

HOUSING SURVIVORS OF MAJOR DISASTERS ACT OF 2020

NOVEMBER 16, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

together with

ADDITIONAL VIEWS

[To accompany H.R. 2914]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 2914) to make available necessary disaster assistance for families affected by major disasters, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:
Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Housing Survivors of Major Disasters Act of 2020”.

SEC. 2. DEFINITIONS.

In this Act:

- (1) **FEMA.**—The term “FEMA” means the Federal Emergency Management Agency.
- (2) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of FEMA.

SEC. 3. ELIGIBILITY FOR AND USE OF DISASTER ASSISTANCE.

(a) **FINANCIAL ASSISTANCE.**—Notwithstanding any other provision of law, individuals and households described in subsection (c) may be eligible for assistance made available under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) in connection with a major disaster declared by the President under section 401 of such Act (42 U.S.C. 5170), including Hurricane Maria of 2017.

(b) **USE OF FUNDS.**—Any assistance provided pursuant to subsection (a) may include costs relating to obtaining title for a property described in subsection (c)(1), including the cost of land surveys and any other taxes or fees associated with obtaining the title for such property.

(c) **ELIGIBLE INDIVIDUALS OR HOUSEHOLDS.**—With respect to a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), an individual or household described in this subsection is an individual or household who—

- (1) is residing on a property located in the area for which the major disaster was declared but does not have documented ownership rights to such property and is not renting such property; or
- (2) is or was residing in an area for which a major disaster has been declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), during the designated incident period, including residing in any housing accommodation or property upon which a housing accommodation is located, including any living quarters, boarding-house, bunkhouse, manufactured home, mobile home, or travel trailer.

(d) **EVIDENCE.**—

(1) **CONSIDERATION.**—In making a determination to provide assistance pursuant to this Act, the Administrator shall consider a wide range of evidence.

(2) **ALTERNATIVE FORMS OF EVIDENCE.**—In determining if an individual or household is eligible for assistance pursuant to this Act, the Administrator shall accept either a declarative statement or the presentation of at least one item of alternative evidence, including the following:

- (A) A utility (including gas, electric, sewer, or water) bill with the name and address of the individual.
- (B) A merchant’s statement (including a credit card, delivery notice, or first class mail) with the name and address of the individual.
- (C) A pay stub from an employer with the name and address of the individual.
- (D) A current driver’s license or State-issued identification card of the individual.
- (E) The deed or title for the applicable property.
- (F) A mortgage payment booklet or another mortgage document.
- (G) Property title of mobile home certificate of title.
- (H) A real estate property tax receipt.
- (I) A school registration containing the address of self, child, or children.
- (J) A will and testament with the name and address of the individual.
- (K) In a State that does not require a will and testament for the transfer of immovable property, a death certificate and birth certificate that establishes an automatic transfer of legal ownership.
- (L) Medical records that list the name and address of the individual.
- (M) A charitable donation receipt that list the name and address of the individual.
- (N) Any other documentation, certification, identification, or proof of occupancy or ownership not included on this list that can reasonably link the individual requesting assistance to the applicable property.

SEC. 4. DECLARATIVE STATEMENT.

(a) **DEVELOPMENT OF DECLARATIVE STATEMENT.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall create, in coordination with the appropriate authorities of the applicable jurisdiction, and distribute, where necessary, a declarative statement form that an applicant for assistance provided pursuant to section 3 may use to self-certify such applicant’s eligibility for assistance pursuant to this Act.

(2) **PROHIBITION OF NOTARIZATION.**—The Administrator may not require the declarative statement form created under paragraph (1) to require notarization by the applicant.

(b) **EXEMPTIONS.**—A declarative statement form created under subsection (a)(1) is exempt from publication notice, public comment periods, and agency information collection review and approval by the Office of Management and Budget required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

(c) **GUIDANCE.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall provide written notification and guidance to employees of FEMA regarding the requirements of this Act.

(d) **PUBLICATION.**—Not later than 30 days after the date of enactment of this Act, the Administrator shall—

(1) make the declarative statement form created under subsection (a)(1) available in Spanish and English at all active Disaster Recovery Centers; and

(2) publish in English, Spanish, and any other locally predominant languages on the website of FEMA and on social media the declarative statement form and instructions on how applicants can reopen or seek further appeal of relevant determinations.

(e) **PAST DISASTERS.**—For applicants of assistance provided pursuant to section 3 since January 1, 2017, the Administrator shall provide an applicant not fewer than 180 days to submit the declarative statement form to reopen or appeal a case after such applicant has received notice of the right to do so.

SEC. 5. REPAIR AND REBUILDING.

