

2.0 FEMA AND RELATED FORMS OF 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. The State of Disaster declaration also "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 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 programs made in the Governor's request. The three types of disaster assistance programs are the Individual Assistance Program (IA), Public Assistance, and the Hazard Mitigation Grant Program.

See a list of disaster declarations for Texas at <https://www.fema.gov/locations/texas#block-views-block-disasters-block-2-2>.

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 (3362) (TTY: 1-800-462-7585), online at www.disasterassistance.gov, on the mobile app, or at a local Disaster Recovery Center (DRC) 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.

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. FEMA's duplication of benefits policy establishes the order in which the major forms of assistance should be provided (i.e., the delivery sequence). 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 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.

FEMA's Delivery Sequence Chart can be found at <https://www.fema.gov/fact-sheet/duplication-benefits>.

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), and
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 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 decision-making process, as set forth below. As of October 2018, HA and ONA are subject to separate caps on assistance. (The cap for each for disasters declared on or after October 1, 2020, is \$36,000 for housing assistance and \$36,000 for other needs assistance). However, certain types of assistance are not subject to the cap, such as accessibility related needs. Some eligibility requirements apply 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 a disaster, that the applicants' primary residence is the property for which they are applying and no reasonable alternative is available, that the applicants' primary residence is the property for which they are applying and no reasonable alternative is available, and that the applicant is a U.S. Citizen, non-citizen national, 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 generally¹ administers all aspects of HA. Applicants may receive a combination of different types of HA, so long as they are non-duplicative.
 1. **Temporary Housing Assistance (THA)** – THA is designed to help individuals and households secure alternative housing when they are displaced from pre-disaster housing because the home has been rendered uninhabitable or inaccessible due to the disaster. THA eligibility is open to renters as well as homeowners.

This includes:

¹During 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.

- a. Lodging expense reimbursement for the cost of short-term lodging such as hotel rooms or other short-term lodging (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, 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 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. Direct Housing Assistance is not subject to the HA cap, but may preclude 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 used as their primary residence or as rental property can receive funds towards the purchase of a replacement 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. Some categories of ONA are SBA dependent, meaning precluded by applicant’s eligibility for a SBA Disaster Loan. 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. Clean-up items (wet/dry vacuum, dehumidifier).
 - 6. Funds to repair or replace an essential disaster-damaged vehicle (excluding cosmetic damage).

7. Moving and storage expenses related to the disaster (moving and storing property to salvage and/or avoid additional disaster damage).
8. 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).

For a list of other expenses that are authorized by law, see <https://www.hhs.texas.gov/laws-regulations/handbooks/ihp-ona/section-10000-grant-categories>.

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, Personal Property Assistance, Transportation Assistance, and Group Flood Insurance Policy are "SBA-dependent." Applicants seeking this type of assistance must apply and be found ineligible for Small Business Administration disaster loans before those aspects of their ONA applications will be considered further, or have unmet costs remaining after SBA loan awards.

4. **Small Business Administration (SBA) disaster loans** – SBA provides low-interest, long-term disaster loans for individuals and businesses to repair/replace real and personal property, excluding property for farm 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. If an applicant is referred to SBA by FEMA, the applicant must apply for an SBA loan, even if they do not own a business, *unless a disaster survivor's only expenses are met by non-SBA Dependent ONA*. If the disaster survivor chooses not to do so, they might find themselves barred from future recovery programs. If they are denied or if the loan amount is insufficient, they will be referred back to FEMA for additional consideration for further funding. If a disaster survivor is approved, they 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. 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. 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. DUA is funded 100 percent by FEMA and administered by the U.S. 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 <https://www.twc.state.tx.us/jobseekers/disaster-unemployment-assistance> and <https://www.twc.state.tx.us/jobseekers/unemployment-benefits-services>.

