS interpretation of FEMA, *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, pp. 78-144, https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf.

Notes: The different types of Housing Assistance include different eligibility criteria. ONA may be available to eligible applicants regardless of homeownership/renter status.

Additional Information on IHP Eligibility of People Experiencing Homelessness

FEMA does not provide Housing Assistance to applicants experiencing homelessness prior to a disaster declaration because "the need for housing was not caused by the disaster"; however, applicants experiencing homelessness may be eligible for forms of ONA.[165]

Additional Information on the Requirement that IHP Applicants be Citizens, Noncitizen Nationals, or Qualified Aliens

Many forms of FEMA assistance are available regardless of the applicant's immigration status. For example, disaster survivors may be eligible for mass care and emergency assistance, such as emergency sheltering support, as well as most forms of Individual Assistance, including the Crisis Counseling Assistance and Training Program, Disaster Case Management, and Disaster Legal Services.[166] The IHP policy, however, includes restrictions based on immigration status. To be eligible for IHP assistance, "[t]he applicant must be a U.S. citizen, non-citizen national, or qualified alien."[167]

Limitations on the availability of Individual Assistance to "non-qualified aliens" is a frequent subject of congressional questions. As noted above, FEMA's IHP policy limits the provision of assistance to "qualified aliens." FEMA's "qualified alien" definition is based on 8 U.S.C. §1641, which defines "qualified alien" for purposes of eligibility for federal public benefits. This statute is a provision of Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, known as PRWORA.[168] Under another provision of PRWORA, 8 U.S.C. §1611, so-called "non-qualified aliens" are generally rendered ineligible for federal public benefits. CRS Report R46510, *PRWORA's Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues*, explains this legal framework and its application to FEMA disaster relief as follows:

> 8 U.S.C. §1611(b) provides that the baseline eligibility rule restricting federal public benefits to "qualified aliens" does not apply to "[s]hort-term, non-cash, in-kind emergency disaster relief." By carving out "non-cash—" disaster assistance from the baseline eligibility restriction for federal public benefits, PRWORA implies that the restriction does apply to other forms of disaster relief (including cash assistance). FEMA has interpreted

[165] FEMA, *IAPPG*, p. 61.

[166] FEMA, *IAPPG*, p. 48.

[167] FEMA, *IAPPG*, p. 46. The *IAPPG* defines each of these citizenship statuses (i.e., U.S. citizen, noncitizen national, and qualified alien) in Figure 6 on page 47.

[168] Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA); P.L. 104-193; 8 U.S.C. §§1601-1646.

> PRWORA this way—to bar nonqualified aliens from eligibility for disaster relief paid in cash—and the interpretation does not appear to have generated disagreement.[169]

COFA migrants—referencing the Compacts of Free Association—may receive IHP assistance as a result of a statutory change occurring in March 2024.[170] On April 26, 2024, FEMA issued a memorandum to implement such statutory amendments to the IHP and make changes to its program guidance to reflect that individuals who lawfully reside in the United States in accordance with a Compact of Free Association between the Government of the United States and the Governments of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau are qualified aliens for purposes of PRWORA.[171] Thus, FEMA may now provide IHP assistance to eligible COFA migrants who are affected by declared disasters.

Additional Information on Determining IHP Award Amounts

As noted above, IHP awards are subject to statutory funding caps for each applicant, and are designed to meet basic needs.[172] For example, IHP assistance is generally limited to essential living spaces.[173]

The amount of assistance an applicant receives through the IHP will vary based on multiple factors that are "specific to the disaster survivor's unique circumstances."[174] IHP awards will depend on the applicant's status (e.g., homeowner, renter, roommate), the number of household members and household composition, the

Award Amount Determination: Example for Home Repair Assistance

According to the *IAPPG*, "Home Repair Assistance award amounts are based on repair or replacement of components that are of average quality, size, or capacity." FEMA bases these award amounts on local costs—more specifically, on localized average repair costs (i.e., FEMA does not have a flat rate for Home Repair Assistance costs for different components). According to FEMA, the agency uses a tool/service called RSMeans to determine and award reasonable localized costs.

(FEMA, *IAPPG*, p. 88; FEMA briefing on June 22, 2021; see also FEMA's "Individual Assistance Program Equity" interim final rule, in which FEMA explains that RSMeans is a commercial source for "industry-accepted guides of construction cost information to support estimating the repair or replacement cost of a building. Under FEMA's contract with RSMeans, the company identifies some of the costs to repair or replace damaged real and personal property based on geographic area. FEMA may not share RSMeans amounts, however, because the contract does not permit us to publicly post the company's proprietary data" (DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4011, January 22, 2024).)

---

169 See CRS Report R46510, *PRWORA's Restrictions on Noncitizen Eligibility for Federal Public Benefits: Legal Issues*, by Ben Harrington, p. 13 (citations omitted).

170 Section 209 of the Compact of Free Association Amendments Act of 2024 (Div. G, Title II of P.L. 118-42) amended Sections 402 and 431(b)(8) of PRWORA, creating an exception for citizens of freely associated states and removing the limitation that permitted COFA migrants to only be considered qualified aliens for purposes of receiving Medicaid (8 U.S.C. §1612(a)(2)(N) and (b)(2)(G); 8 U.S.C. §1641(b)(8)).

171 Memorandum from Frank Matranga, FEMA Individual Assistance Division Director to FEMA Regional Administrators, "RE: Compact of Free Association Citizen Eligibility for the Individuals and Households Program and Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," April 26, 2024, https://www.fema.gov/sites/default/files/documents/fema_iappg-amendment_cofa_April-26-2024.pdf; and FEMA, "Qualifying for FEMA Disaster Assistance: Citizenship and Immigration Status Requirements," last updated May 21, 2024, https://www.fema.gov/assistance/individual/program/citizenship-immigration-status).

172 FEMA, *IAPPG*, pp. 6 and 41.

173 FEMA, *Preliminary Damage Assessment Guide*, p. 28. As described in FEMA's *Preliminary Damage Assessment Guide*, "[a]n essential living space is a room within a home that serves the function of a bedroom, bathroom, kitchen, and/or living room that is regularly occupied or used by one or more members of the household and requires repair to bring its functionality back to the home (e.g., kitchens are considered essential as long as there is not another undamaged kitchen in the home)." See also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 42.

174 GAO, *Disaster Assistance: IHP*, p. 19.

type(s) of assistance being requested and the associated eligibility criteria and limitations specific to the requested assistance, as well as the loss amount determined by FEMA (i.e., the FEMA-Verified Loss (FVL) amount)[175] and whether and to what extent the real and personal property losses were insured.[176]

A FEMA inspection is used to verify losses related to real and personal property, and is typically conducted on-site by a FEMA inspector, and FEMA may also verify disaster-caused losses via a geospatial inspection or documentation (e.g., medical bills or receipts for automobile repairs).[177] Applicants may not receive the full FVL amount, including because their losses may be covered in whole or in part by insurance. Additionally, some forms of IHP Housing Assistance and all forms of ONA are subject to the maximum amount of financial assistance (with some exclusions),[178] and some forms of ONA are subject to further financial limits established by the affected state, territory, or Indian tribal government.[179]

As stated above, insurance also factors into the amount of financial assistance an applicant may receive.[180] IHP applicants must inform FEMA of all insurance coverage that may help meet their disaster-caused needs, and must provide FEMA with documentation identifying their insurance settlements or benefits before FEMA will consider an applicant's eligibility for assistance that may be covered by private insurance.[181]

The amount of financial assistance an applicant may be eligible for is based on their FVL amount minus their net insurance settlement (i.e., their gross settlement minus their deductible), up to the maximum amount of financial assistance.[182] Per FEMA's guidance,

> After an applicant submits their insurance settlement information, FEMA compares the net insurance settlement amount received for each loss to the FEMA-Verified Loss amount.[183]

Appealing FEMA's Decisions Regarding IHP Assistance

FEMA may deny IHP applicants' requests for IHP assistance for a variety of reasons, ranging from determinations related to the applicant's eligibility for IHP assistance generally or the

---

[175] The FEMA-Verified Loss (FVL) amount is defined as "[t]he total dollar amount of IHP eligible disaster-caused damage to real and personal property as verified by FEMA." (FEMA, *IAPPG*, p. 50.)

[176] GAO, *Disaster Assistance: IHP*, pp. 18-20.

[177] FEMA, *IAPPG*, p. 72.

[178] 42 U.S.C. §5174(h)(4). There are exclusions to the maximum amount of financial assistance for select disaster-damaged accessibility-related real and personal property items (FEMA, *IAPPG*, pp. 86 and 146).

[179] FEMA, *IAPPG*, pp. 147 and 149; see also 44 C.F.R. §206.120(c) and (d).

[180] Prior to March 22, 2024, disaster survivors whose net insurance proceeds were equal to or greater than the statutory maximum amount of financial assistance FEMA can provide under the IHP (42 U.S.C. §5174(h)) were found ineligible for IHP assistance, but following that date, FEMA's amended regulations became effective such that underinsured disaster survivors may receive assistance to address their uninsured or underinsured disaster-caused necessary expenses and serious needs (up to the maximum amount of financial assistance) even when their net insurance proceeds are equal to or greater than the maximum amount of financial assistance. DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4018, January 22, 2024.

[181] FEMA, *IAPPG*, pp. 49-51.

[182] FEMA, *IAPPG*, p. 50. In instances where an applicant's deductible exceeds their "insurance verified loss" amount, such that their net settlement is $0, FEMA may provide assistance for their FEMA Verified Loss (FVL) amount.

[183] FEMA, *IAPPG*, p. 51. FEMA has updated its guidance, including related to FEMA's consideration of insurance proceeds through a Memorandum from William C. Hagmaier, FEMA Assistant Administrator, Recovery Directorate to FEMA Regional Administrators, Regional Recovery Division Directors, "RE: Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," March 22, 2024, pp. 3-4, https://www.fema.gov/sites/default/files/documents/fema_ifr-implementation_IAPPG-Amendment_Memo_03-22-2024.pdf.

specific type of IHP assistance being requested, to a finding by FEMA that the applicant failed to purchase and maintain flood insurance as a requirement of receiving previous federal disaster assistance.[184] If this occurs, applicants for IHP assistance may appeal FEMA's determinations, including, but not limited to, appeals of

- applicant eligibility determinations;[185]
- the amount and/or type(s) of assistance received;[186] and
- late application rejections.[187]

FEMA explains the appeal process as follows:

- To appeal any IHP assistance-related FEMA determination, applicants have 60 days from the date on their eligibility notification letter to submit documentation supporting the appeal request (a written and signed appeal letter of explanation is not required).[188]
- Once FEMA receives an appeal, a caseworker who was not involved in the case shall review the appeal and file to determine if there is sufficient information to change FEMA's determination.
- If there is not sufficient information, FEMA will either (1) contact the applicant to request additional information with a deadline of 30 days; (2) contact a third party (e.g., contractor, insurance company) to verify the supporting documentation; and/or (3) schedule an appeal inspection.[189]
- FEMA's shall provide appeal determinations to the applicant in writing within 90 days of receiving the appeal, and FEMA's decision is final (i.e., it cannot be appealed again).[190]

Recoupment of Improper Payments and Waivers Requirements

Federal laws require federal agencies, including FEMA, to identify and recover *improper payments* (i.e., "any payment that should not have been made or that was made in an incorrect amount")—a process known as recoupment.[191] Examples of improper payments include

---

[184] 44 C.F.R. §206.113.

[185] 44 C.F.R. §206.115(a)(1); FEMA, *IAPPG*, p. 66. Applicants have 60 days to appeal initial eligibility determinations.

[186] 44 C.F.R. §206.115(a)(2); FEMA, *IAPPG*, p. 66. Applicants may also appeal decisions related to the specific type of IHP assistance they are receiving. For example, an applicant may appeal FEMA's denial of their request for Continued Temporary Housing Assistance (44 C.F.R. §206.115(a)(5)), or FEMA's denial of their request to purchase a FEMA-provided Mobile Housing Unit (44 C.F.R. §206.115(a)(8)).

[187] 44 C.F.R. §206.115(a)(4); FEMA, *IAPPG*, p. 66.

[188] 44 C.F.R. §206.115(b); FEMA, *IAPPG*, pp. 66-67; and DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 3999, January 22, 2024.

[189] 44 C.F.R. §206.115(f); FEMA, *IAPPG*, p. 68.

[190] 44 C.F.R. §206.115(f); FEMA, *IAPPG*, p. 68.

[191] Section 2(d)(2) of the Improper Payments Information Act of 2002 (IPIA, P.L. 107-300) defines *improper payments* as "any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) ... and includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment.... " For more information, see CRS Report R45257, *Improper Payments in High-Priority Programs: In Brief*, by Garrett Hatch. FEMA lists, as reasons for recoupment, evidence of duplication of benefits; assistance provided in error (i.e., the applicant was not eligible for the assistance they received); misuse of funds; and fraud (FEMA, *IAPPG*, pp. 176-178).

overpayments, payments made to ineligible recipients, payments used for ineligible services, and duplication of benefits.

There are some circumstances, however, when FEMA may not pursue recoupment. FEMA is required to waive recoupment of IHP assistance in two situations, provided the debt does not involve fraud, a false claim, or misrepresentation by the debtor or party having an interest in the claim:

1. "if the covered assistance [i.e., IHP assistance] was distributed based on an error by the Agency [i.e., FEMA] and such debt shall be construed as a hardship; and
2. "if such [covered] assistance [i.e., IHP assistance] is subject to a claim or legal action.... "[192]

To the first circumstance, according to FEMA, the agency "must proactively assess if [a] potential debt is the result of FEMA error and if it is FEMA will not proceed with any action to seek the assistance back from the applicant and 'waive' proceeding with debt collection."[193] Further, to the second circumstance, according to FEMA,

> FEMA interprets the waiver requirement for 'a claim or legal action' as applicable to circumstances where, for example, FEMA provides Individual Assistance and then subsequently a utility is determined responsible for the major disaster event and provides reimbursement for the losses caused by the utility to the same Individual Assistance applicants FEMA provided assistance to. In this circumstance FEMA will not determine its assistance a duplication and will not proceed with any action to seek assistance back from the applicant.[194]

IHP recipients that receive a notice of potential debt from FEMA may choose to appeal the potential debt. If they do not appeal the potential debt or if FEMA denies their appeal, the debt becomes final, and the individual may then pay the debt, unless FEMA must waive the debt.[195]

General IHP Limitations

IHP assistance is subject to limitations. For example, as described above, the provision of IHP is subject to applicant eligibility restrictions,[196] and there are caps on the maximum amount of financial assistance an individual or household is eligible to receive for a single emergency or major disaster.[197]

Additional limitations, described below, include limitations related to the fact that IHP assistance is not intended as a substitute for insurance and there are limitations on what IHP assistance covers, limitations related to the IHP period of assistance, which is generally limited to a period of 18 months from the date of the declaration, and limitations related to avoiding assistance that would constitute a duplication of benefits.

---

[192] Section 5602(a) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263).

[193] FEMA Office of External Affairs email correspondence with CRS dated October 4, 2023.

[194] FEMA Office of External Affairs email correspondence with CRS dated October 4, 2023.

[195] FEMA, *IAPPG*, pp. 177-182 (see "Figure 33: FEMA Process for Identifying and Validating Debt Payments").

[196] FEMA, *IAPPG*, p. 46. For additional information, see the "Applicant Eligibility" section.

[197] 42 U.S.C. §5174(h). For additional information, see the "Legislative and Regulatory Changes and Significant Program Updates: Housing Assistance" and "Legislative and Regulatory Changes and Significant Program Updates: ONA" sections.

Limitations on What IHP Assistance Covers

The IHP is not intended as a substitute for insurance and there are limitations on what IHP assistance covers. In short: "IHP assistance does not address all damages resulting from a disaster."[198]

To provide some examples of IHP assistance limitations, the IHP does *not* provide assistance to

- Enable homeowners to repair or replace vacation properties or secondary residences. The IHP only provides financial assistance for Home Repair or Home Replacement when the disaster resulted in damage to the owner-occupied primary residence.[199] Further, Home Repair Assistance and Home Replacement Assistance are unavailable to landlords unless they permanently reside in the damaged dwelling.[200]
- Enable homeowners to repair all disaster-caused damage or restore their home to its pre-disaster condition.[201]
- Enable homeowners to make improvements using Home Repair Assistance; however, repairs may include specific hazard mitigation measures to make the housing more resilient, as well as accessibility-related items.[202]
- Enable applicants to repair or replace all damaged personal property items. There are limitations on the amount and type of Personal Property Assistance items that are eligible for repair or replacement, and FEMA also considers household composition in making award determinations.[203]

Limitations on the Period of Availability

The IHP period of assistance is limited. Some forms of IHP assistance come to applicants in the form of a grant of financial assistance to pay for specific disaster-caused eligible expenses (e.g., Medical and Dental Assistance), and some may involve multiple assistance payments (e.g., Continued Temporary Housing Assistance), or multiple months of assistance (e.g., the forms of Direct Temporary Housing Assistance). For most forms of IHP assistance, the period of assistance is generally limited to a period of 18 months from the date of the declaration (unless extended).[204] However, some forms of IHP assistance have shorter periods of availability.

