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FEMA Individual Assistance Programs: An Overview

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SUMMARY

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FEMA Individual Assistance Programs: An Overview

Following 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; 42 U.S.C. §§5121 et seq.), the Federal Emergency Management Agency (FEMA) may provide three primary forms of assistance: Individual Assistance (IA), Public Assistance (PA), and Hazard Mitigation Assistance (HMA). IA, which is the focus of this report, supports the disaster recovery of affected individuals and households. PA provides grants to local, state, territorial, and Indian tribal governments, as well as certain private nonprofit organizations for emergency protective measures, debris removal operations, and repair or replacement of damaged public infrastructure. HMA funds pay for mitigation and resiliency projects and programs to reduce the threat or impacts of future disasters.

This report provides brief descriptions of the IA categories:

1. Crisis Counseling Assistance and Training Program;
2. Disaster Case Management;
3. Disaster Legal Services;
4. Disaster Unemployment Assistance;
5. Individuals and Households Program; and
6. Mass Care and Emergency Assistance.

The Individuals and Households Program (IHP) is covered in greatest detail herein because it is the primary program for providing financial and direct federal assistance to individuals and households following a presidential declaration of emergency or major disaster. The other forms of IA provide services to support the recovery of individuals and households, when authorized pursuant to a major disaster declaration.

The IA program information included herein is based on the guidance that FEMA initially released in March 2019, and subsequently updated. The current version of FEMA's comprehensive IA program policy resource, the *Individual Assistance Program and Policy Guide (IAPPG)*, was released in May 2021 and applies to emergencies and disasters declared on or after May 26, 2021 (previous versions of the guidance apply to disasters declared prior to this date).

This report also briefly describes the IA factors considered when evaluating a governor or chief executive's request for IA pursuant to a major disaster declaration. State, territory, and Indian tribal governments do not automatically receive a presidential Stafford Act declaration, nor do they automatically receive IA, when a disaster occurs. Instead, the governor or tribal chief executive must request that the President declare an emergency or major disaster and that IA be authorized. FEMA then evaluates the governor or chief executive's request using set factors and provides a recommendation to the President, who has sole discretion to authorize such a request. The evaluation of the IA factors, in addition to helping FEMA determine whether or not to recommend the President declare a major disaster, helps FEMA identify the types of IA that are needed.

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Introduction

When a disaster occurs, the Federal Emergency Management Agency (FEMA) may assist individuals with their recovery when the Individual Assistance (IA) program is 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; 42 U.S.C. §§5121 et seq.).[1] This report provides brief descriptions of the IA categories authorized under the Stafford Act, including the Crisis Counseling Assistance and Training Program (CCP);[2] Disaster Case Management (DCM),[3] Disaster Legal Services (DLS);[4] Disaster Unemployment Assistance (DUA);[5] and assistance for housing and/or other needs (referred to as other needs assistance or ONA) through the Individuals and Households Program (IHP).[6] Also included is a brief overview of Mass Care and Emergency Assistance (MC/EA).

All forms of IA may be authorized pursuant to a major disaster declaration; however, only the IHP may be authorized pursuant to either an emergency or major disaster declaration. The IHP is also the only form of FEMA assistance that provides grants directly to individuals and households to support their disaster recovery by helping address their housing and other needs (FEMA may also provide direct assistance for housing under the IHP). All forms of IA are funded through the Disaster Relief Fund (DRF), which is managed by FEMA.[7] Additionally, the federal government provides 100% of the funding for CCP, DCM, DLS, DUA, and IHP-Housing Assistance. IHP-ONA, however, is subject to a statutorily set 75% federal and 25% nonfederal cost share, borne by the affected state, territory, or tribe. MC/EA services are funded under the Public Assistance program, and are subject to a cost share that shall be not less than 75% federal and 25% nonfederal, which may be adjusted.[8]

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[1] Disaster Relief Act of 1974 (P.L. 93-288) (retitled the Robert T. Stafford Disaster Relief and Emergency Assistance Act—hereinafter Stafford Act—and codified, as amended, at 42 U.S.C. §§5121 et seq.). The Federal Emergency Management Agency's (FEMA's) "How a Disaster Gets Declared" webpage, 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 is the focus of this report. For information on FEMA's other disaster assistance 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 416, 42 U.S.C. §5183.

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

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

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

[6] Stafford Act Section 408, 42 U.S.C. §5174.

[7] 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.

[8] Stafford Act Section 403(b), 42 U.S.C. §5170b(b). For additional information on the federal cost share for disaster assistance, see CRS Report R41101, *FEMA Disaster Cost-Shares: Evolution and Analysis*, by Natalie Keegan and Elizabeth M. Webster.

The program-related information included in this report is based on FEMA's guidance, which was released in May 2021. The *Individual Assistance Program and Policy Guide (IAPPG)* is FEMA's comprehensive IA program policy resource; it applies to emergencies and disasters declared on or after May 26, 2021 (previous versions of the guidance apply to disasters declared prior to this date).[9] FEMA has released additional program guidance, including via memorandum, which also is used with the *IAPPG*.[10]

In addition to an overview of the IA programs, this report briefly describes the process for authorizing IA, focusing primarily on the factors FEMA considers when evaluating a governor or chief executive's request for a major disaster declaration that authorizes IA. The factors FEMA considers when evaluating a governor's request for IA were revised via rulemaking and went into effect in June 2019, as required by Section 1109 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2).[11] The factors FEMA considers when evaluating a chief executive's request for a major disaster declaration were updated in January 2017 with FEMA's release of the *Tribal Declarations Pilot Guidance*.[12]

Individual Assistance Programs

Various types of FEMA IA may be provided to disaster survivors.[13] The available IA options depend on the type of Stafford Act declaration, and the type(s) of IA requested by the governor or tribal chief executive. Brief descriptions of each form of IA are included below.