- **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 (SBOT); 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 RioGrande 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 Assistance and Training Program** – Funds are provided by FEMA as a grant to state and local governments and non-governmental organizations to provide crisis counseling to help relieve grieving, stress, or mental health problems resulting from the disaster or its aftermath. This may include direct services, education and community outreach, and media or public service announcements.
- Also, the Substance Abuse and Mental Health Services Administration runs a Disaster Distress Helpline at 1-800-985-5990. See <https://www.samhsa.gov/find-help/disaster-distress-helpline>.

Source: This question-and-answer sections utilize some information provided by FEMA at www.fema.gov/about/glossary, as well as FEMA’s IAPPG and advocates’ experience.

2.2 Applying for FEMA Assistance

Q. 2-1 How can a survivor apply for disaster help?

Applicants living in a disaster area declared by the President and need disaster help may call 1-800-621-FEMA (3362) (hearing/speech impaired ONLY—call TTY: 1-800-462-7585), visit a DRC, or apply online at www.disasterassistance.gov. Click on “Apply Online” and the screens will prompt them through the process. If they get a busy signal when they call the 800 number, they may want to try again in the evening before 9:00 p.m. or on the weekends when fewer people are trying to call. They may now also apply through the FEMA mobile app.

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

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

FEMA will mail the applicant a copy of their application. NOTE: Throughout the entire application process, even if an applicant is receiving assistance from an attorney, FEMA will only issue notices of decisions or requests for additional information to the client, FEMA will not send mail or email to the attorney representing the applicants, so attorneys must ensure that their clients can and do receive all communications from FEMA.

- If a disaster survivor's home or its contents are damaged and they have no insurance or insufficient insurance, an inspector should contact applicants within ten to fourteen days after receipt of the application to schedule a time to meet at the damaged home. During the COVID-19 pandemic, inspection may occur telephonically or by video conference. However, it is important for the applicant to ensure that inspectors are adequately assessing the damage.
- If a disaster survivor's home or its contents were damaged and they have insurance, they need to work through their insurance claim first and provide FEMA with a decision letter (statement or denial) from the insurance company before FEMA issues an inspection. There is an exception for damages caused by flooding: if applicant has flood insurance, FEMA will issue an inspection before receiving a copy of the flood insurance decision letter to evaluate 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 the applicant of its decision regarding eligibility for assistance. If they qualify for a grant, FEMA will issue a check by mail or direct deposit. FEMA will also send the applicant a letter describing how they are to use the money (for example repairs to their home or to rent another house while they make repairs).
- If FEMA decides that a disaster survivor does not qualify for a grant, FEMA will send them a letter explaining why they were turned down and give them a chance to appeal the decision. **Appeals must be in writing and mailed or faxed within sixty (60) days of FEMA's decision.**
- If survivors get an SBA Disaster Loan application in the mail, they must complete and return the application to be considered for a loan and for certain types of additional grant assistance. SBA representatives are available at Disaster Recovery Centers to help with applications. If the SBA finds that the applicant cannot afford a loan, they will automatically refer them to FEMA's IHP for help.
- If the SBA approves an applicant for a loan, SBA will contact them directly.
- If the SBA finds that an applicant cannot afford a loan, FEMA will contact them directly.

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 have passed since the disaster survivor mailed in the documents requested by FEMA. Upon calling the helpline, the service representative said the documents were not in their file. What should they 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, applicants should keep the following tips in mind:

- Include the applicant's name, Social Security number, the disaster number, and their registration ID number on all paperwork to speed handling and assure that the documents are placed in the correct file. (The numbers are on the cover page that FEMA includes with all correspondence or in the upper left-hand corner of any letter FEMA sends.)
- Keep a copy of all documents sent to FEMA.
- Send the documents by fax or by certified mail so they can confirm when it has been delivered, and keep that confirmation for their records.

FEMA may also contact an applicant via a recorded message informing them that FEMA has received their documents. Applicants can check the status of their application by creating an account at www.disasterassistance.gov and clicking Check Your Status, or by logging in through the FEMA mobile-app.

As a related matter, applicants must keep their phone number and mailing address current in FEMA's records.

