

## 2.0 FEMA ASSISTANCE

### 2.1 What Does a State of Disaster in Texas Mean?

Chapter 418 of the Texas Government Code establishes the Governor's powers and duties regarding emergency management. The Governor is responsible for the dangers to the state and people caused by disasters (§ 418.011). Using an Executive Order or Proclamation, the Governor may declare a State of Disaster if the Governor finds "a disaster has occurred or that the occurrence or threat of disaster is imminent" (§ 418.014). A State of Disaster Declaration activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; and authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies, equipment, and materials or facilities assembled, stockpiled, or arranged to be made available under this chapter or other law relating to disasters, (§ 418.015).

#### **What is the difference between a National Emergency and a Major Disaster Declaration?**

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 § 401 provides for two types of disaster declarations: An Emergency Declaration and a Major Disaster Declaration. If the President determines federal assistance is needed to supplement State efforts in providing emergency assistance, an Emergency Declaration can be declared. If first requested by a Governor and the President determines that a natural event such as a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion has caused such severe damage that it will overwhelm State and local governments responses, the President may declare the event a Major Disaster. Once a Major Disaster Declaration is approved, the President can approve or deny any request for individual or public assistance made in the Governor's request. Three types of disaster assistance programs include Individual Assistance, Public Assistance, and Hazard Mitigation Assistance.

See a list of disaster declarations for Texas at [www.fema.gov/disasters/grid/state-tribal-government/24](http://www.fema.gov/disasters/grid/state-tribal-government/24).

**Individuals, families and businesses may** be eligible for federal assistance if they live, own a business, or work in a county declared a Major Disaster Area. Help may also be available to those who have incurred sufficient property damage or loss and do not have insurance or other resources to meet their needs. **The most important thing a disaster survivor must do to obtain FEMA assistance is to register with FEMA.** To apply for Assistance for Individuals and Households, individuals should register with FEMA toll-free at 1-800-621-FEMA (TTY: 1-800-462-7585) within **sixty days of the declaration of the disaster**. The FEMA publication entitled "Individual Assistance Program Policy Guide" (IAPPG) includes information about what type of assistance is available under various FEMA programs, who is eligible, the process for obtaining assistance, and frequently asked questions. It is available online at [www.fema.gov/individual-assistance-program-and-policy-guide](http://www.fema.gov/individual-assistance-program-and-policy-guide).

However, not everyone who has been affected by a disaster is entitled to FEMA assistance. FEMA has established a policy for preventing duplication of benefits under [44 C.F.R. § 206.191](http://www.fema.gov/individual-assistance-program-and-policy-guide). FEMA's duplication of benefits policy establishes the order in which the major forms of assistance should be provided (i.e., the sequence of delivery). The agency that has the primary responsibility for delivering a certain type of assistance should provide that assistance first and may do so without regard to other agencies with similar assistance that are lower in the sequence. Agencies are not prohibited from disrupting the sequence of delivery when it serves to expedite the recovery of an applicant. However, the agency that disrupts the sequence of delivery must take corrective action.

Delivery Sequence Charts can be found at:

English - [www.fema.gov/media-library/assets/documents/170327](http://www.fema.gov/media-library/assets/documents/170327)

Espanol/Spanish - [www.fema.gov/es/media-library/assets/documents/32169](http://www.fema.gov/es/media-library/assets/documents/32169)

Chinese - [www.fema.gov/media-library/assets/documents/32290](http://www.fema.gov/media-library/assets/documents/32290)

The general sequence of delivery for major forms of assistance is as follows:

1. **Volunteer agencies' emergency assistance** (except expendable items such as linens and basic kitchenware).
2. **Private insurance benefits** (homeowners, windstorm, flood, and/or automobile insurance) – Insured applicants must file a claim with their insurance company or companies before receiving federal assistance. They may be eligible to receive disaster assistance if they have insufficient coverage or have items not covered by their insurance policy.
3. **FEMA Individuals and Households Program (IHP)** – FEMA IHP provides grants directly to eligible individuals. The application period is sixty days from the disaster declaration, unless extended by FEMA. IHP includes Housing Assistance (HA) and Other Needs Assistance (ONA). Although there is a single application process and application number, Texas uses a bifurcated process for decisions as set forth below. Furthermore, as of October 2018, HA and ONA are subject to separate caps on assistance. (The cap for each for FY 2020 is \$35,500 but is subject to change each year.) Some eligibility requirements are to both forms of IHP, such as the requirement that the applicants' primary residence be located in a county included in the federal declaration of disaster and that at least one household member be a U.S. citizen or "qualified alien" as described in [Q. 2-11](#) below.

Both programs include several subcategories of assistance.

A. **IHP Housing Assistance (HA):** FEMA funds and generally<sup>1</sup> administers all aspects of HA.

1. **Temporary Housing Assistance (THA)** – THA is designed to help disaster applicants secure alternative housing when they are displaced from pre-disaster housing because the home has been rendered uninhabitable or inaccessible. THA eligibility is open to renters as well as homeowners.

This includes:

- a. Lodging expense reimbursement for the cost of short-term lodging such as hotel rooms (but food, transportation, telephone, separately billed utilities, and other services are not eligible for reimbursement).
- b. Rental assistance to rent a dwelling for the pre-disaster household to live in, generally disbursed in two-month increments, and subject to the approval of requests for continued assistance, available for up to eighteen months. Rental assistance is not counted against the HA cap.
- c. Direct Housing Assistance, which is only offered when existing rental properties are not able to meet the demand. FEMA may provide in-kind assistance, such as

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<sup>1</sup>During Hurricane Harvey, the Texas General Land Office administered some forms of Direct Housing Assistance. Similar efforts are authorized under the Disaster Recovery Reform Act of 2018 so should be anticipated in future disasters, especially those involving catastrophic damage.

in the form of trailers, manufactured homes, or other readily fabricated dwellings, for use as temporary housing. As with rental assistance, this is generally available for up to eighteen months and remains subject to recertification of continuing eligibility. (Applicants receiving Direct Housing Assistance become ineligible for the financial forms of THA.)