---

[198] GAO, *Disaster Assistance: IHP*, pp. 10 and 18.

[199] 42 U.S.C. §5174(b)(1), (c)(2)(A), (c)(3)(A); FEMA, *IAPPG*, p. 43; GAO, *Disaster Assistance: IHP*, p. 18.

[200] 42 U.S.C. §5174(b)(1); FEMA, *IAPPG*, pp. 87 and 92.

[201] 44 C.F.R. §206.117(b)(2)(i)(E); FEMA, *IAPPG*, p. 85; GAO, *Disaster Assistance: IHP*, p. 18.

[202] FEMA, *IAPPG*, pp. 85-86; FEMA, "Hazard Mitigation Under the IHP"; FEMA, "Hazard Mitigation for Wildfires."

[203] 44 C.F.R. §206.119(b)(2)(i) and (c). See also GAO, *Disaster Assistance: IHP*, p. 20. Figure 8 of GAO's *Disaster Assistance: IHP* report provides a side-by-side example of how household composition affects eligibility for home damage and personal property losses.

[204] 42 U.S.C. §5174(c)(1)(B)(iii); and 44 C.F.R. §206.110(e); GAO, *Disaster Assistance: IHP*, p. 10. The period of assistance may be extended—by the President according to 42 U.S.C. §5174(c)(1)(B)(iii), or the FEMA Assistant Administrator for the Disaster Assistance Directorate according to 44 C.F.R. §206.110(e)—if it is determined that "due to extraordinary circumstances an extension would be in the public interest." Per the FEMA *Disaster Operations Legal Referenc*e, v. 4.0, September 25, 2020, pp. 6—23-24, with regard to the IHP period of assistance, it states that, "FEMA may provide IHP assistance for a 'period of assistance' not to exceed 18 months from the date of declaration," citing "Although Stafford Act Section 408 refers to only an 18-month temporary housing assistance, FEMA's implementing regulations apply this period of assistance to all of IHP. See Stafford Act § 408(c)(1)(B)(iii), 42 U.S.C. (continued...)

Some types of IHP assistance also include additional time-based considerations. For example, the period of Initial Rental Assistance is up to two months, but then FEMA may provide Continued Temporary Housing Assistance. Together, FEMA may provide Initial Rental Assistance and Continued Temporary Housing Assistance for up to 18 months or until the end of the 18-month period of assistance, whichever comes first (plus a security deposit)—unless extended.[205]

Different forms of IHP assistance have different limitations on the availability of assistance, including set time periods of availability (although extensions may be approved), limitations on the maximum amount of financial assistance that can be provided, or a combination of time- and financial-based limitations. **Table 4** describes the time and financial limitations for the various forms of IHP assistance.

§5174(c)(1)(B)(iii) and 44 C.F.R. §206.110(e)." It also states, "The Assistant Administrator for Recovery may extend this period if he/she determines that due to extraordinary circumstances, an extension would be in the public interest."

[205] FEMA, *IAPPG*, p. 80.

Table 4. Time- and Financial-Based Limitations on IHP Assistance Programs

Housing/ONA	Type of Assistance	Time Limitation	Financial Limitation
Housing Assistance: Financial	Lodging Expense Reimbursement	Available from the incident start date and not to exceed seven days from the Initial Rental Assistance approval date.	Does not count toward the maximum amount of financial assistance award for Housing Assistance.
	Initial Rental Assistance	Available for up to two months.	Does not count toward the maximum amount of financial assistance award for Housing Assistance. Initial Rental Assistance awards are based on the HUD FMR for the area where the pre-disaster residence is located, and the number of bedrooms required by the household.
	Continued Temporary Housing Assistance	With Initial Rental Assistance, available for up to 18 months or the end of the 18-month period of assistance, whichever comes first.	Does not count toward the maximum amount of financial assistance award for Housing Assistance. Continued Temporary Housing Assistance awards are based on the HUD FMR for the area where the post-disaster housing unit is located.
	Home Repair Assistance	NA	Subject to the maximum amount of financial assistance for Housing Assistance.
	Home Replacement Assistance	NA	Subject to the maximum amount of financial assistance for Housing Assistance. Home Replacement Assistance can be applied toward the purchase of a new home that exceeds the maximum award.
Housing Assistance: Direct	Multi-Family Lease and Repair	Available for up to 18 months from the date of the declaration.	NA
	Transportable Temporary Housing Units	Available for up to 18 months from the date of the declaration.	NA
	Direct Lease	Available for up to 18 months from the date of the declaration.	NA

Housing/ONA	Type of Assistance	Time Limitation	Financial Limitation
Housing Assistance: Direct	Permanent Housing Construction	NA	Subject to the disaster-level cost cap for PHC repair and new construction.
ONA	Serious Needs Assistance	NA	$750 (FY2024; adjusted annually) for immediate post-disaster needs for items such as food and water, first aid, infant formula and diapers, personal hygiene items, and fuel for or the cost of transportation. Subject to the maximum amount of financial assistance for ONA.
	Displacement Assistance	NA	Incident-specific assistance award amount. Subject to the maximum amount of financial assistance for ONA.
	Personal Property Assistance	NA	Affected state/territory/Indian tribal government identifies eligible personal property items and the maximum quantity that may be awarded for each personal property item. Subject to the maximum amount of financial assistance for ONA.
	Transportation Assistance	NA	Affected state/territory/Indian tribal government establishes the maximum amount of Transportation Assistance that may be awarded. Subject to the maximum amount of financial assistance for ONA.
	Group Flood Insurance Policy	NA	The premium for a three-year certificate of coverage is $2,400. Subject to the maximum amount of financial assistance for ONA.
	Funeral Assistance	NA	Affected state/territory/Indian tribal government establishes the maximum amount of Funeral Assistance that may be awarded. Subject to the maximum amount of financial assistance for ONA.
	Medical and Dental Assistance	NA	Subject to the maximum amount of financial assistance for ONA.

Housing/ONA	Type of Assistance	Time Limitation	Financial Limitation
	Child Care Assistance	Available for up to eight cumulative weeks.	Affected state/territory/Indian tribal government establishes the maximum amount of Child Care Assistance that may be awarded. Child Care Assistance awards cover the household's increased financial burden for up to eight cumulative weeks of child care, plus any eligible expenses, or the maximum amount of assistance for Child Care Assistance established by the affected state/territory/Indian tribal government, whichever is less. Subject to the maximum amount of financial assistance for ONA.
	Assistance for Miscellaneous Items	Items must have been purchased/rented within 30 days after the incident start date or up to the last day of the incident period, whichever is greater.	Affected state/territory/Indian tribal government identifies items eligible for reimbursement. Subject to the maximum amount of financial assistance for ONA.
	Moving and Storage Assistance	Available from the incident period start date through the 18-month period of assistance.	Subject to the maximum amount of financial assistance for ONA.
	Clean and Sanitize Assistance	NA	$300 per eligible household. Subject to the maximum amount of financial assistance for ONA.

Sources: FEMA, *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf; Memorandum from Keith Turi, FEMA Assistant Administrator, Recovery Directorate to FEMA Regional Administrators, "RE: Amendment to FP 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1," September 2, 2021, pp. 11-12, https://www.fema.gov/sites/default/files/documents/fema_iappg-policy-amendments-memo.pdf; DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 3990-4125, January 22, 2024.

Note: Specific accessibility-related real and personal property items are not subject to the maximum amount of financial assistance that may be provided for Housing Assistance and ONA, respectively.

Limitations Related to Avoiding a Duplication of Benefits

The Stafford Act prohibits FEMA from providing assistance that could constitute a duplication of benefits, including in the provision of IHP assistance.[206] Additionally, when applying for IHP assistance, applicants "must agree to return funds to FEMA when the assistance provided by FEMA duplicates assistance from another source."[207]

Federal agencies are supposed to coordinate to avoid providing a duplication of benefits, and to rectify situations when a duplication occurs.[208]

Defining "Duplication of Benefits" (DOB)

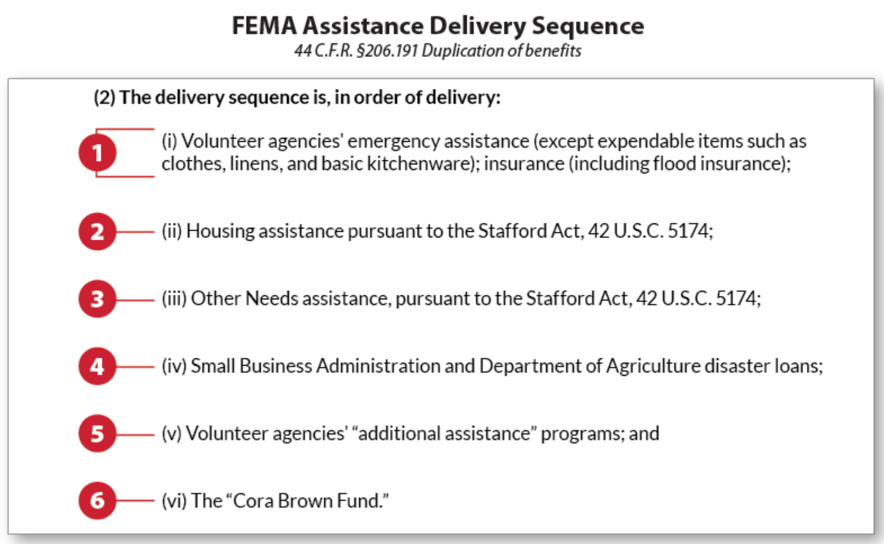
There is a statutory prohibition on providing a duplication of benefits. 42 U.S.C. §5155 requires the President, in consultation with the heads of the federal agencies administering financial assistance programs, to "assure that no such person ... will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source."

As explained in FEMA's regulation at 44 C.F.R. §206.191(d)(1)(i), a duplication of benefits occurs when an agency provides assistance, but providing such assistance was the primary responsibility of another agency and that agency with primary responsibility later provides assistance.

To prevent a duplication of benefits from occurring, FEMA's regulations include a delivery sequence for disaster assistance, which "establishes the order in which disaster relief agencies and organizations provide assistance."[209] **Figure 4** depicts the delivery sequence (as updated in FEMA's amended regulations).

Figure 4. Sequence of Delivery to Avoid a Duplication of Benefits

Effective March 22, 2024



Source: Based on CRS's interpretation of 44 C.F.R. §206.191(d) and DHS/FEMA, "Individual Assistance Program Equity," 89 *Federal Register* 4124, January 22, 2024.

---

[206] 42 U.S.C. §5155; 44 C.F.R. §206.191.

[207] FEMA, *IAPPG*, p. 176. In addition to returning funds that duplicate assistance provided from another source, applicants must agree to return funds that were provided in error, spent on expenses inappropriately, or obtained through fraudulent means.

[208] 44 C.F.R. §206.191(b)(1).

[209] 44 C.F.R. §206.191(d)(1)(i) and (d)(2).

Example: Duplication of Benefits in the Context of COVID-19 Funeral Assistance

During the COVID-19 pandemic, a question frequently came up related to the reason pre-paid funerals were ineligible to receive FEMA COVID-19 Funeral Assistance. FEMA cited duplication of benefits as the justification, explaining,

> "Any source of payment designated specifically to pay for a funeral prior to death is considered a duplication and is not eligible for reimbursement. COVID-19 Funeral Assistance may not duplicate burial or funeral insurance proceeds, pre-planned or pre-paid funeral contracts, pre-paid trust for funeral expenses, irrevocable trust for Medicaid, financial assistance from voluntary organizations, government programs or agencies, or any other sources specifically designated for funeral expenses. Any eligible COVID-19 Funeral Assistance will be reduced by the amount of other assistance you received for the same expenses."

(FEMA, "Funeral Assistance FAQ," https://www.fema.gov/disaster/coronavirus/economic/funeral-assistance/faq; FEMA, "COVID-19 Funeral Assistance Individuals and Households Program Policy (Interim)," v. 2, FP 04-21-0001, June 29, 2021, https://www.fema.gov/sites/default/files/documents/fema_covid-19-funeral-assistance-interim-policy-version-2_06-29-2021.pdf.)

FEMA may coordinate with voluntary agencies to address outstanding unmet needs when disaster survivors have received all of the federal assistance for which they are eligible.[210] Other forms of federal assistance may also be available to meet the unmet needs of disaster survivors, depending on the disaster.[211]

IHP Challenges and Congressional Considerations

The following sections address some of the potential IHP-related challenges and considerations that may be of interest to Congress, including with regard to FEMA's evaluation of the IA factors and presidential declaration recommendation, evaluating the cost of IHP assistance, and considering whether FEMA's current IHP assistance programs are sufficient to meet the needs of future disaster survivors.

Increasing Transparency Regarding FEMA's Evaluation of Requests for Major Disaster Declarations Authorizing IA-IHP

Some Members of Congress have expressed concern with the declaration process that results in the President's approval or denial of a Stafford Act major disaster declaration authorizing Individual Assistance and/or Public Assistance.[212] A common source of confusion and frustration relates to the declaration decisionmaking process—specifically, the limited insight into FEMA's evaluation of the IA factors, and the lack of information regarding FEMA's declaration recommendation to the President.

Although there is some publicly available information related to the decisionmaking process associated with evaluating major disaster declaration requests, the available information is limited. FEMA publishes Preliminary Damage Assessment (PDA) Reports, which are posted to

[210] For more information on the sequence of delivery, see CRS Report R44553, *SBA and CDBG-DR Duplication of Benefits in the Administration of Disaster Assistance: Background, Policy Issues, and Options for Congress*, by Bruce R. Lindsay and Eugene Boyd; and CRS Report R45238, *FEMA and SBA Disaster Assistance for Individuals and Households: Application Processes, Determinations, and Appeals*, by Bruce R. Lindsay and Elizabeth M. Webster.

[211] For example, Congress may appropriate funding for the Department of Housing and Urban Development's Community Development Block Grant—Disaster Recovery (CDBG-DR) program (HUD, "Community Development Block Grant Disaster Recovery Program," https://www.hudexchange.info/programs/cdbg-dr/). See also CRS Report R43520, *Community Development Block Grants and Related Programs: A Primer*, by Joseph V. Jaroscak.

[212] Additional information on the declaration process can be found in the "Approving Requests for Individual Assistance" section.

FEMA's website and include information about the incident, the type(s) of Stafford Act assistance requested and the areas for which assistance was requested, a summary of the damage assessment information, which support FEMA's evaluation of the IA and PA factors, and the President's decision to declare a major disaster or deny the request (as well as the assistance authorized and the areas designated to receive such assistance).[213] Historically, there was a PDA Report publication requirement authorized in previous annual appropriations legislation.[214] Although not currently required by legislation, FEMA has continued to publish the PDA Reports for the major disaster declaration requests to its website (beginning in FY2008 through the present).[215] Congress could establish the PDA reporting requirement in permanent law and could consider specifying the information to be included in such reports.

As noted above, the PDA Reports provide a summary of the damage assessment information, but they merely list the information related to the factors (e.g., for IA, the total number of impacted residences and degree of damage; percentages associated with the affected population profile groups; and the ICC Ratio and IA cost estimate). The PDA Reports do not include any analysis as to how the information was evaluated by FEMA or how the information submitted in the declaration request informed FEMA's recommendation to the President. Portions of FEMA's evaluation of the factors and recommendation to the President may fall into one of the nine exemptions to the Freedom of Information Act (FOIA; 5 U.S.C. §552) statute's rules of disclosure.[216] For example, Exemption 5 applies to "inter-agency or intra-agency memorandums or letters that would not be available by law to a party other than an agency in litigation with the agency."[217] It is possible that portions of FEMA's analysis concerning its evaluation of the factors

---

[213] FEMA, "Preliminary Damage Assessment Reports," https://www.fema.gov/disaster/how-declared/preliminary-damage-assessments/reports (hereinafter FEMA, "PDA Reports"). The President may approve the governor's request in whole or in part (i.e., some or all forms of requested assistance may be authorized for some or all of the areas requested).