Crisis Counseling Assistance and Training Program[14]

FEMA provides Crisis Counseling Assistance and Training Program (CCP) grant funding to local, state, territory, and tribal governments to provide CCP services or contract with local mental health service providers for CCP services.[15] The CCP supplements efforts to assist disaster

[9] Previous versions of FEMA's IA guidance can be found in FEMA's "Individual Assistance Program and Policy Guide Archive," available at https://www.fema.gov/assistance/individual/policy-guidance-and-fact-sheets/archived-program-policy-guide.

[10] FEMA's *Individual Assistance Program and Policy Guide (IAPPG)*, v. 1.1, FP 104-009-03, May 2021, available at https://www.fema.gov/sites/default/files/documents/fema_iappg-1.1.pdf (hereinafter FEMA, *IAPPG*), and related guidance can be found at FEMA, "Policy, Guidance and Fact Sheets," https://www.fema.gov/assistance/individual/policy-guidance-and-fact-sheets.

[11] 44 C.F.R. §206.48(b).

[12] FEMA, *Tribal Declarations Pilot Guidance*, January 2017, pp. 36-38, https://www.fema.gov/sites/default/files/2020-04/tribal-declaration-pilot-guidance.pdf (hereinafter FEMA, *Tribal Declarations Pilot Guidance*). Section 1110 of the Sandy Recovery Improvement Act of 2013 (SRIA, Division B of P.L. 113-2) authorized tribal chief executives to request presidential Stafford Act declarations.

[13] For a brief reference on FEMA's IA programs, see CRS In Focus IF11298, *A Brief Overview of FEMA's Individual Assistance Program*, by Elizabeth M. Webster; see also CRS Infographic IG10024, *How FEMA Individual Assistance Works*, by Elizabeth M. Webster. For additional information on FEMA's IA programs, as well as other federal assistance for disaster response and recovery, see CRS Report RL31734, *Federal Disaster Assistance Response and Recovery Programs: Brief Summaries*, by Maria Kreiser, Maura Mullins, and Jared C. Nagel.

[14] 42 U.S.C. §5183; 44 C.F.R. §206.171; see also FEMA, *IAPPG*, pp. 203-233; Substance Abuse and Mental Health Services Administration (SAMHSA), "Crisis Counseling Assistance and Training Program (CCP)," https://www.samhsa.gov/dtac/ccp; SAMHSA, "Crisis Counseling Assistance and Training Program (CCP) Toolkit," https://www.samhsa.gov/dtac/ccp-toolkit; and FEMA, *Crisis Counseling Assistance and Training Program Guidance: CCP Application Toolkit*, Version 5.2, October 2021, https://www.samhsa.gov/sites/default/files/dtac/ccptoolkit/fema-ccp-guidance.pdf.

[15] FEMA, *IAPPG*, p. 203.

survivors and communities recovering from the effects of a disaster through community-based outreach and the provision of services, such as crisis counseling, psycho-education, coping skills development, and linking disaster survivors with other resources, such as individuals and agencies that help survivors in the recovery process.[16]

The CCP provides short- to intermediate-term assistance to support mental and emotional health needs. Two separate CCP programs provide assistance for different lengths of time[17]:

1. **Immediate Services Program (ISP)** funding is provided for up to 60 days following the approval of IA for a major disaster, and can continue for 60 additional days if an affected state/territory/tribe has submitted an application for the Regular Services Program.
2. **Regular Services Program (RSP)** funding is provided for up to nine months following the date of the notice of award, and can be extended for up to 90 days due to extraordinary circumstance or for more than 90 days if FEMA determines such an extension of the period of performance is in the public interest. ISP participation is not a prerequisite for the RSP.

The CCP regulations and guidance specify the application deadlines and timing for the availability of the above-referenced program funding; however, as noted, funding time extensions may be approved if requested by the state, territory, or tribe and approved by federal officials.

Disaster Case Management[18]

FEMA provides Disaster Case Management (DCM) services or grants to local, state, territory, and tribal governments or *qualified private organizations* to supplement existing case management capabilities.[19] The program partners case managers with disaster survivors to develop and implement disaster recovery plans that address the disaster survivors' unmet needs, including by providing disaster survivors with a single point of contact to access recovery resources.[20]

Two DCM programs provide assistance for different lengths of time[21]:

1. **Immediate Disaster Case Management (IDCM)** provides short-term services to address immediate disaster-caused unmet needs, and refer disaster survivors to resources. The period of performance of 90-180 days (when cases are transferred to the Disaster Case Management program), unless an extension is authorized due to extraordinary circumstances.

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[16] FEMA, *IAPPG*, p. 8. Figure 40 in FEMA's *IAPPG* lists and describes the available Crisis Counseling Assistance and Training Program (CCP)-funded services (see FEMA, *IAPPG*, p. 206).