Q. 2-4 *The letter from FEMA said the applicant's "Home was Safe to Occupy." If they had no damages or insufficient damages, but their home was damaged and some of their personal property was damaged too, what can they do?*

A disaster survivor may appeal most decisions within sixty (60) days of the decision letter. When appealing a decision, applicants are asking FEMA to review their case again. Appeals may relate to eligibility, the amount or type of help received, late applications, or requests to return the money. Applicants will not automatically get another inspection just by appealing. FEMA has up to ninety (90) days to issue a decision on the appeal. Survivors seeking more specific legal advice or services should contact the SBOT Disaster Hotline at 1-800-504-7030.

Applicants may see also <https://lawhelpinteractive.org/> to prepare a FEMA appeal on their own if they prefer with the www.probono.net template. This is good for all states. See also resources available at www.disasterlegalaid.org/femaappeals and <https://texasdisasterlegalhelp.simplejustice.org/about>.

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

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

Q. 2-6 *Is there another way to follow up on a claim if the applicant has not heard from FEMA for over two weeks after applying, and they cannot get through on the 1-800-621-3362 number?*

If they have access to the internet, they may want to consider checking the status of their case online. Applicants can check the status of their case by creating an account to track their progress at www.disasterassistance.gov. (Caution – when using the online account, applicants may choose to receive notices by mail or electronically. If they choose the latter, make sure to consistently monitor the account so as not to miss important notices which trigger appeal deadlines.) Applicants may also visit a Disaster Recovery Center in their area if there is one that they can safely access. If you are checking on the status of a client's claim, you will need to call FEMA with the client on the line or have the client sign a third-party authorization form for FEMA. See IAPPG on the requirements for the consent form.

Q. 2-7 *What if an applicant received their check for rental assistance or hotel assistance, but there are no places to rent?*

Disaster survivors who are eligible for temporary housing assistance from FEMA but are unable to find a rental house or apartment within a reasonable commuting distance of their damaged home may contact FEMA toll-free at 1-800-621-FEMA (3362) (TTY: 1-800-462-7585) or visit a nearby Disaster Recovery Center. FEMA will evaluate the situation and, if appropriate, may authorize a travel trailer, mobile home, or other temporary housing.

To check for available hotels that will accept THA related to a specific disaster, check <https://www.femaevachotels.com/>.

Q. 2-8 *What can a disaster survivor do if they didn't receive enough money from FEMA to meet all their needs?*

Most disaster aid programs are intended to meet only essential needs and are not intended to cover all losses suffered. 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 the repair and replacement of real and personal property. If an applicant received a loan application packet from the SBA, they should complete and return the application as soon as possible. No work can begin on the loan approval until they submit their application. If FEMA's decision is disagreeable, they may appeal the decision. To file an appeal, applicants should follow the appeals process that is explained in their decision letter from FEMA. Applicants seeking more specific legal advice or services with an appeal may contact the SBOT Disaster Hotline at 1-800-504-7030.

Q. 2-9 *A disaster survivor heard about others in their neighborhood, city, or state who received help from FEMA, but was told that their home was safe to occupy or that they 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. Applicants who were determined to be ineligible because of insufficient damages and who feel this finding is incorrect, have a right to file an appeal.

Q. 2-10 *The disaster survivor has a new telephone number or mailing address. How do they update their application?*

Some information, such as current phone number, mailing address, or insurance policy number, can be updated online at www.disasterassistance.gov by clicking Check Status and logging into their online account or creating an account). To update other file information applicants need to call the FEMA Disaster Helpline at FEMA toll-free 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 they have received. Even if they update the information by phone or in person at a Disaster Recovery Center, it is best to confirm all requests to FEMA in writing.

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

An applicant must be a U.S. citizen, non-citizen national, or qualified alien to receive FEMA financial assistance, including the Individuals and Households Program and Disaster Unemployment Assistance. Disaster survivors who are neither married to nor are U.S. citizens or considered “qualified aliens” but whose child is, then the household can apply on the child’s behalf. However, FEMA may provide applicant information to other government organizations, including U.S. Immigration Customs and Enforcement. Applicants should be aware of this risk before applying on their child’s 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 their behalf.

