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FEMA Individual Assistance Programs: In Brief

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Summary

When the President declares a major disaster pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288), the Federal Emergency Management Agency (FEMA) advises the President about types of federal assistance administered by FEMA available to disaster victims, states, localities, and tribes. The primary types of assistance provided under a major disaster declaration include funding through the Public Assistance program, Mitigation Assistance programs, and the Individual Assistance program.

The Public Assistance program provides federal financial assistance to repair and rebuild damaged facilities and infrastructure. Mitigation Assistance programs provide funding for jurisdictions, states, and tribes to ensure damaged facilities and infrastructure are rebuilt and reinforced to better withstand future disaster damage. Finally, the Individual Assistance program provides funding for basic needs for individuals and households following a disaster.

Eligible activities under the Individual Assistance program include funding for such things as mass care, crisis counseling, and temporary housing. FEMA advises the President on the type of individual assistance to be granted following each disaster, and works with state and local authorities in determining what assistance programs would best suit the needs within the disaster area. FEMA makes this determination based on a list of criteria designed to align federal disaster assistance with unmet needs in disaster-impacted areas.

This report provides a short summary of the types of individual assistance programs administered by FEMA following a disaster. This report also provides a summary of the criteria FEMA uses in determining which individual assistance programs may be made available to impacted areas following a major disaster declaration, and discusses a proposed rule to change these criteria.

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Introduction

When the President declares a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act,¹ the disaster declaration designates the types of Federal Emergency Management Agency (FEMA) assistance to be provided.² There are three primary types of assistance: Public Assistance (PA),³ which addresses repairs to a community and state or tribal government infrastructure; Mitigation Assistance (MA), which provides funding for projects a state or tribe proposes to reduce the threat of future damage; and Individual Assistance (IA), which provides help to individuals and households affected by a major disaster.

While all major disaster declarations include MA, FEMA uses information on a range of “factors” from the Preliminary Damage Assessment (PDA) to determine whether PA and/or IA should be recommended.⁴ Following Hurricane Sandy, Congress required FEMA to revise and update the factors it considers when making a recommendation to the President regarding whether a major disaster declaration should include IA or not.⁵ This report provides information on FEMA’s IA programs and the factors FEMA uses to determine if IA should be part of a disaster declaration.

Individual Assistance Programs

FEMA considers numerous factors (detailed later in this report) when it recommends IA to the President following a major disaster. IA can include several programs, depending on whether the governor of the affected state or the tribal leader requests that specific type of FEMA assistance. FEMA’s IA includes (1) Mass Care and Emergency Assistance, (2) Crisis Counseling Assistance and Training Program, (3) Disaster Unemployment Assistance, (4) Disaster Legal Services, (5) Disaster Case Management, and (6) the Individuals and Households Program.⁶

1. *Mass Care* includes directly supporting congregate sheltering, feeding, and hydration; distributing emergency supplies; and reuniting children with their parents/legal guardians, as well as adults with their families. *Emergency Assistance* encompasses a variety of services and functions, including coordination of volunteer organizations and unsolicited donations, managing unaffiliated volunteers and community relief services, supporting transitional sheltering, and supporting mass evacuations.
2. The *Crisis Counseling Assistance and Training Program* assists individuals and communities recovering from the effects of a disaster through community-based outreach and psycho-educational services.⁷ The program supports short-term

¹ 42 U.S.C. §5170, as amended.

² For more information on Stafford Act declarations, see CRS Report R43784, *FEMA’s Disaster Declaration Process: A Primer*, by Bruce R. Lindsay.

³ For more information on PA, see CRS Report R43990, *FEMA’s Public Assistance Grant Program: Background and Considerations for Congress*, by Jared T. Brown and Daniel J. Richardson.

⁴ In general, when a request for a major disaster declaration is submitted, representatives from FEMA meet with the state or tribal government and compile a PDA. FEMA then makes a recommendation to the President concerning whether a declaration should be issued. The President has the authority to make the declaration or deny the request. For more information on the PDA process, see CRS Report R44977, *Preliminary Damage Assessments for Major Disasters: Overview, Analysis, and Policy Observations*, coordinated by Bruce R. Lindsay.

⁵ P.L. 113-2, Division B.

⁶ P.L. 93-288, Title IV, §401-426.

⁷ Psycho-educational services consist of therapeutic treatment for disaster victims that provides information and support (continued...)