2. **Home Repair and Replacement Assistance:** These forms of assistance are only available to those who also meet FEMA’s definition of “owner-occupant.”
    - a. Home repair: Financial assistance is available for repairs necessary to restore a disaster-damaged home to a habitable condition. HR is not intended to address all of the damages or to completely restore a home to its pre-disaster condition.
    - b. Replacement assistance: Owners with destroyed homes can receive funds (subject to the IHP HA cap) towards the purchase of a new home.
- B. **IHP Other Needs Assistance (ONA)** – ONA is funded by both FEMA and the state of Texas and is administered by the Texas Health and Human Services Commission. ONA includes financial assistance to address:
1. Disaster-related medical and dental costs.
  2. Disaster-related funeral and burial costs.
  3. Disaster-related childcare costs.
  4. Funds to repair or replace essential items of property or to address serious needs, such as clothing, household items (room furnishings, appliances), tools (specialized or protective clothing and equipment) required for the applicant’s job, necessary educational materials (computers, schoolbooks, supplies).
  5. Fuels for primary heat source (heating oil, gas).
  6. Clean-up items (wet/dry vacuum, dehumidifier).
  7. Funds to repair or replace an essential disaster-damaged vehicle (excluding cosmetic damage).
  8. Moving and storage expenses related to the disaster (moving and storing property to salvage and/or avoid additional disaster damage).
  9. Other necessary expenses or serious needs as determined by FEMA (such as Critical Needs Assistance available following Hurricane Harvey – a \$500 lump sum payment for applicants with immediate critical needs for “life-saving” and “life-sustaining” items).

Other expenses that are authorized by law, [www.dads.state.tx.us/handbooks/ihp-ona/](http://www.dads.state.tx.us/handbooks/ihp-ona/).

**Other Needs Assistance Fair Hearing Requests:**

After two appeals for ONA assistance have been denied or the applicant disagrees with the amount of ONA benefits received from Texas Health and Human Services, the

applicant may challenge the decision regarding the amount of benefits by filing an appeal and requesting a fair hearing by fax at 1-800-827-8112. The request should include the applicant's FEMA registration number, the applicant's name, and the last four digits of the applicant's Social Security number. A person generally has sixty (60) days to file an appeal from the date on the last denial letter from ONA. Legal counsel may represent the applicant in the hearing for ONA benefits, or the applicant can do the hearing pro se. If an attorney is representing a disaster survivor in a fair hearing, the attorney will need to submit TxHHSC Form H1003, Appointment of an Authorized Representative to Allow Another Person to Act for You, and Form H1826, Case Information Release, along with a request for a Fair Hearing.

Once TxHHSC ONA receives the request for a hearing, the applicant will be notified of the date of a hearing. If needed, the applicant may request that a translator be present during the hearing and the documents be provided to the applicant in their primary language. TxHHSC ONA must provide the applicant with the evidence that the agency used to make its decision. If the applicant does not receive this, the applicant should ask for the evidence packet. The applicant should submit any evidence they have supporting their claim for assistance to TxHHSC ONA before the hearing. If there is an Opposing Counsel representing the Agency, the applicant's evidence packet will need to be submitted at least twenty (20) days prior to the hearing. Additionally, the applicant can request interrogatories. The notice will have a phone number to call for the hearing. There will be a Hearings Officer and a representative from TxHHSC ONA on the line. The applicant will have the opportunity to present the reasons why they believe they are eligible for ONA benefits to a hearing officer. The applicant has the right to call witnesses and the right to ask the TxHHSC ONA representative and their witnesses questions. Additionally, the applicant can request that TXHHSC ONA produce a FEMA witness for cross-examination. The TxHHSC ONA representative will also have a chance to explain why they believe that the applicant is not eligible for more benefits. After the hearing, the applicant will receive a decision from the Hearings Officer containing the decision about the applicant's case. If the applicant disagrees with the Hearings Officer's decision, they may appeal and request a Procedural Review of the case.

Section 1000 of the Texas Health and Human Services Fraud and Fair Hearings Handbook provides information on the appeals process including the rules governing hearings procedure, evidence, and appellants' rights. Texas Rules of Evidence and Texas Rules of Civil Procedure do not apply to THHSC ONA Fair Hearings. In addition to relying on the THHSC Fraud and Fair Hearings Handbook, consult the State Administrative Plan regarding HHSC policy and guidance for ONA benefits.

Importantly, all forms of ONA besides medical, dental, and funeral expenses are "SBA-dependent." Applicants must apply and be found ineligible for Small Business Administration disaster loans before those aspects of their ONA applications will be considered further.

4. **Small Business Administration (SBA) disaster loans** - SBA provides low-interest, long-term disaster loans for individuals to repair/replace real and personal property for nonfarm businesses. If SBA determines that an applicant is ineligible for an SBA loan or if the loan amount is insufficient, SBA refers the applicant to FEMA for additional consideration. Borrowers are required to maintain appropriate hazard and flood insurance, where required. SBA can only approve a loan to an applicant with a reasonable ability to repay the loan. As noted above, if an applicant is referred to do so, the applicant must apply for an SBA loan,

even if you do not own a business. SBA provides disaster loans to individuals and businesses that are able to repay the loans. *If your only expenses are disaster-related medical, dental, or funeral bills, you do not need to apply for an SBA loan.* If you choose not to do so, you might find yourself barred from future recovery programs. If you are denied, you will be referred back to FEMA for consideration for further funding. If you are approved, you do not have to accept the loan, but note that refusal of that assistance will negatively impact eligibility for further FEMA IHP.

For more information regarding Small Business Administration (SBA) disaster loans, see Chapter 16, Community Organizations/Small Businesses.

5. **Volunteer organizations** - Those that provide assistance during recovery as well as during immediate emergency response. This includes national and local groups.
6. **Cora C. Brown Fund** – This fund, named after Cora Brown, who died in 1977 and bequeathed part of her estate to the federal government to be used solely for human suffering caused by natural disasters, is used for disaster victims who have exhausted all avenues of assistance but who still have unmet needs. Disaster victims need not apply for this assistance. By applying for disaster assistance, FEMA identifies potential recipients. FEMA uses these funds under the authority of [42 U.S.C. § 5201\(b\)](#) of the Stafford Act and [44 C.F.R. § 206.181](#).