[214] Section 569 of the Consolidated Appropriations Act, 2008 (P.L. 110-161) required that FEMA submit reports to the Senate Committee on Homeland Security and Governmental Affairs (HSGAC), the House Committee on Homeland Security (House Homeland), the House Committee on Transportation and Infrastructure (T&I), and the House and Senate Committees on Appropriations, and publish reports to FEMA's website that summarize the damage assessment information (i.e., the Preliminary Damage Assessment (PDA)) that was used to determine whether to declare a major disaster. This PDA Report publication requirement was in effect through FY2015, making its last appearance in an enacted appropriations measure in Section 531 of the Department of Homeland Security Appropriations Act, 2015 (P.L. 114-4). The requirement continued as report language in FY2016 (the PDA reports were referred to as "Preliminary Disaster Assessments" in Explanatory Statement Submitted By Mr. Rogers of Kentucky, Chairman of the House Committee on Appropriations Regarding House Amendment No. 1 to the Senate Amendment on H.R. 2029—Continued: Consolidated Appropriations Act, 2016, *Congressional Record*, vol. 161, no. 184 (December 17, 2015), p. H10175, https://congress.gov/crec/2015/12/17/CREC-2015-12-17-pt3-PgH10161.pdf). More recently, the report associated with H.R. 3931—Department of Homeland Security Appropriations Act, 2020 included the following commentary: "Preliminary Damage Assessments.—The Committee is concerned that FEMA has stopped publishing the reports and summaries of preliminary damage assessments in accordance with section 531 of the Department of Homeland Security Appropriations Act, 2015, P.L. 114-4. The Committee understands that FEMA will resume publishing these reports and summaries and encourages them to do so expeditiously" (U.S. Congress, House Committee on Appropriations, *Department of Homeland Security Appropriations Bill, 2020*, 116th Cong., 1st sess., July 24, 2019, H.Rept. 116-180, p. 59).

[215] FEMA, "PDA Reports." It can take time for the most recent PDA reports to be published.

[216] The Freedom of Information Act (FOIA; 5 U.S.C. §552). For additional information on the Freedom of Information Act, including FOIA exemptions, see CRS Report R41933, *The Freedom of Information Act (FOIA): Background, Legislation, and Policy Issues*, by Meghan M. Stuessy; CRS Report R46238, *The Freedom of Information Act (FOIA): A Legal Overview*, by Daniel J. Sheffner; and CRS Infographic IG10019, *The Freedom of Information Act (FOIA)*, by Daniel J. Sheffner.

[217] 5 U.S.C. §552(b)(5).

and recommendations to the President related to a specific major disaster declaration request could be protected from mandatory disclosure under FOIA by Exemption 5.

Congress could require FEMA to revise its guidance on how the IA factors are evaluated. Revisions to FEMA's *IA Declarations Factors Guidance* (states/territories) and the *Tribal Declarations Interim Guidance*, including to provide more specific information or scenarios that illustrate how FEMA applies the information and data submitted in the state/territory/tribal government's declaration request in its evaluation of the IA factors, could be useful to requesting states, territories, and tribes when developing their major disaster declaration requests. Revising FEMA's guidance to clarify how the agency analyzes the information submitted by the state/territory/tribe may help support congressional initiatives to increase agency transparency. However, it is the President, and not FEMA, who ultimately has the discretion to approve major disaster declaration requests. Increasing transparency related to FEMA's evaluation of the factors may help states/territories/tribes make their best case for needing supplemental federal assistance following a disaster, but it may not affect the ultimate outcome of declaration decisions.

Additionally, Congress could require FEMA to assess new approaches for evaluating the IA factors that incorporate more quantitative data,[218] and could consider requiring FEMA to revise the IA factors to incorporate any findings of such an evaluation.

In December 2022, Congress required the Comptroller General to conduct a review of FEMA's IA factors, including assessing (1) the criteria FEMA uses to assess requests for major disaster declarations authorizing IA; (2) the consistency with which FEMA uses the factors to assess the impact of disasters on communities; and (3) the impact the updated factors have had on equity in disaster response outcomes. The GAO was also required to provide Congress with recommendations to improve the use of the IA factors to increase equity in disaster recovery outcomes.[219]

Expanding Access to Data to Track the Cost of IHP Assistance

Some Members of Congress frequently express interest in understanding the total cost of disaster assistance provided for a specific incident or form of IHP assistance; however, it is difficult to provide information on the total cost of IHP Housing Assistance, and FEMA's publicly available data sources for IHP financial assistance lack granularity.

Although FEMA makes information on the costs of Financial Housing Assistance publicly available through the "OpenFEMA Data Sets" for Individual Assistance, as well as the declared disasters web pages for presidentially declared Stafford Act emergencies and major disasters,[220] Direct Housing Assistance information is not generally publicly available.[221] In December 2020,

[218] Challenges associated with FEMA's evaluation of the IA factors, including related to the vagueness of the factors and the lack of a quantitative approach, are addressed by Christopher Currie, Director, Homeland Security and Justice Team, GAO, including in his responses to Representatives Thompson, Katko, and Barragan during a hearing by the House Committee on Homeland Security focused on *Ensuring Equity in Disaster Preparedness, Response, and Recovery* (U.S. Congress, House Committee on Homeland Security, *Ensuring Equity in Disaster Preparedness, Response, and Recovery*, 117th Cong., 1st sess., October 27, 2021).

[219] Section 5601(b)(1) and (2) of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (P.L. 117-263). Per Section 5601(b)(3), Congress required the GAO to submit a report on its review the final rule to the House Committee on Transportation and Infrastructure and the Senate Committee on Homeland Security and Governmental Affairs within a year of enactment (i.e., December 23, 2023).

[220] See FEMA, "OpenFEMA Data Sets," https://www.fema.gov/about/openfema/data-sets; see also FEMA, "Declared Disasters," https://www.fema.gov/disaster/declarations.

[221] GAO, *Disaster Housing: Improved Cost Data and Guidance*, p. 13. For select incidents, however, FEMA has (continued...)

the GAO reported that FEMA "does not track cost data for direct housing programs." Additionally, administrative cost information is only tracked at the overall Individual Assistance program level, and not at a more granular IHP program level, and indirect administrative costs are not collected.[222] The GAO provided recommendations to allow FEMA to analyze the full cost of providing Housing Assistance.[223] FEMA is developing a new system (called the "Grants Management Modernization System"), which is to include a disaster housing assistance component.[224] In June 2021, the Department of Homeland Security (DHS) reported to the GAO that FEMA will continue refining the requirements needed to capture the full cost of providing Housing Assistance and that "FEMA plans to identify a system for implementation by September 30, 2024."[225] Consistent with the GAO's recommendations, with which DHS concurred,[226] Congress could consider requiring FEMA to expand the IHP program and administrative data the agency collects and maintains to ensure all of the data needed to accurately evaluate each program's implementation costs are collected.[227] This could also help ensure FEMA is able to accurately assess the cost-effectiveness of its housing programs and make informed decisions about the cost-effectiveness of its programs when determining what housing assistance options to activate in support of a specific disaster.[228] Further, once the expanded direct housing assistance data exists, Congress may seek for FEMA to publicly report on the costs of its Direct Housing Assistance programs by publishing the data in the IA OpenFEMA Data Sets. Such a requirement would be consistent with other congressional efforts to increase government transparency and

---

provided publicly available information on direct housing assistance. For example, FEMA's fact sheet on "Hurricane Maria by the Numbers" from August 21, 2020 included total dollars approved for both financial and direct housing assistance, as well as ONA, and included a "Federal Housing Snapshot" section with funding for specific forms of IHP, including Direct Lease and Multi-Family Lease and Repair (the version of the "DR-4339 Hurricane Maria by the Numbers" released November 2, 2021 does not provide the previously available level of granularity regarding IHP assistance, available at https://www.fema.gov/fact-sheet/hurricane-maria-numbers).

[222] GAO, *Disaster Housing: Improved Cost Data and Guidance*, p. 13.

[223] GAO, *Disaster Housing: Improved Cost Data and Guidance*, p. 20.

[224] GAO, *Disaster Housing: Improved Cost Data and Guidance*, p. 14; see also GAO, *FEMA Grants Modernization: Improvements Needed to Strengthen Program Management and Cybersecurity*, GAO-19-164, April 9, 2019, p. 55, https://www.gao.gov/assets/700/698347.pdf.

[225] GAO, *Disaster Housing: Improved Cost Data and Guidance*, p. 46; GAO, "Disaster Housing: Improved Cost Data and Guidance Would Aid FEMA Activation Decisions," GAO-21-116, December 15, 2020, https://www.gao.gov/products/gao-21-116 (see the status of Recommendation 1 as of May 15, 2023, in the Table: "Recommendations for Executive Action").

[226] The GAO's *Disaster Housing: Improved Cost Data and Guidance* report included two recommendations: the FEMA Administrator should (1) "identify and make changes to the applicable data system to capture cost data ... for each of its housing assistance programs that will allow the agency to analyze the full cost of providing assistance under each program"; and (2) "specify the information needed to compare the projected costs of each direct housing program in its guidance for assessing which programs to activate." (GAO, *Disaster Housing: Improved Cost Data and Guidance*, pp. 20 and 46.)

[227] GAO, *Disaster Housing: Improved Cost Data and Guidance*, p. 12; see also Department of Homeland Security (DHS) Office of Inspector General (OIG), *FEMA Purchased More Manufactured Housing Units Than It Needed in Texas After Hurricane Harvey*, OIG-20-15, February 26, 2020, p. 7, https://www.oig.dhs.gov/sites/default/files/assets/2020-03/OIG-20-15-Feb20.pdf. For example, the DHS OIG found that "FEMA did not maintain complete records of MHU [manufactured housing unit] and TPS [tank and pump systems] program costs."

[228] In 2011, the DHS OIG reported that FEMA did not maintain "reliable program effectiveness and cost information" to evaluate housing programs (in the context of the referenced report, the DHAP's cost effectiveness could not be evaluated due to insufficient data) (DHS OIG, *Effectiveness and Costs of FEMA's Disaster Housing Assistance Program*, OIG-11-102, August 2011, pp. 1 and 7-8, https://www.oig.dhs.gov/sites/default/files/assets/Mgmt/OIG_11-102_Aug11.pdf). The GAO also found that "cost data issues ... have persisted and largely precluded FEMA from demonstrating the relative cost-effectiveness of its housing programs.... The data limitations also limited our ability to compare the costs and cost-effectiveness of direct housing programs.... " (GAO, *Disaster Housing: Improved Cost Data and Guidance*, pp. 10-11).

FEMA accountability, and would provide the public with a more complete picture of the costs of IHP Housing Assistance.

Additionally, while IHP financial assistance data is publicly available,[229] the data lacks granularity. FEMA provides several datasets, which provide publicly available IA-IHP data:

- Housing Assistance Program Data–Owners;
- Housing Assistance Program Data–Renters;
- Individuals and Households Program (IHP) Flood Damage;
- Individuals and Households Program–Valid Registrations;
- Individual Assistance Housing Registrants–Large Disasters; and
- Registration Intake and Individuals Household Program (RI–IHP).

The datasets include different data fields that provide program information, including related to FEMA inspections and verified losses, and IHP awards. Some of the datasets provide the total IHP amount approved for Housing Assistance and ONA,[230] some also provide the amount of Housing Assistance awarded and the amount of ONA awarded.[231] However, funding information for specific types of Housing Assistance and ONA is limited or aggregated, making it unclear how much funding was provided for specific types of IHP Housing Assistance and ONA. For example, some of the datasets include data fields for Home Repair Assistance, Home Replacement Assistance, and Rental Assistance, but Home Repair and Home Replacement Assistance are aggregated in some datasets, as are some other types of Financial Housing Assistance.[232] Assistance provided for all types of ONA is generally aggregated.[233] To the extent that granularity is provided with regard to awards for specific types of ONA, the data is limited to Personal Property Assistance,[234] but it is unclear how much assistance was provided for other specific types of ONA.[235] (See **Table C-1** for a list of the data fields provided for each of the

[229] See FEMA, "OpenFEMA Data Sets," https://www.fema.gov/about/openfema/data-sets; see also FEMA, "Declared Disasters," https://www.fema.gov/disaster/declarations.

[230] For example, the Housing Assistance Program Data—Owners and—Renters datasets include the data field: Total Approved IHP Amount, which refers to the "[t]otal amount approved in dollars under FEMA's IHP program."

[231] For example, the Registration Intake and Individuals Household Program (RI–IHP) dataset provides the HA [Housing Assistance] Amount and the ONA Amount, which refers to the "[t]otal amount awarded for Housing Assistance (HA) in dollars from the Individual and Households Program (IHP)" and the "[t]otal amount awarded in dollars for Other Needs Assistance (ONA) from the Individual and Households Program (IHP)," respectively.

[232] For example, the Housing Assistance Program Data–Owners dataset includes a Repair/Replace Amount data field that provides the "[t]otal amount of Repair and/or Replacement approved in dollars for Housing Assistance (HA) under FEMA's IHP program (note that renters are not eligible for this type of assistance because they do not own the structure)." For the IHP Valid Registrations dataset, however, the Repair Amount and Replacement Amount are separate data fields.

[233] For example, the Housing Assistance Program Data–Owners dataset's Other Needs Amount data field provides the "[t]otal amount of Other Needs (ONA) assistance approved in dollars under FEMA's IHP program (this could include, personal property, transportation, medical, dental, funeral, essential tools, moving/storage, miscellaneous and other needs)."

[234] For example, the IHP Valid Registrations dataset provides the amount of ONA awarded for Personal Property Assistance.

[235] As an example of an exception to the statement that it is unclear how much assistance is provided for other types of ONA, FEMA does track and provide publicly available information on some forms of assistance. In the case of the COVID-19 pandemic and the FEMA COVID-19 Funeral Assistance, for example, FEMA regularly releases information about the amount of Funeral Assistance provided. For example, on November 1, 2021, FEMA issued a state-by-state breakdown of the Funeral Assistance provided to assist with COVID-19-related funeral costs for deaths occurring on or after January 20, 2020 (see FEMA, "FEMA COVID-19 Funeral Assistance State-by-State (continued...)

above-listed datasets.) Congress could consider requiring FEMA to provide data fields detailing the financial assistance provided for the specific types of Financial Housing Assistance and ONA, and could request information from FEMA on any potential challenges associated with providing such information. (The types of IHP Financial Housing Assistance and ONA are listed in **Table 1**.)

Ensuring IHP Assistance Can Meet Future Disaster Survivors' Needs—Including Following Incidents with Economic Consequences

Some Members of Congress have expressed concern regarding whether current IHP assistance programs can meet the needs of future disaster survivors, including disaster survivors of disasters resulting in economic—rather than physical—losses.

Stafford Act emergency and major disaster declarations tend to contemplate natural disasters that result in physical damages, such as hurricanes, floods, and wildfires.[236] Emergencies and major disasters also commonly have economic consequences that may cause disaster survivors to experience economic hardship (e.g., people may be unable to work or may lose income as a result of a disaster). Although there have been major disaster declarations for incidents that did not result in extensive physical damages, these incidents have been historically uncommon (e.g., the presidential Stafford Act major disaster declarations for the COVID-19 pandemic[237] and the 1992 Los Angeles civil unrest).[238] Federal assistance provided for these incidents was intended—in part—to help address the economic consequences of these disasters. For example, in the case of the COVID-19 pandemic, the President issued a presidential memorandum that authorized the Lost Wages Assistance (LWA) program under ONA's statutory authority to allow FEMA to provide grants to states, territories, and the District of Columbia for supplemental lost wages

---

Breakdown," release HQ-21-239, November 1, 2021, https://www.fema.gov/press-release/20211101/fema-covid-19-funeral-assistance-state-state-breakdown). FEMA's webpage on "COVID-19 Funeral Assistance" includes funeral assistance totals by state and territory for eligible funeral assistance related to COVID-19, available at https://www.fema.gov/disaster/coronavirus/economic/funeral-assistance#totals.

[236] The Stafford Act defines "emergency" as "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States" (42 U.S.C. §5122(1)). The Stafford Act defines "major disaster" as "any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby" (42 U.S.C. §5122(2)).

[237] For additional examples of public health incidents that received Stafford Act emergency declarations, see CRS Insight IN11229, *Stafford Act Assistance for Public Health Incidents*, by Erica A. Lee and Bruce R. Lindsay.

