



FEMA Disaster Housing: From Sheltering to Permanent Housing

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Summary

For over three decades the Federal Emergency Management Agency (FEMA) has provided temporary housing assistance to eligible victims of natural disasters. FEMA has responded to more than a thousand disaster and emergency events over this period, employing a number of options for meeting the needs of people who have lost their primary housing as a result of a disaster declared by the President. The cycle of help from sheltering provided by local organizations in the immediate aftermath, to the eventual repair and rebuilding or replacement of private homes and rental units, is the focus of this report.

Because of the historic nature of the Hurricane Katrina disaster, much of FEMA's work has been defined and measured by its response to that event. Katrina was an outlier in scope and not representative of disasters declared, on almost a weekly basis, over the last 30 years. But Katrina highlighted the gaps in FEMA's housing authorities, raised questions regarding the agency's leadership in exercising existing authorities, and provoked an examination of the flexibility, or lack thereof, in the Robert T. Stafford Disaster Relief and Emergency Assistance Act and its implementing regulations.

The congressional response to Katrina increased FEMA's authority and ability to address many housing issues in the post-disaster environment. Further, subsequent analysis of the Katrina response has also directed attention to the authorities of other federal agencies charged with federal housing responsibilities.

In the Post-Katrina Emergency Management Reform Act, P.L. 109-295, enacted in October of 2006, Congress directed FEMA to prepare a National Disaster Housing Strategy. While FEMA was directed to deliver the strategy within nine months, a final version was not delivered to Congress until January 16, 2009. The final product contains a comprehensive summary of previous disaster housing policy and highlights innovative approaches taken at the state and local level, by both governmental and non-governmental organizations responding to disaster housing needs.

The Obama Administration, and the 111th Congress, have the opportunity to review and, if inclined, adjust the strategy and consider other alternatives discussed in the report. Congress may also wish to exercise oversight over the implementation of the strategy and to suggest, through legislation, the future direction of the federal disaster housing mission.

This report reviews standard disaster housing procedures as well as options that could be taken to improve disaster housing including increased FEMA/HUD cooperation, the use of the case management authority, the repair and renovation of private rental housing units, and the use of alternative manufactured housing. It will be updated as warranted by events and legislative action.

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Introduction

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 93-288, hereafter referred to as the Stafford Act) is the principal federal authority for the response to and recovery from emergencies or major disasters declared by the President.¹ The law authorizes preparedness efforts and numerous response and recovery authorities, from the repair of infrastructure and the provision of temporary housing assistance to mitigation projects to lessen future damage. It also provides authority for the President to call upon the resources of other federal departments to assist states in responding to and recovering from major disasters and emergencies. The Stafford Act establishes the framework for the partnership between the federal and the affected state governments because, as the act states:

disasters often disrupt the normal functioning of governments and communities, and adversely affect individuals and families with great severity; special measures designed to assist the efforts of affected states in expediting the rendering of aid, assistance, and emergency services, and the reconstruction and rehabilitation of devastated areas, are necessary.²

The principal areas of recovery programs authorized by the Stafford Act are Individual Assistance, focusing on aid to families and individuals, Public Assistance which addresses aid to state and local governments in the repair of infrastructure, and Hazard Mitigation Assistance which provides grants to help states reduce the risk from future disaster or emergency events.

Assistance for emergency sheltering under Stafford Act Section 403 falls under the Public Assistance program as part of help to affected state and local governments carrying out this task. In contrast to emergency sheltering, temporary housing assistance, through Stafford Act Section 408, is part of the Individual Assistance program.

Federal disaster housing assistance has a long history that is not necessarily best understood by concentration on the exceptional circumstances presented by Hurricane Katrina and its aftermath. While the Katrina experience suggests a picture of general reliance on motel rooms and travel trailers, the great majority of disaster housing help comes in the form of home repairs and financial assistance for rental units. Direct assistance, that is trailers and mobile homes, is rare and generally considered a last resort when other housing options are not available.

But while the Katrina experience was not a “normal” or “average” disaster, it tested every form of housing assistance offered by the Federal Emergency Management Agency (FEMA). Owing to its scope, and arguably other factors related to leadership, it overwhelmed those forms of help. But that result opened an ongoing discussion on the best approaches to take to disaster housing.

This report reviews FEMA’s traditional approach for temporary housing following a disaster, explaining each option and exploring the alternatives that are being developed. Is FEMA’s current hierarchy of help effective and equitable for disaster victims? Has FEMA implemented the new housing-related authorities granted to it through post-Katrina legislation? What approaches can the 111th Congress consider to improve disaster housing for future events?

¹ 42 U.S.C. 5121.

² 42 U.S.C. 5121(a)(2).

Post-Disaster Housing

In the wake of a disaster, local and state governments and charitable organizations take immediate steps to shelter families and individuals whose housing has been made uninhabitable by the disaster event. Various stages of sheltering and housing assistance occur in the cycle of aid.

Federal assistance often does not come early in this cycle, if at all. While on average there have been about 50 disaster declarations per year, in many instances, federal help is neither requested nor granted.³ In these cases, where no presidential declaration has been made, responsibility for housing those in need falls upon the state and the local community. This form of emergency shelter is often provided by the chapters of the American Red Cross and other charitable providers or by the local governments themselves.

Even in those instances where, at the request of the governor of the affected state, a Presidential declaration is made, the supplemental federal help would likely not be instantaneous.⁴ In the intervening period when disaster victims are registering to receive assistance from FEMA, they may be moved from an emergency shelter facility to an improved temporary shelter facility while awaiting more permanent housing help.

Federal assistance following a declared major disaster or emergency is built upon a working relationship between the federal government and the state.⁵ Federal disaster assistance presupposes a leadership role by local and state officials, or at a minimum their input, in determining the best approach to meet the needs of their citizens. In reconciling the needs and preferences of federal, state, and local actors, FEMA has developed approaches to housing based on several practical and theoretical considerations.

Practical considerations include the agency's ability, working in concert with state and local governments, to house families and individuals safely, with proper forms of support, in a short time frame, and in proximity to their original residences and places of employment. Proper forms of support can include, as needed and appropriate, food assistance, transportation help, access to employment, security arrangements, and other aid that helps displaced residents begin to resume their lives while awaiting the repair of their former homes.

While cooperation with state and local partners is a fundamental part of FEMA's approach to post-disaster housing, the ultimate decisions on the courses pursued rest with FEMA. As the Stafford Act explains:

the President shall determine appropriate types of housing assistance to be provided under this section to individuals and households described in subsection (a)(1) based on considerations of cost effectiveness, convenience to the individuals and households, and such other factors as the President may consider appropriate.⁶

³ CRS Report RL34146, *FEMA's Disaster Declaration Process: A Primer*, by Francis X. McCarthy.

⁴ In fact, housing assistance is not assumed by a presidential declaration. In some instances, the declaration may only be for Public Assistance, which covers the repair and replacement of damaged infrastructure, rather than Individual Assistance, which includes federal temporary housing assistance.

⁵ 42 U.S.C. 5122 (1) and (2). Each of the definitions for "emergency" and "major disaster" explain that the assistance under the act is to "supplement" state and local efforts.

⁶ 42 U.S.C. 5174 (b)(2)(A). Stafford Act authority was delegated to the Secretary of the Department of Homeland (continued...)