**Other forms of individual assistance programs include:**

- **Disaster Unemployment Assistance (DUA)** – DUA provides unemployment benefits and re-employment services to people who are otherwise ineligible for regular state unemployment compensation and who have become unemployed because of major disasters. Benefits begin with the date the individual was unemployed due to the disaster incident and can extend up to twenty-six weeks after the presidential declaration date. These benefits are made available to individuals not covered by other unemployment compensation programs, such as the self-employed, farmers, migrant and seasonal workers and those who have insufficient quarters to qualify for other unemployment compensation. DUA is funded 100 percent by FEMA and administered by the Department of Labor through the Texas Workforce Commission (TWC). **All unemployed individuals must register with the state’s employment services office (TWC) before they can receive DUA benefits.**  
For program requirements and instructions on how to apply for DUA, see <http://www.twc.state.tx.us/jobseekers/disaster-unemployment-assistance> and <https://www.disasterassistance.gov/get-assistance/forms>.
- **Disaster Legal Services (DLS)** – FEMA works with the American Bar Association-Young Lawyers Division (ABA-YLD) and its partners on the state and local levels to provide free legal assistance for disaster survivors. In Texas, DLS partners include the State Bar of Texas; the three Texas legal aid organizations funded by the Legal Services Corporation, which are Legal Aid of Northwest Texas, Lone Star Legal Aid, and Texas Rio Grande Legal Aid; and programs such as the Houston Volunteer Lawyers Project and local bar associations. The SBOT, in partnership with the LSC-funded organizations, consistently operates a disaster hotline at 1-800-504-7030.
- **Crisis Counseling** – Funds are provided by FEMA as a grant to state and local mental health agencies to provide crisis counseling to help relieve grieving, stress, or mental health problems resulting from the disaster or its aftermath.

- Also, the Substance Abuse and Mental Health Services Administration runs a Disaster Distress helpline at 1-800-985-5990. See <http://www.samhsa.gov/find-help/disaster-distress-helpline>.

## 2.2 Applying for FEMA Assistance

### *Q. 2-1 How do I apply for disaster help?*

If you live in a disaster area declared by the President and need disaster help, call 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call TTY: 1-800-462-7585) or apply online at [www.disasterassistance.gov](http://www.disasterassistance.gov). Click on “Apply Online” and the screens will prompt you through the process. If you get a busy signal when you call the 800 number, try calling in the evening before 9:00 p.m. or on the weekends when fewer people are trying to call. You may now also apply to [www.m.fema.gov](http://www.m.fema.gov) on your smart phone/mobile device.

When you apply, you should have a pen and paper available to write down important phone contacts. You will need your **Social Security number, current and pre-disaster address, phone numbers, type of insurance coverage, total household annual income, a routing and account number from your bank** if you want to have disaster assistance funds transferred directly into your bank account, **and a description of your losses caused by the disaster.**

### *Q. 2-2 What happens after I apply for disaster assistance?*

FEMA will mail you a copy of your application.

- If your home or its contents are damaged and you do not have insurance, an inspector should contact you within ten to fourteen days after you apply to schedule a time to meet you at your damaged home.
- If your home or its contents were damaged and you have insurance, you need to work through your insurance claim first and provide FEMA with a decision letter (statement or denial) from your insurance company before FEMA issues an inspection. There is an exception for damages caused by flooding; if you have flood insurance, FEMA will issue an inspection before receiving a copy of your flood insurance decision letter to evaluate your eligibility for temporary living expenses because temporary living expenses are not covered by flood insurance.
- Within about ten days after the inspection, FEMA will notify you of its decision regarding your eligibility for assistance. If you qualify for a grant, FEMA will send you a check by mail or deposit it into your bank account. FEMA will also send you a letter describing how you are to use the money (for example: repairs to your home or to rent another house while you make repairs).
- If FEMA decides that you do not qualify for a grant, FEMA will send you a letter explaining why you were turned down and give you a chance to appeal the decision. **Appeals must be in writing and mailed within sixty (60) days of FEMA’s decision.**
- If you get an SBA Disaster Loan application in the mail, you must complete and return the application to be considered for a loan as well as certain types of grant assistance. SBA representatives are available at Disaster Recovery Centers to help you with the

application. If the SBA finds that you cannot afford a loan, they will automatically refer you back to FEMA's IHP for help.

- If the SBA approves you for a loan, they will contact you.
- If the SBA finds that you cannot afford a loan, FEMA will contact you.

NOTE TO VOLUNTEERS: PLEASE ALSO REFER TO ANSWERS TO QUESTIONS 2-25 & 2-30 BELOW BEFORE RESPONDING TO THIS QUESTION.

***Q. 2-3 Two weeks ago, I mailed in the documents requested by FEMA. When I called the helpline, the service representative said the documents were not in my file. What should I do?***

If FEMA does not acknowledge receipt of the documents, it is best to resend them immediately. To try to head off similar problems in the future, keep the following tips in mind:

- Include your name, your Social Security number, the disaster number, and your registration ID number on all paperwork to speed handling and assure that the documents are placed in the correct file. (You may locate the numbers on the cover page that is included with all FEMA correspondence or in the upper left hand corner of any letter FEMA sends you.)
- Keep a copy of all documents that you send to FEMA.
- Send them by fax or by certified mail so you can confirm when it has been delivered and keep that confirmation for your records.

FEMA may also contact you via a recorded message informing you that FEMA has received your documents, and you can check the status of your application by creating an account at [DisasterAssistance.gov](https://www.disasterassistance.gov) and clicking Check Your Status.

As a related matter, you should keep your phone number and mailing address current in FEMA's records.

***Q. 2-4 The letter from FEMA said I had no damages or insufficient damages, but my home was damaged and some of my personal property was damaged too. What do I do?***

You may appeal most decisions within sixty (60) days of the decision letter. When you appeal a decision, you are asking FEMA to review your case again. Appeals may relate to your eligibility, the amount or type of help you received, late applications, or requests to return money. You will not automatically get another inspection just because you appeal. FEMA has up to ninety (90) days to issue a decision on the appeal. If you want more specific legal advice or services, you may contact the SBOT Disaster Hotline at 1-800-504-7030.