One does not have to be a U.S. citizen, a non-citizen national, or a qualified alien for crisis counseling, disaster legal services, or other short-term, noncash emergency assistance. Some 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, an applicant must be a U.S. citizen, non-citizen national, or “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 for humanitarian purposes, is a Cuban-Haitian entrant, is a battered spouse or has battered 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 the 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 U-visa or can demonstrate that they have a pending application that sets forth a prima facie case for T-visa or U-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 connect with such an expert is contacting the SBOT Disaster Hotline at 1-800-504-7030.

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

1. A non-citizen must be authorized to work for the weeks for which she is claiming DUA.

2. In addition, a non-citizen must have had one of the following statuses during the time they were earning the wages that are used to calculate their 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 www.twc.texas.gov/news/eft/ue/ui_law_eligibility_issues.html and 20 C.F.R. § 625.6(a)(1). With some exceptions, an individual's weekly benefit amount is usually calculated using the wage credits earned during their "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 non-citizen must have had one of the three statuses above during their "base period" or a portion of their "base period." Otherwise, the individual may qualify for benefits when they apply but benefits will be zero because they did not have a qualifying status when earning their base period wages. For an explanation of the base period, see <https://www.twc.state.tx.us/jobseekers/disaster-unemployment-assistance#weeklyBenefitAmount> and <https://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, use the Find Assistance tab at www.disasterassistance.gov or call 1-800-621-FEMA (3362) (hearing/speech impaired ONLY-Call TTY: 1-800-462-7585). DRCs may not be open during the COVID-19 pandemic.

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 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/. 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 *If a disaster survivor lost their job because of a disaster and cannot make mortgage (or rent) payments, will FEMA make payments until they can return to work?*

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

Q. 2-17 *But what if job loss was the result of the COVID-19 Pandemic?*

No. FEMA is not authorized to make such payments. However, the CARES Act and American Rescue Plan Act expand the 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, individuals should contact the Texas Workforce Commission to apply for unemployment benefits. The Texas Workforce Commission can be reached by phone at 1-800-939-6631. See also Chapter 6, Employer/Employee Issues.

Q. 2-18 *A disaster survivor has not been able to work since the disaster hit. Their employer says that they still have a job, but they are not drawing a paycheck. Does FEMA pay for lost wages?*

An applicant who lost work because of the disaster might qualify for Disaster Unemployment Assistance (DUA). See the DUA section above or contact the local office of the state's Employment Commission for information about DUA.

The Texas Workforce Commission (TWC) may accept Disaster Unemployment (DUA) applications as a result of a Presidential Disaster Declaration for workers who lost their jobs and for 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 Texas Workforce Commission, Attn: DUA Proof, P.O. Box 149137, Austin, TX, 78714-9137, or fax it to (512) 936-3250.

2.5 Farm/Agricultural Damages

Q. 2-19 A disaster survivor's farm or ranch was damaged as a result of the disaster. Can FEMA help them?

If survivors sustained damages to their home or personal property, they should apply with FEMA for assistance. If they had damages to their crops, livestock, farm equipment, barns, dairy, or something similar, they should contact their local Farm Services Agency office to inquire about the USDA's disaster assistance program. The Texas Farm Service Agency is available at: <https://www.fsa.usda.gov/state-offices/Texas/index>.

FEMA does not offer grant assistance to businesses and farmers but does act as a referral agency. FEMA provides lists of referral resources for each disasters that can be accessed at <https://www.fema.gov/locations/texas#block-views-block-disasters-block-2-2>. FEMA also provides referrals through its toll-free helpline at 1-800-621-FEMA (3362) (TTY: 1-800-462-7585). State and national referral lists can be found at www.fema.gov/sites/default/files/documents/fema_texas-referrals_03-01-2021.pdf and www.fema.gov/disaster/national-referral-list.

2.6 Inspections

Q. 2-20 Applicant was told by an inspector that they were going to get money from FEMA. However, they got a letter from FEMA stating that they were 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 an applicant's 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 standards to determine eligibility.