[238] With the exception of the California Fire during a Period of Civil Unrest (DR-942-CA) related to the criminal trial verdict in the beating of Rodney King (i.e., the 1992 Los Angeles riots), the major disaster declaration requests under the Stafford Act for other incidents of civil unrest were denied, including major disaster declaration requests for civil unrest in Baltimore, MD, related to the death of Freddy Gray in 2015, civil unrest in North Dakota related to the Dakota Access Pipeline in 2017, and civil unrest in Minneapolis, MN, related to the death of George Floyd in 2020. See FEMA, "California Fire During a Period of Civil Unrest (DR-942-CA)," https://www.fema.gov/disaster/942. For additional information and considerations related to the use of the Stafford Act to support the federal response to incidents of civil unrest, see CRS Report R46665, *Stafford Act and Selected Federal Recovery Programs for Civil Unrest: Historical Perspectives and Policy Observations*, coordinated by Bruce R. Lindsay.

payments to individuals receiving unemployment insurance—which was a novel use of ONA.[239] Additionally, following the 1992 Los Angeles riots, IHP assistance was provided for temporary rental and mortgage assistance (this form of IHP assistance is no longer available—see additional information below),[240] among other things.[241]

During the early response to the COVID-19 pandemic, Congress considered the federal government's options for providing rental assistance payments to individuals experiencing financial hardship due to the pandemic.[242] Additionally, the Surfside Building Collapse in June 2021, raised congressional questions about the availability of federal assistance for disaster survivors with mortgages on destroyed or inaccessible homes.[243] Although Rental Assistance is a form of IHP assistance,[244] it is premised on an individual being displaced from their primary residence because it is uninhabitable, inaccessible, unavailable due to forced relocation, or nonfunctional due to utility outages.[245] FEMA does not have the statutory authority to provide temporary rental or mortgage payments when people experience disaster-caused financial hardship. However, this has not always been the case. Prior to May 2002, the Stafford Act authorized the President to provide temporary mortgage or rental payments to or on behalf of individuals and families meeting certain criteria (see block text below). Section 206 of the Disaster Mitigation Act of 2000 (DMA2K, P.L. 106-390), amended the Stafford Act to remove temporary mortgage and rental payments, and it also added the language predicating assistance on displacement.[246] The 2001 version of Stafford Act Section 408(b)—Temporary Mortgage and Rental Payments read as follows:

---

[239] President Donald J. Trump, "Memorandum on Authorizing the Other Needs Assistance Program for Major Disaster Declarations Related to Coronavirus Disease 2019," August 8, 2020, https://trumpwhitehouse.archives.gov/presidential-actions/memorandum-authorizing-needs-assistance-program-major-disaster-declarations-related-coronavirus-disease-2019/. See also, FEMA, "Lost Wages Supplemental Payment Assistance Guidelines," https://www.fema.gov/disaster/coronavirus/governments/supplemental-payments-lost-wages-guidelines.

[240] In 1992, the Stafford Act included the provision of temporary rental and mortgage assistance (42 U.S.C. §5174(b), 1988 ed.). Section 404(b) of the Disaster Relief Act of 1974 (P.L. 93-288) initially established the provision of temporary mortgage or rental payments for individuals. Section 206 of the Disaster Mitigation Act of 2000 (DMA2K, P.L. 106-390) amended the Stafford Act to remove temporary mortgage and rental payments.

[241] In a *Los Angeles Times* op-ed, then FEMA Regional Director, William Medigovich, stated that, "FEMA made an exceptional effort to qualify the Los Angeles riots as a disaster under the Stafford Act, which does not include riot in its definition of 'disaster.'" William Medigovich, "Federal Aid for Riot Victims," *Los Angeles Times*, January 27, 1993, https://www.latimes.com/archives/la-xpm-1993-01-27-me-1695-story.html. Notably, FEMA's Preliminary Damage Assessment Reports for both the Maryland Civil Unrest incident in 2015 and the North Dakota Civil Unrest incident in 2017 stated that the governor's request for a major disaster declaration was denied based on the determination that supplemental federal assistance under the Stafford Act "is not appropriate for this event" (see the FEMA, "Maryland—Civil Unrest Denial of Appeal," Preliminary Damage Assessment Report, July 29, 2015, https://www.fema.gov/sites/default/files/2020-09/PDAReportAppealDenialMD.pdf; and FEMA, "North Dakota—Civil Unrest Denial," Preliminary Damage Assessment Report, May 18, 2017, https://www.fema.gov/sites/default/files/2020-03/PDAReportDenialND.pdf). FEMA's PDA Report for Minnesota's Civil Unrest incident in 2020 stated supplemental federal assistance "was not warranted or appropriate" (FEMA, "Minnesota—Civil Unrest Denial of Appeal, Preliminary Damage Assessment Report, August 18, 2020, https://www.fema.gov/sites/default/files/documents/PDAReport_AppealDenial-MN.pdf).

[242] FEMA, "Coronavirus (COVID-19) Response," https://www.fema.gov/disaster/coronavirus.

[243] FEMA, "Florida Surfside Building Collapse (3560-EM-FL)," https://www.fema.gov/disaster/3560.

[244] 42 U.S.C. §5174(c)(1)(A).

[245] Stafford Act Section 408(b)(1) specifies that housing assistance is intended to assist "individuals and households who are *displaced from their predisaster primary residences* or whose *predisaster primary residences are rendered uninhabitable*, or with respect to individuals with disabilities, rendered inaccessible or uninhabitable, as a result of damage caused by a major disaster [emphasis added]" (42 U.S.C. §5174(b)(1)). See also FEMA, *IAPPG*, pp. 80-81.

[246] The Disaster Mitigation Act of 2000 (DMA2K, P.L. 106-390), was enacted on October 30, 2000. DMA2K's amendments went into effect 18 months after the date of the enactment, which was April 30, 2002.

> The President is authorized to provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, *as a result of financial hardship caused by a major disaster*, have received written notice of dispossession or eviction from a residence by reason of a foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, entered into prior to such disaster. Such assistance shall be provided for the duration of the period of financial hardship but not to exceed 18 months [emphasis added].[247]

DMA2K was generally intended to control the federal cost of disaster assistance; however, the specific justification for removing the provision of mortgage and rental payments from the amended version of the Stafford Act is not specified in the committee reports on the bill.[248] During a Senate hearing in 2003, the DHS OIG cited the reason Congress eliminated the temporary mortgage and rental payments program as being the fact that the program was seldom used, and also cited FEMA's program implementation challenges.[249] Despite challenges with the program, the DHS OIG stated that the "effects of the 9/11 terrorist attack ... demonstrated genuine need for programs such as this. Therefore, we have recommended ... that Congress consider reinstating the program under the Stafford Act."[250]

As an additional example, in recent Congresses, concerns have related to the inability of the IHP to compensate disaster survivors for their loss of property value resulting from disasters such as wildfires, building collapses, and chemical spills, which may not damage or destroy the property (and may not result in Stafford Act declarations that provide IA).[251]

[247] 42 U.S.C. §5174(b), 2001, https://www.govinfo.gov/content/pkg/USCODE-2001-title42/pdf/USCODE-2001-title42-chap68-subchapIV-sec5174.pdf.

[248] U.S. Congress, House Committee on Transportation and Infrastructure, *Disaster Mitigation and Cost Reduction Act of 1999*, 106th Cong., 1st sess., March 3, 1999, H.Rept. 106-40, pp. 1, 12, and 17, https://www.congress.gov/106/crpt/hrpt40/CRPT-106hrpt40.pdf.

[249] During the 108th Congress, then-DHS Deputy Inspector General, Richard "Rick" L. Skinner, included in his statement, in the "Individual Assistance Review" section, with regard to "Eligibility Issues in the Mortgage and Rental Assistance Program," that "FEMA historically has not had to implement the Mortgage and Rental Assistance (MRA) program on a large scale because previous disasters did not coincide with nor result in widespread unemployment and national economic losses. From the inception of MRA until September 11, 2001, only $18.1 million had been awarded under the program for 68 declared disasters, compared to approximately $76 million as a result of the New York disaster alone. Because it was seldom used, Congress eliminated the program when it enacted the Disaster Mitigation Act of 2000 (DMA 2000) making the program unavailable after May 1, 2002." U.S. Congress, Senate Committee on Environment and Public Works, Subcommittee on Clean Air, Climate Change, and Nuclear Safety, *Review of the General Accounting Office Report on FEMA's Activities After the Terrorist Attacks on September 11, 2001*, 108th Cong., 1st sess., September 24, 2003, S.Hrg. 108-364, p. 253, https://www.govinfo.gov/content/pkg/CHRG-108shrg92386/pdf/CHRG-108shrg92386.pdf (hereinafter U.S. Congress, *Review of the GAO Report on FEMA's Activities After September 11, 2001*).

[250] U.S. Congress, *Review of the GAO Report on FEMA's Activities After September 11, 2001*, pp. 253-254 (Statement of Rick Skinner, DHS Deputy IG).

[251] Congress has provided assistance to compensate losses associated with selected incidents. For example, through the Hermit's Peak/Calf Canyon Fire Assistance Act (Div. G of P.L. 117-180), allowable damages related to loss of property included "a decrease in the value of real property" (see Section 104(d)(4)(A)(ii)). Notably, the U.S. Forest Service assumed responsibility of the Hermit's Peak/Calf Canyon Fire and it was determined that the United States should compensate the victims (see Section 102(a), which details the congressional findings). There was no Stafford Act declaration for the East Palestine, OH, train derailment that occurred in February 2023 when a Norfolk Southern freight train derailed, and twenty of the affected cars contained hazardous materials (U.S. Environmental Protection Agency, "East Palestine, Ohio Train Derailment," last accessed May 2, 2023, https://www.epa.gov/east-palestine-oh-train-derailment). Concerns have included the potential loss in property value resulting from the train derailment (see, for example, Anna Bahney and Chris Isidore, "Norfolk Southern Balks at Compensating Homeowners in East Palestine," *CNN*, March 14, 2023, https://www.cnn.com/2023/03/12/homes/norfolk-southern-east-palestine-home-values/index.html).

Congress may evaluate the extent to which the Stafford Act can be used to support individuals and families recovering from the economic, rather than physical, effects of emergencies and major disasters. Congress could also consider the sufficiency of existing IHP programs and whether there is a need to expand the forms of IHP assistance to specifically address the needs of disasters survivors experiencing the detrimental economic consequences of disasters.[252]

Closing Considerations

FEMA may provide a variety of programs to meet the housing and other needs of disaster survivors through the IHP. Congressional actions[253] have helped codify these programs,[254] increased potential funding for disaster survivors,[255] and expanded the ability for state, territory, and Indian tribal governments to participate in and customize the delivery of IHP housing assistance programs in their communities.[256] However, insurance remains the best option for returning real and personal property to their pre-disaster condition. Moreover, individuals and households seeking to fully recover following a disaster may find IHP assistance alone to be insufficient. Congress may consider whether the IHP can adequately meet the needs of future disaster survivors—including those suffering from the economic effects of a disaster, and may wish to evaluate options to best meet the needs of future disaster survivors.

[252] Additional housing-related considerations can be found in CRS Report R46855, *Housing Issues in the 117th Congress*, coordinated by Katie Jones, as well as considerations included in previous versions of the *Housing Issues* report.

[253] Congressional actions include passing the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA, P.L. 109-295), the Sandy Recovery Improvement Act of 2013 (SRIA, P.L. 113-2), and DRRA (P.L. 115-254).

[254] For example, following Hurricane Sandy, SRIA formalized FEMA's Multifamily Lease and Repair program (§1103 of SRIA, P.L. 113-2, as it amends §408(c)(1)(B) of the Stafford Act, 42 U.S.C. §5174(c)(1)(B)), and FEMA developed its Direct Lease program, which "allows FEMA to lease existing residential properties for eligible applicants to use as temporary housing" (email correspondence from FEMA Congressional Affairs staff, March 9, 2019).

[255] For example, DRRA Section 1212 (P.L. 115-254) both separated the cap on the maximum amount of financial assistance eligible individuals and households may receive for housing assistance and ONA, and also exempted some forms of assistance that previously counted toward the cap.

[256] DRRA Section 1211 (P.L. 115-254) allows state, territory, and Indian tribal governments to administer Direct Temporary Housing Assistance and Permanent Housing Construction, in addition to ONA.

Appendix A. Overview of the Factors Considered when Evaluating a Governor or Tribal Chief Executive's Request for IA

FEMA uses two separate sets of factors to determine whether to recommend that Individual Assistance (IA) be authorized: one applies to states/territories pursuant to a governor's request, and one applies to Indian tribal governments pursuant to a tribal chief executive's request. These factors are described in detail below. No single factor is determinative, and the President has sole authority to authorize a declaration request.[257]

A list of the factors considered for governors' requests, including FEMA's considerations and sources for the information/data considered, is included in **Table A-1**. A list of the factors considered for tribal chief executives' requests, including FEMA's considerations and sources for the information/data considered is included in **Table A-2** (the left side of the table depicts the factors in effect for incidents prior to December 3, 2024; and the right side depicts the factors in effect for incidents occurring on or after December 3, 2024). Additional information about the declaration process is included in the "Approving Requests for Individual Assistance" section of the report.

Declaration Request Timing

Requesting states and territories must request an emergency declaration "within 5 days after the need for [emergency] assistance ... becomes apparent, but no longer than 30 days after the occurrence of the incident." Major disaster declaration requests must be submitted "within 30 days of the occurrence of the incident." Extensions of the 30-day period may be requested in writing by the affected state/territory or tribe during the 30-day period. (44 C.F.R. §206.35(a); 44 C.F.R. §206.36(a)).

Requesting tribes must request an emergency declaration "within 5 days of the event, but no later than 30 days from the end date of the incident. If the incident occurs over multiple days, the 30-day limit starts on the last day of the incident." Major disaster declaration requests must be submitted by tribes within 60 days from the last date of the incident period. (FEMA, *Tribal Declarations Interim Guidance*, FP 104-009025-001, December 2024, pp. 5, 49, 52, and 74, https://www.fema.gov/sites/default/files/documents/fema_tribal-declarations-interim-guidance_2024.pdf)

Factors Considered When Evaluating a Governor's Request for IA

FEMA issued a final rule revising the factors considered when evaluating a governor's request for IA on March 21, 2019, as required by Section 1109 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2).[258] The factors were revised to establish what FEMA characterized as "more objective" criteria for evaluating the need for assistance, clarify eligibility requirements, and expedite a presidential declaration determination. These factors became effective June 1, 2019. FEMA also produced guidance for use by states and territories when drafting requests for major disaster declarations authorizing IA.[259]

The factors considered when evaluating a governor's request for a major disaster declaration authorizing IA are intended to help FEMA assess the "severity, magnitude, and impact of a disaster," as well as the capabilities of the affected jurisdictions.[260] Additionally, according to

[257] 44 C.F.R. §206.38.

[258] DHS/FEMA, "Factors Considered When Evaluating a Request for IA"; 44 C.F.R. §206.48(b).

[259] FEMA, *IA Declarations Factors Guidance*.

[260] DHS/FEMA, "Factors Considered When Evaluating a Request for IA," 84 *Federal Register* 10633; and 44 C.F.R. §206.48(b).

FEMA, the same IA factors would be considered in the event a state or territory requests IHP assistance pursuant to an emergency declaration, and the *Individual Assistance Declarations Factors Guidance* (hereinafter referred to as the *IA Declarations Factors Guidance*) would be useful in evaluating the need for IHP assistance.[261] The factors are also used to identify the appropriate types of IA to authorize (e.g., significant casualties could indicate the need for ONA for Funeral Assistance and Medical and Dental Assistance, and Crisis Counseling) (**Figure 2** lists the factors considered when evaluating the need for each type of IA).

There are six IA factors that are considered pursuant to a governor's request for a major disaster declaration authorizing IA.[262] Per the regulation,

> State fiscal capacity (44 CFR 206.48(b)(1)(i)) and uninsured home and personal property losses (44 CFR 206.48(b)(2)) are the principal factors that FEMA will consider when evaluating the need for supplemental Federal assistance under the Individuals and Households Program but FEMA will always consider all relevant information submitted as part of a declaration request. If the need for supplemental Federal assistance under the Individuals and Households Program is not clear from the evaluation of the principal factors, FEMA will turn to the other factors to determine the level of need.[263]

Factor 1: State Fiscal Capacity and Resource Availability

When FEMA evaluates the State Fiscal Capacity and Resource Availability (44 C.F.R. §206.48(b)(1)) factor, FEMA considers the availability of government and private-sector resources,[264] and the circumstances that contributed to the state having insufficient resources, potentially necessitating supplemental federal assistance.[265] The following factors are evaluated:

1. **Fiscal Capacity** (44 C.F.R. §206.48(b)(1)(i)—a principal factor for the

Defining "TTR" and "GDP"

Total Taxable Resources (TTR) represents the "unduplicated sum of the income flows produced within a State and the income flows, received by its residents, which a State could potentially tax."