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174) is amended—

(1) in paragraph (2)(A)(i) by striking “to a safe and sanitary living or functioning condition” and inserting “to ensure that such residences are habitable during longer term recovery (including through coordination with other sources for repair and rebuilding of such residences)”;

(2) in paragraph (4) by striking “in cases in which” and all that follows through the end and inserting “if the President determines such assistance is a cost effective alternative to other housing solutions, including the costs associated with temporary housing provided under this section.”

SEC. 6. POST-DISASTER HOUSING ASSISTANCE ANALYSIS AND REPORT.

(a) **ANALYSIS.**—The Administrator, in coordination with the Secretary of Housing and Urban Development, shall conduct an analysis comparing the costs, benefits, and effectiveness of assistance provided under the Disaster Housing Assistance Program, including any case management services provided, with other temporary housing options provided by the Administrator under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(b) **PROVISION OF DATA.**—The Secretary shall ensure that public housing authorities engaged in carrying out the Disaster Housing Assistance Program relay data concerning the extent and effectiveness of case management services in transitioning individuals and households toward self-sufficiency under the Program compared to other alternative disaster assistance programs available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(c) **REPORT.**—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains the analysis required under subsection (a) and an analysis of the oversight mechanisms, program integrity checks, and financial management measures utilized in carrying out the Program compared to alternative disaster housing assistance programs under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

PURPOSE OF LEGISLATION

The purpose of H.R. 2914, as amended, is to make available necessary disaster assistance for families affected by major disasters; to develop a fulsome report analyzing costs, benefits, and effectiveness of various post-disaster housing programs; and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

In the three years since Hurricanes Maria and Irma made land-fall in Puerto Rico, many disaster survivors are still struggling to obtain livable housing.¹ The devastating impact of natural disasters such as 2018's Hurricane Florence, 2016's Louisiana flooding, the 2019 flooding of the Missouri River Basin, and several wildfire seasons in California have resulted in similar housing challenges and additional hardship for thousands of American households.

In the wake of Hurricane Maria, many of the survivors had their housing assistance applications denied by the Federal Emergency Management Agency (FEMA) because of documentation requirements the Agency requires to prove ownership of a damaged property.² Survivors of California wildfires and Texas hurricanes have encountered similar issues.³ FEMA's narrow list of acceptable documents does not necessarily comport with the conditions many applicants find themselves in following catastrophic natural disasters. At this time, acceptable documents are those from the Social Security Administration, or other Federal entity, containing the full or last four digits of a disaster survivor's Social Security Number (SSN); a Social Security card if sent with Federal or State-issued identification; an employer's payroll document containing the full or last four digits of a survivor's SSN; a military identification; a marriage license to confirm proof of maiden name; or a U.S. passport.⁴

Following a disaster, families and individuals may find their possessions, including needed documentation, destroyed or missing. And, in some cases, associated records maintained by State or local governments may also be unavailable. As a result, FEMA assistance may be denied and not available. For example, in Puerto Rico, this resulted in families waiting months to receive housing assistance simply due to bureaucratic hurdles and rigid documentation requirements that proved unrealistic in the wake of the major dis-

¹See Coto, Danica. "Thousands in Puerto Rico still without housing since Maria". AP News. July 24, 2020. Available at <https://apnews.com/article/ap-top-news-puerto-rico-latin-america-caribbean-hurricanes-a2cf35e2f8893592ec4b59d90baae1ac>; U.S. Dept. of Housing and Urban Development, Office of Inspector General. Audit 2020-AT-1020. March 16, 2020. Available at <https://www.hudoig.gov/reports-publications/report/puerto-rico-department-housing-san-juan-pr-should-strengthen-its>.

²Acevedo, Nicole. "FEMA has either denied or not approved most appeals for housing aid in Puerto Rico". NBC News. July 17, 2018. Available at <https://www.nbcnews.com/storyline/puerto-rico-crisis/fema-has-either-denied-or-not-approved-most-appeals-housing-n891716>.

³See Khimm, Suzy and Kalhan Rosenblatt. "Where's everybody going to go? Survivors of California's Camp Fire struggle to find housing". NBC News. November 21, 2018. Available at <https://www.nbcnews.com/news/us-news/where-s-everybody-going-go-survivors-california-s-camp-fire-n938991>; Snyder, Mike. "Disaster victim activists concerned about FEMA's fairness, transparency". Houston Chronicle. January, 26, 2018. Available at <https://www.houstonchronicle.com/news/houston-texas/houston/article/FEMA-grants-Harvey-victims-fairness-equity-12526374.php>.

⁴FEMA. "I Applied for Assistance. What's Next?" Available at <https://www.fema.gov/assistance/individual/after-applying>.

aster.⁵ H.R. 2914, as amended, addresses this issue by ensuring FEMA develops alternative methods to assess eligibility.