Q. 2-21 What will FEMA accept as proof of occupancy?

There are several documents that may be used to prove occupancy. They include but are not limited to: a current, written lease or housing agreement issued prior to the disaster start date for the damaged dwelling; a utility bill within three months before the disaster showing use in the damaged dwelling that applicant is occupying; a merchant's statement or an employer's pay statement sent to the damaged dwelling within three months before the disaster; or a current driver's license showing the address of the damaged dwelling and issued prior to the disaster. See FEMA's IAPPG (Fig. 9 at 52) for more information.

Q. 2-22 *What will FEMA accept as proof of homeownership?*

There are several documents that may be used to prove ownership. They include but are not limited to: deed or official record which was current and effective during the disaster, title or lease agreement, a bill of sale or land contract, a mortgage statement within three months before the disaster, property insurance documentation, recent property tax bill, or Will or Affidavit of Heirship which was current at the time of the disaster (along with a death certificate) naming applicant heir to the property. There are three ways to be treated as an owner-occupant for FEMA benefits. Option one is to demonstrate legal ownership. Option two allows people who do NOT hold legal title or pay rent but are responsible for the payment of taxes or maintenance of the residence, to establish ownership. Option three is for people with a life estate. See 44 C.F.R. § 206.111, <https://www.fema.gov/press-release/20210318/faq-verifying-home-ownership-disaster-assistance-process>, or FEMA’s IAPPG (Fig. 10 at 54) for more information.

Q. 2-23 *Applicant’s inspector called , but applicant missed the call. How do they contact the inspector?*

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

Inspectors will call the current phone contact number on the application and the alternate if one was provided. If any contact information has changed, applicant should call the Helpline as soon as possible to update their information. The inspector may leave a notice at the damaged home with contact information if they cannot reach the applicant by phone.

Q. 2-24 *Applicant is not English proficient or is living with a disability. How will the applicant 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 1-800-621-FEMA (3362), voice/VP/711 or 1-800-462-7585 (TTY). Multilingual operators are available. See also Chapter 18, Disability Rights.

2.7 Insurance

Q. 2-25 *Applicant has insurance and filed a claim with their insurance agent, but does not have a place to live. Is there any help for them?*

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

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

Q. 2-26 *Applicant received a settlement from their insurance company, but it is not enough to cover their losses. What should they do now?*

FEMA recommends that applicants do the following: Read over settlement documents carefully and be sure to understand the policy. If a disaster survivor believes a mistake has been made, they should contact their insurance agent. If the applicant is still not satisfied, their agent can tell them how to contest the settlement. Next, the applicant should call FEMA at 1-800-621-FEMA (3362). 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 an applicant's insurance settlement does not meet their disaster-related needs, they may be eligible for assistance from FEMA or the SBA. There can be no duplication of benefits from these programs, however. See FEMA's IAPPG for more guidance on the issue of insurance deductibles.

Q. 2-28 *What documents does FEMA want from the disaster survivor's insurance company?*

If applicant applies for help from FEMA because their insurance does not cover all of their disaster-related needs, the applicant needs to write a letter to FEMA explaining their situation and include a copy of a settlement or denial letter from their insurance company. Applicants do not need to submit insurance documentation for coverage of perils not identified as a cause of the declared-disaster related damage; for example, proof of flood insurance is not necessary for fire-only damages. FEMA cannot duplicate any insurance coverage. It is important that the applicant gets a written denial of displaced housing from the insurance company immediately so that they can ask FEMA to cover their temporary housing. FEMA will not consider the applicant's eligibility until proof of benefits or settlements has been provided.

Q. 2-29 *Does an applicant have to file a claim with their insurance company since they have to pay a deductible? Why can't FEMA just help them instead?*

By law, FEMA cannot give a disaster survivor money for items covered by their insurance (this would be considered a duplication of benefits), but FEMA may be able to help with uncompensated losses or unmet needs not covered by the insurance company. Applicants should contact their insurance agent to file a claim as soon as possible. If an applicant does not file a claim with their insurance company, FEMA help may be limited. If their insurance company tells the applicant that their deductible is greater than the amount of damage found, the applicant should request a letter from the insurance company on company letterhead and send it to FEMA, along with their application for assistance.