[17] The CCP Immediate Services Program (ISP) is described 44 C.F.R. §206.171(f) and FEMA, *IAPPG*, pp. 209-217. The CCP Regular Services Program (RSP) is described 44 C.F.R. §206.171(g) and FEMA, *IAPPG*, pp. 218-225.

[18] 42 U.S.C. §5189d; see also FEMA, *IAPPG*, pp. 183-202; and FEMA, "Disaster Case Management Toolbox," https://www.fema.gov/assistance/individual/disaster-survivors/disaster-case-management-toolbox.

[19] DCM defines a *qualified private organization* as "any non-governmental organization or entity that currently has an effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under Sections 501(c) of Internal Revenue Code of 1954, or satisfactory evidence from the state, territorial, or tribal government that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under state, territorial, or tribal government law and that has experience providing case management services" (FEMA, *IAPPG*, p. 183).

[20] FEMA, *IAPPG*, p. 183.

[21] The Immediate Disaster Case Management (IDCM) program is discussed in FEMA's *IAPPG* from pages 186-187, and the Disaster Case Management (DCM) program is discussed from pages 188-202.

2. **Disaster Case Management (DCM)** provides longer-term services, with a period of performance of up to 24 months from the declaration date, which may be extended for 90 days pursuant to a written request by the affected state, territory, or tribe that is approved by FEMA. IDCM implementation is not a prerequisite for the DCM program.

FEMA directly implements, administers, and oversees the IDCM program, in coordination with the affected state, territory, or tribal government.[22] The DCM program, however, is implemented through a grant or cooperative agreement (when substantial FEMA involvement is anticipated).[23]

Disaster Legal Services[24]

Disaster Legal Services (DLS) are provided for free to low-income individuals who require them because of a major disaster.[25] DLS includes providing disaster survivors with legal advice, counseling, and representation in non-fee-generating cases.[26] Further, the provision of services is "confined to the securing of benefits under the [Stafford] Act and claims arising out of a major disaster."[27] For example, assistance may include replacing disaster-destroyed legal documents, help with home repair contracts and contractors, and appeals of FEMA decisions.[28] Disaster Legal Services are provided through an agreement FEMA has with the American Bar Association's Young Lawyers Division, when requested by an affected local, state, territory, or tribal government.[29] Assistance can be provided via a local toll-free hotline and through Disaster Recovery Centers.[30] Disaster Legal Services are provided until they are no longer needed.[31]

Disaster Unemployment Assistance[32]

Disaster Unemployment Assistance (DUA) provides temporary benefits for up to 26 weeks following the declaration of a major disaster to individuals who were previously employed or self-employed, were rendered jobless or whose employment was interrupted as a direct result of a presidentially declared major disaster, and who are ineligible for regular unemployment insurance.[33] DUA may also provide re-employment assistance.[34] The program is overseen by the U.S. Department of Labor, and administered by the affected state or territory's Unemployment Insurance (UI) agency. FEMA provides the funding for DUA.

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[22] FEMA, *IAPPG*, p. 186.

[23] FEMA, *IAPPG*, p. 188.

[24] 42 U.S.C. §5182; 44 C.F.R. §206.164; see also FEMA, *IAPPG*, pp. 235-237.

[25] For the purposes of Disaster Legal Services (DLS), *low-income* disaster survivors are those "who have insufficient resources to secure adequate legal services, whether the insufficiency existed prior to or resulted from the major disaster" (FEMA, *IAPPG*, p. 236).

[26] 44 C.F.R. §206.164(a).

[27] 44 C.F.R. §206.164(e).

[28] FEMA, *IAPPG*, pp. 8 and 235.

[29] FEMA, *IAPPG*, p. 8.

[30] FEMA, *IAPPG*, p. 237.

[31] FEMA, *IAPPG*, p. 235. FEMA's statute and regulations do not establish time limitation for Disaster Legal Services.

[32] 42 U.S.C. §5177; 44 C.F.R. §206.141; see also FEMA, *IAPPG*, pp. 239-243.

[33] FEMA, *IAPPG*, p. 239. For more information on DUA, see CRS Report RS22022, *Disaster Unemployment Assistance (DUA)*, by Julie M. Whittaker.

[34] FEMA, *IAPPG*, p. 239.

Individuals and Households Program[35]

When the Individuals and Households Program (IHP) is authorized, FEMA may provide financial and/or direct assistance for housing and financial assistance for other needs (referred to as other needs assistance or ONA) to eligible individuals and households who, as a result of a disaster, have uninsured or under-insured necessary expenses and serious needs that cannot be met through other means or forms of assistance.[36] The IHP is intended to meet basic needs and support recovery efforts, but it does not compensate disaster survivors for all losses and it is not intended to be a substitute for insurance. There are additional limits on IHP assistance, including that some forms of IHP assistance are subject to time-based limitations, and IHP awards for Financial Housing Assistance and ONA are subject to statutory funding caps that limit the amount of financial assistance an individual or household may receive.[37] Additionally, IHP applicants must meet general eligibility requirements,[38] and each type of IHP assistance also requires that additional eligibility conditions be met, and may require additional documentation. The types of IHP Housing Assistance and Other Needs Assistance (ONA) are listed in **Table 1**.