H.R. 2914, as amended, would begin to address these issues by allowing for survivors to re-apply for assistance and clarifies to FEMA the types of documentation that should be considered for eligibility. Additionally, it authorizes assistance to help disaster survivors in gathering requisite documents.

The Committee has also noted the implementation of unnecessary temporary repair and rebuilding solutions, though a permanent solution may be more affordable or is able to be implemented before or shortly after a temporary one. It is the sense of the Committee that agencies should implement the most cost-effective repair and rebuilding solutions, regardless of if that solution is considered to be a long-term solution, and that additional flexibility is needed to integrate FEMA programs with long-term recovery programs offered by other Federal partners such as the Department of Housing of Urban Development.

Several Committee Members and staff have visited the Commonwealth of Puerto Rico to meet with local and Federal officials and review the status of recovery from Hurricanes Irma and Maria since the storms struck in 2017. Additionally, staff have regularly met with Federal and Commonwealth officials in Washington, D.C. to discuss the ongoing recovery. Limitations in Federal disaster recovery program authorities identified by officials tasked with recovery and non-governmental organizations assisting disaster survivors in the wake of the hurricanes have resulted in this legislative effort to further expand eligibility for applicants of post-disaster housing assistance, as well as additional options for proving their pre-disaster housing residency.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress—

(1) The following hearing was used to develop or consider H.R. 2914:

On October 22, 2019, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “An Assessment of Federal Recovery Efforts from Recent Disasters.” Witnesses included: Mr. Jeffrey Byard, Associate Administrator for Response and Recovery, Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security; Mr. Dennis Alvord, Deputy Assistant Secretary for Economic Development & Chief Operating Officer, Economic Development Administration, U.S. Department of Commerce; Mr. Chris P. Currie, Director, Homeland Security and Justice, U.S. Government Accountability Office; Mr. Michael Sprayberry, Director, North Carolina Emergency Management & North Carolina Office of Recovery and Resiliency, On behalf of the National Emergency Management Association; The Honorable Fernando Gil-Enseñat, Secretary, Departamento de la Vivienda (Department of Housing), Common-

⁵See Coto, Danica. “6 months after Hurricane Maria, Puerto Rico pleads for help”. AP News. March 16, 2018. Available at <https://apnews.com/article/aacab7041b4748408bd3911ad476d140>; Oxfam. “In Puerto Rico, a legal aid program delivers results”. Available at <https://www.oxfamamerica.org/explore/research-publications/in-puerto-rico-a-legal-aid-program-delivers-results/>.

wealth of Puerto Rico; Ms. Rhonda Wiley, Emergency Management/911 Director and Floodplain Manager, Atchison County, Missouri; Mr. Reese C. May, Chief Strategy and Innovation Officer, SBP. Additionally, written testimony was submitted by the Office of Community Planning and Development, U.S. Department of Housing and Urban Development. Topics discussed included the progress of several ongoing disaster recoveries; challenges at the state and local level in administering Federal disaster recovery programs administered by multiple Executive Branch departments; areas for greater cooperation and coordination by Executive Branch agencies involved in disaster recovery; experiences of state, local, tribal, and territorial governments in the wake of enactment of the Disaster Recovery Reform Act of 2018; and the status of Federal disaster recovery assistance funding appropriated in the wake of major disaster declarations granted by the President from 2017–2019.

(2) The following related hearings were held:

On May 22, 2019, the Subcommittee on Economic Development, Public Buildings, and Emergency Management held a hearing titled “Disaster Preparedness: DRRA Implementation and FEMA Readiness.” Witnesses included: Dr. Daniel Kaniewski, Deputy Administrator for Resilience, FEMA; Ms. Sima Merick, Executive Director, Ohio Emergency Management Agency, testifying on behalf of the National Emergency Management Association; Mr. Nick Crossley, Director, Hamilton County Ohio Emergency Management and Homeland Security Agency, testifying on behalf of the International Association of Emergency Managers; Mr. James Gore, Supervisor, County of Sonoma, California, testifying on behalf of the National Association of Counties; Mr. Al Davis, Deputy Director, Texas A&M Engineering Extension Service, testifying on behalf of the National Domestic Preparedness Consortium; and Mr. Randy Noel, President, Reve, Inc., testifying on behalf of the National Association of Home Builders. Topics discussed included the state of federal disaster preparedness programs since the enactment of the Disaster Recovery Reform Act of 2018, the status of federal disaster recovery assistance funding appropriated in the wake of major disaster declarations granted by the President from 2017–2019, and the increasing frequency of extreme weather-related hazards.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 2914 was introduced in the House on May 22, 2019, by Representative Adriano Espaillat (D–NY) and Resident Commissioner González-Colón (R–PR) and referred to the Committee on Transportation and Infrastructure. Within the Committee, H.R. 2914 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management.