FEMA has that authority but does try to offer options to applicants and shape a housing solution that suits the particular needs of an applicant. Federal help is intended to supplement, not supplant, state efforts. States can be victims themselves of the disaster incident and a catastrophe can limit their capacity to respond or participate in the early stages of the recovery effort. In those cases, federal assistance must be rapid and comprehensive since the initial local and state response cannot be assumed. But the state also has the responsibility to assist in the management of programs that provide help to families and individuals and to provide resources for the non-federal portion of the cost of that help.⁷

Attempting to provide practical, short-term help has led FEMA and its state partners to process questions concerning appropriate program stewardship, coupled with attention to accountability of funds. In its *National Disaster Housing Strategy* FEMA repeatedly emphasizes the role of the local and state governments as partners in the provision of temporary housing assistance.

A fundamental response principle is that all incidents should be managed at the lowest jurisdictional level possible, and this holds true for disaster housing assistance as well. Local governments and community-based organizations have a wealth of expertise and experience and can help shape disaster housing assistance to meet the unique needs of their community. When disaster housing demands exceed the local resources and capabilities, states and regional organizations provide additional support. Many issues such as sheltering and providing temporary housing will require cooperative efforts among multiple States to develop mutually supportive plans.⁸

As previously noted, states can be victims of an event that can greatly diminish their ability to assist in housing victims of major disasters or emergencies. But beyond the impact of a disaster on a state is the fact that, while all states are equal in rights, they are not necessarily equal in their capacity to respond. Nor do all states make the equivalent commitment to disaster recovery work, including sheltering and housing. One observer has noted the differences among states as follows:

The size of the state, the tax-base and other resources, the level of professionalization within state government, the form of government (i.e., strong or weak executive), state-local politics, and the orientation of officials and the public to proactive government programs are factors that influence the organization and functions of the state emergency management system and its ultimate effectiveness.⁹

Similarly, the allocation of authorities and responsibility under state law also varies and can be widely dispersed. Myriad authorities exist at the state level, both for working with the federal government and receiving its help, and also for using state resources for these events.

(...continued)

Security (DHS) by the President through Executive Order 13286, this authority was then re-delegated from the Secretary of DHS to the Under Secretary for Emergency Preparedness and Response (now the Administrator of FEMA) through Delegation Number 9001 on March 3, 2004.

⁷ 42 U.S.C. 5174 (f) and (g). These sections define both the state role and the cost-share provision.

⁸ U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy*, July 17, 2008, p. 4.

⁹ William L. Waugh, Jr., *Living With Hazards, Dealing With Disasters: An Introduction to Emergency Management* (Armonk, New York: M.E. Sharpe, 2000), p. 34.

In addition to accepting federal funds, the governors usually are authorized to accept services, equipment, supplies, materials, and other items on behalf of the state and local governments from federal and private sector sources. A number of states require emergency management officials and political subdivisions to use the services, equipment, supplies and facilities of existing departments and offices to the maximum extent possible in responding to a disaster¹⁰

All of these factors directly affect a state's ability to be an effective partner with FEMA in providing housing help after a disaster. This is an important point in assessing FEMA's performance; a lack of assistance from the state, poor overall preparedness efforts, and inadequate state authority for action, as well as a lack of cooperation from local officials, can make the development of post-disaster housing a much greater challenge.

In some cases, the federal government may be better positioned than the states to lead post-disaster housing efforts. FEMA, through its historical disaster operations experience, the regional offices' relationships with the states, and its assessment of state capacity and readiness through the grants administration process, is well positioned to know, in advance, the level of assistance it can expect from any given state and shape its housing help accordingly based on that assessment. States may find it difficult to respond effectively, if they are forced to address multiple emergencies or disasters in any given year. For FEMA such work, while taxing of its own resources as well as being potentially challenging and complex, is the essence of its mission and the agency is engaged in this work on a daily basis. In addition, learning from Hurricane Katrina, FEMA has demonstrated an ability to collaborate during disaster housing missions with the Department of Housing and Urban Development (HUD), the primary federal entity on housing issues.

Sheltering and Housing

As noted earlier, sheltering and housing, while part of a continuum, are carried out under different legislative authorities and may have different durations and forms. Defining those terms, as well as the approaches taken to accomplishing each function, may foster a better understanding of how they are carried out following disasters or emergencies large and small.

Sheltering

The immediate sheltering of disaster victims, would likely be accomplished by state and local governments and non-governmental organizations even if federal assistance is involved. Under a disaster declaration this work can be eligible for federal reimbursement. Whether provided by the states or FEMA, the assistance immediately provided is generally referred to as "emergency shelter."¹¹ This emergency help is provided under the Stafford Act's Section 403 that provides for "Essential Assistance."

This type of assistance can take the form of large emergency shelters (such as local gymnasiums or other facilities that can accommodate large numbers of disaster victims), emergency group

¹⁰ CRS Report RL32287, *Emergency Management and Homeland Security Statutory Authorities in the States, District of Columbia, and Insular Areas: A Summary*, by Keith Bea, L. Cheryl Runyon, and Kae M. Warnock.

¹¹ 42 U.S.C. 5170(3)(B).

sites (using clusters of manufactured housing), rental assistance, and other supporting services provided by state governments and reimbursed by FEMA. FEMA's work on sheltering is often done in partnership with the American Red Cross (ARC), for example in the area of organizing sheltering information. Recently, working with FEMA, the ARC has developed and catalogued a national shelter system. This provides a ready resource for the agency when establishing and responding to initial emergency shelter requirements. An ARC official presented congressional testimony that explained the breadth of the system and its importance.

Note, also, that the National Shelter System (NSS), which tracks potential shelter locations and capacities, is populated with up-to-date data. It now contains location and capacity information for over 55,000 buildings that could potentially be used as shelters across the country. The system, used for both planning and operational decisions, records all shelter openings, closings and overnight populations on a daily basis. The NSS is available to FEMA and to all states free of charge and it is currently being used by 12 additional national non-government partners.¹²

Depending upon the size of the disaster, there may also be special needs shelters for those with medical needs or shelters that can accommodate those with special needs along with their service animals or pets.

This immediate federal help for sheltering under Section 403, though not used in all disasters, is usually short-term and covers 75% of eligible costs. State and local resources cover the remaining 25%. Since this form of sheltering is available to meet immediate needs, it does not include an eligibility test before shelter is provided. In that respect it differs from the Individuals and Households Program (IHP) of Section 408 of the Stafford Act, a part of the Individual Assistance program area that provides the great majority of disaster housing assistance discussed later in this report.¹³

Hotels and Motels

Throughout the nation, local chapters of the American Red Cross and other local governmental or voluntary organizations also regularly use hotel or motel rooms to temporarily shelter the victims of fires or other emergencies. These short-term stays provide time for the arrangement of more appropriate housing venues and, if the President has declared a major disaster, for the disaster victim to register for assistance with FEMA. This type of sheltering may be eligible for reimbursement by FEMA if the event is declared a major disaster or emergency by the President. This form of assistance is usually referred to as "transient accommodations."¹⁴

Housing

When the term "housing" is employed, this indicates not only that more extended help than a temporary shelter is being provided to a disaster victim but also that such assistance falls under

¹² Armond Mascelli, American Red Cross, Testimony before the Senate Homeland Security and Government Affairs Committee, Subcommittee on Disaster Recovery, "Are We Ready? A Status Report on Emergency Preparedness for the 2009 Hurricane Season," June 4, 2009, at http://hsgac.senate.gov/public/_files/Mascellitestimony.pdf, p. 2.

¹³ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Frequently Asked Questions Section 403 Sheltering*, Aug. 11, 2006, at http://www.fema.gov/government/grant/pa/faq_403sheltering1.shtm.