See also [https://www.lawhelpinteractive.org/login\\_form?template\\_id=template.2013-01-01.0389547927&set\\_language=en](https://www.lawhelpinteractive.org/login_form?template_id=template.2013-01-01.0389547927&set_language=en) if you prefer to prepare a FEMA appeal on your own with the probono.net template. This is good for all states. See also resources available at [disasterlegalaid.org](https://www.disasterlegalaid.org).

***Q. 2-5 How long does it take to get help from FEMA?***

If you have damage to your home or its contents and you are uninsured or you have suffered damage due to a flood, a FEMA inspector will contact you within ten to fourteen days of applying to set up an appointment to assess your disaster damages. Typically, within about ten days after the inspection, if FEMA determines that you qualify for help, you will receive a direct deposit into your bank account or a check in the mail.

***Q. 2-6 I applied for disaster assistance two weeks ago and haven't heard from anyone. I keep calling the 1-800-621-3362 number, but I get a busy signal. Is there another way to follow up on my claim?***

If you have access to the Internet, you may want to consider checking the status of your case online. You can also check the status of your case by creating an account to track your progress at [DisasterAssistance.gov](http://DisasterAssistance.gov). (Caution – when you use the online account, you may choose whether to receive notices by mail or electronically. If you choose the latter, make sure to consistently monitor the account so as not to miss important notices which trigger appeal deadlines.) Another option is to visit a Disaster Recovery Center in your area, if there is one.

***Q. 2-7 I received my check for rental assistance or hotel assistance, but there are no places to rent.***

If you are eligible for temporary housing assistance from FEMA but are unable to find a rental house or apartment within a reasonable commuting distance of your damaged home, please contact FEMA at 1-800-621-FEMA (3362) or visit a nearby Disaster Recovery Center. FEMA will evaluate your situation and, if appropriate, may authorize a travel trailer or mobile home.

To check for available hotels that will accept THA related to a specific disaster, check [www.femaevachotels.com/](http://www.femaevachotels.com/).

***Q. 2-8 I didn't receive enough money from FEMA to meet all my needs. What do I do now?***

Most disaster aid programs are intended to meet only essential needs and are not intended to cover all your losses. Also, some people qualify for assistance from more than one program and may receive additional help from another agency. For example, the Small Business Administration is a very important source of funding for repair and replacement of real and personal property. If you received a loan application packet from the SBA, please complete and return the application as soon as possible. No work can begin on the loan until you submit your application. If you do not agree with FEMA's decision, you may appeal the decision. To file an appeal, follow the appeals process that is explained in your letter from FEMA. If you want more specific legal advice or services with an appeal, you may contact the SBOT Disaster Hotline at 1-800-504-7030.

***Q. 2-9 I know of others in my neighborhood, city, or state who received help from FEMA, however I was told I have insufficient damages. Does FEMA use the same criteria when considering damages for everyone?***

FEMA reviews each applicant's case individually and applies the same eligibility criteria. If you were determined to be ineligible because of insufficient damages and you feel this finding is incorrect, you have a right to file an appeal.

***Q. 2-10 I have a new telephone number. How do I update my application?***

Some information, such as current phone number, mailing address, or insurance policy number, can be updated online at [DisasterAssistance.gov](https://www.disasterassistance.gov) (click “Check Status” and log into your online account or create an account). To update other file information you will need to call the FEMA Disaster Helpline at 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call TTY: 1-800-462-7585), visit a Disaster Recovery Center, or write to FEMA at the address provided on any correspondence you have received. Even if you update the information by phone or in person at a Disaster Recovery Center, it is best to confirm your request to FEMA in writing.

***Q. 2-11 What are FEMA’s citizenship/immigration requirements?***

You must be a U.S. citizen or a “qualified alien” to receive FEMA financial assistance, including the Individuals and Households Program and Disaster Unemployment Assistance. If you or your spouse are not U.S. citizens or considered “qualified aliens,” but your child is, then your household can apply on his or her behalf.

FEMA can provide information on how to obtain a Social Security number for a minor child. The minor child must live with the parent/guardian applying on his/her behalf.

One does not have to be a U.S. citizen or a qualified alien for crisis counseling, disaster legal services, or other short-term, noncash emergency assistance. Voluntary agencies provide help regardless of immigration status.

***Q. 2-12 What immigrants are considered “Qualified Aliens”?***

As noted above, to be eligible for cash assistance from FEMA you must be a qualified alien.

For FEMA IHP, the “qualified alien” standard includes the following categories of immigrants: anyone who has been granted legal permanent residence (green card), refugee or asylee status, withholding of deportation, conditional entry, parole into the U.S. for at least one year, is a Cuban-Haitian entrant, is a battered spouse or child(ren) with a pending or approved spousal petition if there is a substantial connection between such battery or cruelty and the need for the benefits (does not apply if person responsible for battery or extreme cruelty resides in the household), or is a victim of trafficking who has been granted a “T-visa” or can demonstrate that she/he has a pending application that sets forth a prima facie case for T-visa eligibility. *See 8 U.S.C. § 1641.*

If applicants are uncertain about whether their immigration status falls within the qualified alien category, they should consult an immigration expert. One option to try to connect with such an expert is to contact the SBOT Disaster Hotline at 1-800-504-7030.

Noncitizens must meet the following requirements (in addition to other DUA requirements) to be eligible for Disaster Unemployment Assistance (DUA):

1. A noncitizen must be authorized to work for the weeks for which she is claiming DUA. *See 56 Fed. Reg. 22800-01.*
2. In addition, a noncitizen must have had one of the following statuses during the time she was earning the wages that are used to calculate her weekly benefit amount:
  - a. lawfully admitted for permanent residence in the United States at the time such services were performed (LPR or “green card” holder);
  - b. lawfully present for purposes of performing such services (for example, present on a temporary work visa); or

- c. permanently residing in the United States under color of law at the time such services were performed (this can be complicated—consult with an immigration attorney).

See 20 C.F.R. § 625.6(a)(1). With some exceptions, an individual’s weekly benefit amount is normally calculated using the wage credits earned during her “base period” (for example, for Hurricane Harvey, that would be the 2016 calendar year). See *Tex. Lab. Code §§ 201.011, 207.004*. Therefore, this second requirement usually will mean that the noncitizen must have had one of the three statuses above during her “base period” or a portion of her “base period.” Otherwise, the individual may qualify for benefits when she applies, but her benefits will be zero because she did not have a qualifying status when she was earning her “base period” wages. For an explanation of the “base period,” see <http://www.twc.state.tx.us/jobseekers/disaster-unemployment-assistance#weeklyBenefitAmount> and <http://www.twc.state.tx.us/jobseekers/eligibility-benefit-amounts>.