On February 26, 2020, the Chair discharged the Subcommittee on Economic Development, Public Buildings, and Emergency Management from further consideration of H.R. 2914.

The Committee met in open session to consider H.R. 2914 on February 26, 2020, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote, a quorum being present.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mr. Espaillat of New York (#1); was AGREED TO, as amended, by voice vote.

An en bloc amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1A) consisting of the following;

Page 4, insert after line 9 the following: (K) In a State that does not require a will and testament for transfer of immovable property, a death certificate and birth certificate that establishes an automatic transfer of legal ownership.

Page 6 after line 10 insert a new section entitled "Sec. 5. Repair and Rebuilding."; was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1B); Page 1, line 14, strike "subsection (c)" and insert "subsection (b)".

Page 2, strike lines 3 through 7 (and redesignate accordingly).; was WITHDRAWN by unanimous consent.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1C); Page 2, line 17, insert ", applying on behalf of the primary residence of such individual or household," after "such property".; was WITHDRAWN by unanimous consent.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

No recorded votes were taken in connection with during consideration of H.R. 2914.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

With respect to the requirements of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974 and with respect to requirements of clause (3)(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received a cost estimate for this bill from the Director of Congressional Budget Office. The Committee has requested but not received from the Director of the Congressional Budget Office a statement as to whether this bill contains any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. The Chairman of the Committee shall cause such estimate and statement to be printed in the *Congressional Record* upon its receipt by the Committee.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, a cost estimate provided by the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide expanded eligibility to obtain housing assistance from FEMA for survivors of major disasters and to lessen the documentation burden placed upon said survivors in the wake of disasters by allowing for a more uniform self-certification process.

The Committee expects that the required report in Section 6 will include a comprehensive assessment of post-disaster housing programs administered by FEMA and/or the Department of Housing and Urban Development during the previous decade, to include the Disaster Housing Assistance Program (DHAP), Transitional Sheltering Assistance (TSA), FEMA-provided rental assistance, instances of State-administered housing assistance, multi-family lease and repair, recreational vehicles (RV), manufactured housing units (MHU), and direct lease.

The report should not only focus on costs, but also analyze outcomes based on geography, income, age, disability, race, household size, and other tenant characteristics, and all classes of individuals protected under the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (42 U.S.C. 5121 et seq.), the *Americans with Disabilities Act of 1990* (42 U.S.C. 12101 et seq.), the *Fair Housing Act* (42 U.S.C. 3601 et seq.), the *Civil Rights Act of 1964* (Public Law 88-352; 78 Stat. 241), and other civil rights and non-discrimination protections. Short-term outcomes shall be measured at the close of the 18-month maximum period of assistance post-disaster, and long-term outcomes shall be the date two years following the close of any FEMA assistance. Section 5.15 of the DHAP Sandy Interagency Agreement between FEMA and HUD (DHAP Sandy IAA, IAA Number HSFE-80-13-X-0043) shall be used in this analysis, and the Committee believes similar data from other events would also help inform the analysis.

This comprehensive study shall also assess rates of housing stability, risk of eviction, rates of cost burdens, likelihood of homelessness, and likelihood of accessing permanent housing solutions in the months and years following disaster; barriers to using each option and examining the ease of survivors in accessing resources, the ease of application for—and appealing of—adverse decisions, any financial barriers faced by low-income and other marginalized survivors, and any other barriers faced by survivors; and place an emphasis on what types of assistance are provided, particularly investigating the amount of assistance and use of fair market rents, program delivery and capacity (i.e. public housing agencies v. FEMA v. state/local/tribal/territorial governments), the length of assist-

ance and use of deadlines, the responsibility for record keeping, expertise in housing and homelessness, expertise in working with marginalized and extremely low-income people, and the ability to recruit landlords when applicable.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 2914, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the *Unfunded Mandates Reform Act* was not made available to the Committee in time for the filing of this report. The Chairman of the Committee shall cause such estimate to be printed in the *Congressional Record* upon its receipt by the Committee.

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 2914, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Sec. 1. Short title

This section provides that this bill may be cited as the “Housing Survivors of Major Disasters Act of 2019”.

Sec. 2. Definitions

This section defines the terms used in this act including: “FEMA” and “Administrator”.

Sec. 3. Eligibility for and use of disaster assistance

This section describes eligible individuals and households for assistance authorized by this section. Additional assistance may be provided for various services to establish or identify title of a property where said eligible individual or household resided at the time of the major disaster. Further, this section clarifies eligible forms of documentation to connect said eligible survivors with said property, including signing a declarative statement attesting to residency at the time of disaster.