Table 1. Types of Housing Assistance and Other Needs Assistance

Housing Assistance: Financial	Housing Assistance: Direct	ONA: SBA-Dependent[a]	ONA: Non-SBA-Dependent[b]
Lodging Expense Reimbursement	Multi-Family Lease and Repair	Personal Property Assistance	Funeral Assistance
Rental Assistance	Transportable Temporary Housing Units	Transportation Assistance	Medical and Dental Assistance
Home Repair Assistance	Direct Lease	Group Flood Insurance Policy	Childcare Assistance
Home Replacement Assistance	Permanent Housing Construction		Assistance for Miscellaneous Items
			Moving and Storage Assistance
			Critical Needs 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; and 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

[35] 42 U.S.C. §5174; 44 C.F.R. §§206.110-120; see also FEMA, *IAPPG*, pp. 41-182. For additional, detailed information on the Individuals and Households Program (IHP), see CRS Report R47015, *FEMA's Individuals and Households Program (IHP)—Implementation and Considerations for Congress*, by Elizabeth M. Webster; and for a brief overview of the IHP, see CRS In Focus IF12049, *FEMA's Individuals and Households Program (IHP)*, by Elizabeth M. Webster.

[36] FEMA, *IAPPG*, p. 41.

[37] 42 U.S.C. §5174(h). Assistance for housing-related needs may not exceed $37,900 (FY2022; adjusted annually), and assistance for other needs assistance (ONA) may not exceed $37,900 (FY2022; adjusted annually). Additionally, ONA may be somewhat limited because some ONA-eligible items and amounts available to be awarded are predetermined by FEMA and the state, territorial, or Indian tribal government. Financial assistance to rent alternate housing accommodations and financial assistance for accessibility-related real and personal property costs are not subject to the cap. DHS/FEMA, "Notice of Maximum Amount of Assistance Under the Individuals and Households Program," 86 *Federal Register* 63046, November 15, 2021, https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24755.pdf.

[38] FEMA, *IAPPG*, p. 46.

1.1," September 2, 2021, pp. 11-12, https://www.fema.gov/sites/default/files/documents/fema_iappg-policy-amendments-memo.pdf.

Notes: 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. The term "SBA" refers to the Small Business Administration.

a. SBA-Dependent ONA is only available to individuals or households that do not qualify for an SBA disaster loan or whose SBA disaster loan amount is insufficient. Eligibility for SBA-Dependent ONA is determined by FEMA in collaboration with SBA (see 42 U.S.C. §5174(e); and 44 C.F.R. §206.119).

b. Non-SBA-Dependent ONA may be awarded regardless of the individual or household's SBA disaster loan status (see 42 U.S.C. §5174(e); and 44 C.F.R. §206.119).

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 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."[39] Other relevant considerations relate to the individual or household's "disaster-caused losses, access to life-sustaining services, cost-effectiveness, and other factors."[40] In addition, individuals and households may require multiple types of housing assistance when a disaster affects their home's habitability.[41] The following two sections briefly describe each type of Housing Assistance, and are organized by subcategory.

Financial Housing Assistance

Financial Housing Assistance is grant funding provided by FEMA directly to the eligible individual or household.[42] Home Repair and Home Replacement Assistance are subject to the limit on the maximum amount of financial assistance an individual or household is eligible to receive.[43]

- **Lodging Expense Reimbursement (LER)** provides eligible individuals with funding for out-of-pocket short-term lodging costs and taxes when the applicant is displaced from their primary residence because an emergency or major disaster rendered it uninhabitable or inaccessible.[44]

[39] 44 C.F.R. §206.110(c).

[40] 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).

[41] 42 U.S.C. §5174(b) and (c); 44 C.F.R. §206.110(c); and FEMA, *IAPPG*, pp. 78 and 93. FEMA's *IAPPG* defines "uninhabitable" as "a dwelling that is not safe, sanitary, or fit to occupy" (FEMA, *IAPPG*, p. 78).

[42] FEMA, *IAPPG*, p. 43.

[43] Assistance for housing-related needs may not exceed $37,900 (FY2022; adjusted annually). Financial assistance to rent alternate housing accommodations and financial assistance for accessibility-related real property costs are not subject to the cap. DHS/FEMA, "Notice of Maximum Amount of Assistance Under the Individuals and Households Program," 86 *Federal Register* 63046, November 15, 2021, https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24755.pdf.

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

- **Rental Assistance (including Initial Rental Assistance and Continued Temporary Housing Assistance)** provides eligible individuals with funding to rent alternate housing accommodations, including funding for 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.[45] There are two types of Rental Assistance:
  - **Initial Rental Assistance** allows FEMA to provide up to two months of assistance.
  - **Continued Temporary Housing Assistance** allows FEMA to provide assistance for up to 18 months or until the end of the 18-mnoth period of assistance, whichever comes first (this includes the period of time during which Initial Rental Assistance was provided), plus a security deposit. The period of assistance may be extended at the written request of the affected state, territory, or Indian tribal government.[46]
- **Home Repair Assistance** provides funding to eligible homeowners to repair an owner-occupied primary residence, utilities, and residential infrastructure (e.g., privately-owned access routes) to make the disaster survivors' home "safe, sanitary, or functional."[47] Home Repair Assistance may also provide funding for selected mitigation measures that make the housing more resilient.[48]
- **Home Replacement Assistance** provides funding to eligible homeowners to help replace a disaster-destroyed owner-occupied primary residence. The funding can be applied toward the purchase of a new permanent residence that exceeds the maximum award amount.[49]

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.

