

United States Senate

WASHINGTON, DC 20510

August 2, 2018

The Honorable Brock Long
Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, D.C. 20472

Dear Administrator Long:

We write with serious concerns regarding the alarming rates at which the Federal Emergency Management Agency (FEMA) is denying appeals for assistance requests submitted to the Individuals and Households Program (IHP) in Puerto Rico due to a systemic problem with property titles. We are encouraged however, to learn that FEMA has developed a new sworn declarative form as an update to its Ownership Verification Guidance to address this issue in Puerto Rico. We respectfully request that FEMA promptly make that form and guidance public and applicable to both denied applicants as well as those who are in the process of submitting new IHP applications.

According to news reports, 61 percent of the initial 1,067,618 applications for IHP assistance and more than 79 percent of the subsequent 43,380 appeals, were denied.¹ Furthermore, reports suggest that many of the denied applications for IHP assistance were “deemed ineligible” if the applicant could not be contacted for inspection or if the agency was unable to prove the applicants identity, occupancy or homeownership status.² Currently, FEMA has deemed 333,118 IHP applications ineligible.³ As a result, more than 10 months after Hurricane Maria, hundreds of thousands of American citizens in Puerto Rico are still waiting for relief.

Hurricane Maria, the deadliest storm in 2017, and the third costliest storm in the United States since 1900, damaged or destroyed more than a third of the homes in Puerto Rico,⁴ yielded a potential mortality count in excess of 4,645 deaths,⁵ and forced more than

¹ Arroyo, M. Most request for FEMA assistance have been denied. *El Nuevo Dia*, July 16, 2018, Accessed online at <https://www.elnuevodia.com/english/english/nota/mostrequestsforfemaassistancehavebeendenied-2435549/>

² Acevedo, N. FEMA has either denied or not approved most appeals for housing aid in Puerto Rico. *NBC News*. July 17, 2018. Accessed online at <https://www.nbcnews.com/storyline/puerto-rico-crisis/fema-has-either-denied-or-not-approved-most-appeals-housing-n891716>

³ J. Barnes (Personal communication, July 31, 2018). Email from FEMA personnel with the latest IHP numbers.

⁴ Nicole Einbinder, “How the Response to Hurricane Maria Compared to Harvey and Irma,” *PBS*, 1 May 2018, <https://www.pbs.org/wgbh/frontline/article/how-the-response-to-hurricane-maria-compared-to-harvey-and-irma/>.

⁵ Kishore, N, Marques, D. et al (2018). Mortality in Puerto Rico after Hurricane Maria. *New England Journal of Medicine*, 379: 162-170.

100,000 of its residents to flee the island in its aftermath.⁶ Disaster relief in Puerto Rico is complicated by the realities of its homeownership structure, in which approximately one half of homeowners lack title to their properties.⁷ FEMA's response in Puerto Rico must address and accommodate these realities faced by Puerto Rican homeowners.

As you know, IHP provides financial and direct services to eligible individuals and households affected by a disaster who have uninsured or underinsured basic needs.⁸ IHP assistance can come in the form of Housing Assistance, where FEMA provides direct funding to eligible individuals to repair or replace damage caused by a disaster or through Direct Housing Assistance, where FEMA provides assistance to survivors who are unable to use Rental Assistance due to a lack of available housing resources.⁹

Given FEMA's resistance to enter into a Disaster Housing Assistance Program agreement with the Department of Housing and Urban Development and the fact that its Temporary Shelter Assistance program is set to expire on August 31, 2018, it is imperative that FEMA issue comprehensive guidance for IHP eligibility and engage the survivors of this disaster, both on and off the island, in a targeted and robust outreach campaign.

We also ask that you respond to the following questions by Monday, August 6, 2018:

- Now that FEMA has updated its Owner Verification Guidance to address the problem of IHP denials in Puerto Rico, will FEMA allow applicants who had been previously denied IHP applications to resubmit their applications using a sworn declarative statement rather than a signed affidavit? Will this updated guidance apply to new IHP applicants?
- What steps is FEMA taking to make sure that previously denied IHP applicants know about the "sworn statement" guidance and have another opportunity to appeal?
- Will that guidance apply to displaced families applying in the Continental United States who wish to return to Puerto Rico?
- How will FEMA personnel working in Puerto Rico or in States with current displaced communities of Puerto Ricans, be trained in the new guidance?
- Does FEMA intend to conduct active public information and outreach campaigns regarding this new guidance for new IHP applicants and formerly denied applications? Please provide a detailed outline of any proposed outreach efforts.

⁶ Melendez E. & Hinojosa, J. (October 2017) Estimates of Post-Hurricane Maria exodus from Puerto Rico. Research Brief, Center for Puerto Rican Studies, CUNY. Accessed online at https://centropr.hunter.cuny.edu/sites/default/files/RB2017-01-POST-MARIA%20EXODUS_V3.pdf

⁷ Adrian Florido, "Unable To Prove They Own Their Homes, Puerto Ricans Denied FEMA Help," *NPR*, 20 Mar 2018, <https://www.npr.org/2018/03/20/595240841/unable-to-prove-they-own-their-homes-puerto-ricans-denied-fema-help>; Nick Brown, "Special Report: In Puerto Rico, a housing crisis U.S. storm aid won't solve," *Reuters*, 6 Feb 2018, <https://www.reuters.com/article/us-usa-puertorico-housing-specialreport/special-report-in-puerto-rico-a-housing-crisis-u-s-storm-aid-wont-solve-idUSKBN1FQ211>.

⁸ FEMA, Fact Sheet: Individuals and Households Program. Accessed online at <https://www.fema.gov/media-library-data/1528984381358-6f256cab09bfcbe6747510c215445560/IndividualsHouseholdsPrograms.pdf>

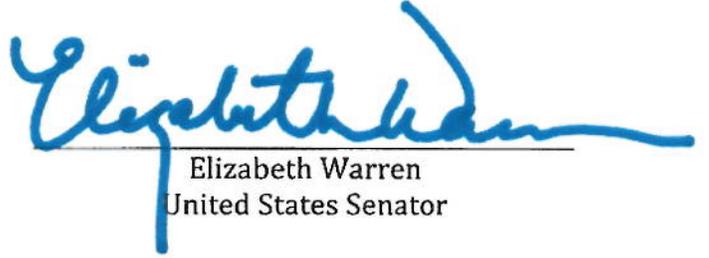
⁹ *Ibid*

As we approach one year since Hurricane Maria devastated Puerto Rico, far too many Puerto Ricans continue to live with constant despair and doubt, unsure if they will ever be able to recover from the storm. FEMA should act expeditiously to provide assistance to homeowners waiting to rebuild their lives.

Sincerely,



Robert Menendez
United States Senator



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator



Bernard Sanders
United States Senator



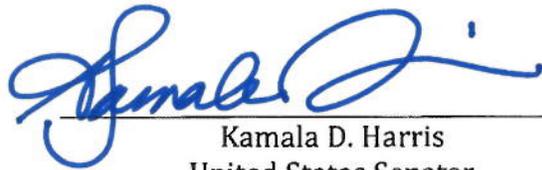
Robert P. Casey, Jr.
United States Senator



Richard Blumenthal
United States Senator



Sherrod Brown
United States Senator



Kamala D. Harris
United States Senator