¹⁴ 44 C.F.R. 206.101 (g)(ii).

FEMA's Section 408, the Federal Assistance to Individuals and Households Program (IHP), which authorizes up to 18 months of temporary housing assistance.¹⁵ This housing assistance, following a disaster, is paid for entirely with federal resources. However, it also requires registration by the victim to determine eligibility. Eligibility criteria in the Stafford Act include disaster-related housing needs of individuals and households who are displaced from their pre-disaster primary residences or whose pre-disaster primary residences are rendered uninhabitable, or with respect to individuals with disabilities, rendered inaccessible or uninhabitable, as a result of damage caused by a major disaster¹⁶

After FEMA has received a request for assistance from an individual, agency officials record the address of the residence, either the home or the rental unit, and then dispatch a contract housing inspector to meet with the victim. The purpose of this meeting is to verify the reported damage and to gather information on the habitability of the home and how severe the damage is both to the dwelling and the contents within.¹⁷

Financial Assistance

Under Section 408, the most common form of aid is financial assistance. This help, available to both homeowners and renters who have lost their primary residence, is used by victims to rent temporary replacement housing while their homes are repaired and while they are pursuing employment that will allow them to resume their own rent payments. The amount of help provided is based on the average fair-market rent in the area in which the disaster victim resides as "identified by the Department of Housing and Urban Development as being adequate for existing rental housing in a particular area."¹⁸

Disaster victims receiving financial assistance routinely, in less catastrophic disasters, rent appropriate and convenient housing that keeps them close to their original homes, and thus to the schools and workplaces. Since Hurricane Katrina, FEMA and HUD have taken additional steps to assist homeowners and/or renters in locating housing alternatives. HUD has established an online locator system, described as follows:

The housing locator is a searchable, online clearinghouse of rental housing available nationwide. It lets HUD, state and public housing authorities and first responders find rental housing and available government-owned single-family homes to house people during emergencies¹⁹

FEMA has also compiled a listing of available properties referred to as a "Housing Portal," which is

¹⁵ 42 U.S.C. 5174.

¹⁶ 42 U.S.C. 5174 (b)(1).

¹⁷ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Housing Inspectors View More Than 85,000 Damaged Homes*, Release No. 1437-92, Oct. 12, 2002, at <http://www.fema.gov/news/newsrelease.fema?id=2714>.

¹⁸ 44 C.F.R. 206.111.

¹⁹ Mary Mosquera, "HUD's housing locator aids victims," *Federal Computer Week*, Sept. 21, 2007, at <http://fcw.com/Articles/2007/09/21/HUD146s-Housing-Locator-Aids-Victims.aspx?Page=1>.

intended to help individuals and families, who have been displaced by a disaster, find a place to live. The portal consolidates rental resources identified and provided by federal agencies, such as the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Agriculture (USDA), U.S. Veterans Administration (VA), private organizations, and the public, to help individuals and families find available rental units in their area.²⁰

In some instances following a disaster, there may not be an adequate number of available and/or affordable rental properties to temporarily house disaster victims in the disaster area. In those cases, financial assistance is not a viable option; instead victims rely on direct assistance.

Direct Assistance

Another approach that the Stafford Act authorizes to meet disaster victims' housing needs is direct assistance, which is the provision of "temporary housing units, acquired by purchase or lease, directly to individuals or households."²¹

In the aftermath of Hurricane Katrina, FEMA's provision of temporary housing fed the public perception that FEMA had fallen short of its mission. Complaints from some residents, and subsequent congressional hearings, suggested that the amount of formaldehyde in some of the units poses a health risk. FEMA has since noted that the U.S. government has not established an indoor air health level for formaldehyde in housing, though the World Health Organization and Health Canada have recommended 0.100 parts per million (ppm) and 0.040 ppm respectively as the maximum levels. FEMA has recently adopted more stringent standards.

FEMA now requires that all manufacturers provide temporary housing units that meet indoor air levels for formaldehyde that are less than 0.016 parts per million. Incorporated as a new contract specification, this is not a health based value and occupants should not presume that current temporary housing units that exceed this value are of concern for potential formaldehyde health effects. FEMA has modified its contracting procedures to require that manufacturers certify that their temporary housing units meet this indoor air level for formaldehyde. FEMA will implement a testing program to confirm compliance and provide the results to States for their review.²²

Due to widespread media attention given to this form of temporary housing in the wake of the Katrina disaster, many have come to think of direct assistance as the primary form of disaster housing.²³ It may be more helpful to consider direct assistance as a last resort when rental housing is not available and home repairs either are not possible or are expected to take an extended

²⁰ U.S. Department of Homeland Security, Federal Emergency Management Agency, *FEMA Housing Portal*, at <https://asd.fema.gov/inter/hportal/home.htm>.

²¹ 42 U.S.C. 5174(c)(B).

²² U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy*, Jan. 16, 2009, p. 59.

²³ The health problems of formaldehyde in the trailers used by FEMA are discussed in a report prepared by the House Oversight and Government Reform Committee, as well as in an analysis by the minority staff of that committee. The majority report focuses on surveys FEMA requested by the CDC and EPA to test the safety of the units and FEMA's operational decisions in response to those tests and its interaction with temporary housing recipients. The minority analysis notes the lack of standards for the types of housing in question and also recognizes the housing industry's rapid response to FEMA requests for this form of housing following Hurricane Katrina. U.S. House of Representatives, Committee on Oversight and Government Reform, *Memorandum*, July 19, 2007 at <http://oversight.house.gov> and *Interim Staff Analysis, Formaldehyde and FEMA Trailers*, July, 2008, at <http://oversight.house.gov>.

amount of time. FEMA costs for direct assistance can be high since the costs involve not only the purchase of trailers or mobile homes but also the rental of pads, the transport of units to the site, installation costs, maintenance costs, deactivation of units when they are no longer needed, refurbishing costs to prepare them to be used again, and contractual costs to accomplish many of the aforementioned tasks. The total cost for direct assistance during the previous decade (from 1998 to 2008, not including the Katrina and Rita outliers) was approximately \$1.1 billion.²⁴

Temporary housing units can be sited in several ways. Traditionally, FEMA provides smaller units (trailers rather than mobile homes) to homeowners repairing their homes (see photo 1 and photo 2). Members of those households can sleep in the units, sometimes parked in their driveways or on their yards, while making the necessary repairs to make their homes habitable. Small trailer size units that could potentially be moved on short notice, have also been employed for temporary housing in flood plain areas where less mobile forms of housing, such as manufactured homes, would likely not be acceptable under FEMA regulations for flood plain management.²⁵

Photo 1—New Orleans, LA, 04/09/2006. Behind his temporary home, the first person in the 9th Ward to get a FEMA Travel Trailer mows his lawn. He is repairing his Hurricane Katrina-damaged home.



Source: FEMA Photo Desk.

²⁴ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Human Service Manufactured Housing (MH) Financial Information Tool (FIT) Report*, February 27, 2009. (Hereafter cited as the *Financial Info. Tool (FIT) Report*).

²⁵ 44 CFR 9.13.

Photo 2—Kenner, LA, 04/27/2006. Two school children walk home past FEMA Trailers that sit in almost every yard of E. Loyola Dr. in Kenner, a suburb of New Orleans that was damaged by Hurricane Katrina.



Source: FEMA Photo Desk.

Mobile homes and travel trailers are also sited at existing commercial mobile home parks that already have supporting infrastructure and amenities. However, if such spots are not available, FEMA may also establish temporary group sites of varying but significant size and provide utilities and security for the sites (see photo 3).