[45] FEMA, *IAPPG*, p. 80. The FEMA *IAPPG* states that FEMA uses the applicable Fair Market Rent (FMR) rate, which is based on the housing unit's location, number of bedrooms, and the fiscal year of the major disaster declaration (FEMA, *IAPPG*, p. 109 (see "Fair Market Rent (FMR)" text box)). HUD's Office of Policy Development and Research (PD&R) posts FMR information at https://www.huduser.gov/portal/datasets/fmr.html.

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

[47] FEMA, *IAPPG*, p. 85. 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, and roof). Additionally, assistance to repair real property components impacted by disaster-caused mold growth is eligible for Home Repair Assistance (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. 9-10, https://www.fema.gov/sites/default/files/documents/fema_iappg-policy-amendments-memo.pdf (hereinafter Memorandum from Keith Turi RE: Amendment to the IAPPG)).

[48] FEMA, "Hazard Mitigation Under the Individuals and Households Program," release, June 10, 2021, https://www.fema.gov/fact-sheet/hazard-mitigation-under-individuals-and-households-program.

[49] 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)."

Direct Housing Assistance

Direct Housing Assistance is housing provided to the individual or household by FEMA (or the state, territory, or Indian tribal government).[50] Direct Housing Assistance is not subject to the limit on the maximum amount of financial assistance an individual or household is eligible to receive. However, FEMA may only provide Direct Housing Assistance when Rental Assistance (a type of IHP Financial Housing Assistance) is unavailable or is insufficient.[51]

- **Multifamily Lease and Repair (MLR)** temporarily places eligible individuals 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 unit accessible).[52] MLR is not intended to make repairs or improvements to multi-family housing units for the purpose of rehousing existing tenants.[53]
- **Transportable Temporary Housing Units (TTHUs)** temporarily places eligible individuals in FEMA-purchased or leased temporary housing units (i.e., Recreational Vehicles (RVs) or Manufactured Housing Units (MHUs)).[54] TTHU sites must meet specific requirements that include (1) providing access to available and functional utilities;[55] (2) complying with government ordinances; and (3) satisfying federal floodplain management and Environmental Planning and Historic Preservation (EHP) compliance review requirements.[56] FEMA's guidance states that "FEMA selects locations based on the cost-effectiveness, timeliness, and suitability of each potential site."[57]

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[50] 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. As of December 2021, FEMA has not yet begun the rulemaking process (email correspondence from FEMA Congressional Affairs staff, December 6, 2021).

[51] Direct Housing Assistance must be requested in writing by the affected state, territory, or tribal government, and is only available when: (1) Rental Assistance cannot be used due to insufficient available housing resources; (2) increasing the Rental Assistance rate to 125% of the HUD Fair Market Rent (FMR) will not be sufficient to meet the housing needs; and (3) assistance from other providers (e.g., government and voluntary organizations) is insufficient to meet the housing needs. FEMA, *IAPPG*, p. 94.

[52] 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.

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

[54] 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).

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

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

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

- **Direct Lease** temporarily places eligible individuals in leased residential properties that are not typically available to the general public (e.g., a vacation rental).[58]
- **Permanent Housing Construction (PHC)** is a last resort that is used to provide financial or direct assistance for permanent or semi-permanent housing, and can include repairs or new home construction.[59] 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."[60]

Other Needs Assistance

Other Needs Assistance (ONA) provides eligible individuals with a grant of financial assistance for their other disaster-related necessary expenses and serious needs, and includes the subcategories of SBA-Dependent ONA and Non-SBA-Dependent ONA ("SBA" refers to the Small Business Administration).[61] 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.[62] 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 selected items.[63] The following sections provide an overview of each type of ONA, and are organized by subcategory.

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[58] FEMA, *IAPPG*, pp. 124-125. 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). 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).

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

[60] 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 PHC.

[61] FEMA defines a *necessary expense* as "the cost associated with acquiring an item, obtaining a service, or paying for any other activity that meets a serious need," and a *serious need* 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" (FEMA, *IAPPG*, p. 145).

[62] Financial assistance for ONA may not exceed $37,900 (FY2022; adjusted annually) (DHS/FEMA, "Notice of Maximum Amount of Assistance Under the Individuals and Households Program," 86 *Federal Register* 63046, November 15, 2021, https://www.govinfo.gov/content/pkg/FR-2021-11-15/pdf/2021-24755.pdf).

[63] 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, and 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, *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).

SBA-Dependent ONA

FEMA and the Small Business Administration (SBA) collaborate to determine an applicant's eligibility for some forms of ONA.[64] This is because IHP assistance for Personal Property Assistance, Transportation Assistance, and Group Flood Insurance Policy assistance—the three forms of SBA-Dependent ONA—are forms of assistance that may also be addressed by an SBA disaster loan. To avoid the statutory prohibition on duplicative assistance,[65] FEMA refers IHP applicants who meet the SBA's minimum income test to first apply for a low-interest SBA disaster loan before they are eligible to receive SBA-Dependent ONA through the IHP.[66] If the applicant does not qualify for an SBA disaster loan or their SBA disaster loan amount is insufficient to meet their disaster-caused expenses or serious needs, then they can be referred back to FEMA for consideration for IHP assistance—specifically for SBA-Dependent ONA.[67]