(FEMA, *IA Declarations Factors Guidance*, p. 7.)

State gross domestic product (GDP) measures the "sum of the distributions by industry and state of the components of gross domestic income which is the sum of the costs incurred and incomes earned in the production of GDP."

(FEMA, *IA Declarations Factors Guidance*, p. 8.)

[261] According to FEMA, "[w]hile FEMA's regulations in 44 CFR 206.48 only expressly apply to requests for major disasters, in the event that a state did request IHP under an emergency declaration, the factors outlined in that provision would still be relevant to [assessing] whether the event was beyond state and local capabilities as it related to [the] IHP. Likewise, the *Individual Assistance Declarations Factors Guidance* (June 2019) would be relevant, in particular the discussion of the Principal Factors for evaluating the need for IHP [italics added]." FEMA also noted that IHP authorization pursuant to an emergency declaration is "extremely rare" and stated that the agency would encourage a state that is considering requesting an emergency declaration authorizing IA-IHP to instead consider requesting a major disaster declaration, "unless the event was a type that did not meet the major disaster definition," because "[e]vents that have a significant enough impact on individuals and households to warrant IHP are likely to have the need for other types of Individual Assistance.... " (email correspondence from FEMA Congressional Affairs staff, November 27, 2019).

[262] DHS/FEMA, "Factors Considered When Evaluating a Request for IA," 84 *Federal Register* 10663; and 44 C.F.R. §206.48(b).

[263] 44 C.F.R. §206.48(b).

[264] FEMA considers the availability of local, state/territory/tribal government, nongovernmental organizations, and private sector resources.

[265] 44 C.F.R. §206.48(b)(1).

IHP):[266] FEMA evaluates the state's capacity to manage disaster response and recovery by considering

a. *State Total Taxable Resources (TTR)*: FEMA first considers the state's TTR, which is an annual fiscal capacity estimate calculated by the U.S. Department of the Treasury (TTR data is available for the 50 states and the District of Columbia). "Increases or decreases in TTR could indicate a strengthening or declining State economy."[267]

b. *State Gross Domestic Product (GDP)*: FEMA can also consider the state's GDP (which is available when considering requests by the territories), and may do so when TTR data is unavailable or inaccurate/misleading because there is a two-year lag.[268]

c. *Per Capita Personal Income by Local Area*: FEMA can use per capita personal income, calculated by the BEA, to assess the need for supplemental assistance in each local area. For example, areas with a lower per capita personal income may have a smaller tax base and fewer available resources, which could indicate the need for supplemental federal assistance.[269] FEMA's guidance explains that "[p]er capita personal income by local area when considered holistically with TTR (and when appropriate GDP by State) will help to identify areas of concentrated need at the micro local area and individual level in addition to the macro State level."[270]

d. *Other Factors*: FEMA may also consider other information provided by the state related to its fiscal capacity, such as an incident that affects the state's

[266] Additional discussion of the principal factors for the IHP can be found in the "Evaluating the Need for IHP Assistance: Governor's Request for a Major Disaster" section.

[267] 44 C.F.R. §206.48(b)(1)(i)(A). FEMA, *IA Declarations Factors Guidance*, p. 7. Total taxable resources (TTR) is calculated annually by the U.S. Department of the Treasury (Treasury) (ADAMHA [Alcohol, Drug Abuse, and Mental Health Administration] Reorganization Act, P.L. 102-321). An increase in TTR may indicate a strengthening state economy and a decrease may indicate a declining economy; or a lower TTR may indicate a state economy that is less resilient to the financial burdens associated with disasters and a higher TTR may indicate higher resilience (FEMA, *IA Declarations Factors Guidance*, pp. 7-8). TTR data organized by state is available from the Treasury (Treasury, "Total Taxable Resources, Estimates," https://home.treasury.gov/policy-issues/economic-policy/total-taxable-resources). For an overview of TTR, including how it is estimated and the limitations of using TTR as a measurement of fiscal capacity, see Treasury, Office of Economic Policy, *Treasury Methodology for Estimating Total Taxable Resources (TTR)*, December 2002, https://www.treasury.gov/resource-center/economic-policy/Documents/nmpubsum.pdf.

[268] FEMA, *IA Declarations Factors Guidance*, p. 8. FEMA's guidance notes, with regard to the two-year TTR data lag, "It is possible that a State's TTR data could be strong or trending upwards when in fact recent events may have caused a significant drop in the State fiscal capacity that is not yet reflected. This significant drop could be caused by events such as a previous disaster or a financial downturn." 44 C.F.R. §206.48(b)(1)(i)(B). FEMA, *IA Declarations Factors Guidance*, p. 8. TTR is provided for the 50 states and the District of Columbia. State gross domestic product (GDP) data is calculated by the Bureau of Economic Analysis (BEA) for the states and territories, with the exception of Puerto Rico, the data for which is published by the U.S. Census Bureau (FEMA, *IA Declarations Factors Guidance*, p. 8; see also BEA, "Regional Economic Accounts," https://www.bea.gov/data/economic-accounts/regional (hereinafter BEA, "Regional Economic Accounts")). For an overview of State GDP, including how it is estimated, see U.S. Department of Commerce, BEA, *Gross Domestic Product by State Estimation Methodology*, 2017, https://www.bea.gov/sites/default/files/methodologies/0417_GDP_by_State_Methodology.pdf.

[269] 44 C.F.R. §206.48(b)(1)(i)(C). Local area per capita income is the "personal income of the residents of a given area divided by the resident population of the area." It may indicate a locality has a smaller tax base and, therefore, fewer resources to help local disaster survivors (FEMA, *IA Declarations Factors Guidance*, p. 8). Local area per capita income data is collected from the BEA (BEA, "Regional Economic Accounts").

[270] FEMA, *IA Declarations Factors Guidance*, p. 8.

ability to collect funds (e.g., a disaster that reduces tourism and affects the tax base).[271]

2. **Resource Availability** (44 C.F.R. §206.48(b)(1)(ii)): FEMA evaluates whether the disaster-caused needs can be met using non-Stafford Act sources by evaluating[272]
    a. *State, Tribal, and Local Government; Non-Governmental Organizations (NGO); and Private Sector Activity*: FEMA considers the resources and services that have and will be provided by local, state/territory, and Indian tribal governments, and nongovernmental and private sector organizations. For example, related to considering the need for housing assistance, states can provide information about affordable housing resources within a reasonable commuting distance of the affected area.[273]
    b. *Cumulative Effect of Recent Disasters*: FEMA considers the state's recent disaster history, including both gubernatorial (i.e., state-level) and presidential (i.e., Stafford Act) disaster declarations, occurring in the previous 24-month period, which could affect the availability of recovery resources. FEMA is particularly interested in disasters occurring in the current budget/fiscal cycle.[274]

Factor 2: Uninsured Home and Personal Property Losses

When FEMA evaluates the Uninsured Home and Personal Property Losses (44 C.F.R. §206.48(b)(2)—a principal factor for the IHP) factor, FEMA considers the results of the FEMA-State Preliminary Damage Assessment (PDA) process to examine the extent of damage and estimated cost of IHP assistance.[275] The state may provide the following PDA data for FEMA's evaluation:

1. *Cause of Damage*: the "peril that caused the disaster damage" (e.g., a hurricane), and whether the disaster survivors have insurance coverage for that peril;[276]
2. *Impacted Jurisdictions and Concentration of Damage*: the concentration of damages, including whether damages are isolated to one area or are widespread, which could indicate the counties that need IA or an increased need for supplemental federal assistance because a small area has significant damage;[277]

---

[271] 44 C.F.R. §206.48(b)(1)(i)(D); FEMA, *IA Declarations Factors Guidance*, p. 8.

[272] 44 C.F.R. §206.48(b)(1)(ii); FEMA, *IA Declarations Factors Guidance*, p. 8.

[273] 44 C.F.R. §206.48(b)(1)(ii)(A); FEMA, *IA Declarations Factors Guidance*, p. 9. The FEMA *Preliminary Damage Assessment Guide* provides information regarding assessing available state/territory/tribal and local government resources, as well as voluntary organization resources on page 34; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 49.

[274] 44 C.F.R. §206.48(b)(1)(ii)(B). FEMA, *IA Declarations Factors Guidance*, p. 9. The FEMA *Preliminary Damage Assessment Guide* provides information regarding the cumulative effect of recent disasters on pages 34-35; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 22.

[275] 44 C.F.R. §206.48(b)(2); FEMA, *IA Declarations Factors Guidance*, p. 9.

[276] 44 C.F.R. §206.48(b)(2)(i); FEMA, *IA Declarations Factors Guidance*, p. 9. The FEMA *Preliminary Damage Assessment Guide* provides information regarding documenting the cause of damage on pages 36-37; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, pp. 49-50.

[277] 44 C.F.R. §206.48(b)(2)(ii); FEMA, *IA Declarations Factors Guidance*, p. 9. The FEMA *Preliminary Damage Assessment Guide* provides information regarding documenting the concentration of damage on page 37; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 50.

3. *Impacted Homes and Degree of Damage*: the number of homes damaged and degree to which they are damaged (i.e., whether habitability is affected), which may indicate the need for different types of IA and the extent to which IA may be needed;[278]
4. *Estimated Cost of Assistance*: the estimated cost of assistance based on the PDA data[279] and historical data related to FEMA assistance, which helps determine the "probable grant assistance that will be awarded for ONA in addition to grant assistance for housing";[280]
5. *Homeownership Rate*: the estimated rate of homeownership for the affected homes, which may influence whether the IHP is needed, and what types of housing assistance should be made available;[281]
6. *Insurance Coverage*: the percentage of affected applicants with insurance for the peril that caused the damage helps FEMA assess whether IHP assistance is needed and what the probable grant of assistance may be because IHP assistance is intended to assist with uninsured or under-insured necessary expenses and serious needs;[282] and
7. *Other*: other relevant PDA data submitted by the state that may demonstrate a need for supplemental federal assistance for individuals.[283]

Factor 3: Disaster Impacted Population Profile

When FEMA evaluates the Disaster Impacted Population Profile (44 C.F.R. §206.48(b)(3)) factor, FEMA considers the affected community's demographics as compared with national averages, to evaluate whether there is an increased need for supplemental federal assistance.[284] FEMA

[278] 44 C.F.R. §206.48(b)(2)(iii); see information on the categories of home damage in FEMA, *Preliminary Damage Assessment Guide*, p. 28; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 43. Per FEMA's *IA Declarations Factors Guidance*, the state typically provides information on the number of homes impacted and degree of damage at the county- and state-level (FEMA, *IA Declarations Factors Guidance*, p. 9).

[279] FEMA, *Preliminary Damage Assessment Guide*, p. 28. "The cost of assistance estimate is established by assessing and categorizing the degree of damage of disaster-impacted residences. This calculation is mostly data driven, is calculated with FEMA support, and encompasses a significant portion of a Presidential disaster declaration request." See also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 47.

[280] 44 C.F.R. §206.48(b)(2)(iv). The estimated cost of assistance can be used by states to determine the likelihood they will receive a major disaster declaration (FEMA, *IA Declarations Factors Guidance*, pp. 9-10 and 14-15). The FEMA *Preliminary Damage Assessment Guide* provides information for states to estimate the cost of assistance on pages 28-32; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, pp. 47-49.

[281] 44 C.F.R. §206.48(b)(2)(v); FEMA, *IA Declarations Factors Guidance*, p. 10. IHP assistance is provided for both homeowners and renters, but different forms of IHP assistance are available to homeowners (e.g., homeowners may be edible for Home Repair and Home Replacement assistance, in addition to forms of Direct Housing Assistance).

[282] 44 C.F.R. §206.48(b)(2)(vi). According to FEMA's guidance, with regard to assessing insurance coverage, "[t]he State should attempt to provide this information through the State insurance commissioner or office and other appropriate sources.... FEMA currently utilizes National Flood Insurance Program (NFIP) data to determine insurance penetration rates for flood damages and Census data to determine homeowners' insurance coverage percentages.... [T]he percentage of owner-occupied homes with a mortgage may be used to estimate an insurance penetration rate, due to the assumption that a home with a mortgage would require home insurance coverage" (FEMA, *IA Declarations Factors Guidance*, p. 10). The FEMA *Preliminary Damage Assessment Guide* provides information for states to estimate the level of applicable insurance coverage on pages 33-34 and in Appendix I; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 48-49 and in Appendix G.

[283] 44 C.F.R. §206.48(b)(2)(vii); FEMA, *IA Declarations Factors Guidance*, p. 10.

[284] 44 C.F.R. §206.48(b)(3); FEMA, *IA Declarations Factors Guidance*, pp. 10-11. Data sources include Census data, as well as information from the Bureau of Labor and Statistics. In addition to helping FEMA evaluate appropriate (continued...)

considers population data reported by the U.S. Census Bureau and other federal agencies, including the percentage of the population

1. in poverty status;
2. receiving government assistance (e.g., Supplemental Nutrition Assistance Program (SNAP) benefits);
3. the pre-disaster unemployment rate;
4. 65 years of age or older;
5. 18 years of age or younger;
6. who are individuals with disabilities;
7. who speak a language other than English and speak English less than "very well"; and
8. FEMA also considers "any unique considerations regarding American Indian and Alaskan Native Tribal populations."[285]

Factor 4: Impact to Community Infrastructure

When FEMA evaluates the Impact to Community Infrastructure (44 C.F.R. §206.48(b)(4)) factor, FEMA considers the disaster-caused disruption, damage, or destruction to community infrastructure components, which may make it difficult for disaster survivors to reside in the community and may hinder community recovery.[286] FEMA considers state-provided information on disruptions to the following community services lasting more than 72 hours:

1. *Life-Saving and Life-Sustaining Services*: "services that provide an essential community function that, if interrupted, will affect public health and safety in a community," such as police, fire, and emergency medical services (EMS) (i.e., examples of life-saving services), and grocery stores (i.e., an example of a life-sustaining service), and the unavailability of which may indicate the need for a more robust response;[287]
2. *Essential Community Services*: services that improve quality of life, such as schools and childcare providers, and social services, disruptions to which will hinder community recovery;[288] and
3. *Transportation Infrastructure and Utilities*: infrastructure and services, the unavailability of which could, for example, render housing uninhabitable or inaccessible, or affect the delivery of services, hindering community recovery.[289]

---

forms of assistance, this information may also be used to help direct outreach efforts (e.g., FEMA may need to provide information in multiple languages based on the languages commonly spoken in an affected jurisdiction). The FEMA *Preliminary Damage Assessment Guide* provides information to help states illustrate the disaster's impact on affected populations on page 37; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 49-50.

[285] 44 C.F.R. §206.48(b)(3)(i)-(viii); FEMA, *IA Declarations Factors Guidance*, pp. 10-11. According to FEMA's guidance, "[t]hese population demographic data points are relevant to all of FEMA's IA programs and are a valuable source of information to determine if specific programs are needed after a disaster."

[286] 44 C.F.R. §206.48(b)(4); FEMA, *IA Declarations Factors Guidance*, pp. 11-12. The FEMA *Preliminary Damage Assessment Guide* provides information for states to estimate the impact to critical community infrastructure on page 38; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 49-50.

[287] 44 C.F.R. §206.48(b)(4)(i); FEMA, *IA Declarations Factors Guidance*, p. 12.

[288] 44 C.F.R. §206.48(b)(4)(ii); FEMA, *IA Declarations Factors Guidance*, p. 12.

[289] 44 C.F.R. §206.48(b)(4)(iii); FEMA, *IA Declarations Factors Guidance*, p. 12.

Factor 5: Casualties

When FEMA evaluates the Casualties (44 C.F.R. §206.48(b)(5)) factor, FEMA considers the number of individuals who are missing, injured, or deceased as a result of a disaster, which indicates how traumatic an event was for a community and may indicate the appropriate types of IA to provide (e.g., ONA for Funeral Assistance and Medical and Dental Assistance, and Crisis Counseling).[290]

Factor 6: Disaster Related Unemployment

When FEMA evaluates the Disaster Related Unemployment (44 C.F.R. §206.48(b)(6)) factor, FEMA considers the number of individuals who may have lost work or become unemployed as a result of the disaster and who do not qualify for standard unemployment insurance. FEMA also considers impacts to major employers in the affected jurisdiction, which could indicate the potential for a prolonged recovery process due to people being out of work, and may indicate the need for Disaster Unemployment Assistance.[291]

Table A-1, below, lists the IA factors for a governor's declaration, as well as sources of supporting information and data.