## **2.3 Disaster Recovery Centers**

### ***Q. 2-13 What is a Disaster Recovery Center and what services do they provide?***

A Disaster Recovery Center (DRC) is a readily accessible facility or mobile office where applicants may go for information about FEMA or other disaster assistance programs or for questions related to their case. DRCs are operated jointly by FEMA and the state for limited periods of time in communities impacted by a federally declared disaster. These “one-stop shops” for disaster survivors often include nongovernmental participants, as well.

NOTE: You can register for assistance at a DRC, or use the “Find Assistance” tab at [DisasterAssistance.gov](http://DisasterAssistance.gov) or call 1-800-621 FEMA (3362) (hearing/speech impaired ONLY-Call TTY: 1-800-462-7585).

### ***Q. 2-14 What are some of the services that a DRC can provide?***

A DRC may provide:

- Guidance regarding disaster recovery.
- Clarification of any written correspondence received.
- Housing Assistance and Rental Resource information.
- Answers to questions, resolutions to problems, and referrals to agencies that may provide further assistance.
- Status of applications being processed by FEMA.
- SBA program information if there is an SBA representative at the Disaster Recovery Center site.
- Access to Disaster Legal Services.

### ***Q. 2-15 What is the American Bar Association-Young Lawyers Division Disaster Legal Services Program?***

The American Bar Association-Young Lawyers Division Disaster Legal Services (DLS) program operates under a memorandum of understanding with FEMA to provide immediate temporary legal assistance to disaster survivors for free. The DLS program is activated when there is a presidential disaster declaration authorizing Individual Assistance. DLS partners with state bar associations and other organizations across the country, providing vital funds and resources to state hotlines and facilitating pro bono attorney involvement. DLS has a long history of partnering with the State Bar of Texas, organizations funded by the Legal Services Corporation, and other partners in order to provide legal

services to low-income Texans with disaster-related legal needs. In 2020, the DLS program established a national hotline to connect disaster survivors to their-state-specific hotlines. The national toll-free disaster hotline number, provided by RingCentral Inc., is 888-743-5749. Calls from Texans are in turn directed to the State Bar of Texas disaster hotline at 1-800-504-7030. . More information about DLS may be found here: [https://www.americanbar.org/groups/young\\_lawyers/projects/disaster-legal-services/about/](https://www.americanbar.org/groups/young_lawyers/projects/disaster-legal-services/about/). The ABA also provides information about opportunities to provide pro bono assistance to disaster survivors at the following portal: <https://aba.joinpaladin.com/aba-disaster-relief/>.

## **2.4 Employment Issues**

***Q. 2-16 I lost my job because of a disaster and am unable to make my mortgage (or rent) payments. Will FEMA make payments until I can return to work?***

No. FEMA is not authorized to make such payments. If you lost work because of the disaster and are not eligible for standard unemployment compensation, you may still qualify for Disaster Unemployment Assistance (DUA). See the DUA section above or contact the local office of your state’s Employment Commission for information about DUA. The DUA program covers most people affected by a disaster, including many who do not normally qualify for regular unemployment aid. Also, be sure to speak to your lender or landlord and explain your circumstances. Special arrangements can often be made.

***Q. 2-17 I lost my job because of the COVID-19 Pandemic and am unable to make my mortgage (or rent) payments. Will FEMA make payments until I can return to work?***

No. FEMA is not authorized to make such payments. However, the CARES Act expands states’ ability to provide unemployment insurance for many workers impacted by the COVID-19 pandemic, including for workers who are not ordinarily eligible for unemployment benefits. As soon as possible following becoming unemployed, contact the Texas Workforce Commission to apply for unemployment benefits. The Texas Workforce Commission can be reached by phone at 1-800-939-6631 or by email at <https://www.twc.texas.gov/jobseekers/unemployment-benefits-services>. See also Chapter 6, Employer/Employee Issues.

***Q. 2-18 I have not been able to work since the disaster hit. My employer says that I still have a job, but I am not drawing a paycheck. Does FEMA pay for lost wages?***

If you lost work because of the disaster you may qualify for Disaster Unemployment Assistance (DUA). See the DUA section above or contact the local office of your state’s Employment Commission for information about DUA.

The Texas Workforce Commission (TWC) may accept applications for Disaster Unemployment (DUA) as a result of a Presidential Disaster Declaration for workers who lost their jobs and self-employment individuals who have been unable to work due to a disaster.

Applicants must mail in or fax all required documentation within twenty-one days from the date of the DUA application. Send mailed documentation to: TWC, UI Support Service Department, Attn: DUA, 101 E. 15<sup>th</sup> St., Room 354, Austin, TX, 78778-001, or fax it to (512) 936-3250.

## **2.5 Farm/Agricultural Damages**

***Q. 2-19 I had damages to my farm or ranch. Can FEMA help me?***

If you sustained damages to your home or personal property, you should apply with FEMA for assistance. If you had damages to your crops, livestock, farm equipment, barns, dairy, or something similar, you should contact your local Farm Services Agency office to inquire about the USDA's disaster assistance program. The Texas Farm Service Agency is available at: <http://www.fsa.usda.gov/FSA/stateoffapp?mystate=tx&area=home&subject=landing&topic=landing>.

FEMA does not offer grant assistance to businesses and farmers but does act as a referral agency. FEMA may also maintain a list of additional referral resources for business owners and farmers that can be accessed at [FEMA.gov/disasters](http://www.fema.gov/disasters) (select your state) or by calling the FEMA Helpline (1-800-621-3362). Additional information is available at <https://www.fema.gov/what-do-if-your-business-or-farm-was-damaged>.

## **2.6     Inspections**

***Q. 2-20     The inspector told me I was going to get money from FEMA. However, I got a letter from FEMA stating that I was not eligible. Which is correct?***

The letter is correct. The inspectors are FEMA contractors and are not authorized to comment on eligibility matters. Inspectors record their determinations about what damage the disaster caused to your home and other property and provide that information to FEMA in the form of an inspection report. FEMA then relies on that information and its own standards to determine your eligibility.