- counseling of disaster survivors. The program also provides information on coping strategies and emotional support by linking survivors with other individuals and agencies that help them in the recovery process.
3. *Disaster Unemployment Assistance* provides information and resources to individuals who were employed or self-employed, or were scheduled to begin employment during a disaster. It may also be provided to those who can no longer work or perform their job duties due to damage to their place of employment, do not qualify for regular unemployment benefits from a state, or cannot perform work or self-employment due to an injury as a direct result of a disaster.⁸
 4. *Disaster Legal Services* provides legal assistance to low-income individuals who are unable to secure adequate legal services that meet their disaster-related needs.
 5. *Disaster Case Management* provides a partnership between a case manager and the disaster survivor to assist them in carrying out a disaster recovery plan. The recovery plan includes resources, services, decisionmaking priorities, progress reports, and the goals needed to close their case.
 6. *Individuals and Households Program* is comprised of two categories of assistance: Housing Assistance and Other Needs Assistance (ONA).
 - a. Housing Assistance may include financial assistance to
 - i. reimburse for hotels, motels, or other short-term lodging;
 - ii. rent alternate housing accommodations while the applicant is displaced from their primary residence;
 - iii. repair a primary residence;
 - iv. assist in replacing owner-occupied residences when the residence is destroyed; and
 - v. enter into lease agreements with owners of multifamily rental properties located in the disaster area.⁹
 - b. Housing Assistance may also include home repair and construction services provided in insular areas outside the continental United States and other locations where no alternative housing resources are available and where types of FEMA housing assistance that are normally provided (such as rental assistance) are unavailable, infeasible, or not cost-effective.
 - c. FEMA may provide manufactured housing units as a form of temporary housing through its Transitional Sheltering Assistance program.
 - d. Other Needs Assistance provides financial assistance for other disaster-related expenses and needs. These include
 - i. child care;
 - ii. medical and dental expenses;

(...continued)

to help them better understand and cope with their situation.

⁸ For more information on disaster unemployment assistance, see CRS Report RS22022, *Disaster Unemployment Assistance (DUA)*, by Julie M. Whittaker.

⁹ Housing assistance is capped at \$33,300 per household.

- iii. funeral and burial costs; and
- iv. transportation.

IA accounted for approximately 14.4% of all projected federal spending (\$9.1 billion of \$63.2 billion) from the Disaster Relief Fund for Stafford Act declarations occurring from FY2007 through FY2016, according to FEMA data as of August 10, 2017. Some types of FEMA IA are subject to cost sharing, such as ONA, which is subject to a cost share between FEMA and the state, territorial, or tribal government. FEMA covers 75% of eligible ONA costs, and the state, territorial, or tribal government is responsible for the remaining 25%.¹⁰ Transitional Sheltering under Mass Care and Emergency Assistance is also subject to a 75/25 percent cost share.

IA Factors for a Major Disaster Declaration

The factors FEMA uses to determine potential IA for disaster survivors have not been changed since originally published in 1999. The factors include

- *concentration of damages*—FEMA evaluates the concentrations of damages to individuals, and high concentrations of damages generally indicate a greater need for federal assistance than widespread or scattered damages throughout an area, region, or state;
- *trauma*—FEMA considers the degree of trauma to a state and communities, and some of the conditions that might cause such trauma include
 - large numbers of injuries and death,
 - large-scale disruption of normal community functions and services, and
 - emergency needs such as extended or widespread loss of power or water;
- *special populations*—FEMA considers whether special populations, such as low-income, the elderly, or the unemployed are affected, and whether they may have a greater need for assistance;
- *voluntary agency assistance*—FEMA considers the extent to which voluntary agencies and state or local programs can meet the needs of the disaster victims;
- *insurance*—FEMA considers the amount of insurance coverage in the disaster area because, by law,¹¹ federal disaster assistance cannot duplicate insurance coverage; and
- *average amount of individual assistance by state*—FEMA’s regulations state that “[t]here is no set threshold for recommending Individual Assistance, but the following averages [see **Table 1**] may prove useful to States and voluntary agencies as they develop plans and programs to meet the needs of disaster victims.”¹²

¹⁰ 42 U.S.C. §5174(g) and 44 C.F.R. §206.110(i).

¹¹ 42 U.S.C. §5155.

¹² 44 C.F.R. §206.48(b).