Photo 3—Baker, LA., 09/05/2005. A workman walks across the end of a section of a temporary housing site which, at that point, had more than 400 of the 550 travel trailers scheduled to be sited there, in place.



Source: FEMA Photo Desk

The degree of FEMA support for services at these sites has been a subject of ongoing discussions between FEMA and its state and local partners, and nongovernmental organizations. FEMA has defined the terms of such services in its National Disaster Housing Strategy:

Referred to as “Wrap-Around Services” these services encompass a variety of human and social support that may be required to accompany temporary housing community sites during a disaster, such as healthcare, schools and daycare, security, social services, maintenance and repair, public transportation, and employment counseling.²⁶

This definition of wrap-around services is broader than FEMA’s policy implementation during the Katrina recovery. In that situation, as one organization noted, “only three of 20 sites provide a tent or space for communal gatherings, programs or activities for children or religious services.”²⁷ During the Katrina recovery, FEMA generally confined community services and support to public safety issues.²⁸ The degree of services provided by FEMA to group sites remains an unresolved issue.

A lingering issue regarding direct housing assistance has been the actual disposition of the large number of mobile homes and trailers purchased as a result of the 2005 hurricane season. Attention has been centered on storage sites, such as the one at Hope, Arkansas which has thousands of units in various states of repair. Some of these units may be usable in the future while other units, due to wear and tear or unacceptable indoor air levels, may never be used again. Some estimates have placed the number of not readily usable units at over 100,000.²⁹ Given the scope of the problem, Congress has begun work on legislation to address the issue through legislation that would

require the Federal Emergency Management Agency to determine how many temporary units it needs in stock to respond to major disasters and to develop criteria to establish whether the stored housing units are usable. FEMA would be required to take both steps within three months of the bill’s enactment. In addition, within six months of enactment, FEMA would have to develop a plan for storing the needed temporary housing units and getting rid of unnecessary ones that are both usable and unusable.³⁰

Perhaps in response to Congressional action, FEMA has announced that it will be transferring, donating and selling a number of units.

Reducing the size of the inventory will significantly reduce the annual cost – approximately \$133 million annually – that FEMA is incurring to store the current inventory of approximately 120,000 excess manufactured housing units (also known as mobile homes) and travel trailers.³¹

²⁶ U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy*, Jan. 16, 2009, p. 52.

²⁷ Save the Children, *Rapid Assessments of Temporary Housing Camps For Hurricane-Displaced Children and Families*, July 2006, p. 2 at http://www.savethechildren.org/publications/reports/katrina-assessment_final-0706.pdf.

²⁸ For additional discussion of FEMA support for group sites see CRS Report RL34087, *FEMA Disaster Housing and Hurricane Katrina: Overview, Analysis, and Congressional Issues*, by Francis X. McCarthy.

²⁹ Daniel Fowler, “Senate Panel Seeks Solution to Surplus Emergency Housing,” *CQ Homeland Security*, April 1, 2009, at <http://homeland.cq.com/hs/display.do?docid=3089292&sourcetype=6>.

³⁰ Daniel Fowler, “Senate Panel Approves Bill to Account for Surplus Manufactured Homes,” *CQ Homeland Security*, April 2, 2009, at <http://homeland.cq.com/hs/display.do?docid=3090554&sourcetype=6>.

³¹ U.S. Department of Homeland Security, Federal Emergency Management Agency, *FEMA Begins Next Phase of Inventory Reduction of Excess Temporary Housing Units*, Release No. FNF-09-011, May 1, 2009, at <http://www.fema.gov/news/newsrelease.fema?id=48166>.

To begin to reduce the size of the inventory, FEMA is turning to a familiar method that is authorized in Section 408; the sales of units to their current residents. Selling units can be a practical solution to meet remaining housing needs and dispose of FEMA's excess inventory. But the issue of siting such units may still remain, as a report on FEMA's plans explained.

About 1,150 families in FEMA housing live in units the agency classifies as mobile homes and park models, which will be offered for sale at \$5 and \$1 respectively. FEMA expects to free up an additional 600 to 700 units from its inventory to donate through state and local governments and nonprofit groups, the administration official said. Individuals who previously bought units will be offered refunds. It is unclear what impact the changes will have. Many local jurisdictions refuse to alter zoning ordinances to allow small manufactured homes.³²

Congressional study of the inventory issue returns FEMA to a previous policy debate on the retention of temporary housing units. For years, FEMA refurbished and sought to reuse some mobile homes and travel trailers. To facilitate this system, thousands of units were kept at multiple sites, including large lots in Palo Pinto, Texas and Bluegrass, Kentucky. In 1995, FEMA's Re-Inventing Government Phase II Task Force recommended the closure of these sites.

Terminate the Federal Emergency Management Agency's (FEMA's) hands-on operational role in owning, storing, transporting (via contract), and refurbishing (via contract) mobile homes for disaster victims. FEMA should eliminate two permanent storage sites and sell its current inventory of about 4,000 mobile homes and 2,000 travel trailers. The agency should develop standby contracts and lease agreements to provide mobile homes, should the need arise.³³

The recommendation was based on findings that few of the units were re-used, and that maintaining vacant units in good condition was difficult and costly as they were subject to the ravages of climate. In addition, the wear and tear incurred when the units were towed between disaster sites and the storage sites contributed to their deterioration. There were differing opinions at the time, but the recommendation was accepted. The sites were closed, and the units were disposed of through both the GSA auction and donations systems. The policy followed since then was to acquire units for disasters on an as-needed basis, which led to the need to rapidly purchase units for those displaced by the 2005 hurricanes.

Repair Assistance

The discussion of direct assistance leads to another form of housing help FEMA provides: repair assistance. As noted in the previous discussion, FEMA can provide temporary housing, in the form of direct assistance or rental assistance, for people fixing up their homes following a disaster. This may supplement, but cannot supplant, insurance coverage. Under the Disaster Relief Act of 2000, repair assistance was capped at \$5,000 out of the total (adjusted annually) \$25,000 available in the IHP program. However, P.L. 109-295, the Post-Katrina Emergency Management Reform Act (PKEMRA), removed that cap and now repairs can be made for the full

³² Spencer S. Hsu, "Administration to Reveal Plans for Katrina Housing Transition," *Washington Post*, June 3, 2009 at <http://www.washingtonpost.com/wp-dyn/content/article/2009/06/02/AR2009060203897.html>.

³³ Federal Emergency Management Agency, *Re-Inventing Government*, Appendix C, "New Recommendations by Agency," Sept. 7, 1995, at <http://govinfo.library.unt.edu/npr/library/nprpt/annrpt/comsen95/22aa.html>.

amount available under IHP.³⁴ These funds for home repair would be in addition to any loan funds the owner had qualified for through the SBA's disaster loan program.³⁵

Repair assistance is the most prominent form of disaster housing aid. Putting people back into their homes has always been the preferred form of housing help both for the convenience and stability of the assisted families and individuals as well as for the restoration of the community. Over the last 10 years (and excluding Hurricanes Katrina and Rita as outliers) the spending on repairs, approaching \$3 billion, has greatly exceeded all other forms of disaster housing assistance. During FY2008, the average cost for emergency home repairs ranged from a low of \$1,565 per home in Indiana to a high average of \$9,912 in Nevada. The overall average for 36 disasters where home repair was used was \$4,245 per home.³⁶

As with all forms of the Individuals and Households Program (IHP) for disaster assistance, the amount of aid made available for these purposes is based upon FEMA's housing inspection that determines the amount of damage and the eligible work that is necessary to make the home habitable. This help can also include assistance for a private access route to the home as well as "eligible hazard mitigation measures that reduce the likelihood of future damage to such residences, utilities, or infrastructure."³⁷

Replacement Assistance

The final form of housing assistance under Section 408 is replacement assistance. This aid is intended for disaster victims whose homes have been destroyed by the disaster event. Funds can be used toward the purchase of a new residence to replace an owner-occupied private residence destroyed, by the major disaster or emergency. This benefit is particularly useful for mobile home owners without adequate insurance coverage who can use the funds toward the purchase of another unit. When this provision was originally added to Stafford Act authorities it was capped at \$10,000 but, as with repairs, the cap was removed by the PKEMRA and replacement grants can now be up to \$25,000, as adjusted.