Sec. 4. Declarative statement

This section requires the FEMA Administrator to develop within 30 days of enactment a declarative statement that disaster survivors may sign to affirm eligibility for Federal disaster assistance from FEMA. Further, it prohibits the Agency from requiring notarization of the declarative statement in order for an applicant to qualify for assistance. Additionally, any applicants for assistance pursuant to Section 408(c) of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (P.L. 93–288) since January 1, 2017, must be notified of their right to sign a declarative statement within 180 days to seek to have their case reopened or appealed.

Sec. 5. Repair and rebuilding

This section amends Section 408(c) of the *Robert T. Stafford Disaster Relief and Emergency Assistance Act* (P.L. 93–288) to allow for the President to provide assistance for enhanced repairs to disaster-impacted residences to allow for longer-term habitability, better aligning the goals and costs of short-term and long-term recovery programs.

Sec. 6. Post-disaster housing assistance analysis and report

This section requires the FEMA Administrator and Secretary of Housing and Urban Development to perform a comparative analysis of post-disaster housing programs and report on findings surrounding costs, benefits, and effectiveness of assistance to the Congress within 180 days.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman):

**ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT**

* * * * *

TITLE IV—MAJOR DISASTER ASSISTANCE PROGRAMS

* * * * *

SEC. 408. FEDERAL ASSISTANCE TO INDIVIDUALS AND HOUSEHOLDS.

(a) IN GENERAL.—

(1) PROVISION OF ASSISTANCE.—In accordance with this section, the President, in consultation with the Governor of a State, may provide financial assistance, and, if necessary, direct services, to individuals and households in the State who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

(2) RELATIONSHIP TO OTHER ASSISTANCE.—Under paragraph (1), an individual or household shall not be denied assistance under paragraph (1), (3), or (4) of subsection (c) solely on the basis that the individual or household has not applied for or received any loan or other financial assistance from the Small Business Administration or any other Federal agency.

(b) HOUSING ASSISTANCE.—

(1) ELIGIBILITY.—The President may provide financial or other assistance under this section to individuals and households to respond to the disaster-related housing needs of 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.

(2) DETERMINATION OF APPROPRIATE TYPES OF ASSISTANCE.—

(A) IN GENERAL.—The President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.

(B) MULTIPLE TYPES OF ASSISTANCE.—One or more types of housing assistance may be made available under this section, based on the suitability and availability of the types of assistance, to meet the needs of individuals and households in the particular disaster situation.

(c) TYPES OF HOUSING ASSISTANCE.—

(1) TEMPORARY HOUSING.—

(A) FINANCIAL ASSISTANCE.—

(i) IN GENERAL.—The President may provide financial assistance to individuals or households to rent alternate housing accommodations, existing rental units, manufactured housing, recreational vehicles, or other readily fabricated dwellings. Such assistance may include the payment of the cost of utilities, excluding telephone service.

(ii) AMOUNT.—The amount of assistance under clause (i) shall be based on the fair market rent for

the accommodation provided plus the cost of any transportation, utility hookups, security deposits, or unit installation not provided directly by the President.

(B) DIRECT ASSISTANCE.—

(i) IN GENERAL.—The President may provide temporary housing units, acquired by purchase or lease, directly to individuals or households who, because of a lack of available housing resources, would be unable to make use of the assistance provided under subparagraph (A).

(ii) LEASE AND REPAIR OF RENTAL UNITS FOR TEMPORARY HOUSING.—

(I) IN GENERAL.—The President, to the extent the President determines it would be a cost-effective alternative to other temporary housing options, may—

(aa) enter into lease agreements with owners of multifamily rental property impacted by a major disaster or located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and

(bb) make repairs or improvements to properties under such lease agreements, to the extent necessary to serve as safe and adequate temporary housing.

(II) IMPROVEMENTS OR REPAIRS.—Under the terms of any lease agreement for property entered into under this subsection, the value of the improvements or repairs shall be deducted from the value of the lease agreement.

(iii) PERIOD OF ASSISTANCE.—The President may not provide direct assistance under clause (i) with respect to a major disaster after the end of the 18-month period beginning on the date of the declaration of the major disaster by the President, except that the President may extend that period if the President determines that due to extraordinary circumstances an extension would be in the public interest.

(iv) COLLECTION OF RENTAL CHARGES.—After the end of the 18-month period referred to in clause (iii), the President may charge fair market rent for each temporary housing unit provided.

(2) REPAIRS.—

(A) IN GENERAL.—The President may provide financial assistance for—

(i) the repair of owner-occupied private residences, utilities, and residential infrastructure (such as a private access route) damaged by a major disaster **to a safe and sanitary living or functioning condition** *to ensure that such residences are habitable during longer term recovery (including through coordination with other sources for repair and rebuilding of such residences)*; and

(ii) eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure.