- **Personal Property Assistance** provides funding to eligible individuals to repair or replace eligible personal property items damaged or destroyed as a result of a declared emergency or major disaster.[68] Assistance may be provided for ONA-eligible personal property items set by the affected state/territory/tribe in its "ONA Administrative Option Selection Form."[69]
- **Transportation Assistance** provides funding to eligible individuals to repair or replace a vehicle damaged by a declared emergency or major disaster, up to the maximum award amount set by the affected state/territory/tribe in its "ONA Administrative Option Selection Form."[70]
- **Group Flood Insurance Policy** enables FEMA or the state, territory, or Indian tribal government to directly purchase a policy on an applicant's behalf if the applicant is required to purchase and maintain flood insurance, but could not otherwise purchase a policy.[71] The premium for a three-year certificate of

[64] Small Business Administration (SBA), "Computer Matching Agreement Between U.S. Small Business Administration and U.S. Department of Homeland Security, Federal Emergency Management Agency," 84 *Federal Register* 2651, February 7, 2019, https://www.govinfo.gov/content/pkg/FR-2019-02-07/pdf/2019-01508.pdf (hereinafter SBA, "Computer Matching Agreement"); and FEMA, *IAPPG*, p. 145. Per the Computer Matching Agreement, "The Computer Matching program seeks to ensure that applicants for SBA Disaster Loans and DHS/FEMA Individuals and Households Program (IHP) ... are eligible to receive benefits and do not receive a duplication of benefits for the same disaster. Additionally, [it] seeks to establish or verify initial eligibility for DHS/FEMA and SBA disaster assistance.... "

[65] 42 U.S.C. §5155.

[66] The other forms of ONA may be awarded regardless of the individual's or household's SBA disaster loan status and are referred to as Non-SBA-Dependent ONA.

[67] For additional detailed information on the process for authorizing a disaster survivor's request for SBA-Dependent ONA, see the "SBA-Dependent ONA" section of CRS Report R47015, *FEMA's Individuals and Households Program (IHP)—Implementation and Considerations for Congress*, by Elizabeth M. Webster.

[68] FEMA, *IAPPG*, pp. 166-169. Eligible Personal Property items include standard household appliances (and selected accessibility items); essential clothing; standard furnishings; and essential, specialized tools and equipment required by an employer (essential equipment for self-employment is ineligible) or for education.

[69] FEMA, *IAPPG*, p. 149. The affected state, territory, or tribe may identify ONA-eligible personal property and miscellaneous items, and can set a maximum number of items each eligible individual or household may receive.

[70] FEMA, *IAPPG*, pp. 149, and 170-172. 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."

[71] FEMA, *IAPPG*, p. 172-175.

coverage costs $2,400,[72] and it covers real and personal property equaling the maximum amount of financial assistance available for both Housing Assistance and ONA.[73] Upon the group policy's expiration, the applicant must purchase and maintain their own flood insurance; failure to do so may affect future IHP eligibility.[74]

Non-SBA-Dependent ONA

The forms of Non-SBA-Dependent ONA may be awarded regardless of the individual or household's SBA disaster loan status.[75]

- **Funeral Assistance** provides funding to assist eligible individuals with eligible funeral expenses related to a death that is directly or indirectly attributable to a declared emergency or major disaster, up to the maximum award amount set by the affected state/territory/tribe in its "ONA Administrative Option Selection Form."[76]
- **Medical and Dental Assistance** provides funding to assist eligible individuals with eligible medical and dental expenses incurred as a direct result of a declared emergency or major disaster.[77]
- **Child Care Assistance** provides funding to assist eligible individuals with a disaster-caused increased financial burden for childcare for children aged 13 and under and/or children up to age 21 who have a disability and need assistance with activities of daily living. Assistance is provided for up to eight cumulative weeks of childcare and eligible expenses or the maximum award amount set by the affected state/territory/tribe in its "ONA Administrative Option Selection Form," whichever is less.[78]
- **Moving and Storage Assistance** provides funding to eligible individuals to relocate and store essential personal property while repairs are made to the applicant's primary residence, and then return the property to the repaired primary residence.[79]
- **Miscellaneous Expenses** provides funding to reimburse eligible individuals for eligible items purchased or rented after a disaster to assist with their recovery.[80]

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[72] 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 [National Flood Insurance Program] loss experience and any adjustment of benefits under the IHP program" (FEMA, *IAPPG*, p. 172).

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

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

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

[76] FEMA, *IAPPG*, pp. 149-152. Examples of eligible funeral expenses include interment or reinterment, funeral and officiant services, and the cost of producing and certifying death certificates.

[77] FEMA, *IAPPG*, pp. 153-155. Examples of eligible medical and dental expenses include costs associated with a disaster-caused illness or injury, replacing prescribed medication or equipment, and insurance deductibles and copayments, as well as loss or injury of a service animal.

[78] FEMA, *IAPPG*, pp. 155-160.

[79] FEMA, *IAPPG*, pp. 162-164. Items may be relocated to a temporary housing unit if they will be returned to the repaired primary residence. Appliances and furniture, but not recreational items, are eligible to move and store.