When tallying costs under IHP for items such as home repairs or Other Needs Assistance (e.g. costs for clothing or furniture; see below) such as the costs for clothing or furniture, it should be noted that FEMA does not count direct assistance costs (the purchase and installation of trailers and mobile homes) under an individual's IHP cap, since such help would greatly exceed the cap and is a physical rather than a financial resource being provided to the applicant.

³⁴ The amount currently available for IHP is \$28,800 for disasters declared in 2008. U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy, Annexes*, p. 131. The amount for IHP is adjusted yearly according to the Consumer Price Index. Also, the amount available to a victim comes from the same account, so if a victim has used funds for personal items and rental housing, for example, the amount of that help would be deducted from the amount remaining for replacement assistance.

³⁵ For additional information on SBA disaster loans see CRS Report RL33243, *Small Business Administration: A Primer on Programs*, by N. Eric Weiss.

³⁶ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Individuals & Households, FIDA 10304 – IHP 02 FY2008 – Program Summary*.

³⁷ 42 U.S.C. 5174(c) (2).

Permanent and Semi-Permanent Housing Construction

Section 408 authorizes FEMA to provide financial or direct assistance for permanent housing construction. However, until 2006, this form of aid was traditionally limited to:

insular areas outside the continental United States and in other remote locations when alternative housing resources are not available and the types of financial or direct temporary housing assistance described at paragraph (b) (1) of this section are unavailable, infeasible, or not cost-effective.³⁸

This authority has been used sparingly in some insular areas such as Guam, and in Puerto Rico following Hurricane Hugo. In Puerto Rico, FEMA argued that it was within its authorities to establish “eligible created resources” for disaster housing needs.³⁹ That term included the provision of funds to home owners to build new, disaster-resistant homes.

The rationale for such assistance was that repetitive repairs to homes in a vulnerable area were not sound investments of federal aid and that a more permanent solution, the construction of disaster-resistant housing, was economically sensible to minimize recurring federal disaster costs. While it could be argued that reasoning that allowed such work on those islands in 1989 could be applied to vulnerable coastal homes in 2005, that argument was not made in the aftermath of Katrina and “eligible created resources” were not among the options offered for disaster housing.

However, in another potentially significant step, the PKEMRA amended the section by adding “semi-permanent” to the type of housing that could be constructed and striking the term “remote” which would appear to substantially broaden FEMA’s options in considering temporary housing alternatives in some situations.⁴⁰ This is an important distinction since many areas affected by disasters may not generally be defined as remote but may benefit from the option of this type of housing assistance. This flexibility grows in importance when considering that a great challenge in disaster temporary housing is akin to the old refrain of real estate worth: location, location, location. One FEMA representative summarized this concern in congressional testimony as follows:

The fundamental issue is not whether FEMA and our partners *can* find and provide provisional housing to disaster survivors, we can. The fundamental challenge is whether we can provide those disaster survivors safe and secure housing *where* they and their communities want it, and do so in a timely and cost-effective manner. This latter challenge is, and will remain, our *greatest* challenge.⁴¹

In addition to extending FEMA’s authority for construction, the PKEMRA Act also created a temporary pilot program that permitted FEMA to lease private apartment units and provided the agency with the authority to make the necessary repairs to the leased units in order to ensure that

³⁸ P.L. 106-390, 114 Stat. 1566. This section was amended by P.L. 109-295.

³⁹ GAO-RCED-91-43, *Disaster Assistance – Federal, State, and Local Response to Natural Disasters Need Improvement*, March 1991, p. 57.

⁴⁰ P.L. 109-295, Section 685 (amending Section 408 of the Stafford Act), 120 Stat. 1447. 42 U.S.C. 5174.

⁴¹ Testimony of Nancy Ward, FEMA Acting Administrator, in U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, *A New Way Home: Findings from the Disaster Recovery Subcommittee Special Report and Working with the New Administration on a Way Forward*, 111th Cong. 1st. Sess., March 18, 2009.

they meet federal housing standards.⁴² These provisions could arguably, if applied, contribute to an increase in the inventory of available rental units in a disaster area. See the section on the “Individuals and Households Pilot Program” for further discussion of the pilot program.

Other Needs Assistance

Other Needs Assistance (ONA) is the other element of assistance available under the IHP program, Section 408.⁴³ ONA is the successor, within the Stafford Act, to the Individual and Family Grant (IFG) program. The intent in designing the program was to make ONA as flexible as possible in assisting disaster victims with basic needs such as emergency medical and dental expenses, funeral expenses, transportation costs, and purchase of necessary personal property, such as furniture and clothing and house wares that may have been damaged or destroyed by the disaster event.⁴⁴ The most common elements provided are the replacement of furniture and clothing and appliances as determined by housing inspections to be needed. Their replacement, contributes to reestablishing the habitability of a home following a disaster.

Unlike the housing component of IHP, ONA is a direct partnership with the affected state and is mandated by the statute to be cost-shared. States pay 25% of the costs while the federal government assumes the remaining 75%. Along with their investment, the states also have a role in the overall administration of the program, even if they choose not to administer it themselves. Given their investment in the program, states work with FEMA regional offices to determine in advance the eligibility of certain items and the level of costs that will be permitted for replacement items. Also, states may elect to administer the ONA program.⁴⁵

In either case, states can play a role in decisions and the administration related to the ONA program. For example, the state of Florida chose not to administer the program in 2004 but was directly involved in key aspects of the program.

For Hurricane Frances, Florida elected to have FEMA administer the program. Though Florida chose not to administer ONA, it retained influence over the program by determining which household items would be eligible for reimbursement, recommended pricing for automobile repair and replacement, as well as award levels for funeral assistance.⁴⁶

The technical agreements regarding ONA costs are arrived at through either a state administrative plan or a cooperative agreement and must be in place prior to the disaster event.⁴⁷ The former covers the administrative rules if the state chooses to administer ONA itself while the latter agreement applies to the situation when the state wishes FEMA to administer the program.

⁴² P.L. 109-295, Section 689i, 120 Stat. 1454. FEMA staff reported that the pilot program authority was used in 2008 in Iowa and Texas. The statute required that a report on the effectiveness of the pilot program was to be provided to the Congress by March 31, 2009. The report was presented to Congress on May 19, 2009 and is discussed in the “Individuals and Households Pilot Program” section of this report.

⁴³ 42 U.S.C. 5174 (e).

⁴⁴ 44 CFR 206.119.

⁴⁵ 44 CFR 206.120. When states choose to administer the program they can receive a percentage of the IHP funds to cover administrative costs.

⁴⁶ U.S. Department of Homeland Security, Office of Inspector General, *Audit of FEMA’s Individuals and Households Program in Miami-Dade County, Florida, for Hurricane Frances*, OIG-05-20, May, 2005, p. 6.