***Q. 2-21     What will FEMA accept as proof that I occupied my home?***

There are several documents that may be used to prove occupancy. They include, but are not limited to: a mortgage statement or a lease for the damaged dwelling, a utility bill for the damaged dwelling you are occupying, a merchant's statement sent to the damaged dwelling, an employer's pay statement sent to the damaged dwelling, or a current driver's license showing the address of the damaged dwelling. See FEMA's IAPPG for more information.

***Q. 2-22     What will FEMA accept as proof that I own my home?***

There are several documents that may be used to prove ownership. They include, but are not limited to: the deed, deed of trust, mortgage payment book or other mortgage documents, real property insurance policy, tax receipts, or property tax bill, or documentation showing that the applicant was responsible for maintenance of the home. There are three ways to be treated as an owner-occupant for FEMA benefits. Option one is to actually demonstrate legal ownership. Option two allows people who do NOT hold legal title, pay no rent, but who are responsible for the payment of taxes or maintenance of the residence, to prove ownership. Option three is for people with a life estate. See 44 C.F.R. § 206.111. (<http://www.ecfr.gov/cgi-bin/text-idx?SID=56b83570b5dde2206384e617abdf9a34&node=44:1.0.1.4.57.4.18.4&rgn=div8>)

***Q. 2-23     My inspector called me, and I missed the call. How do I contact the inspector?***

The FEMA inspector should provide you with contact information so you may return the missed call. FEMA inspectors will try to call you three times to arrange an appointment to inspect your property. If you do not respond promptly, FEMA inspectors will relay that information to FEMA and your application may be denied as "voluntarily withdrawn." While this denial may be appealed, at best such a decision delays consideration of your application and should be avoided if possible.

Inspectors will call your current phone contact number and the alternate if you provided one. If any of your contact information has changed, call the Helpline to update the information. The inspector may leave a notice at your damaged home with contact information if they cannot reach you by phone.

***Q. 2-24 I am not English proficient. How will I be able to communicate with the inspector?***

FEMA is responsible for providing effective communication with people who are limited English proficient. FEMA must take into account habitability standards for people with accessibility issues in their assessment. To schedule an appointment with an inspector, call the FEMA hotline toll-free at 800-621-3362, voice/VP/711. Multilingual operators are available. TTY users may call 800-462-7585. See also Chapter 18, Disability Rights.

**2.7 Insurance**

***Q. 2-25 I have insurance and filed a claim with my insurance agent, but I don't have a place to live. Is there any help for me?***

FEMA cannot duplicate assistance from your insurance company. If you still have serious unmet needs after receiving your insurance settlement, FEMA may be able to provide assistance. If you are unable to locate a place to rent, you can visit a local Disaster Recovery Center (DRC) or call FEMA's helpline at 1-800-621-FEMA (3362) to get the list of rental resources in your area.

<p>NOTE TO VOLUNTEERS: PLEASE ALSO REFER TO ANSWERS TO QUESTIONS 2-2 ABOVE AND 2-30 BELOW BEFORE RESPONDING TO THIS QUESTION.</p>
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***Q. 2-26 I have received a settlement from my insurance company and it is not enough to cover my losses. What should I do now?***

FEMA recommends the following: Read over your settlement documents carefully and be sure you understand your policy. If you believe a mistake has been made, contact your insurance agent. If you are still not satisfied, your agent can tell you how to contest the settlement. Next, call FEMA at 1-800-621-FEMA. FEMA, SBA, and other agencies may be able to help cover those losses that are uninsured or underinsured and otherwise eligible.

***Q. 2-27 Are insurance deductibles covered under FEMA's programs?***

FEMA does not cover insurance deductibles. If your insurance settlement does not meet your disaster-related needs, you may be eligible for assistance from FEMA or the SBA. There can be no duplication of these programs. See FEMA's IAPPG for more guidance on the issue of insurance deductibles.

***Q. 2-28 What documents does FEMA want from my insurance company?***

If you apply for help from FEMA because your insurance does not cover all of your disaster-related needs, you need to write a letter to FEMA explaining your situation and include a copy of a settlement or denial letter from your insurance company. FEMA cannot duplicate any insurance coverage. It is important that you get a denial of displaced housing immediately so that you can ask FEMA to cover your temporary housing. This is not income qualified.

***Q. 2-29 Do I have to file a claim with my insurance company since I have to pay a deductible? Why can't FEMA just help me?***

By law, FEMA cannot give you money for items that your insurance covers (this would be considered a duplication of benefits), but FEMA may be able to help with uncompensated losses or unmet needs not covered by your insurance company. If you have not already contacted your insurance agent to file a claim, please do this as soon as possible. If you do not file a claim with your insurance company, FEMA help may be limited. If your insurance company tells you that your deductible is greater than the amount of damage found, please request a letter from the insurance company, on company letterhead, and send it to FEMA, along with your application for assistance.

***Q. 2-30 My insurance company told me it would be weeks before they come to see my damages. Can FEMA help?***

If a decision on your insurance settlement has been delayed for more than thirty days after you filed the insurance claim, you may be eligible for an insurance advancement from FEMA. These funds are considered a loan and must be repaid to FEMA once you receive your settlement from your insurance company. You need to write a letter to FEMA, explaining the circumstances of the delay in settlement. Include documentation from the insurance company as proof of filing, or the claim number, the date filed, and an estimate of how long the settlement will take, if you filed by phone. FEMA will send you a Request for Advancement and Signature letter. You must complete and return this letter before FEMA can evaluate your request for assistance.

## **2.8 Late Registration**

***Q. 2-31 I had extenuating circumstances that prevented me from applying for assistance before the registration filing deadline. I have damages from the disaster. What can I do?***

Apply anyway. You may make a late registration within sixty days after the filing deadline. A letter will be sent stating you are not eligible for consideration for disaster assistance under the Individuals and Households program. The letter will contain information on how you can appeal this decision if you had extenuating circumstances that kept you from filing during the open registration period. See IAPPG p. 70.