Table A-1. IA Factors for a Governor's Major Disaster Declaration Request

Applies to Affected States and Territories

IA Factors	FEMA Considers	Sources
State Fiscal Capacity and Resource Availability[a]	Availability of state/territory resources and circumstances contributing to the lack thereof.	U.S. Department of the Treasury, Bureau of Economic Analysis, State/territory reported other limits on a state/territory's treasury or ability to collect funds and resource availability
Uninsured Home and Personal Property Losses[b]	Disaster-caused real and personal property losses, including consideration of whether losses were insured and the estimated cost of assistance.	State/territory reported following the Preliminary Damage Assessment
Disaster Impacted Population Profile	Demographics of the affected population that may indicate additional needs and the need for a more robust response.	U.S. Census Bureau (see the American Community Survey (ACS)), other federal agencies
Impact to Community Infrastructure	Disaster-caused impacts to community infrastructure that may adversely affect the safety and security of disaster survivors and hinder community recovery.	State/territory reported

[290] 44 C.F.R. §206.48(b)(5); FEMA, *IA Declarations Factors Guidance*, p. 12. The FEMA *Preliminary Damage Assessment Guide* provides information for states to estimate the disaster-caused deaths and injuries, which indicates disaster-caused trauma, on page 39; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. 38.

[291] 44 C.F.R. §206.48(b)(6); FEMA, *IA Declarations Factors Guidance*, pp. 12-13. To be eligible for Disaster Unemployment Assistance (DUA), an individual must (1) have been previously employed or self-employed; (2) rendered jobless or had their employment interrupted as a direct result of a major disaster; and (3) be ineligible for regular unemployment insurance (44 C.F.R. §206.141; 42 U.S.C. §5177; FEMA, *IAPPG*, pp. 9 and 239-243). For more information on Disaster Unemployment Assistance, see CRS Report RS22022, *Disaster Unemployment Assistance (DUA)*, by Julie M. Whittaker.

IA Factors	FEMA Considers	Sources
Casualties	Number of individuals who are missing, injured, or deceased due to the disaster, resulting in trauma to the community.	State/territory reported
Disaster Related Unemployment	Number of disaster survivors who lost their work or became unemployed due to the disaster, and who do not qualify for standard unemployment insurance.	State/territory reported

Sources: 44 C.F.R. §206.48(b); FEMA, *Individual Assistance Declarations Factors Guidance*, June 2019, https://www.regulations.gov/document/FEMA-2014-0005-0071; FEMA, *Preliminary Damage Assessment Guide*, August 2021, pp. 15 and 28-41, https://www.fema.gov/sites/default/files/documents/fema_2021-pda-guide.pdf; FEMA's *Preliminary Damage Assessment Guide*, June 2024 (Draft 1.1), pp. 38-39, 47-51, https://www.fema.gov/sites/default/files/documents/fema_pad-pda-guide_operational-draft_v1.1.pdf (in effect for events with incident periods starting on July 22, 2024, and after).

Notes: Per 44 C.F.R. §206.48(b), "FEMA will always consider all relevant information submitted as part of a declaration request."

a. Fiscal Capacity is a principal factor for the IHP (44 C.F.R. §206.48(b)(1)(i)).

b. Uninsured Home and Personal Property Losses is a principal factor for the IHP (44 C.F.R. §206.48(b)(2)).

Factors Considered When Evaluating a Tribal Chief Executive's Request for IA

Section 1110 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2), amended the Stafford Act to allow the chief executive of an affected Indian tribal government to request a major disaster or emergency declaration (alternatively, the Indian tribe may receive assistance through the state's declaration).[292] Initially, FEMA used the same factors to evaluate a governor or tribal chief executive's request for a presidential major disaster declaration, which allowed Indian tribal governments to exercise this authority immediately upon SRIA's enactment.[293] However, FEMA's release of the *Tribal Declarations Pilot Guidance* in January 2017, made effective specific factors considered when evaluating a tribal chief executive's request for a major disaster declaration.[294] These nine factors—listed on the right side of **Table A-2**, below—were in effect for incidents occurring prior to December 3, 2024.[295]

Subsequently, in December 2024, FEMA released its updated *Tribal Declarations Interim Guidance*, effective for incidents occurring on or after December 3, 2024, "to enhance

[292] Section 1110 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2) amended Stafford Act Sections 401 and 501 (42 U.S.C. §§5170 and 5191).

[293] According to FEMA's website "Tribal Declarations Pilot Guidance," available at https://www.fema.gov/disasters/tribal-declarations, the period when Indian tribal governments could use the state/territory regulations ran from January 29, 2013, when SRIA was enacted, through January 9, 2017, when FEMA released its *Tribal Declarations Pilot Guidance* on January 10, 2017.

[294] FEMA, *Tribal Declarations Pilot Guidance*. FEMA had stated that it would develop regulations informed by the pilot when the pilot period concluded—though no specific time was set. (FEMA, *Tribal Declarations Pilot Guidance*, p. 3; and FEMA, "Tribal Declarations Pilot Guidance," https://www.fema.gov/disasters/tribal-declarations).

[295] FEMA, *Tribal Declarations Pilot Guidance*, p. 34. "Appendix D; Tribal-Specific Considerations" of FEMA's *Preliminary Damage Assessment Guide* includes useful resources and unique considerations for Indian tribal governments during the Preliminary Damage Assessment process.

accessibility and streamline the process for Tribal Nations impacted by disasters."[296] Pursuant to the *Interim Guidance*, FEMA considers ten factors when evaluating a tribal chief executive's request for a major disaster declaration authorizing IA, which are intended to help FEMA evaluate "the severity and magnitude and impact of the incident," to help determine whether an event has overwhelmed the tribal government's capabilities, making Stafford Act assistance necessary[297] The updated factors are described below. **Table A-2** compares the tribal declaration factors in effect for incidents occurring before December 3, 2024 (left side), and incidents occurring on or after December 3, 2024 (right side).

Factor 1: Displaced Households and Availability of Housing Resources

When FEMA evaluates Displaced Households and Availability of Housing Resources factor, FEMA considers the number of disaster-displaced households, individuals in shelters, and the availability of temporary housing resources within the tribal community, acknowledging the importance of staying within the community when possible and considering tribal household composition (e.g., multigenerational housing, multiple families in one residence).[298]

Factor 2: Uninsured Home and Personal Property Losses and Pre-Existing Conditions

When FEMA evaluates the Uninsured Home and Personal Property Losses and Pre-Existing Conditions factor, FEMA evaluates the damage to the primary residences of tribal community members,[299] categorizing homes based on the amount of damage (i.e., destroyed, major, minor, affected), and whether they were occupied by owners or renters. FEMA also considers the magnitude of the disaster (i.e., percentage of impacted households), the concentration of damages, projected cost of providing IHP assistance, and damage to tribally-owned/maintained housing and pre-existing conditions.[300]

[296] According to FEMA, the need to update the Tribal Declaration Factors was identified as a component of its *2022-2026 FEMA National Tribal Strategy*, available at https://www.fema.gov/about/organization/tribes/strategy. In December 2024, after working in 2023 to conduct consultations and listening sessions with Tribal Nations, FEMA released updated guidance for tribal declarations occurring on or after December 3, 2024 (FEMA, *Tribal Declarations Interim Guidance*). The previous guidance applies to declarations for incidents occurring prior to December 3, 2024 (FEMA, *Tribal Declarations Pilot Guidance*).

[297] FEMA, *Tribal Declarations Pilot Guidance*, pp. 34, 36-38; FEMA, *Tribal Declarations Interim Guidance*, pp. 66-72. "Appendix D; Tribal-Specific Considerations" of FEMA's *Preliminary Damage Assessment Guide*, June 2024 (Draft 1.1), https://www.fema.gov/sites/default/files/documents/fema_pad-pda-guide_operational-draft_v1.1.pdf (in effect for events with incident periods starting on July 22, 2024, and after) (hereinafter FEMA, *Preliminary Damage Assessment Guide Draft 1.1*), includes useful resources and unique considerations for Tribal Nations during the Preliminary Damage Assessment process (see Appendix D).

[298] FEMA, *Tribal Declarations Interim Guidance*, p. 67.

[299] FEMA, *Tribal Declarations Interim Guidance*, pp. 8, 22, and 29. Per the guidance, "tribal community members" refers to "anyone the Tribal Nation designates as being a member of their community—including but not limited to—tribal members, tribal citizens, tribal descendants, tribal employees, non-tribal members, or non-Natives who reside in the home located within the tribal jurisdictional boundaries. Tribal Nations may also have the option to extend eligibility to include tribal community members living outside of Tribal Nation lands who were impacted by the same disaster." Additionally, "Tribal Nations have the authority to identify who their tribal community members are for eligibility for IA assistance." Individuals may not receive assistance through multiple declarations for the same incident (meaning they could not seek assistance through both the Tribal Nation and the state's declaration for the same incident).

[300] FEMA, *Tribal Declarations Interim Guidance*, pp. 67-68.

Factor 3: Casualties, Injuries, and Missing Individuals

When FEMA evaluates the Casualties, Injuries, and Missing Individuals factor, FEMA considers disaster-caused casualties, injuries, and missing individuals.[301]

Factor 4: Impact to Community Infrastructure and Cultural Facilities

When FEMA evaluates the Impact to Community Infrastructure and Cultural Facilities factor, FEMA considers the disaster's impacts that may adversely affect the "population's ability to reside safely and securely within the community," including the large-scale disruption of normal, lifesaving, and essential community functions and services; impacts to transportation, infrastructure, or utilities; impacts to cultural, religious, and spiritual facilities and services; and emergency needs (e.g., extended or widespread power failure).[302]

Factor 5: Disaster Impacted Population Profile

When FEMA evaluates the Disaster Impacted Population Profile factor, FEMA considers the affected community's demographics, including populations that may have a greater need for recovery support (e.g., people with disabilities and others with access and functional needs).[303] FEMA also states that the agency, "recognizes that there are individuals in tribal communities who only speak their Indigenous language or have limited English proficiency, with both groups requiring greater support during disasters."[304]

Factor 6: Tribal Nation Capacity and Resources to Respond to the Disaster

When FEMA evaluates the Tribal Nation Capacity and Resources to Respond to the Disaster factor, FEMA considers the Tribal Nation's efforts, resources, and emergency management capacity that have been or will be used for response or recovery.[305]

Factor 7: Unique Conditions that Affect Tribal Nations

When FEMA evaluates the Unique Conditions that Affect Tribal Nations factor, FEMA considers the tribal community's unique needs and the conditions. These include needs associated with remote locations; treaty rights; tribal language and communication; the disaster's impact on the Tribal Nation's economy or livelihood; cultural, religious, and spiritual considerations; and FEMA's treaty and trust responsibility to the Tribal Nation.[306]

Factor 8: Disaster-Related Unemployment

When FEMA evaluates the Disaster-Related Unemployment factor, FEMA considers individuals who lost work or became unemployed as a result of the disaster.[307]

---

[301] FEMA, *Tribal Declarations Interim Guidance*, p. 68.

[302] FEMA, *Tribal Declarations Interim Guidance*, p. 68.

[303] FEMA, *Tribal Declarations Interim Guidance*, pp. 68-69.

[304] FEMA, *Tribal Declarations Interim Guidance*, p. 69.

[305] FEMA, *Tribal Declarations Interim Guidance*, p. 69.

[306] FEMA, *Tribal Declarations Interim Guidance*, p. 69. The FEMA *Preliminary Damage Assessment Guide* provides considerations for tribes to convey information regarding unique conditions affecting tribal communities on page 41; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, Appendix D.

[307] FEMA, *Tribal Declarations Interim Guidance*, p. 69.

Factor 9: 36-month Disaster History or Recent Multiple Disasters that Impacted the Nation

When FEMA evaluates the 36-month Disaster History or Recent Multiple Disasters that Impacted the Nation factor, FEMA considers Stafford Act declarations (state or tribal declarations and the non-federal cost share of assistance); Tribal Nation responses to recent/long-standing disasters, and tribal resources used to respond (including for incidents not declared at the federal level); and other available federal assistance to address disaster-caused damage.[308]

Factor 10: Other Relevant Information

FEMA also considers other relevant information provided by the Tribal Nation.[309]

In addition, per FEMA's updated *Tribal Declarations Interim Guidance* (December 2024), when a Tribal Nation requests Public Assistance, FEMA will also recommend the approval of IA when certain conditions are met. As described by FEMA, the purpose of this is to take a "holistic view of housing damages for both publicly owned and individually owned tribal housing."[310] The conditions are:

1. the Tribal Nation wants to receive Individual Assistance—this is because the tribe would be responsible for the nonfederal cost share for Other Needs Assistance, which is established in statute and cannot be altered or waived by the President;
2. the President approves Public Assistance (PA); and
3. the disaster results in major damage to or destroys Tribally-owned PA-eligible housing and individually-owned IHP-eligible housing.[311]

In such a case, the Tribal Nation will only have to submit one declaration request. If the above-listed conditions are not met, the Tribal Nation may still request IA, and potentially receive it, on the basis of the evaluation of the ten factors and at the President's determination.[312]

---

308 FEMA, *Tribal Declarations Interim Guidance*, pp. 69-70.

309 FEMA, *Tribal Declarations Interim Guidance*, p. 70.

310 FEMA, "FEMA External Affairs Guidance: Fact Sheet on the Updated Tribal Declarations Interim Guidance," December 2024, p. 1, https://www.fema.gov/sites/default/files/documents/fema_tribal_fact-sheet-tribal-declarations-interim-guidance.pdf (hereinafter FEMA, "Fact Sheet on the Updated Tribal Declarations Guidance").

311 FEMA, "Fact Sheet on the Updated Tribal Declarations Guidance," p. 1; FEMA, *Tribal Declarations Interim Guidance*, pp. 71-72; FEMA, "Summary of Changes: FEMA Tribal Declarations Interim Guidance," December 2024, p. 4, https://www.fema.gov/sites/default/files/documents/fema_tribal_detailed-summary-changes-tribal-declarations-interim-guidance.pdf.

312 FEMA, *Tribal Declarations Interim Guidance*, pp. 71-72.

Table A-2. IA Factors for a Tribal Chief Executive's Major Disaster Declaration Request

Applies to Affected Federally Recognized Tribes

Tribal Declarations before December 3, 2024			Tribal Declarations on or after December 3, 2024		
IA Factors	**Description**	**Sources**	**IA Factors**	**Description**	**Sources**
Availability of Housing Resources	Availability of temporary housing resources.	Tribe-reported	Displaced Households and Availability of Housing Resources	FEMA considers the number of disaster-displaced households, individuals in shelters, and the availability of temporary housing resources within the tribal community, acknowledging the importance of staying within the community when possible and considering tribal household composition (e.g., multigenerational housing, multiple families in one residence).	Tribe-reported
Uninsured Home and Personal Property Losses[a]	Disaster-caused real and personal property losses of enrolled tribal members and—if requested by the tribe—non-enrolled members of the tribal community, including consideration of the amount of damage and whether there are high concentrations of damage.	Tribe-reported following the Preliminary Damage Assessment	Uninsured Home and Personal Property Losses and Pre-Existing Conditions	FEMA evaluates the damage to the primary residences of tribal community members, categorizing homes based on the amount of damage (i.e., destroyed, major, minor, affected), and assessing the magnitude of the disaster (number of impacted households), the concentration of damages, projected cost of providing IHP assistance, and damage to tribally-owned/maintained housing and pre-existing conditions.	Tribe-reported (following the Preliminary Damage Assessment)
Casualties	Number of individuals who are missing, injured, or deceased due to the disaster, including cultural, religious, and government leaders.	Tribe-reported	Casualties, Injuries, and Missing Individuals	FEMA considers disaster-caused casualties, injuries, and missing individuals.	Tribe-reported
Impact to Community Infrastructure	Disaster-caused impacts to community infrastructure that may adversely affect the safety and security of disaster survivors.	Tribe-reported	Impact to Community Infrastructure and Cultural Facilities	FEMA considers the disaster's impacts that may adversely affect the "population's ability to reside safely and securely within the community" (e.g., large-scale disruption of normal, lifesaving, and essential community functions and services; impacts to transportation, infrastructure, or utilities; impacts to cultural, religious, and spiritual facilities and services; and emergency needs.	Tribe-reported