[80] FEMA, *IAPPG*, pp. 160-162. Miscellaneous items may assist disaster survivors with gaining access to their property or assisting with cleaning efforts. Examples of eligible miscellaneous items may include carbon monoxide and smoke

Assistance may be provided for ONA-eligible miscellaneous items set by the affected state/territory/tribe in its "ONA Administrative Option Selection Form."[81]

- **Critical Needs Assistance** (sometimes referred to as "Immediate Needs Assistance") is provided to eligible individuals in the form of a one-time payment that is limited to $500 per eligible household when applicants are displaced from their pre-disaster primary residence or need to shelter elsewhere as a result of a declared emergency or major disaster.[82]
- **Clean and Sanitize Assistance** (previously "Clean and Removal Assistance") is provided to eligible individuals in the form of a one-time payment limited to $300 to "ensure minimal damage to the home is addressed in order to prevent additional losses and potential health and safety concerns."[83]

Mass Care and Emergency Assistance[84]

Mass Care and Emergency Assistance (MC/EA) involves federal coordination and support of state, local, tribal, and territorial government efforts to provide life-sustaining services to disaster survivors prior to, during, and following an incident through short-term recovery.[85] Examples of MC/EA include emergency feeding and sheltering. Unlike the other forms of assistance discussed in this report, MC/EA is authorized and funded through FEMA's Public Assistance—rather than Individual Assistance—program.

IA Factors for a Major Disaster Declaration

Federal assistance is intended to supplement—not supplant—the local, state, territory, or Indian tribal government's response and recovery efforts.[86] 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 (there is no threshold for

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detectors, and a dehumidifier or humidifier. Chainsaws and generators may be permitted under limited circumstances if certain conditions are met.

[81] FEMA, *IAPPG*, p. 149. The affected state, territory, or tribe may identify ONA-eligible personal property and miscellaneous items, and can set a maximum number of items each eligible individual or household may receive.

[82] FEMA, *IAPPG*, pp. 164-165. FEMA's *IAPPG* provides a nonexclusive list of life-saving and life-sustaining items including "water, food, first aid, prescriptions, infant formula, diapers, CMS [consumable medical supplies], DME [durable medical equipment], personal hygiene items, and fuel for transportation."

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

[84] FEMA, *IAPPG*, pp. 16-40. The *IAPPG* chapter on Mass Care and Emergency Assistance (MC/EA) includes an overview of the program, as well as descriptions of assistance, including support related to (1) sheltering; (2) feeding; (3) the distribution of emergency supplies; (4) individuals with disabilities and others with access and functional needs; (5) reunification; (6) pets, service animals, and assistance animals; (7) mass evacuees; (8) Transitional Sheltering Assistance (TSA); (9) Operation Blue Roof programs; and (10) the National Mass Care Exercise.

[85] FEMA, *IAPPG*, p. 6.

[86] The governor or 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).

authorizing IA).[87] Instead, following an *incident*,[88] the governor or chief executive must request that the President declare an emergency or major disaster authorizing IA.[89] The governor or chief executive's request must demonstrate that they are unable to effectively respond to the incident without federal assistance.[90] 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.[91] Using the information submitted by the governor or 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).[92] This includes information collected through the Preliminary Damage Assessment (PDA) process, which is validated by local, state, territory, Indian tribal government, and federal authorities.[93] FEMA then provides a recommendation to the President.[94] The decision to grant an emergency or major disaster declaration request is at the President's sole discretion.[95]

FEMA issued a final rule updating 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).[96] 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.[97] Thus, there are six IA factors that are considered pursuant to a governor's request for a major disaster declaration authorizing IA.[98] These factors are intended to help FEMA assess the "severity, magnitude, and impact of a

[87] 44 C.F.R. §§206.35-206.38, and 206.40(a); and FEMA, "How a Disaster Gets Declared."

[88] 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)).

[89] 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 "exclusive or preeminent responsibility and authority."

[90] 44 C.F.R. §§206.35 and 206.36.

[91] For a list and description of information requirements to accompany a governor or 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.

[92] 44 C.F.R. §206.48(b); and FEMA, *Tribal Declarations Pilot Guidance*, pp. 36-38.

[93] 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*).

[94] 44 C.F.R. §206.37(c).

[95] 44 C.F.R. §206.38.

[96] DHS/FEMA, "Factors Considered When Evaluating a Governor's Request for Individual Assistance for a Major Disaster," 84 *Federal Register* 10632-10664, 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"); 44 C.F.R. §206.48(b).

[97] FEMA, *Individual Assistance Declarations Factors Guidance*, June 2019, https://www.regulations.gov/document/FEMA-2014-0005-0071.

[98] According to 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* would be useful in evaluating the need for IHP assistance. As described by 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

disaster," as well as the capabilities of the affected jurisdictions.[99] 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).

FEMA uses a separate set of factors when evaluating a chief executive of an affected Indian tribal government's request for a major disaster authorizing IA. Section 1110 of SRIA amended the Stafford Act to allow chief executives to request an emergency or major disaster declaration (alternatively, the tribe may receive assistance through the state's declaration).[100] Initially, FEMA used the same factors to evaluate a governor or chief executive's request for a major disaster declaration, which allowed tribal governments to exercise this authority immediately upon SRIA's enactment (using the previous IA factors—before they were revised and made effective in June 2019).[101] However, FEMA's release of the *Tribal Declarations Pilot Guidance* in January 2017 made effective specific factors considered when evaluating a chief executive's request for a major disaster declaration.[102] When the pilot period concludes (no specific time has been set), FEMA has stated that it will develop regulations informed by the pilot.[103] Thus, there are nine factors considered when evaluating a chief executive's request for a major disaster declaration authorizing IA, which are intended to help FEMA evaluate whether an event has overwhelmed the tribal government's capabilities, making Stafford Act assistance necessary.[104]

No single factor is determinative; FEMA considers all relevant information submitted by the governor or chief executive as part of a declaration request, and the President has the sole discretion to approve a major disaster declaration request authorizing IA.[105]

Brief descriptions of the factors FEMA evaluates when considering a governor's request are included in **Table 2**, and **Table 3** provides brief descriptions of the factors FEMA evaluates when considering a chief executive's request.

