

# United States Senate

WASHINGTON, DC 20510

June 21, 2018

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

Dear Administrator Long,

We are writing to follow up on two recent conversations you had with Senator Elizabeth Warren about the status of evacuees from Hurricane Maria still living in temporary housing on the U.S. mainland, including in Massachusetts. These calls followed up on a letter sent by Senator Warren, Senator Markey and others on the subject, which FEMA failed to answer. During those phone calls, you provided assurances that the Federal Emergency Management Administration (FEMA) was doing all it could to provide stable housing to these U.S. citizens who have suffered loss and displacement over the last nine months. Further review of FEMA's policies and the facts on the ground both in Puerto Rico and in Massachusetts has revealed these assurances to be empty and misleading – providing further evidence that FEMA and the Administration have turned their back on the victims of Hurricane Maria.

During the latest phone call, you provided three justifications for why FEMA will not work with the Department of Housing and Urban Development (HUD) to establish the Disaster Housing Assistance Program (DHAP), as requested by more than a dozen members of Congress and Puerto Rico Governor Ricardo Rosselló. First, you suggested that DHAP is unnecessary because eligible evacuees are being given equivalent services through FEMA's Individuals and Households Program (IHP), which provides some limited rental assistance. Second, you suggested that more than half of the evacuees still living in Massachusetts are not eligible for any disaster relief, including DHAP, because of eligibility criteria established by Governor Rosselló, assigning him blame for leaving so many evacuees without relief. Finally, you told Senator Warren, as you've suggested elsewhere publicly, that DHAP is ineffective. None of these contentions are accurate.

FEMA's rental assistance program does not provide the same level of support as DHAP. In the past, following similar disasters, evacuees have had access to HUD professionals at public housing authorities through DHAP who work full time in the local community to help find the support they need – whether through disaster assistance or not. It is this special expertise that led a President George W. Bush-era report examining the response to Hurricane Katrina to conclude that HUD, “with extensive expertise and perspective on large-scale housing challenges and its nation-wide relationships with State public housing authorities,” should lead the effort to plan for

the temporary and long-term housing needs of disaster evacuees.<sup>1</sup> The 2009 National Disaster Housing Strategy similarly recommended that Congress pass legislation “that enables HUD to stand ready and quickly mobilize its network of PHAs to administer an interim and tenant-based rental assistance program for households displaced from their homes by disasters.”<sup>2</sup>

In contrast, the IHP rental assistance program does not include support from housing personnel who are familiar with the area and equipped to help evacuees navigate their new communities.<sup>3</sup> Evacuees are provided money, but then left on their own to find affordable, stable housing. FEMA’s case managers, deployed through a contract with the Department of Health and Human Services, are not experts in housing or the local communities. The Direct Lease program, which FEMA often promotes as an alternative to DHAP is also not a viable alternative for evacuees who wish to remain in Massachusetts because it only provides housing in Puerto Rico.<sup>4</sup>

FEMA also appears to be improperly denying assistance to evacuees who are eligible and there remains serious confusion about the eligibility criteria for FEMA programs, including potentially DHAP. You suggested to Senator Warren that DHAP eligibility would necessarily be the same as IHP eligibility and that the Governor of Puerto Rico determines all of those criteria. In fact, since DHAP is not a product of a statute, but rather an interagency agreement between FEMA and HUD, it is not clear what the eligibility criteria would be. Further, your contention that IHP criteria are determined by the Governor of Puerto Rico is not correct.<sup>5</sup>

However, even assuming that IHP criteria would dictate eligibility for DHAP, we are concerned that FEMA is systematically denying claims of people who are eligible for assistance without accounting for the unique challenges associated with the land registration system on the island. In order to receive assistance, evacuees must prove that they own homes that are not habitable in the disaster zone.<sup>6</sup> While this is difficult in the aftermath of any disaster, proving ownership in Puerto Rico, where the government estimates that half of homes are informal, presents particular challenges.<sup>7</sup> This is likely a significant contributor to the unusually high denial rate -- nearly sixty percent -- for applications for IHP benefits after Maria.<sup>8</sup> This compares

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<sup>1</sup> White House, “The Federal Response to Hurricane Katrina: Lessons Learned,” February 2006, p. 60, <https://permanent.access.gpo.gov/lps67263/katrina-lessons-learned.pdf>

<sup>2</sup> Federal Emergency Management Agency, “National Disaster Housing Strategy,” January 16, 2009, p. 17 [https://www.fema.gov/media-library-data/20130726-1819-25045-9288/ndhs\\_core.pdf](https://www.fema.gov/media-library-data/20130726-1819-25045-9288/ndhs_core.pdf)

<sup>3</sup> Conversation between FEMA and staff from Senators Warren Markey’s offices. June 15, 2018.