⁴⁷ 44 CFR 206.120 (c).

Since its implementation in 2003, ONA has expended about \$1.5 billion in assistance for the special needs of families and individuals following a disaster.⁴⁸ The predecessor for ONA, the Individual and Family Grant (IFG) program, expended approximately \$1.3 billion between 1998 and 2003, bringing the total for this form of cost-shared assistance to aid families and individuals to about \$2.8 billion.⁴⁹ As shown below, excluding Hurricanes Katrina and Rita, total costs for housing and assistance to families and individuals over the decade totals approximately \$8 billion.

Table 1. FEMA Individual and Housing-Related Assistance 1998-2008

(Outlays by categories of assistance, in billions)

Type of Assistance	Total Obligations
Housing Repairs	2.900
Other Needs Assistance (ONA)	1.500
Individual and Family Grants (IFG)	1.300
Mobile Homes and Trailers	1.100
Rental Assistance	0.964
Replacement Assistance	0.272
Lodging	0.021

Source: FEMA, Office of Legislative Affairs

Notes: The authority for this spending is derived from Stafford Act Section 408. These totals do not include expenditures for Hurricanes Katrina and Rita.

Congressional Issues for Discussion

A National Disaster Housing Strategy: Descriptions and Directions

The National Disaster Housing Strategy was requested from FEMA in the PKEMRA.⁵⁰ The strategy, due in July 2007, was delivered to Congress in January 2009. Analysts and some policy makers attached great expectations to the strategy, perhaps heightened by its delay. Some may argue that expectations were met or exceeded while others may contend that a more prescriptive strategy was expected. The strategy states the challenge, and the broader issues that surface as housing emerges within the post-disaster environment.

It is critical to anticipate the challenge of providing housing assistance that meets diverse individual, household and community needs. Meeting urgent housing needs while enabling individuals, households, and communities to rebuild and restore their way of life is a complex equation that requires all those involved in disaster housing – including all levels of

⁴⁸ Ibid, *Financial Info. Tool (FIT) Report*.

⁴⁹ U.S. Department of Homeland Security, Federal Emergency Management Agency, *State Grants (SG) Financial Information Tool (FIT) Report, Summary of IFG, Housing Assistance*, March 16, 2009.

⁵⁰ 6 U.S.C. 772, 120 Stat. 1446.

government, nongovernmental organizations, and the private sector – to navigate a broad range of competing and interdependent factors.⁵¹

Descriptions

The Disaster Housing Strategy section of PKEMRA specifically mandated that the strategy “describe in detail” the disaster housing resources available at all levels of government. It can be argued that the strategy does, in its descriptive sections, provide a broad overview of past practices that is inclusive in its listing of various options that have been employed. These sections also highlight best practices around the nation through a series of sidebars sprinkled throughout the text. These sidebars point out local innovations or state practices demonstrating both the initiative to address housing issues and an understanding of the unique housing needs of disaster victims. The strategy also covers many of the partners in the process. In addition to federal, state, and local governments, it also emphasizes non-governmental and private sector efforts and capabilities. This retelling of the potential assistance available at various points in the response and recovery process frames the issue, but can arguably appear to be understating the federal role.

The narrative of the strategy is, at most points, thematically reinforcing FEMA’s work of recent years: to emphasize the federal role as acting in collaboration with the state and local governments, as well as emergency managers at those levels, to establish both professional standards and operational principles to enhance cooperation and the efficiency of disaster operations.⁵²

In effect, the Disaster Housing Strategy seeks to accomplish what emergency management has always struggled to do in disaster situations: manage expectations for the delivery of assistance to affected families, individuals, and state and local governments. It is the partnership message that is also being emphasized by the Obama Administration as it takes on the emergency management mantle.⁵³

Owing to the timing of its release, (literally on the cusp of a new administration and on the last working day of the outgoing President George W. Bush administration), the report does not make commitments on behalf of new leadership. Some topics within the strategy are not fully addressed or are deferred for action by a proposed task force. While offering plaudits to the strategy for incorporating comments from stakeholders and providing a comprehensive listing of federal assets, a report by a Senate ad hoc subcommittee noted:

(1) the Agency’s failure to develop and implement a catastrophic disaster housing response plan was a major contributing factor in the inadequate housing response to Hurricanes Katrina and Rita; (2) the final Strategy released by FEMA in January of 2009 is a considerable improvement over FEMA’s initial Strategy, however, many of the constructive proposals in the plan must still be developed; (3) the Strategy delivered on the final working day of the last Administration leaves the new Administration without essential operational housing plans, including plans directed toward post-catastrophic response; and (4) in leaving

⁵¹ U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy*, Jan. 16, 2009, p. 25.

⁵² This includes national initiatives such as the National Incident Management System (NIMS) that seeks to establish a common language, structure, and approach to emergency management across governments, regions, and states.

⁵³ Daniel Fowler, “FEMA Not a First Responder, Napolitano Tells Emergency Managers,” *CQ Homeland Security*, March 9, 2009.

these essential catastrophic planning response components for a yet unformed Task Force, FEMA has ignored its own advice and recommendations on housing, including its recognition of the need for such a plan and its acknowledgement that its programs are insufficient for catastrophic response.⁵⁴

Similarly, other emergency management practitioners, including the new Administrator of FEMA, also felt the strategy report left a number of unanswered questions regarding the future outline of temporary housing following a disaster.

State emergency managers and members of congress called the report late, incomplete and underwhelming. W. Craig Fugate, emergency manager for the state of Florida, where disaster housing is a familiar issue because of its vulnerability to hurricanes, said in a withering but typical critique, “Having to survive the disaster and then the FEMA housing plan may be too much to ask.”⁵⁵

The new Administrator will now have an opportunity to place its imprint on the strategy and influence its implementation. Congress may wish to pursue the fundamental questions of housing, both its authorities and its operational reality, with the new leadership at FEMA

Directions

In its introduction, the National Disaster Housing Strategy refers to a vision that will “point the nation in new directions to meet the disaster housing needs of individuals and communities.”⁵⁶ Building as it does on previous practices, however, the “new” direction may be viewed as a familiar one. This new direction suggests enlisting expanded state and local participation in response to large disaster events. That approach, arguably, is in keeping with housing strategy for disasters of a lesser but more frequently occurring scale. However, the scope of the catastrophic events of recent years argues for a comprehensive federal commitment, and was, at least in part, the basis of the request for a national disaster housing strategy. Some may contend that reliance on overwhelmed state and local governments is the wrong direction for a disaster housing strategy. Others may argue that state and local disaster policies have not adequately stressed their own responsibilities in the temporary housing area for the more common disaster.

In anticipation of the release of the strategy, the DHS Inspector General posited four different approaches to FEMA’s current practices:

Alternatives to FEMA being the primary provider of long-term housing include having (1) the states assume housing responsibility, (2) HUD assume federal coordination of the housing function, (3) FEMA use permanent types of housing in lieu of travel trailers and

⁵⁴ U.S. Congress, Committee on Homeland Security, Ad Hoc Subcommittee on Disaster Recovery, Special Report – Far From Home: Deficiencies in Federal Disaster Housing Assistance After Hurricanes Katrina and Rita and Recommendations for Improvement, 111th Cong., 1st sess., (Washington: GPO, 2009), at <http://www.gpoaccess.gov/congress/index.html>, p. 24.