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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).

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

[100] Section 1110 of SRIA (P.L. 113-2).

[101] 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.

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

[103] FEMA, *Tribal Declarations Pilot Guidance*, p. 3; and FEMA, "Tribal Declarations Pilot Guidance," https://www.fema.gov/disasters/tribal-declarations.

[104] 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.

[105] Per FEMA's regulation at 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 C.F.R. 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.... "; and FEMA, *Tribal Declarations Pilot Guidance*, p. 34.

Table 2. IA Factors for a Governor's Major Disaster Declaration Request

Applies to Affected States and Territories

IA Factors	Description	Supporting Information/ Data Sources
State Fiscal Capacity and Resource Availability[a]	FEMA considers the availability of government and private-sector resources, and the circumstances that contributed to the state/territory having insufficient resources, potentially necessitating supplemental federal assistance. FEMA evaluates (1) **Fiscal Capacity** (a principal factor for considering the need for the IHP), which indicates the state/territory's ability manage disaster response and recovery, by considering its ability to raise revenue for disaster response and recovery based on either total taxable resources (TTR) or gross domestic product (GDP), as well as per capita personal income by locality and other factors affecting the state/territory's ability to collect funds; and (2) **Resource Availability**, which indicates whether the disaster-caused needs can be met using non-Stafford Act sources. Also considered is the cumulative effect of recent disasters occurring in the previous 24 months.	U.S. Department of 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]	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 (a principal IHP factor). An affected state/territory may provide data for consideration, including (1) the damage-causing peril; (2) the percentage of affected applicants with insurance for such peril; (3) the concentration of damages; (4) the number of homes damaged and degree of damage; (5) the estimated cost of assistance; (6) the estimated homeownership rate for the affected homes; and (7) other relevant PDA data that may demonstrate a need for supplemental assistance.	State/territory reported following the Preliminary Damage Assessment
Disaster Impacted Population Profile	FEMA considers the affected community's demographics as compared with national averages (based on U.S. Census Bureau and other federal data), to evaluate whether there is an increased need for supplemental federal assistance.	U.S. Census Bureau (American Community Survey), other federal agencies
Impact to Community Infrastructure	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—specifically, disruption, damage, or destruction for more than 72 hours to any/all of the following: (1) "Life-Saving and Life-Sustaining Services" that provide an "essential community function that ... will affect public health and safety" (e.g., police, medical facilities); (2) "Essential Community Services" that improve quality of life (e.g., social services); and (3) "Transportation Infrastructure and Utilities" that, for example, render housing uninhabitable or inaccessible.	State/territory reported
Casualties	FEMA considers the number of individuals who are missing, injured, or deceased as a result of a disaster, which indicates community trauma.	State/territory reported
Disaster Related Unemployment	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.	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.

Notes: 44 C.F.R. §206.48(b). FEMA considers 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)).

Table 3. IA Factors for a Chief Executive's Major Disaster Declaration Request

Applies to Affected Federally Recognized Tribes

IA Factors	Description	Supporting Information/ Data Sources
Uninsured Home and Personal Property Losses[a]	FEMA evaluates the damage to the primary residences of enrolled tribal members and, if requested and approved, non-enrolled members of the tribal community, by categorizing homes based on damage and assessing the magnitude of the disaster and concentration of damages.	Tribe reported following the Preliminary Damage Assessment
Availability of Housing Resources	FEMA considers the availability of accessible temporary housing resources.	Tribe reported
Casualties	FEMA considers disaster-caused "deaths or injuries [including] of cultural, religious, and government leaders."	Tribe reported
Impact to Community Infrastructure	FEMA considers the disaster's impacts that may adversely affect the "population's ability to safely and securely reside within the community," including the large-scale disruption of community functions and services; impacts to cultural and spiritual facilities; and emergency needs.	Tribe reported
Disaster Impacted Population Profile	FEMA considers the affected community's demographics, including populations that may have a greater need for recovery support.	U.S. Census Bureau, tribe reported unique considerations not reflected in U.S. Census Bureau data
Voluntary Agency and Other Assistance	FEMA considers the extent to which disaster survivors' needs can be met by voluntary agencies, and the local and state governments.	Tribe reported
Tribal Government Resources	FEMA considers the tribal government's efforts that have or will be made and the resources that have or will be committed.	Tribe reported
Unique Conditions that Affect Tribal Governments	FEMA considers the tribe's unique needs and the conditions that are unique to the tribal community (e.g., needs associated with remote locations or the impact on the tribal government's economy).	Tribe reported
Other Relevant Information	Other relevant information provided by the tribe.	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, *Preliminary Damage Assessment Guide*, August 2021, pp. 15 and D1-D9, https://www.fema.gov/sites/default/files/documents/fema_2021-pda-guide.pdf.

Notes:

a. 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).

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