Table I. Average Amount of Assistance Per Disaster
July 1994-July 1999

	Small states <2M pop.	Medium states 2-10M pop.	Large states >10M pop.
Average population (1990 census data)	1.0M	4.7M	15.5M
Disaster Housing Applications Approved	1,507	2,747	4,679
Homes Estimated Major Damage/Destroyed	173	582	801
Housing Assistance	\$2.8M	\$4.6M	\$9.5M
Individual and Family Grant (IFG) Applications Approved	495	1,377	2,071
Individual and Family Grant Assistance	\$1.1M	\$2.9M	\$4.6M
Disaster Housing/IFG Combined Assistance	\$3.9M	\$7.5M	\$14.1M

Source: Data from FEMA’s National Processing Service Centers, as presented in 44 C.F.R. §206.48(b).

Note: Data used are only from July 1994 to July 1999. M = millions.

When reviewing disaster declarations between January 2008 and July 2013, FEMA found that requests with more than \$7.5 million in assistance usually resulted in a declaration for IA. However, FEMA has not suggested using that amount as a threshold for assistance. Instead, it is providing several factors that relate directly to the Individual and Household Program (IHP), which is the primary IA program. In addition, other factors may provide greater detail for decisionmakers for IHP and for other prominent IA programs such as Crisis Counseling and Disaster Unemployment Assistance (DUA).

In response to congressional direction¹³ for updated IA factors, FEMA issued a Notice of Proposed Rulemaking (NPRM) on November 12, 2015. FEMA published the proposed rule on November 12, 2016, and was accepting comments until January 11, 2016. FEMA has yet to finalize the proposed rule. The new proposed factors are

- state fiscal capacity and resource availability;
- uninsured home and personal property losses;
- disaster-impacted population profile;
- impact to community infrastructure;
- casualties; and
- disaster-related unemployment.

FEMA proposed using three factors to evaluate a state and local jurisdiction’s fiscal capacity: the total tax revenue of the state (a measurement recommended by the U.S. Government Accountability Office [GAO]),¹⁴ the Gross Domestic Product (GDP) by state, and the per-capita personal income by local area. Using those factors, along with the projected IA costs, FEMA would then develop Individual Assistance Cost to Capacity (ICC) ratios.

As mentioned earlier, the estimates of potential FEMA assistance costs are generally derived from Preliminary Damage Assessments (PDAs) that are conducted after an event to help both the state

¹³ P.L. 113-2, Division B.

¹⁴ See U.S. General Accounting Office, *Disaster Assistance: Improvement Needed in Disaster Declaration Criteria and Eligibility Assurance Procedures*, GAO-01-837, August 31, 2001, available at <http://www.gao.gov/assets/240/232622.pdf>.

and federal governments evaluate the situation. Using figures from this process for 153 major disaster declaration requests between January of 2008 and July of 2013, FEMA found that generally, the higher the ICC ratio, the more likely that IA was part of a major disaster declaration.

FEMA emphasized that the proposed approach would not be a hard “threshold,” nor did it anticipate incorporating it into its regulations because one single factor would not determine each decision on recommendations to the President.

A hard “threshold” was a recommendation of some FEMA stakeholders. It is likely they wanted to see a number comparable to the per capita amount employed as a factor for PA declarations. However, in response to that request, FEMA invoked Section 320 of the Stafford Act and suggested it chose not to violate the principles of Section 320. That section forbids a denial of assistance based *solely* (emphasis added) on an “arithmetic formula.” While some formulas have been routinely used by FEMA in the process of making recommendations, according to FEMA, formulas have only been one factor among several considered. Instead, FEMA indicates its desire that such formulas, when used as a part of the PDA process, would influence a state’s decision on whether to make a request, but would not remove the state’s discretion.

FEMA’s proposal offered more detail than previously available regarding state capacity, the tools FEMA may employ to consider individual state resources, and FEMA’s own approach to assessing that capacity. But the proposed ICC and other factors raise questions as to how various factors may or may not be weighted in importance when considering a governor’s request.

In addition, the proposed factors appeared to relate directly to current IA programs such as Disaster Unemployment Assistance and Crisis Counseling. The proposed rule also appeared to encourage the development of state programs that might replicate or complement FEMA-style assistance to families and individuals at the state level. It could be argued that such programs at the state level could be of assistance when federal supplemental help is not contemplated. At this time there is no information on when FEMA intends to finalize this proposed rule on revising IA factors.

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