(B) RELATIONSHIP TO OTHER ASSISTANCE.—A recipient of assistance provided under this paragraph shall not be required to show that the assistance can be met through other means, except insurance proceeds.

(3) REPLACEMENT.—

(A) IN GENERAL.—The President may provide financial assistance for the replacement of owner-occupied private residences damaged by a major disaster.

(B) APPLICABILITY OF FLOOD INSURANCE REQUIREMENT.—With respect to assistance provided under this paragraph, the President may not waive any provision of Federal law requiring the purchase of flood insurance as a condition of the receipt of Federal disaster assistance.

(4) PERMANENT HOUSING CONSTRUCTION.—The President may provide financial assistance or direct assistance to individuals or households to construct permanent or semi-permanent housing in insular areas outside the continental United States and in other locations [in cases in which—

[(A) no alternative housing resources are available; and

[(B) the types of temporary housing assistance described in paragraph (1) are unavailable, infeasible, or not cost-effective.] *if the President determines such assistance is a cost effective alternative to other housing solutions, including the costs associated with temporary housing provided under this section.*

(d) TERMS AND CONDITIONS RELATING TO HOUSING ASSISTANCE.—

(1) SITES.—

(A) IN GENERAL.—Any readily fabricated dwelling provided under this section shall, whenever practicable, be located on a site that—

(i) is complete with utilities;

(ii) meets the physical accessibility requirements for individuals with disabilities; and

(iii) is provided by the State or local government, by the owner of the site, or by the occupant who was displaced by the major disaster.

(B) SITES PROVIDED BY THE PRESIDENT.—A readily fabricated dwelling may be located on a site provided by the President if the President determines that such a site would be more economical or accessible.

(2) DISPOSAL OF UNITS.—

(A) SALE TO OCCUPANTS.—

(i) IN GENERAL.—Notwithstanding any other provision of law, a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims may be sold directly to the individual or household who is occupying the unit if the individual or household lacks permanent housing.

(ii) SALE PRICE.—A sale of a temporary housing unit under clause (i) shall be at a price that is fair and equitable.

(iii) DEPOSIT OF PROCEEDS.—Notwithstanding any other provision of law, the proceeds of a sale under clause (i) shall be deposited in the appropriate Disaster Relief Fund account.

(iv) HAZARD AND FLOOD INSURANCE.—A sale of a temporary housing unit under clause (i) shall be made on the condition that the individual or household purchasing the housing unit agrees to obtain and maintain hazard and flood insurance on the housing unit.

(v) USE OF GSA SERVICES.—The President may use the services of the General Services Administration to accomplish a sale under clause (i).

(B) OTHER METHODS OF DISPOSAL.—If not disposed of under subparagraph (A), a temporary housing unit purchased under this section by the President for the purpose of housing disaster victims—

(i) may be sold to any person; or

(ii) may be sold, transferred, donated, or otherwise made available directly to a State or other governmental entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster victims in major disasters and emergencies if, as a condition of the sale, transfer, or donation, the State, other governmental agency, or voluntary organization agrees—

(I) to comply with the nondiscrimination provisions of section 308; and

(II) to obtain and maintain hazard and flood insurance on the housing unit.

(e) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—

(1) MEDICAL, DENTAL, CHILD CARE, AND FUNERAL EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household in the State who is adversely affected by a major disaster to meet disaster-related medical, dental, child care, and funeral expenses.

(2) PERSONAL PROPERTY, TRANSPORTATION, AND OTHER EXPENSES.—The President, in consultation with the Governor of a State, may provide financial assistance under this section to an individual or household described in paragraph (1) to address personal property, transportation, and other necessary expenses or serious needs resulting from the major disaster.

(f) STATE ROLE.—

(1) STATE- OR INDIAN TRIBAL GOVERNMENT-ADMINISTERED ASSISTANCE AND OTHER NEEDS ASSISTANCE.—

(A) GRANT TO STATE.—Subject to subsection (g), a Governor may request a grant from the President to provide assistance to individuals and households in the State under subsections (c)(1)(B), (c)(4), and (e) if the President and the State or Indian tribal government comply, as determined by the Administrator, with paragraph (3).

(B) ADMINISTRATIVE COSTS.—A State that receives a grant under subparagraph (A) may expend not more than 5 percent of the amount of the grant for the administrative

costs of providing assistance to individuals and households in the State under subsections (c)(1)(B), (c)(4), and (e).

(2) ACCESS TO RECORDS.—In providing assistance to individuals and households under this section, the President shall provide for the substantial and ongoing involvement of the States in which the individuals and households are located, including by providing to the States access to the electronic records of individuals and households receiving assistance under this section in order for the States to make available any additional State and local assistance to the individuals and households.