Q. 2-30 *The insurance company told the applicant it would be weeks before they come to see damages. Can FEMA help?*

If a decision on an insurance settlement has been delayed for more than thirty days after the applicant filed the insurance claim, they may be eligible for an insurance advancement from FEMA. These funds are considered a loan and must be repaid to FEMA once the applicant receives their settlement from the insurance company. Applicants need to write a letter to FEMA explaining the circumstances of the delay

in settlement. This should 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 they filed by phone. FEMA will send a Request for Advancement and Signature letter. The applicant must complete and return this letter before FEMA can evaluate their request for assistance.

2.8 Late Registration

Q. 2-31 *A disaster survivor had extenuating circumstances that prevented them from applying for assistance before the registration filing deadline. They have damages from the disaster. What can they do?*

The disaster survivor should apply anyway. Applicants may register late within sixty days after the filing deadline. A letter will be sent stating that they are not eligible for consideration for disaster assistance under the Individuals and Households program. The letter will contain information on how they can appeal this decision if they had extenuating circumstances that kept them from filing during the open registration period. See IAPPG p. 71.

2.9 Returning Funds

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

First, a disaster survivor should consider seeking more specific legal advice or services to evaluate whether they are correctly assessing the need to return the payment from FEMA. FEMA is not immune to mistakes. To apply for the Disaster Legal Services program, applicants may contact the SBOT Disaster Hotline at 1-800-504-7030. Even if FEMA demands repayment, the applicant may appeal that decision if they believe they were eligible for the funds received. When repayment is demanded after funds have been spent, applicants should seek more information about FEMA's ability to waive repayment in certain circumstances.

Treasury Checks: If an applicant has not cashed the treasury check and plans to return it, they may mail it to:

Department of the Treasury
ATTN: Treasury Check Return
P.O. Box 51318
Philadelphia, PA 19115

Applicants should be sure to include their name, Social Security number, and FEMA application number on any correspondence. (See <https://www.fema.gov/about/payment/return-treasury-checks>).

Personal Checks/Cashier's Checks/Money Orders: If an applicant has already cashed the treasury check and plans to return it, they should send their personal check (or money order/cashier's check) by regular mail to: FEMA, P.O. Box 6200-16, Portland, OR 97228-6200. For options to send payments by courier or to make payments online or by phone, applicants may seek up-to-date guidance at

<https://www.fema.gov/about/payment/individuals>. DO NOT send cash. Applicants should include a brief statement explaining why they are sending funds to FEMA. Include your name, Social Security number, and FEMA application number.

State Checks: If an applicant has received a check from their state for their damaged personal property and wishes to return the check or has been advised in a letter to return the funds, they will need to mail the check/payment back to the state. The address should be listed on the letter that accompanied their check.

2.10 Road and Bridge Damages

Q. 2-33 *A disaster survivor's home is not damaged; however, a public road or bridge has been damaged and is preventing access to their home. Can FEMA help?*

Yes. If damages to a public road or bridge prevent or restricts an applicant from accessing their home, FEMA may be able to provide assistance. See https://www.fema.gov/sites/default/files/documents/fema_public-assistance-guidance-on-inundated-and-submerged-roads_policy_4-8-2021.pdf.

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

Yes. If the private road or bridge damage prevents or restricts access to their 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 <https://www.fema.gov/fact-sheet/federal-assistance-wildfire-damaged-private-bridges-and-access-roads>.

Q. 2-35 *What if the applicant shares 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/fact-sheet/federal-assistance-wildfire-damaged-private-bridges-and-access-roads.

2.11 Small Business Administration (SBA)

Q. 2-36 Why are applicants referred to the SBA?

The Small Business Administration (SBA) is the primary source of federal funds for long-term recovery assistance for disaster survivors. **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 recovery assistance.