<table>
<tr><th colspan="3">Tribal Declarations before December 3, 2024</th><th colspan="3">Tribal Declarations on or after December 3, 2024</th></tr>
<tr><th>IA Factors</th><th>Description</th><th>Sources</th><th>IA Factors</th><th>Description</th><th>Sources</th></tr>
<tr><td>Disaster Impacted Population Profile</td><td>Demographics of the affected population—including populations with greater needs—that may indicate the need for a more robust response.</td><td>U.S. Census Bureau, tribe-reported unique considerations not reflected in U.S. Census Bureau data</td><td>Disaster Impacted Population Profile</td><td>FEMA considers the affected community's demographics, including populations that may have a greater need for recovery support.</td><td>U.S. Census Bureau, tribe reported unique considerations not reflected in U.S. Census Bureau data</td></tr>
<tr><td>Tribal Government Resources</td><td>Availability of tribal resources for response or recovery, including resources that have been or will be used.</td><td>Tribe-reported</td><td rowspan="2">Tribal Nation Capacity and Resources to Respond to the Disaster</td><td rowspan="2">FEMA considers the Tribal Nation's efforts, resources, and emergency management capacity that have or will be used for response or recovery.</td><td rowspan="2">Tribe-reported</td></tr>
<tr><td>Voluntary Agency and Other Assistance</td><td>Ability of state or local government, or voluntary agency resources to meet the needs of disaster survivors.</td><td>Tribe-reported</td></tr>
<tr><td>Unique Conditions that Affect Tribal Governments</td><td>Needs or conditions unique to the tribal community.</td><td>Tribe-reported</td><td>Unique Conditions that Affect Tribal Nations</td><td>FEMA considers the tribal community's unique needs and the conditions (e.g., needs associated with remote locations; treaty rights; tribal language and communication; the disaster's impact on the Tribal Nation's economy or livelihood; cultural, religious, and spiritual considerations; FEMA's treaty and trust responsibility to the Tribal Nation).</td><td>Tribe-reported</td></tr>
<tr><td colspan="3" rowspan="2"></td><td>Disaster-Related Unemployment</td><td>FEMA considers individuals who lost work or became unemployed as a result of the disaster.</td><td>Tribe-reported</td></tr>
<tr><td>36-month Disaster History or Recent Multiple Disasters that Impacted the Nation</td><td>FEMA considers Stafford Act declarations (state or tribal declarations and the non-federal cost share); Tribal Nation responses to recent/long-standing disasters, and tribal resources used to respond (not declared at the federal level); other available federal assistance to address disaster-caused damage.</td><td>Tribe-reported</td></tr>
</table>

Tribal Declarations before December 3, 2024			Tribal Declarations on or after December 3, 2024		
IA Factors	**Description**	**Sources**	**IA Factors**	**Description**	**Sources**
Other Relevant Information	Other relevant information provided by the tribe.	Tribe-reported	Other Relevant Information	Other relevant information provided by the Tribal Nation.	Tribe-reported

Sources: FEMA, *Tribal Declarations Pilot Guidance*, January 2017, pp. 36-38, https://www.fema.gov/sites/default/files/2020-04/tribal-declaration-pilot-guidance.pdf; FEMA, *Tribal Declarations Interim Guidance*, FP 104-009025-001, December 2024, pp. 66-72, https://www.fema.gov/sites/default/files/documents/fema_tribal-declarations-interim-guidance_2024.pdf; FEMA's *Preliminary Damage Assessment Guide*, June 2024 (Draft 1.1), pp. D-3, and D-6-D-11, https://www.fema.gov/sites/default/files/documents/fema_pad-pda-guide_operational-draft_v1.1.pdf (in effect for events with incident periods starting on July 22, 2024, and after); FEMA, *Preliminary Damage Assessment Guide*, August 2021, pp. 15 and D1-D9, https://www.fema.gov/sites/default/files/documents/fema_2021-pda-guide.pdf; FEMA's *Preliminary Damage Assessment Guide*, June 2024 (Draft 1.1), p. D-3, and D-6-D-11, https://www.fema.gov/sites/default/files/documents/fema_pad-pda-guide_operational-draft_v1.1.pdf (in effect for events with incident periods starting on July 22, 2024, and after—this is included since such guidance went into effect during the period when the tribal declarations factors described in the *Tribal Declarations Pilot Guidance* were in effect).

Notes: The factors in effect before December 3, 2024 were arranged to align with the factors in effect on or after December 3, 2024 for comparison.

a. Uninsured home and personal property losses—specifically the "disaster-related impacts to homes and personal property are the principal factors FEMA and the President use to determine if the [tribe's] request [for a presidential major disaster declaration including IA] should be approved." (FEMA, *Preliminary Damage Assessment Guide*, p. D-5; see also FEMA, *Preliminary Damage Assessment Guide Draft 1.1*, p. D-7.)

Appendix B. IHP Roles of the Federal and State/Territory/Tribal Governments

The roles of the federal and state/territory/Indian tribal governments in administering the IHP vary—especially depending on the category of IHP assistance (i.e., Housing Assistance or ONA) being provided. A comparison of the roles of the federal government and state/territory/Indian tribal governments is included in **Table B-1**.

Table B-1. Roles of the Federal and State/Territory/Indian Tribal Governments in IHP Administration

Action	State/Territory/Indian Tribal Government	Federal Government
Emergency or Major Disaster Declaration and Individual Assistance (IA) Authorization	The governor or tribal chief executive requests a presidential declaration of emergency or major disaster, as well as IA.	The FEMA Regional Administrator reviews the governor or tribal chief executive's request and makes a recommendation to the President, who has the authority to approve or deny the declaration request and request for IA.[a]
Housing Assistance Administration	(*The state/territory/Indian tribal government may elect to administer Direct Temporary Housing Assistance and Permanent Housing Construction.[b]) The state/territory/Indian tribal government is expected to establish the State-Led Disaster Housing Task Force.[c]	FEMA administers financial housing assistance, and may administer Direct Temporary Housing Assistance.[b] FEMA coordinates with the State-Led Disaster Housing Task Force.[c]
Other Needs Assistance (ONA) Administration	The state/territory/Indian tribal government selects the ONA administration option and may elect to solely administer ONA (i.e., the State/Tribe Option) or co-administer ONA with FEMA (i.e., the Joint Option). The state/territory/Indian tribal government may also elect for FEMA to administer ONA (i.e., the FEMA Option).[d]	FEMA may administer ONA when the state/territory/Indian tribal government elects to use the FEMA Option, or FEMA may co-administer ONA with the state/territory/Indian tribal government when the Joint Option is selected.[d]
Housing Cost Share	0% (regardless of election to administer Direct Temporary Housing Assistance or Permanent Housing Construction).[e]	100%[e]
ONA Cost Share	25%[f]	75%[f]

Sources: 44 C.F.R. Part 206, Subparts B and D; FEMA, *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf (hereinafter FEMA, *IAPPG*); FEMA, *Tribal Declarations Pilot Guidance*, January 2017, https://www.fema.gov/sites/default/files/2020-04/tribal-declaration-pilot-guidance.pdf (hereinafter FEMA, *Tribal Declarations Pilot Guidance*); FEMA, *Tribal Declarations Interim Guidance*, FP 104-009025-001, December 2024, https://www.fema.gov/sites/default/files/documents/fema_tribal-declarations-interim-guidance_2024.pdf (hereinafter FEMA, *Tribal Declarations Interim Guidance*).

Notes: In addition to the federal and state/territory/Indian tribal governments, local governments and nonprofit organizations may also play roles in supporting the provision of housing assistance and assistance for other needs.

a. 44 C.F.R. §206.37; FEMA, *IAPPG*, p. 3; FEMA, *Tribal Declarations Pilot Guidance*, pp. 27-29; FEMA, *Tribal Declarations Interim Guidance*, pp. 66-67.

b. DRRA Section 1211(a) amended the Stafford Act to expand the types of FEMA IHP assistance that state, territory, and Indian tribal governments may request to administer to include Direct Temporary Housing Assistance under Section 408(c)(1)(B) and Permanent Housing Construction under Section 408(c)(4), in addition to Other Needs Assistance under Section 408(e) (which state, territory, and Indian tribal governments were already permitted to administer). On July 28, 2020, FEMA announced the publication of the *State-Administered Direct Housing Grant Guide*, available at https://www.fema.gov/sites/default/files/2020-07/fema_state-administered-direct-housing-grant-guide_DRRA1211_July2020.pdf, which made state, local, tribal, and territory governments eligible to receive grants to provide Direct Housing Assistance for a limited period of time; this pilot grant program concluded on October 5, 2020. The *State-Administered Direct Housing Grant Guide* states that FEMA will implement a permanent grant program after issuing final regulations. FEMA has not yet begun the rulemaking process. See DHS OIG *Final Report: FEMA Did Not Fully Implement the State-Administered Direct Housing Grant Program (REDACTED)*, OIG-24-41, July 29, 2024, https://www.oig.dhs.gov/sites/default/files/assets/2024-07/OIG-24-41-Jul24-Redacted.pdf).

c. FEMA, *IAPPG*, pp. 93-94. The State-Led Disaster Housing Task Force brings together federal, local, and state/territory/Indian tribal governments, as well as private and nonprofit partners, to determine the scope of the disaster-caused housing needs and develop potential solutions (see the FEMA *IAPPG* for specific State-Led Disaster Housing Task Force duties).

d. 44 C.F.R. §206.120(b); FEMA, *IAPPG*, pp. 147-148; FEMA, *Tribal Declarations Pilot Guidance*, pp. 22-23; FEMA, *Tribal Declarations Interim Guidance*, pp. 38, 43-45. The state, territory, or Indian tribal government can select one of three options for the administration of ONA: (1) the FEMA Option; (2) the Joint Option; or (3) the State, Territorial, or Indian Tribal Government Option. Under the FEMA Option, FEMA is responsible for all tasks associated with the administration of ONA. Under the State, Territorial, or Indian Tribal Government Option, FEMA provides ONA as a grant to the state, territory, or Indian tribal government, which administers ONA. Under the Joint Option, the state, territory, or Indian tribal government administers ONA jointly with FEMA, splitting responsibilities for various administrative tasks (see Figure 30 in the *IAPPG* for the list of ONA administration responsibilities).

e. 42 U.S.C. §5174(g)(1); 44 C.F.R. §206.110(i)(1); and FEMA, *IAPPG*, p. 5.

f. 42 U.S.C. §5174(g)(2); 44 C.F.R. §206.110(i)(2); and FEMA, *IAPPG*, p. 5. Stafford Act Section 408(g)(2)(A) specifies that "the Federal share *shall* be 75 percent" [emphasis added] (42 U.S.C. §5174(g)(2)(A)). This framing indicates that the Stafford Act does not allow the federal share for ONA to be adjusted (although this may be done through legislation). Additionally, "the non-Federal share *shall* be paid from funds made available by the State" [emphasis added] (42 U.S.C. §5174(g)(2)(B)). The nonfederal share of ONA is not paid for by the individuals benefiting from the assistance. For contrast, the cost sharing provision for Public Assistance Category B—Emergency Protective Measures states "[t]he Federal share of assistance under this section *shall be not less than* 75 percent of the eligible cost of such assistance [emphasis added]" (42 U.S.C. §5170b(b)), and FEMA has a regulation for increasing the Public Assistance federal share for emergency work and permanent work (see 44 C.F.R. §206.47).

Appendix C. Individual Assistance OpenFEMA Datasets and Data Fields

OpenFEMA is "FEMA's data delivery platform which provides data sets to the public in open, industry standard, machine-readable formats."[313] FEMA's OpenFEMA Datasets include Individual Assistance (IA) information related to the Individuals and Households Program (IHP), including Housing Assistance and Other Needs Assistance (ONA).

Specifically, FEMA provides several datasets, which provide publicly available IA-IHP data:[314]

- Housing Assistance Program Data–Owners (according to FEMA's description, the data starts with disaster declaration DR-4116-IL, declared May 10, 2013);
- Housing Assistance Program Data–Renters (according to FEMA's description, the data starts with disaster declaration DR-4116-IL, declared May 10, 2013);
- Individuals and Households Program (IHP) Flood Damage;
- Individuals and Households Program—Valid Registrations (according to FEMA's description, the data starts with disaster declaration DR-1439-TX, declared November 5, 2002);
- Individual Assistance Housing Registrants—Large Disasters; and
- Registration Intake and Individuals Household Program (RI–IHP) (according to FEMA's description, the data starts with disaster declaration DR-4116-IL, declared May 10, 2013).[315]

Table C-1 includes a list of the data fields, with descriptions, associated with the provision of IHP awards for each IA dataset.

Table C-1. Data Fields Associated with Each IA OpenFEMA Dataset

✓ indicates a data field is provided for a dataset; — indicates a data field is unavailable for a dataset

Data Fields	Housing Assistance Program Data—Owners	Housing Assistance Program Data—Renters	Individuals and Households Program (IHP) Flood Damage	Individuals and Households Program—Valid Registrations	Individual Assistance Housing Registrants—Large Disasters	Registration Intake and Individuals Household Program (RI-IHP)
Valid Registrations[a]	✓	✓	—	—	—	✓
Average FEMA Inspected Damage[b]	✓	—	—	—	—	—

[313] FEMA, "OpenFEMA Data Sets," https://www.fema.gov/about/openfema/data-sets.

[314] In addition to datasets on the Individual Assistance program, FEMA's OpenFEMA Data Sets also provide data on disaster declarations, emergency management, Public Assistance, Hazard Mitigation, the National Flood Insurance Program, and other "miscellaneous" data on data visualizations and metadata. See FEMA, "OpenFEMA Data Sets," https://www.fema.gov/about/openfema/data-sets.

[315] FEMA, "OpenFEMA Data Sets," https://www.fema.gov/about/openfema/data-sets. FEMA's datasets include descriptions of how the data was generated and associated caveats, as well as descriptions of the data fields.

Data Fields	Housing Assistance Program Data—Owners	Housing Assistance Program Data—Renters	Individuals and Households Program (IHP) Flood Damage	Individuals and Households Program—Valid Registrations	Individual Assistance Housing Registrants—Large Disasters	Registration Intake and Individuals Household Program (RI-IHP)
FEMA Inspections[c]	✓	✓	—	✓	✓	—
Total FEMA Inspected Damage[d]	✓	—	—	✓	✓	—
Ranges of FEMA Inspected Damage[e]	✓	✓	—	✓	✓	—
Eligible and/or Approved for IHP Assistance[f]	✓	✓	✓	✓	—	✓
Total IHP Amount[g]	✓	✓	✓	✓	—	✓
Repair/ Replace Amount[h]	✓	✓	—	✓	✓	—
Rental Amount[i]	✓	✓	—	✓	✓	—
Personal Property Amount[j]	—	—	—	✓	—	—
HA Amount[k]	—	—	—	✓	—	✓
ONA Amount[l]	✓	✓	—	✓	—	✓
Approved Between[m]	✓	✓	—	—	—	—
Total Max Grants[n]	✓	✓	—	✓	—	—
Average Award Amount[o]	—	—	✓	—	—	—
Flood Insurance Premium Amount[p]	—	—	—	✓	—	—
Referrals[q]	—	—	—	✓	—	✓
SBA Approved[r]	—	—	—	✓	—	—
Flood Damage Amount[s]	—	—	—	✓	—	—

Data Fields	Housing Assistance Program Data—Owners	Housing Assistance Program Data—Renters	Individuals and Households Program (IHP) Flood Damage	Individuals and Households Program—Valid Registrations	Individual Assistance Housing Registrants—Large Disasters	Registration Intake and Individuals Household Program (RI-IHP)
Foundation Damage Amount[t]	—	—	—	✓	✓	—
Roof Damage Amount[u]	—	—	—	✓	✓	—

Source: FEMA, "OpenFEMA Data Sets," "Individual Assistance," https://www.fema.gov/about/openfema/data-sets#individual.