⁵⁵ Spencer S. Hsu, “Some Questions Unanswered in Disaster Housing Plan,” *Washington Post*, July 22, 2008, at <http://www.washingtonpost.com/wp-dyn/content/article/2008/07/21/AR2008072102453.html>.

⁵⁶ U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Strategy*, Jan. 16, 2009.

mobile homes, and (4) FEMA make lump sum payouts and rely on disaster victims to find longer term housing that meets their specific needs.⁵⁷

The National Disaster Housing Strategy does explore most of these areas, but it gives particular attention to the state role. FEMA's insistence on the primacy of an enhanced partnership with state and local partners is in keeping with the spirit and structure of the Stafford Act. However, the congressional mandate for the development of the overall housing strategy was prompted by events that were far beyond state and local capabilities and traditional temporary housing strategies.

The direction of the housing strategy, from the perspective of the 111th Congress and the new Administration, may be guided to some degree by the extent of the collaboration of the available federal housing resources and the development of expertise across the federal government in response to a large disaster event. As FEMA provides greater specificity for the application of its strategy, Congress can better assess the strategy. An indication of the direction of the strategy, and how it will be translated into policy and practice, may come in FEMA's operational implementation plan which is discussed in the Disaster Housing Strategy. The implementation plan is currently being developed by FEMA's National Disaster Housing Joint Task Force.⁵⁸

Recent Housing Developments

The four years following the 2005 hurricane season have been a time for review, experimentation and consideration of new options or alternatives that could improve post-disaster housing. Congress has provided resources for new approaches and has requested overall strategic reviews of existing policies. One of the new approaches is the Alternative Housing Pilot Program (AHPP), often referred to as the Katrina cottages program, which has sponsored new alternatives in disaster housing. This period has also seen a burgeoning FEMA-HUD relationship to potentially develop new ways to provide disaster housing for those displaced by those events. The collaboration between FEMA and HUD has resulted in several housing programs after Hurricanes Katrina and Rita in 2005 and Hurricane Ike in 2008. Additionally, this partnership has also produced programs with some innovations such as a program for special needs that was developed in the wake of the 2005 hurricane season. This section of the report summarizes some of the issues facing Congress with regard to disaster housing.

Alternative Housing Pilot Program – Katrina Cottages

In 2006, Congress provided FEMA the authority to test an alternative housing pilot program (AHPP) in the Gulf Coast states that had been devastated by Hurricanes Katrina and Rita the previous year.⁵⁹ FEMA proposed a \$400 million competitive grant process that could engage experimentation in different forms of housing and approaches in the development of various styles of housing units (see photo 4 and photo 5).

⁵⁷ U.S. Department of Homeland Security, *FEMA's Sheltering and Transitional Housing Activities After Hurricane Katrina*, OIG-08-93, p. 23.

⁵⁸ U.S. Department of Homeland Security, Federal Emergency Management Agency, *National Disaster Housing Resource Center*, "Short-Term Task: 1. Develop an Implementation Plan." http://www.fema.gov/emergency/disasterhousing/national_task_force.htm.

⁵⁹ P.L. 109-234, 120 Stat. 418.

Photo 4—Biloxi, MS, 02/20/2008. During the first Alternative Housing Pilot Program Grantee Conference, attendees toured a Mississippi cottage.



Source: FEMA Photo Desk.

Photo 5—New Orleans, LA, 06/11/2008. Federal, state, and city employees from Alternative Arrangements Housing Pilot Program Conference tour a two-bedroom Louisiana cottage model.



Source: FEMA Photo Desk.

The program's initial decisions on the selection of projects (FEMA and its evaluation panel chose five of the 29 projects submitted to the competition) and the subsequent allocations of funds to states were the subject of criticism. Most of this criticism centered on FEMA's approach to the funding of projects. The formula the agency employed funded the highest rated projects (as determined by an expert panel) rather than awarding proportional amounts based on the hurricane

damage incurred by the states in 2005 and their remaining housing needs. The funding formula resulted in FEMA awarding Mississippi up to \$281.3 million for two projects, Louisiana up to \$74.5 million for one project, Texas up to \$16.5 million for one project, and Alabama up to \$15.7 million for one project.⁶⁰

While the actual project implementation period continues, with significant technical support from the Department of Housing and Urban Development (HUD), it appears that the projects have provided a range of alternatives: both temporary and permanent structures, some with steel framing, some that are expandable, some that can be assembled quickly, and some that can be easily stored for future use. All the state grantees for the AHPP must ensure that 2005 hurricane victims receive first priority for the homes developed. At the end of the program, those same state grantees may sell, transfer, or lease the units.

Much of the evaluation of the AHPP is being conducted by FEMA's Joint Housing Solutions Group, in association with HUD. A significant factor being reviewed is the relationship between the pilot programs and the hosting community; that is, the degree of acceptance or the problems attendant to the placement of individual units or the creation of group sites. A primary question in the wake of the 2005 Gulf Coast disasters is whether the cottages, unlike trailers, may evolve into a permanent housing solution.

Local officials are reluctant to say yes. Some see the cottages as mere shotgun shacks on wheels, and argue that allowing them to stay in place will drag down property values. That's an odd case in neighborhoods where rebuilding has barely begun and abandoned lots are going to jungle. Nevertheless, localities have found language in their codes to back it. In Gautier, even the largest Mississippi Emergency Management Agency (MEMA) cottages fall short of a mandate that homes in residential areas be at least 1,325 square feet. Bay St. Louis and Waveland tried to force cottages into mobile home parks or out of the city limits entirely. After the Mississippi Center for Justice rallied eight cottage residents to sue Waveland, most jurisdictions have begun agreeing to let people stay in their cottages if they want to. Still there are tight restrictions.⁶¹

The evaluation group for the cottages is also considering, along with community acceptance, physical factors such as "durability, cost, indoor air quality, and energy efficiency."⁶²

The AHPP considers April 2007 through January 2010 to be the pilot program's implementation period. The final evaluations by HUD and FEMA are scheduled to be provided to Congress, according to FEMA's outline of the process, by December 31, 2011. While FEMA will be

⁶⁰ While Louisiana had absorbed the greatest losses from the hurricanes of 2005, and had the greatest remaining housing needs, FEMA's selection and allocation process provided the greatest amount of funding to projects in Mississippi, which had received the highest rating by the review panel (composed of representatives from FEMA, HUD, the private sector, and the non-governmental sector). The process awarded funds to only five projects. The DHS Inspector General stated that such a choice meant that FEMA "did not fund an optimum number of 'innovative and creative' disaster housing solutions, citing specifically the example of FEMA's choice to award one project \$275 million of the \$388 million available." The GAO also concluded that "While the funding option FEMA chose is consistent with the authorizing legislation, it resulted in fewer housing alternatives to evaluate under the AHPP." U.S. Government Accountability Office, *Disaster Housing: Implementation of FEMA's Alternative Housing Pilot Program Provides Lessons for Improving Future Competitions*, GAO-07-1143R, Aug. 31, 2007, p. 4 at <http://www.gao.gov/products/GAO-07-1143R>.

⁶¹ Christopher Swope, "Road to Katrinaville," *Governing*, April, 2009, pp. 30-33.

⁶² U.S. Department of Homeland Security, Federal Emergency Management Agency, *5 Projects, 4 States, \$400 Million, 4 Years*, FEMA pamphlet. Available from the author.

evaluating the future use of the units and how they compare to current direct assistance from FEMA, “HUD is performing building and social science research for FEMA under an interagency agreement to evaluate the success of the units and each project’s impact on individual recovery.”⁶³ Congress may wish to re-visit these various models and determine whether they merit additional support and whether FEMA, based on its experience working with the states, would recommend greater use of these prototypes in the post-disaster environment.