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

The SBA loans money to homeowners, renters, and business owners for physical damage, assistance mitigating against future disasters, and economic injury to small businesses. Homeowners may borrow up to \$200,000 for disaster-related home repairs to their primary residence. Homeowners and renters may borrow up to \$40,000 to replace disaster-damaged personal property, including vehicles. The SBA may not duplicate benefits from insurance or FEMA. Applicants may receive an SBA referral automatically when they 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 applicants reach the SBA hotline?

The SBA has representatives in the Disaster Recovery Centers to provide face-to-face service to disaster survivors. Applicants may visit the SBA at any of these locations without an appointment. An SBA representative will be glad to answer questions and help complete applications. To find out where the SBA disaster offices are located, an applicant can call the SBA toll-free at 1-800-659-2955 (TTY: 1-800-877-8339) or email the SBA disaster customer service at disastercustomerservice@sba.gov. DRC's may be closed during the COVID-19 pandemic.

2.12 Travel Trailer/Mobile Home

Q. 2-39 How long can the travel trailer/mobile home provided for Temporary Housing Unit (THU) be used?

If FEMA provides a disaster survivor with a travel trailer or mobile home, they may be able to use it for up to eighteen months from the date of declaration if they continue to have a disaster-related housing need. THUs are subject to recertification visits to ensure compliance, which typically occur monthly. 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. Applicants provided with a THU on the same site as their pre-disaster mobile home are responsible for any existing pad rental costs, however. See FEMA's IAPPG for Direct Temporary Housing Assistance Terms and Conditions.

Q. 2-40 An applicant's family is too large for a travel trailer/mobile home. What can they do?

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

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

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

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

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

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 price gouging occurs, disaster survivors may contact the Attorney General's Office. See 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 available for Texas?*

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

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

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

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

No, FEMA cannot pay utility bills. However, local charitable organizations may be able to help for a short time. We suggest that applicants contact the Red Cross (www.redcross.org) or their 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 *A Disaster survivor lost food because of the power outage; will they 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.hhs.texas.gov/services/financial/disaster-assistance/disaster-snap.

Q. 2-48 *Trees are down all over a disaster survivor's 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 residents or emergency workers from safely getting to the home, FEMA may be able to provide help. Local officials can also tell residents if there is a pickup schedule for debris in their 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 *Applicant purchased a generator. Will they 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. Applicants should register and submit receipts to see if the generator 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., a letter from a physician stating that the applicant/occupant has a medical need for the equipment)
- The generator is purchased or rented as a result of disaster-caused disruption of electrical utility service.

For more information on generator reimbursement, including specific provisions for *rental* of generators, see section 10210.15 at www.hhs.texas.gov/laws-regulations/handbooks/ihp-ona/section-10000-grant-categories.

Q. 2-50 *Does disaster assistance money 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 an applicant to send in their receipts. What is the mailing address?

All correspondences should be mailed to the following address, after making a copy for applicant's own records:

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. Click "Check Status" and log into your account.

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

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

FEMA sends disaster survivors money to meet housing and personal property needs related to the disaster only, to be used only as intended. Applicants will receive a letter from FEMA telling them exactly what forms of assistance the money is intended to address.

Q. 2-53 Where can disaster survivors get more information about disaster assistance on the Internet?

The best places to start are www.fema.gov and www.disasterlegalaid.org.

Q. 2-54 A disaster survivor has a lot of damage, but received a letter from FEMA stating that they are getting "\$0." Why?

There are multiple reasons for denial, so it is important to read the entire letter to try to understand the specific issue(s) in each case. However, the letters do not contain fact-specific explanations; rather, they contain standardized decision codes. Applicants may seek additional information through FEMA's Helpline, and may request that FEMA provide them with a copy of their 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 an applicant does not qualify for assistance, the letter will also explain their rights to file an appeal if they disagree with the reason provided by FEMA. If they wish to appeal, they must do so within sixty days of the denial date.