(3) REQUIREMENTS.—

(A) APPLICATION.—A State or Indian tribal government desiring to provide assistance under subsection (c)(1)(B), (c)(4), or (e) shall submit to the President an application for a grant to provide financial assistance under the program.

(B) CRITERIA.—The President, in consultation and coordination with State and Indian tribal governments, shall establish criteria for the approval of applications submitted under subparagraph (A). The criteria shall include, at a minimum—

(i) a requirement that the State or Indian tribal government submit a housing strategy under subparagraph (C);

(ii) the demonstrated ability of the State or Indian tribal government to manage the program under this section;

(iii) there being in effect a plan approved by the President as to how the State or Indian tribal government will comply with applicable Federal laws and regulations and how the State or Indian tribal government will provide assistance under its plan;

(iv) a requirement that the State or Indian tribal government comply with rules and regulations established pursuant to subsection (j); and

(v) a requirement that the President, or the designee of the President, comply with subsection (i).

(C) REQUIREMENT OF HOUSING STRATEGY.—

(i) IN GENERAL.—A State or Indian tribal government submitting an application under this paragraph shall have an approved housing strategy, which shall be developed and submitted to the President for approval.

(ii) REQUIREMENTS.—The housing strategy required under clause (i) shall—

(I) outline the approach of the State in working with Federal partners, Indian tribal governments, local communities, nongovernmental organizations, and individual disaster survivors to meet disaster-related sheltering and housing needs; and

(II) include the establishment of an activation plan for a State Disaster Housing Task Force, as outlined in the National Disaster Housing Strategy, to bring together State, tribal, local, Federal,

nongovernmental, and private sector expertise to evaluate housing requirements, consider potential solutions, recognize special needs populations, and propose recommendations.

(D) QUALITY ASSURANCE.—Before approving an application submitted under this section, the President, or the designee of the President, shall institute adequate policies, procedures, and internal controls to prevent waste, fraud, abuse, and program mismanagement for this program and for programs under subsections (c)(1)(B), (c)(4), and (e). The President shall monitor and conduct quality assurance activities on a State or Indian tribal government's implementation of programs under subsections (c)(1)(B), (c)(4), and (e). If, after approving an application of a State or Indian tribal government submitted under this paragraph, the President determines that the State or Indian tribal government is not administering the program established by this section in a manner satisfactory to the President, the President shall withdraw the approval.

(E) AUDITS.—The Inspector General of the Department of Homeland Security shall provide for periodic audits of the programs administered by States and Indian tribal governments under this subsection.

(F) APPLICABLE LAWS.—All Federal laws applicable to the management, administration, or contracting of the programs by the Federal Emergency Management Agency under this section shall be applicable to the management, administration, or contracting by a non-Federal entity under this section.

(G) REPORT ON EFFECTIVENESS.—Not later than 18 months after the date of enactment of this paragraph, the Inspector General of the Department of Homeland Security shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the State or Indian tribal government's role to provide assistance under this section. The report shall contain an assessment of the effectiveness of the State or Indian tribal government's role in providing assistance under this section, including—

(i) whether the State or Indian tribal government's role helped to improve the general speed of disaster recovery;

(ii) whether the State or Indian tribal government providing assistance under this section had the capacity to administer this section; and

(iii) recommendations for changes to improve the program if the State or Indian tribal government's role to administer the programs should be continued.

(H) REPORT ON INCENTIVES.—Not later than 12 months after the date of enactment of this paragraph, the Administrator of the Federal Emergency Management Agency shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House

of Representatives on a potential incentive structure for awards made under this section to encourage participation by eligible States and Indian tribal governments. In developing this report, the Administrator of the Federal Emergency Management Agency shall consult with State, local, and Indian tribal entities to gain their input on any such incentive structure to encourage participation and shall include this information in the report. This report should address, among other options, potential adjustments to the cost-share requirement and management costs to State and Indian tribal governments.

(I) PROHIBITION.—The President may not condition the provision of Federal assistance under this Act on a State or Indian tribal government requesting a grant under this section.

(J) MISCELLANEOUS.—

(i) NOTICE AND COMMENT.—The Administrator of the Federal Emergency Management Agency may waive notice and comment rulemaking with respect to rules to carry out this section, if the Administrator determines doing so is necessary to expeditiously implement this section, and may carry out this section as a pilot program until such regulations are promulgated.

(ii) FINAL RULE.—Not later than 2 years after the date of enactment of this paragraph, the Administrator of the Federal Emergency Management Agency shall issue final regulations to implement this subsection as amended by the Disaster Recovery Reform Act of 2018.