Notes: The data fields included in Table D-1 are current as of November 10, 2021. All of the IA datasets, with the exception of the IHP Flood Damage dataset, include the disaster number, state, county, city, zip code, and a unique ID assigned to the record. The IHP Flood Damage dataset includes the disaster number and state, as well as the incident type. The Individuals and Households Program—Valid Registrations (hereinafter IHP Valid Registrations) dataset includes the incident type and declaration date. The Individual Assistance Housing Registrants—Large Disasters is hereinafter referred to as "Housing Registrants—Large Disasters."

a. **Valid Registrations**: For the *Housing Assistance Program Data—Owners* and*—Renters*, and *RI—IHP* datasets, Valid Registrations refers to the "[c]ount of FEMA registration[s] ... within the state, county, zip where the registration is valid. In order to be a valid registration, the applicant must be in an Individual Assistance declared state and county and have registered within the FEMA designated registration period." The *RI—IHP* dataset also includes the total numbers of valid registrations submitted through the call center, website, and mobile devices (data fields are Valid Call Center Registrations, Valid Web Registrations, and Valid Mobile Registrations, respectively).

b. **Average FEMA Inspected Damage**: For the *Housing Assistance Program Data—Owners* dataset, Average FEMA Inspected Damage refers to the "[a]verage inspected damage (based on FEMA's inspection guidelines) for valid registration owners within the state, county, zip that had a completed inspection."

c. **FEMA Inspections**: For the *Housing Assistance Program Data—Owners* and**—***Renters* datasets, Total Inspected refers to the "[t]otal FEMA applicants who received an inspection." For the *IHP Valid Registrations* dataset, Inspection Issued address the question: "Has a FEMA inspection been issued to determine damage amount?"; and Inspection Returned address the question: "Has a FEMA issued inspection been performed to determine damage amount?" For the *Housing Registrants—Large Disasters*, Inspected Indicator answers the question: "Has the applicant been inspected by FEMA?"

d. **Total FEMA Inspected Damage**: For the *Housing Assistance Program Data—Owners* dataset, Total Damage refers to the "[t]otal damage recorded by FEMA at the time of inspection." For the *IHP Valid Registrations* dataset, RPFVL refers to the "FEMA-determined value of disaster-caused damage to real property components, including floors, walls, access roads and bridges, electrical, plumbing, HVAC, etc. Note: IHP does not address land damage"; and PPFVL refers to the "FEMA-determined value of disaster-caused damage to personal property components, including appliances, furniture, etc. Note: IHP does not address land damage." For the *Housing Registrants—Large Disasters*, RPFVL refers to the "[r]eal property damage amount observed by FEMA."

e. **Ranges of FEMA Inspected Damage**: For the *Housing Assistance Program Data—Owners* dataset, there are different data fields related to the FEMA Inspected Damage associated with the "[c]ount of valid registration owners within the state, county, zip that had a completed inspection (based on FEMA's guidelines) where the inspected damage fell between" different dollar amounts, including (1) No FEMA Inspected Damage; (2) FEMA Inspected Damage between $1 and $10,000; (3) FEMA Inspected Damage between $10,001 and $20,000; (4) FEMA Inspected Damage between $20,001 and $30,000; and (5) FEMA Inspected Damage > $30,000. For the *Housing Assistance Program Data—Renters* dataset, there are different data fields related to inspections for Renters. "Renters do not receive a full home inspection as they are only eligible for the items that they own. Instead a degree of damage is assigned. This is a count of valid registration renters who were deemed to have had" the following damage: (1) Inspected with No Damage; (2) Total with Moderate Damage; (3) Total with Major Damage; and (4) Total with Substantial Damage. For the *IHP Valid Registrations* dataset, Renter Damage Level refers to the "FEMA-determined level of damage to a dwelling occupied by a renter. Minor, Moderate, Major, or Destroyed"; Destroyed addresses the question: "Was the home destroyed by the disaster?" For the *Housing Registrants—Large Disasters* dataset, Destroyed addresses the question: "Is the structure permanently uninhabitable"? Additionally, for the Housing Registrants—Large Disasters dataset, Renter Damage Level refers to the "Level of Damage: Moderate, Major, Destroyed"; and Personal Property Verified Loss refers to the "FEMA Verified Loss captured during the inspection of personal property."

f. **Eligible and/or Approved for IHP Assistance**: For the *Housing Assistance Program Data—Owners* and*—Renters* datasets, Approved for FEMA Assistance refers to the "[n]umber of FEMA applicants who were approved for FEMA's IHP assistance." For the *IHP Flood Damage* dataset, Total Registrations refers to "[t]he Total (sum) number of disaster survivor registrants awarded FEMA funds." For the *IHP Valid Registrations* dataset, IHP Eligible addresses the question: "Was the applicant eligible for the Individual Housing Program (IHP)? NOTE: Applicants that received an HA and/or ONA award"; HA Eligible addresses the question: "Was the applicant eligible for the Housing Assistance program? NOTE: Does not include applicants licensed into Direct Housing that did not receive an HA award"; and ONA Eligible addresses the question: "Was the applicant eligible for the Other Needs Assistance (ONA) program?" For the *RI—IHP* dataset, IHP Eligible refers to the "[t]otal number of valid registrations eligible for IHP assistance"; HA Eligible refers to the "[t]otal number of valid registrations eligible for Housing Assistance (HA)"; and ONA Eligible refers to the "[t]otal number of valid registrations eligible for Other Needs Assistance (ONA)."

g. **Total Approved IHP Amount**: For the *Housing Assistance Program Data—Owners* and*—Renters* datasets, Total Approved IHP Amount refers to the "[t]otal amount approved in dollars under FEMA's IHP program." For the *IHP Valid Registrations* dataset, Total Approved IHP Amount refers to the "[t]otal financial IHP award for Housing Assistance (HA) and/or Other Needs Assistance (ONA), in U.S. dollars." For the *RI—IHP* dataset, IHP Amount refers to the "[t]otal IHP Amount awarded in dollars for Housing Assistance (HA) and Other Needs Assistance (ONA) among eligible applicants for designated incident." For the *IHP Flood Damage* dataset, Total Award Amount refers to "[t]he Total (sum) amount awarded for Home repair, replacement and personal property."

h. **Repair/ Replace Amount**: For the *Housing Assistance Program Data—Owners* and*—Renters* datasets, Repair/Replace Amount refers to the "[t]otal amount of Repair and/or Replacement approved in dollars for Housing Assistance (HA) under FEMA's IHP program (note that renters are not eligible for this type of assistance because they do not own the structure)." For Renters, there is the caveat that they are ineligible for Home Repair/Replacement because they do not own the structure. For the *IHP Valid Registrations* and for the *Housing Registrants—Large Disasters* datasets, Repair Amount and Replacement Amount are separate data fields, where Repair Amount refers to the "[a]mount of Repair Assistance awarded in U.S. dollars"; and Replacement Amount refers to the "[a]mount of Replacement Assistance awarded in U.S. dollars."

i. **Rental Amount**: For the *Housing Assistance Program Data—Owners* and*—Renters* datasets, Rental Amount refers to the "[t]otal amount of Rental Assistance approved in dollars for Housing Assistance (HA) under FEMA's IHP program." For the *IHP Valid Registrations* and for the *Housing Registrants—Large Disasters* datasets, Rental Assistance Amount refers to the "[a]mount of Rental Assistance awarded in U.S. dollars."

j. **Personal Property Amount**: For the *IHP Valid Registrations* dataset, Personal Property Amount refers to the "[a]mount of ONA awarded for Personal Property Assistance in U.S. dollars."

k. **HA Amount**: For the *IHP Valid Registrations* dataset, HA Amount refers to the "[t]otal amount awarded for Housing Assistance under IHP." For the *RI—IHP* dataset, HA Amount refers to the "[t]otal amount awarded for Housing Assistance (HA) in dollars from the Individual and Households Program (IHP)."

l. **ONA Amount**: For the *Housing Assistance Program Data—Owners and—Renters*, and *IHP Valid Registrations* datasets Other Needs Amount refers to the "[t]otal amount of Other Needs (ONA) assistance approved in dollars under FEMA's IHP program (this could include, personal property, transportation, medical, dental, funeral, essential tools, moving/storage, miscellaneous and other needs)." For the *RI—IHP* dataset, ONA Amount refers to the "[t]otal amount awarded in dollars for Other Needs Assistance (ONA) from the Individual and Households Program (IHP)."

m. **Approved Between**: For the *Housing Assistance Program Data—Owners and—Renters* datasets, there are different data fields related to the "[c]ount of valid registration [owners or renters] within the state, county, zip that received a financial grant from FEMA that fell between" different dollar amounts, including (1) Approved between $1 and $10,000; (2) Approved between $10,001 and $25,000; and (3) Approved between $25,001 and Max.

n. **Total Max Grants**: For the *Housing Assistance Program Data—Owners and—Renters* datasets, Total Max Grants refers to the "[c]ount of valid registration [owners or renters] within the state, county, zip that received the maximum financial grant from FEMA." For the *IHP Valid Registrations* dataset, the IHP Max addresses the question: "[f]or disasters declared prior to August 1, 2017, did the applicant receive the maximum IHP grant from FEMA?" It also includes the HA Max and ONA Max, which also relate to maximum grants for Housing Assistance and ONA, respectively, for disasters declared after August 1, 2017 (which covers the period following the enactment of the Disaster Recovery Reform Act of 2018, Section 1212 of which separated the maximum amount of financial assistance caps for Housing Assistance and ONA).

o. **Average Award Amount**: For the *IHP Flood Damage* dataset, Average Award Amount refers to "[t]he Average amount per Registrant awarded for Home repair, replacement and personal property."

p. **Flood Insurance Premium Amount**: For the *IHP Valid Registrations* dataset, FIP Amount refers to "[t]he amount of the applicant's Flood Insurance Premium (FIP) that was paid for by FEMA, in U.S. dollars."

q. **Referrals**: For the *IHP Valid Registrations* dataset, IHP Referred refers to the "IHP referral status NOTE: Does not include applicants referred to TSA only"; HA Referred addresses the question: "Was the applicant referred to the Housing Assistance program?"; and ONA Referred addresses the question: "Was the applicant referred to the Other Needs Assistance (ONA) program?" For the *RI—IHP* dataset, IHP Referrals refers to the "[c]umulative number of applicants referred to the IHP Program"; HA Referrals refers to the "[t]otal number of applications referred to the Housing Assistance (HA) Program"; and ONA Referrals refers to the "[t]otal number of applications referred to the Other Needs Assistance (ONA) Program."

r. **SBA Approved**: For the *IHP Valid Registrations* dataset, SBA Approved addresses the question: "Is applicant approved for a Small Business Administration loan? Approval does not equate to acceptance of the loan as one can be approved, but not accept."

s. **Flood Damage Amount**: For the *IHP Valid Registrations* dataset, Flood Damage Amount refers to the "FEMA-determined amount of damage to real and personal property due to flood damage, in U.S. dollars."

t. **Foundation Damage Amount**: For the *IHP Valid Registrations* dataset, Foundation Damage Amount refers to the "[a]mount of damage reported to the foundation of the damage dwelling, in U.S. dollars." For the *Housing Registrants—Large Disasters* dataset, Foundation Damage Amount refers to the "[f]oundation damage amount observed by FEMA."

u. **Roof Damage Amount**: For the *IHP Valid Registrations* dataset, Roof Damage Amount refers to the "[a]mount of damage reported to the damaged dwelling's roof, in U.S. dollars." For the *Housing Registrants—Large Disasters* dataset, Roof Damage Amount refers to "[r]oof damage amount observed by FEMA."

The Individuals and Households Program–Valid Registrations (IHP Valid Registrations) and the Individual Assistance Housing Registrants–Large Disasters (Housing Registrants—Large Disasters) datasets include detailed applicant information, including with regard to

- applicant age (IHP Valid Registrations);
- household composition (i.e., the number of individuals living in the household) (IHP Valid Registrations and Housing Registrants—Large Disasters);
- occupant(s) age(s) (i.e., the number of occupants under 2 years of age; between 2 and 5 years of age; between 6 and 18 years of age; between 19 and 64 years of age; and over the age of 65) (IHP Valid Registrations);
- gross income (IHP Valid Registrations and Housing Registrants—Large Disasters);
- whether the applicant is an owner or renter of the damaged dwelling (IHP Valid Registrations and Housing Registrants—Large Disasters);
- whether the damaged dwelling is the applicant's primary residence (IHP Valid Registrations and Housing Registrants—Large Disasters);
- the damaged dwelling residence type (e.g., single-family home, apartment) (IHP Valid Registrations and Housing Registrants—Large Disasters);
- whether the applicant has homeowner's insurance (IHP Valid Registrations and Housing Registrants—Large Disasters);
- whether the applicant has flood insurance (IHP Valid Registrations and Housing Registrants—Large Disasters); and

- the registration method (e.g., telephone, mobile application) (IHP Valid Registrations).[316]

The Individuals and Households Program–Valid Registrations (IHP Valid Registrations) and the Individual Assistance Housing Registrants–Large Disasters (Housing Registrants—Large Disasters) datasets also include data fields to account for applicant-reported needs, as follows:

- utilities are out of service (IHP Valid Registrations);
- home damage (IHP Valid Registrations);
- whether habitability repairs are required (IHP Valid Registrations and Housing Registrants—Large Disasters);
- automobile(s) damage (IHP Valid Registrations);
- emergency items needs (IHP Valid Registrations);
- food needs (IHP Valid Registrations);
- shelter needs (IHP Valid Registrations); and
- accommodations requirements for the applicant's access or functional needs (IHP Valid Registrations and Housing Registrants—Large Disasters).[317]

Further, the Individuals and Households Program–Valid Registrations (IHP Valid Registrations) and the Individual Assistance Housing Registrants–Large Disasters (Housing Registrants—Large Disasters) datasets also include data fields that provide detailed information about specific damage to the property, including

- the water level (i.e., depth of water that affected the damaged dwelling) (IHP Valid Registrations and Housing Registrants—Large Disasters);
- high-water mark location (IHP Valid Registrations);
- whether flood damage was recorded (IHP Valid Registrations);
- whether there is damage to the foundation (IHP Valid Registrations and Housing Registrants—Large Disasters); and
- whether there is damage to the roof (IHP Valid Registrations and Housing Registrants—Large Disasters).[318]

Finally, the Individuals and Households Program–Valid Registrations (IHP Valid Registrations) and the Individual Assistance Housing Registrants–Large Disasters (Housing Registrants—Large

[316] FEMA, "OpenFEMA Dataset: Individuals and Households Program-Valid Registrations," v1, last data refresh November 6, 2021, https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1; and FEMA "OpenFEMA Dataset: Individual Assistance Housing Registrants-Large Disasters," v1, last data refresh November 8, 2021, https://www.fema.gov/openfema-data-page/individual-assistance-housing-registrants-large-disasters-v1.

[317] FEMA, "OpenFEMA Dataset: Individuals and Households Program-Valid Registrations," v1, last data refresh November 6, 2021, https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1; and FEMA "OpenFEMA Dataset: Individual Assistance Housing Registrants-Large Disasters," v1, last data refresh November 8, 2021, https://www.fema.gov/openfema-data-page/individual-assistance-housing-registrants-large-disasters-v1. The IHP Valid Registrations dataset also includes the most recent Housing Assistance decision (the data field for which is HA Status).

[318] FEMA, "OpenFEMA Dataset: Individuals and Households Program-Valid Registrations," v1, last data refresh November 6, 2021, https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1; and FEMA "OpenFEMA Dataset: Individual Assistance Housing Registrants-Large Disasters," v1, last data refresh November 8, 2021, https://www.fema.gov/openfema-data-page/individual-assistance-housing-registrants-large-disasters-v1.

Disasters) datasets also include data fields on select forms of IHP assistance for which applicants are found eligible, including applicant eligibility for the following programs:

- Transitional Sheltering Assistance (TSA) program (and whether the applicant checked into a TSA property) (IHP Valid Registrations and Housing Registrants—Large Disasters);
- Rental Assistance (IHP Valid Registrations and Housing Registrants—Large Disasters) (and the Rental Assistance end date, and rental resource city, state, and zip code in the case of Housing Registrants—Large Disasters);
- Repair Assistance (IHP Valid Registrations and Housing Registrants—Large Disasters);
- Personal Property Assistance (IHP Valid Registrations and Housing Registrants—Large Disasters); and
- SBA Disaster Loan (Housing Registrants—Large Disasters).[319]

Author Information

Elizabeth M. Webster
Specialist in Emergency Management and Disaster Recovery

Acknowledgments

Brion Long and Jamie Bush, CRS Visual Information Specialists, developed the figures for this report.

Ben Harrington, former CRS Legislative Attorney; Katie Jones, Analyst in Housing Policy; Erica A. Lee, Specialist in Emergency Management and Disaster Recovery; Bruce R. Lindsay, Specialist in American National Government; and Daniel J. Sheffner, Legislative Attorney, provided editorial comments and suggestions.

Shelley Harlan, Editor, helped edit the report text and footnotes.

James M. Specht, Section Research Manager, and Lauren R. Stienstra, Section Research Manager, provided structural and editorial comments and suggestions.

[319] FEMA, "OpenFEMA Dataset: Individuals and Households Program-Valid Registrations," v1, last data refresh November 6, 2021, https://www.fema.gov/openfema-data-page/individuals-and-households-program-valid-registrations-v1; and FEMA "OpenFEMA Dataset: Individual Assistance Housing Registrants-Large Disasters," v1, last data refresh November 8, 2021, https://www.fema.gov/openfema-data-page/individual-assistance-housing-registrants-large-disasters-v1.

Disclaimer