<sup>4</sup> Federal Emergency Management Agency, “Direct Lease and Multi-Family Lease and Repair Program,” April 3, 2018, <https://www.fema.gov/disaster/updates/direct-lease-and-multi-family-lease-and-repair-programs>.

<sup>5</sup> 44 CFR 206.113.

<sup>6</sup> Federal Emergency Management Agency, “Fact Sheet: Individual and Households Program,” <https://www.fema.gov/media-library-data/1528984381358-6f256cab09bfcbe6747510c215445560/IndividualsHouseholdsPrograms.pdf>.

<sup>7</sup> NPR, “Unable to Prove They Own Their Own Homes, Puerto Ricans Denied FEMA Help,” Adrian Florido, March 20, 2018, <https://www.npr.org/2018/03/20/595240841/unable-to-prove-their-own-their-homes-puerto-ricans-denied-fema-help>.

<sup>8</sup> NPR, “Unable to Prove They Own Their Own Homes, Puerto Ricans Denied FEMA Help,” Adrian Florido, March 20, 2018, <https://www.npr.org/2018/03/20/595240841/unable-to-prove-their-own-their-homes-puerto-ricans-denied-fema-help>.




to the 31 percent denial rate after Hurricane Harvey in Texas.<sup>9</sup> We are concerned that many of these denials may be erroneous.

Finally, we find your contention that the DHAP program is somehow ineffective or costly unpersuasive. FEMA has repeatedly cited a 2011 Inspector General report as evidence that DHAP doesn't work. Our staffs have reviewed the Inspector General report and found it actually concludes that in past iterations of the DHAP program, FEMA has not required HUD to collect data about how soon families were able to achieve self-sufficiency, which it defines as success. The report recommends – and we agree -- that future DHAP programs collect those data, which can be accomplished through terms of an interagency agreement with HUD.<sup>10</sup> The report was silent on whether DHAP was more or less cost-effective than the IHP, the Transitional Shelter Assistance Program, or state homeless shelters as a means of housing evacuees, but research suggests that stable housing – as is provided through the Housing Choice Voucher program and DHAP -- is most cost-effective way to keep a family from homelessness.<sup>11</sup>

In this light, it is especially troubling that FEMA has launched a public relations campaign attacking DHAP. A FEMA document released earlier this month, “Myths vs. Facts: Disaster Housing Assistance Program for María Survivors,”<sup>12</sup> repeats some of the questionable or incorrect assertions mentioned above. And a raft of tweets posted on the Twitter account of FEMA Region 2 (which includes Puerto Rico) has further attempted to disseminate that anti-DHAP message under the guise of dispelling “myth[s].”<sup>13</sup>

As a result of FEMA's failure to act, hundreds of hurricane survivors will be at risk of homelessness after the expiration of the Transitional Housing Assistance on June 30<sup>th</sup>. The Federal government has a responsibility to make sure that these evacuees have access to the most effective housing options available. To fulfill this responsibility, we again urge FEMA immediately enter into an agreement with HUD to establish the DHAP program and urge FEMA engage in another review of the evacuees who have been deemed ineligible for continued assistance. To ensure that you're undertaking this task with the necessary urgency, we request that you brief our staffs no later than June 26 on your progress establishing DHAP.

Sincerely,



Elizabeth Warren  
United States Senator



Edward J. Markey  
United States Senator

<sup>9</sup> Slate, “FEMA Has Rejected 60 Percent of Assistance Requests in Puerto Rico. Why?,” Mekela Panditharatne, June 15, 2018, <https://slate.com/technology/2018/06/hurricane-maria-aftermath-fema-rejects-60-percent-of-assistance-requests.html>.

<sup>10</sup> Department of Homeland Security Office of the Inspector General, “Effectiveness and Costs of FEMA's Disaster Housing Assistance Program,” August 2011, [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_11-102\\_Aug11.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_11-102_Aug11.pdf).

<sup>11</sup> The Atlantic, “The Best Way to End Homelessness,” Alana Semuels, July 11, 2015, <https://www.theatlantic.com/business/archive/2015/07/the-best-way-to-end-homelessness/398282/>.

<sup>12</sup> FEMA, “Myths vs. Facts: Disaster Housing Assistance Program for María Survivors,” June 7, 2018, <https://www.fema.gov/news-release/2018/06/07/myths-vs-facts-disaster-housing-assistance-program-maria-survivors>.

<sup>13</sup> E.g., tweet by FEMA Region 2, June 14, 2018, <https://twitter.com/femaregion2/status/1007304332138745856>.