## **2.9 Returning Funds**

***Q. 2-32 I need to return a check or pay money back to FEMA. Where do I send it?***

First, consider seeking more specific legal advice or services to evaluate whether you are correctly assessing the need to return the payment from FEMA. To apply with the Disaster Legal Services program, contact the SBOT Disaster Hotline at 1-800-504-7030. Even if FEMA demands repayment, you may wish to appeal that decision if you believe you were eligible for the funds received. When repayment is demanded after funds have been spent, you may wish to seek more information about FEMA's ability to waive repayment in certain circumstances.

**Treasury Checks:** If you have not cashed the treasury check and plan to return it, mail it to:  
DEPARTMENT OF THE TREASURY  
ATTN: Treasury Check Return  
PO Box 51318  
Philadelphia, PA 19115

Include your name, Social Security number, and FEMA application number on any correspondence. ([www.fema.gov/how-make-payment-fema](http://www.fema.gov/how-make-payment-fema))

**Personal Checks/Cashiers Checks/Money Orders:** If you have already cashed the treasury check and plan to return it, send your personal check (or money order/cashier's check) by regular mail to: FEMA, PO Box 6200-16, Portland, OR 97228-6200. For options to send payments by courier or to make payments online or by phone, seek up-to-date guidance at [www.fema.gov/how-make-payment-fema](http://www.fema.gov/how-make-payment-fema). DO NOT send cash. Include a brief statement explaining why you are sending funds to FEMA. Include your name, Social Security number, and FEMA application number.

**State Checks:** If you have received a check from your state for your damaged personal property and wish to return the check or have been advised in a letter to return the funds, you will need to mail the check/payment back to the state. The address should be listed on the letter that accompanied your check.

## 2.10 Road and Bridge Damages

*Q. 2-33 My home is not damaged, however a public road or bridge has been damaged and is preventing access to my home. Can FEMA help me?*

Yes. If damages to a public road or bridge prevents or restricts you from accessing your home, FEMA may be able to provide assistance. See [www.fema.gov/faq-details/Road-and-Bridge-Damages/](http://www.fema.gov/faq-details/Road-and-Bridge-Damages/).

*Q. 2-34 If I own the bridge and/or road that is damaged, should I apply for assistance?*

Yes. If the private road or bridge damage prevents or restricts access to your home, FEMA may be able to provide assistance. FEMA IHP could cover the expenses of repairing privately owned access roads if the following criteria are met:

- it is the applicant's primary residence;
- it is the only access to the property;
- it is impossible to access the home with the damaged infrastructure; or
- the safety of the occupants could be adversely affected.

Private property owners, established homeowners associations, and properties governed by covenant may apply for a low-interest disaster loan directly through the Small Business Administration (SBA). See [www.fema.gov/faq-details/Road-and-Bridge-Damages/](http://www.fema.gov/faq-details/Road-and-Bridge-Damages/).

*Q. 2-35 What if I share ownership and responsibility for the road or bridge with other families? Do they all need to register?*

All households who share in the responsibility of maintaining the private road and/or bridge should each register individually, particularly if the damages prevent or restrict access to their homes. See [www.fema.gov/faq-details/Road-and-Bridge-Damages/](http://www.fema.gov/faq-details/Road-and-Bridge-Damages/).

## 2.11 Small Business Administration (SBA)

*Q. 2-36 Why am I being referred to the SBA?*

The Small Business Administration (SBA) is the primary source of federal funds for long-term recovery assistance for disaster victims. **SBA loans are not only for businesses.** The SBA has low-interest disaster loans for homeowners, renters, and non-farm businesses to cover disaster damage to real and

personal property. Filling out the application is necessary for most homeowners and renters to be considered for all forms of disaster assistance.

***Q. 2-37 Does the SBA make loans to individuals or just businesses?***

The SBA can loan money to homeowners, renters, and business owners. Homeowners may borrow up to \$200,000 for disaster-related home repairs. Homeowners and renters may borrow up to \$40,000 to replace disaster-damaged personal property including vehicles. The SBA may not duplicate benefits from your insurance or FEMA. You may receive an SBA referral when you apply with FEMA. If the applicant does not qualify for a low-interest SBA loan, FEMA may be able to offer them additional disaster grants that help reimburse for lost personal property, vehicle repair or replacement, and moving and storage expenses.

***Q. 2-38 How do I reach the SBA hotline?***

The SBA has loan officers in the Disaster Recovery Centers to provide face-to-face service to disaster victims. You may visit the SBA at any of these locations without an appointment. An SBA representative will be glad to answer questions and help complete your application. To find out where the SBA disaster offices are located, an applicant can call the SBA toll-free at 1-800-659-2955 or email the SBA disaster customer service at <mailto:disastercustomerservice@sba.gov>.

**2.12 Travel Trailer/Mobile Home**

***Q. 2-39 How long can I use the travel trailer/mobile home?***

If FEMA provides you with a travel trailer or mobile home, you may be able to use it for up to eighteen months from the date of declaration if you continue to have a disaster-related housing need. During some disasters, FEMA applicants may use the trailers or mobile homes beyond the eighteen-month mark, but additional requirements usually apply after that time.

***Q. 2-40 My family is too large for a travel trailer/mobile home. What do we do?***

FEMA can provide more than one travel trailer for a family if necessary.

***Q. 2-41 Can I have a ramp built for a travel trailer/mobile home?***

When FEMA makes its initial assessment of your site to decide if it is possible to place a travel trailer/mobile home at your home, FEMA includes any requirements for ramps. If you did not receive a ramp and require one, call the FEMA Helpline at 1-800-621-FEMA (3362). A helpline representative will ensure that someone will get back in contact with you.

***Q. 2-42 One of the storms damaged the travel trailer that FEMA provided me. What should I do?***

Contact the maintenance number provided when you were leased into your unit. If you do not have the number, call the FEMA Helpline at 1-800-621-FEMA (3362). A helpline representative will ensure that someone will get back in contact with you.

**2.13 General Questions**

***Q. 2-43 After the storm, the gas station up the street was charging \$10 a gallon for gas. Isn't that price gouging?***

In most cases, the current price at the pump is not due to price gouging. However, the Texas attorney general is prepared to act quickly if gas prices in a governor-declared disaster area spike beyond what the normal market forces set. If you find price gouging, contact the attorney general's office. See [www.texasattorneygeneral.gov/cpd/price-gouging](http://www.texasattorneygeneral.gov/cpd/price-gouging).

