

117TH CONGRESS
2D SESSION

S. 5035

To make available necessary disaster assistance for families affected by major disasters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Ms. WARREN (for herself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MENENDEZ, Mr. KAINE, Mr. BENNET, Mr. MERKLEY, Mr. BOOKER, Mr. PADILLA, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To make available necessary disaster assistance for families affected by major disasters, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Housing Survivors of
5 Major Disasters Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

3 (2) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of FEMA.

5 SEC. 3. ELIGIBILITY FOR AND USE OF DISASTER ASSIST-
6 ANCE.

(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 (1) is residing on a property located in the area
2 for which the major disaster was declared but does
3 not have documented ownership rights to such prop-
4 erty and is not renting such property; or

5 (2) is or was residing in, or otherwise perma-
6 nently or temporarily occupying, an area for which
7 a major disaster has been declared by the President
8 under section 401 of the Robert T. Stafford Disaster
9 Relief and Emergency Assistance Act (42 U.S.C.
10 5170), during the designated incident period, includ-
11 ing individuals experiencing homelessness and those
12 residing in any housing accommodation or property
13 upon which a housing accommodation is located, in-
14 cluding any living quarters, boardinghouse, bunk-
15 house, manufactured home, mobile home, or travel
16 trailer.

17 (d) EVIDENCE.—

18 (1) CONSIDERATION.—In the case of an indi-
19 vidual or household that does not have documented
20 ownership rights in the predisaster primary resi-
21 dence of the individual or household, in making a
22 determination to provide assistance pursuant to
23 paragraphs (2) and (3) of section 408(c) of the Rob-
24 ert T. Stafford Disaster Relief and Emergency As-
25 sistance Act (42 U.S.C. 5174(c)) for owner-occu-

1 pants, the Administrator shall consider evidence de-
2 monstrative of the individual or household having
3 constructive ownership of the predisaster primary
4 residence.

5 (2) FORMS OF EVIDENCE.—In determining
6 whether an individual or household has constructive
7 ownership for the purpose of paragraph (1), the Ad-
8 ministrator shall consider a wide range of evidence,
9 including the following:

10 (A) A utility (including gas, electric, sewer,
11 or water) bill with the name and address of the
12 individual.

13 (B) A merchant's statement (including a
14 credit card, delivery notice, or first class mail)
15 with the name and address of the individual.

16 (C) A pay stub from an employer with the
17 name and address of the individual.

18 (D) A current driver's license or State-
19 issued identification card of the individual.

20 (E) The deed or title for the applicable
21 property.

22 (F) A mortgage payment booklet or an-
23 other mortgage document.

24 (G) Property title of mobile home certifi-
25 cate of title.

1 (H) A real estate property tax receipt.

2 (I) A school registration containing the ad-
3 dress of self, child, or children.

4 (J) A will and testament with the name
5 and address of the individual.

6 (K) In a State that does not require a will
7 and testament for the transfer of immovable
8 property, a death certificate and birth certifi-
9 cate that establishes an automatic transfer of
10 legal ownership.

11 (L) Medical records that list the name and
12 address of the individual.

13 (M) A charitable donation receipt that lists
14 the name and address of the individual.

15 (N) Any other documentation, certification,
16 identification, or proof of occupancy or owner-
17 ship not included on this list that can reason-
18 ably link the individual requesting assistance to
19 the applicable property.

20 (e) APPLICABILITY.—This section shall apply to
21 funds appropriated on or after the date of enactment of
22 this Act.

23 **SEC. 4. DECLARATIVE STATEMENT.**

24 (a) DEVELOPMENT OF DECLARATIVE STATEMENT.—

1 (1) IN GENERAL.—Not later than 30 days after
2 the date of enactment of this Act, the Administrator
3 shall create, in coordination with the appropriate au-
4 thorities of the applicable jurisdiction, and dis-
5 tribute, where necessary, a declarative statement
6 form that an applicant for assistance provided pur-
7 suant to section 3 may use to self-certify such appli-
8 cant’s eligibility for assistance pursuant to this Act.

9 (2) PROHIBITION OF NOTARIZATION.—The Ad-
10 ministrator may not require the declarative state-
11 ment form created under paragraph (1) to require
12 notarization by the applicant.

13 (b) EXEMPTIONS.—A declarative statement form cre-
14 ated under subsection (a)(1) shall be exempt from publica-
15 tion notice, public comment periods, and agency informa-
16 tion collection review and approval by the Office of Man-
17 agement and Budget required by the Paperwork Reduc-
18 tion Act (44 U.S.C. 3501 et seq.).

19 (c) GUIDANCE.—Not later than 30 days after the
20 date of enactment of this Act, the Administrator shall pro-
21 vide written notification and guidance to employees of
22 FEMA regarding the requirements of this Act.

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

1 (1) make the declarative statement form cre-
 2 ated under subsection (a)(1) available in Spanish
 3 and English at all active Disaster Recovery Centers;
 4 and

5 (2) publish in English, Spanish, and any other
 6 locally predominant languages on the website of
 7 FEMA and on social media the declarative state-
 8 ment form and instructions on how applicants can
 9 reopen or seek further appeal of relevant determina-
 10 tions.

11 (e) PAST DISASTERS.—For applicants of assistance
 12 provided pursuant to section 3 since January 1, 2017, the
 13 Administrator shall provide an applicant not fewer than
 14 180 days to submit the declarative statement form to re-
 15 open or appeal a case after such applicant has received
 16 notice of the right to do so.

17 **SEC. 5. REPAIR AND REBUILDING.**

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

21 (1) in subsection (b)(1)—

22 (A) by striking “rendered uninhabitable”
 23 and inserting “damaged by a major disaster”;
 24 and

(B) by striking “uninhabitable, as a result of damage caused by a major disaster” and inserting “damaged by a major disaster”; and (2) in subsection (c)—

(A) 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)”; and

(B) in paragraph (4) by striking “in cases in which” and all that follows, 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. FEMA HUD AGREEMENTS.

In the case of any 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) on or after the date of enactment of this Act, not later than 60 days after the date of the declaration of the major disaster, the Administrator and the Secretary of Housing and Urban Development shall engage in con-

1 sultations regarding the implementation of a disaster
2 housing assistance program or similar joint program
3 under section 408 of the Robert T. Stafford Disaster Re-
4 lief and Emergency Assistance Act (42 U.S.C. 5174) to
5 provide temporary rental assistance to individuals and
6 households displaced from their residences by the major
7 disaster, including individuals and households eligible for
8 such assistance under section 3(a) of this Act.

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