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

Q. 2-55 *If an individual's family member died from COVID-19, can FEMA help them?*

In 2021, Congress passed the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 and the American Rescue Plan Act which allows FEMA to provide money to individuals who incurred funeral expenses after January 20, 2020. Individuals may be eligible for this financial assistance if they are a U.S. citizen, non-citizen national, or qualified alien who incurred funeral expenses on or after January 20, 2020, and the funeral expenses were for an individual whose death in the United States, territories, or the District of Columbia, may have been caused by, or was likely the result of, COVID-19. See <https://www.fema.gov/disaster/coronavirus/economic/funeral-assistance/faq>.

Q. 2-56 *How may individuals apply for FEMA COVID-19 Funeral Assistance?*

Unlike applications after a natural disaster, individuals can only apply for COVID-19 Funeral Assistance from FEMA by calling 844-684-6333 | TTY: 800-462-7585; Monday through Friday 9 a.m. to 9 p.m. Eastern Time.

Q. 2-57 *What information is needed to apply for FEMA COVID-19 Funeral Assistance?*

Applicants will need both their Social Security Number and the deceased person's, their date of birth and the deceased person's, their current mailing address, their current telephone number, the location or address where the person died, the information about burial or funeral insurance policies, information about other funeral assistance received, such as donations, CARES Act grants, and assistance from voluntary organizations, the routing and account number for their checking or saving account, if you would like the assistance direct deposited into their account. See <https://www.fema.gov/disaster/coronavirus/economic/funeral-assistance/faq>.

Q. 2-58 *What documents are needed to apply for FEMA COVID-19 Funeral Assistance?*

A copy of the death certificate is required. If the person died between January 20, 2020, to May 16, 2020, and the death certificate does not state the cause of death is related to COVID-19, applicants must also include a signed statement from the original certifier of the death certificate or the local medical examiner or coroner from where the death occurred. The statement must list COVID-19 as a cause or contributing cause of death. The statement must also provide an additional explanation linking the cause of death listed on the death certificate with COVID-19. If a person died after May 16, 2020, the death certificate must state the death was attributed to COVID-19. Applicants will also need proof of the costs that were paid for by using receipts, a funeral home contract, etc. These documents must include the applicant's name as the person who is financially responsible for the cost, the deceased person's name, an itemized list of what was paid for, and a date showing that the cost was incurred after January 20, 2020. Finally, if applicants have already received money to help pay for these costs, they will need to provide this information to FEMA in order to avoid any duplication of benefits. See <https://www.fema.gov/disaster/coronavirus/economic/funeral-assistance/faq>.

Q. 2-59 *Are U.S. Citizens, Non-citizen Nationals, or “Qualified Aliens” whose deceased relative was not a U.S. Citizen, Non-citizen National, or “Qualified Alien” still eligible for FEMA COVID-19 Funeral Assistance?*

Yes. Only the person applying for COVID-19 related funeral assistance needs to be a U.S. Citizen, Non-citizen National, or “Qualified Alien.”

Q. 2-60 *If a family member who died from COVID-19 had life insurance, can FEMA still provide assistance?*

Yes. Life insurance is not burial insurance. This means life insurance money is not a duplication of benefits with COVID-19 funeral assistance.

Q. 2-61 *If FEMA denied an applicant’s COVID-19 Funeral Assistance, what can they do?*

Applicants can submit an appeal to FEMA within 60 days from the date on the letter FEMA sent them denying assistance. The appeal should include: applicant’s full name; FEMA application number; FEMA disaster Number; and applicant’s current phone number and address. Applicants must include their FEMA application number on each page of appeal documentation. The appeal also needs to include a signed statement of why the applicant thinks FEMA’s decision is wrong and any supporting documents that they have. Finally, applicants should submit all correspondences to the following address, after making a copy for their own records:

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 it to your DisasterAssistance.gov account

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, applicants should contact the Texas Workforce Commission to apply for unemployment benefits. The Texas Workforce Commission can be reached by phone at 1-800-939-6631.

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 www.fema.gov/coronavirus.

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