(iii) WAIVER AND EXPIRATION.—The authority under clause (i) and any pilot program implemented pursuant to such clause shall expire 2 years after the date of enactment of this paragraph or upon issuance of final regulations pursuant to clause (ii), whichever occurs sooner.

(g) COST SHARING.—

(1) FEDERAL SHARE.—Except as provided in paragraph (2), the Federal share of the costs eligible to be paid using assistance provided under this section shall be 100 percent.

(2) FINANCIAL ASSISTANCE TO ADDRESS OTHER NEEDS.—In the case of financial assistance provided under subsection (e)—

(A) the Federal share shall be 75 percent; and

(B) the non-Federal share shall be paid from funds made available by the State.

(h) MAXIMUM AMOUNT OF ASSISTANCE.—

(1) IN GENERAL.—No individual or household shall receive financial assistance greater than \$25,000 under this section with respect to a single major disaster, excluding financial assistance to rent alternate housing accommodations under subsection (c)(1)(A)(i) and financial assistance to address other needs under subsection (e).

(2) OTHER NEEDS ASSISTANCE.—The maximum financial assistance any individual or household may receive under subsection (e) shall be equivalent to the amount set forth in paragraph (1) with respect to a single major disaster.

(3) ADJUSTMENT OF LIMIT.—The limit established under paragraphs (1) and (2) shall be adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

(4) EXCLUSION OF NECESSARY EXPENSES FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The maximum amount of assistance established under paragraph (1) shall exclude expenses to repair or replace damaged accessibility-related improvements under paragraphs (2), (3), and (4) of subsection (c) for individuals with disabilities.

(B) OTHER NEEDS ASSISTANCE.—The maximum amount of assistance established under paragraph (2) shall exclude expenses to repair or replace accessibility-related personal property under subsection (e)(2) for individuals with disabilities.

(i) VERIFICATION MEASURES.—In carrying out this section, the President shall develop a system, including an electronic database, that shall allow the President, or the designee of the President, to—

(1) verify the identity and address of recipients of assistance under this section to provide reasonable assurance that payments are made only to an individual or household that is eligible for such assistance;

(2) minimize the risk of making duplicative payments or payments for fraudulent claims under this section;

(3) collect any duplicate payment on a claim under this section, or reduce the amount of subsequent payments to offset the amount of any such duplicate payment;

(4) provide instructions to recipients of assistance under this section regarding the proper use of any such assistance, regardless of how such assistance is distributed; and

(5) conduct an expedited and simplified review and appeal process for an individual or household whose application for assistance under this section is denied.

(j) RULES AND REGULATIONS.—The President shall prescribe rules and regulations to carry out this section, including criteria, standards, and procedures for determining eligibility for assistance.

* * * * *

ADDITIONAL VIEWS

Picking up the pieces after disaster strikes can be difficult for disaster victims. Even with Federal disaster assistance and support from neighbors and charitable organizations, the road to recovery is arduous. Finding ways to remove hurdles for victims is critical. To that end, we must ensure disaster assistance is effective and focused on where the need is. The intent of H.R. 2914 seems to address a very real issue; however, as drafted, the legislation diverts Federal Emergency Management Agency (FEMA) resources away from helping to address immediate housing and recovery needs as described below:

Section 3. Eligibility for and Use of Disaster Assistance

Section 3(b) creates additional authorities for the use of funds made available under section 408 of the Stafford Act. It would enable Individual Assistance to be used to cover the costs related to obtaining a title for a property, including taxes, fees, and the cost of land surveys.

The Federal government should not make funds available for research into property title. Subsection 3(d) of this title already directs the FEMA Administrator to consider a wide range of evidence, including alternative forms of evidence, to serve as proof that an individual is eligible for Federal assistance. Property title research, including the associated taxes and fees, should be the responsibility of the individual homeowners, and under the evidence section of this bill, should not be necessary to prove eligibility for assistance. Disaster funding should be prioritized toward helping address immediate housing and recovery needs, not resolving title disputes which may predate the disaster. Particularly in light of 3(d), subsection 3(b) would place additional and unnecessary burdens on the agencies which carry out the disaster response and recovery process.

Subsection 3(b)

The Federal government must establish eligibility for Federal assistance with clear and achievable criteria that is consistent with current disaster processes. This subsection does not clarify whether an individual would only be eligible for such assistance if they were applying on behalf of the primary residence of such individual or household. The Federal government should continue to prioritize available assistance to homeowners whose primary residence has been damaged by a disaster and are therefore a high priority for assistance.

By failing to clarify that this assistance should be prioritized for primary residences, this subsection lowers the bar and opens the door to fraud, drawing critical disaster funds away from those with the most critical need. The intent of the bill is to increase eligibility

for assistance, but FEMA should still require reasonable proof that an individual or household qualifies for that assistance.

GARRET GRAVES.