***Q. 2-44 When funds are provided for disaster assistance in other countries, does this affect the amount of money that is available for my state?***

No. If federal disaster assistance is designated for your area, the disaster relief funds for your state will not be affected by any funds provided for international relief efforts.

***Q. 2-45 My vacation/secondary home was damaged. Can I get any help?***

Damages to a secondary or vacation home are not eligible under FEMA's disaster assistance program. However, if you own a secondary home that is rented out or occupied by a family member, you may be eligible for assistance from the Small Business Administration.

***Q. 2-46 Will FEMA help me pay my utility bills?***

No, FEMA cannot pay utility bills. However, local charitable organizations may be able to help for a short time. We suggest you contact the Red Cross ([www.redcross.org](http://www.redcross.org)) or your local United Way office by calling 2-1-1 for a referral to a local agency that may be able to help.

***Q. 2-47 I lost my food because of the power outage; will I be reimbursed for it?***

FEMA's disaster assistance program does not cover food losses. Voluntary organizations in the disaster area may be able to help you with a hot meal or other immediate needs for food. You may also qualify for assistance through the Disaster Supplemental Nutrition Assistance Program (SNAP). Call 2-1-1 to find out more information on how to apply. See [www.hhsc.state.tx.us/index.shtml](http://www.hhsc.state.tx.us/index.shtml).

***Q. 2-48 I have trees down all over my yard. Is there any help for debris removal?***

Many homeowners' insurance policies cover debris removal. FEMA does not typically pay for cleaning up debris on private property or in gated communities, but if the debris is keeping you or emergency workers from safely getting to your home, FEMA may be able to provide help. Your local officials can also tell you if there is a pickup schedule for debris in your area.

FEMA may provide assistance for debris removal from private property if it will:

- eliminate immediate threats to life, public health, and safety; or
- eliminate immediate threats of significant damage to improved public or private property; or
- ensure economic recovery of the affected community to the benefit of the community-at-large.

***Q. 2-49 I purchased a generator. Will I be reimbursed?***

FEMA reviews requests for reimbursement of the cost of a generator on a case-by-case basis and determines if a generator was purchased to overcome a disaster-related hardship, injury, or adverse condition. You should register and submit your receipts to see if the cost is covered. In addition to the eligibility requirements for IHP:

- The applicant must provide proof that the piece of equipment is required for medical purposes (e.g., letter from physician stating that the applicant/occupant has a medical need for the equipment).
- For more information on generator reimbursement, click the link below: [www.fema.gov/media-library-data/1392312125767-5abcca185f7a96b60e4e243ae5b90bb2/Generator%20Reimbursement%20RP1002%201.pdf](http://www.fema.gov/media-library-data/1392312125767-5abcca185f7a96b60e4e243ae5b90bb2/Generator%20Reimbursement%20RP1002%201.pdf).

***Q. 2-50 Does disaster help have to be repaid?***

A grant from the FEMA Individual and Households Program does not have to be repaid. Loans from the Small Business Administration must be repaid.

***Q. 2-51 FEMA told me to send in my receipts. What is the mailing address?***

Please mail all correspondences to the following address:

FEMA – Individual and Households Program  
National Processing Service Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055; or

Fax it to 1-800-827-8112; or

Upload from your personal computer to your online account at: [www.disasterassistance.gov/](http://www.disasterassistance.gov/). Click “Check Status,” and log into your account.

Please write your name, last four digits of your Social Security number, disaster number, and registration number on all pages of your documents and keep a copy for your own records.

***Q. 2-52 I got a check from FEMA. What can I use the money for?***

FEMA sends you money to meet your housing and personal property needs related to the disaster. You will receive a letter from FEMA telling you what forms of assistance the money is intended to address.

***Q. 2-53 Can I get more information about disaster assistance on the Internet?***

Yes. The best place to start is [www.fema.gov](http://www.fema.gov) and [disasterlegalaid.org](http://disasterlegalaid.org).

***Q. 2-54 I have a lot of damage, but I received a letter from FEMA stating I am getting “\$0.” Why?***

There are multiple bases for denial, so it is important to read the entire letter to try to understand the specific issue(s) in your case. However, the letters do not contain fact-specific explanations; rather, they contain standardized decision codes. You may seek additional information through FEMA’s Helpline, and you may request that FEMA provide you with a copy of your entire FEMA file. The request is required to include the:

- Applicant’s full name.
- Applicant’s FEMA Application Number and Disaster Number.
- Damaged property address or current mailing address.
- Applicant’s date of birth.

- Applicant’s signature with either a notary stamp/seal or the statement “I hereby declare under penalty of perjury that the foregoing is true and correct.”

Written requests can be mailed to FEMA Individuals and Households Program, National Processing Service Center; P.O. Box 10055; Hyattsville, MD 20782-8055 or faxed to 1-800-827-8112.

If you do not qualify for assistance, the letter will also explain your rights to file an appeal if you disagree with the reason provided by FEMA. If you wish to appeal, you must do so within sixty days of the denial date.

To apply for specific legal advice or services, you may contact the SBOT Disaster Hotline at 1-800-504-7030.

Source: This question and answer section utilizes some information provided by FEMA at [www.fema.gov/faq](http://www.fema.gov/faq), as well as FEMA’s IAPPG and advocates’ experience.

## **2.14 CARES Act**

The CARES Act expands states’ ability to provide unemployment insurance for many workers impacted by the COVID-19 pandemic, including for workers who are not ordinarily eligible for unemployment benefits. As soon as possible following becoming unemployed, contact the Texas Workforce Commission to apply for unemployment benefits. The Texas Workforce Commission can be reached by phone at 1-800-939-6631 or by email at: <https://www.twc.texas.gov/jobseekers/unemployment-benefits-services>.

FEMA does not directly disburse funds received through the CARES Act but is receiving support that is applied to its existing programs. For up-to-date information regarding the CARES Act on FEMA’s operations and FEMA’s response to the COVID-19 pandemic, please visit <https://www.fema.gov/coronavirus/>

For more information regarding the CARES Act, see Chapter 6. Employer/Employee Issues, and Chapter 16. Community Organizations/Small Businesses.