Individuals and Households Pilot Program

The PKEMRA provided FEMA the authority to work with local rental property owners to repair and subsidize private developments to provide more available rental housing for disaster victims. Since PKEMRA’s passage in October 2006, FEMA has only been able to conduct a limited pilot program. The pilot program was tested in Iowa following the Midwest floods in May of 2008, and in Texas following Hurricane Ike in the fall of 2008. The Iowa project involved the rehabilitation of seven apartment units while the Texas project involved a 32-unit apartment complex. While the sample is obviously very small, the results are notable. FEMA compared the cost of housing families in mobile homes at a private site for an equal amount of time against the costs of each of the projects.

The total estimated cost for the Iowa project is \$76,854. The estimated cost of providing seven manufactured homes for an equal period of time is \$439,376. The total estimated savings to the federal government is \$363,522, or 83% less than the cost of providing manufactured homes. The total estimated cost for the Texas pilot project is \$897,358. The estimated cost to provided 32 manufactured homes for an equal period of time is \$2,650,624. The total estimated savings to the federal government is \$1,753,266, or 66% less than the cost of providing manufactured homes.⁶⁴

Though the sample is small, the cost savings are significant. Congress may wish to encourage additional pilot applications of this authority or confer with the Administration on the most effective way to include this temporary authority in permanent legislation.

FEMA-HUD Relationship

Perhaps the most certain direction, as exemplified in FEMA’s own actions over the last several years, is a greater reliance on a growing partnership with HUD in large disaster events. This was perhaps best demonstrated by the Disaster Housing Assistance Program (DHAP) in which HUD has gradually assumed responsibility for the housing and support services for those Katrina victims still in need of assistance. FEMA described the program as follows:

The Disaster Housing Assistance Program (DHAP) is a pilot federal housing assistance grant program recently implemented by HUD and FEMA. DHAP will extend rental coverage for families displaced by Katrina by providing temporary rent subsidies for non-HUD assisted

⁶³ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Program Timeline – Alternative Housing Pilot Program (AHPP)*, M. Schlossman, Feb. 25, 2009.

⁶⁴ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Individuals and Households Pilot Program, Fiscal Year 2009 Report to Congress*, May 19, 2009, p. 4.

individuals and families. The DHAP is administered by Public Housing Agencies (PHA) that are currently administering a housing choice voucher program.⁶⁵

The DHAP program for Hurricane Katrina is expected to be completed by the end of August 2009. With that end date, the DHAP program will have lasted more than four years, far more than the traditional period of time disaster housing is provided. FEMA housing under the Stafford Act is generally up to 18 months but may be extended “if the President determines that due to extraordinary circumstances an extension would be in the public interest.”⁶⁶

The negotiations that resulted in the DHAP program took place over a long time period.⁶⁷ The agreement between FEMA and HUD for the continuing DHAP program to assist victims of Hurricanes Katrina and Rita was first announced on April 26, 2007, approximately 20 months after the disaster declarations for those events.⁶⁸ But the DHAP approach has apparently evolved into FEMA’s first alternative for a large housing program, as demonstrated by the DHAP-Ike program which was announced in late October, less than six weeks after the Presidential declaration for Hurricane Ike.⁶⁹

While the original DHAP program after Hurricane Katrina seemed to respond to an obvious need for extended housing help to a large, HUD-assisted population that was dispersed around the country, the DHAP-Ike program was arguably put together in response to the extensive damage in the Galveston area. DHAP-Ike is a rental program with case management and is in addition to the short-term response to housing needs that FEMA has traditionally provided through repair and other assistance discussed earlier in this report. Under DHAP-Ike, “FEMA is solely responsible for determining if the family is initially eligible to receive assistance under DHAP-Ike. Neither HUD nor the Public Housing Authorities (PHAs) can determine eligibility.”⁷⁰

The DHAP-Ike and the original DHAP program provide FEMA and HUD with a working relationship, under differing circumstances, that could help them develop a more comprehensive approach to disaster housing. But questions remain regarding this partnership. As the Senate ad hoc subcommittee report noted:

⁶⁵ U.S. Department of Homeland Security, Federal Emergency Management Agency, *FEMA-Built Travel Trailer Sites Closed Before June 1 Deadline*, Release Number 1604-648, May 27, 2008, at <http://www.fema.gov/news/newsrelease.fema?id=43575>.

⁶⁶ 42 U.S.C. 5174 (c) (B) (ii).

⁶⁷ Originally, FEMA and HUD worked quickly to develop the Katrina Disaster Housing Assisted Program (KDHP) that provided funds to HUD to help formerly HUD-assisted households that had been affected by Hurricane Katrina. For more information on KDHP see, CRS Report RL33173, *Hurricane Katrina: Questions Regarding the Section 8 Housing Voucher Program*, by Maggie McCarty.

⁶⁸ “HUD Extends FEMA Katrina, Rita Rental for Louisiana, New Orleans, Gulf Area, One Month,” *Bayou Buzz.com*, Oct. 10, 2007, at http://www.bayoubuzz.com/News/Louisiana/Hurricane_Rita/HUD_Extends_FEMA_Katrina_Rita_Rental_for_Louisiana_New_Orleans_Gulf_Area_One_Month___4860.asp.

⁶⁹ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Texas Disaster History*, at http://www.fema.gov/news/disasters_state.fema?id=48.

⁷⁰ U.S. Department of Homeland Security, Federal Emergency Management Agency, *Disaster Housing Assistance Program – Ike (DHAP-Ike) F.A.Q.’s*, Oct. 15, 2008.

FEMA's call, as well as the call of others, for HUD to take a greater role, is a potentially beneficial one. However, FEMA's final strategy does not account for the tools and funding that would be needed were HUD to assume this role.⁷¹

If the partnership has been rushed, and if funding from the Disaster Relief Fund cannot be assumed for this purpose, it does still suggest that FEMA and HUD have begun to explore the most appropriate form of partnership.⁷² It is important that both agencies understand their strengths and their limitations. As one housing advocate observed:

I continue to feel that HUD is the appropriate agency to run temporary housing voucher programs in the wake of disasters. I have doubts, however, if HUD's role can be significantly expanded beyond that without greatly increased levels of funding and expertise. The fact is that HUD does not "run" housing programs. Instead it contracts with other entities, most notably public housing authorities, local units of government and occasionally nonprofits to oversee and produce housing. The quality of administration by public housing authorities of their programs varies widely from jurisdiction to jurisdiction.⁷³

The efforts and experience of FEMA and HUD might suggest a complementary approach where the strength of each agency is utilized through a timed transitional period, where their work can overlap to prevent lapses in assistance and also address special need populations and other disaster housing challenges. Since FEMA manages the resources of the Disaster Relief Fund (DRF) it could provide initial assistance and establish a transitional period when HUD would assume the rental assistance work. HUD could use the transitional time to call upon its partners at the local level, such as PSAs and non-profits to provide both housing assistance and case management services as they have for DHAP-Ike.

Another consideration in this partnership is FEMA's implementation of its own case management authority which was provided under PKEMRA.⁷⁴ While the concept of disaster case management is described at length in Annex 2 of the Disaster Housing Strategy, the implementation plan will likely address how FEMA will choose to carry out this authority.

Also, with regard to its cooperation with HUD, FEMA could assess the status of those receiving its direct assistance (e.g. manufactured housing) and determine if those households could also either be transitioned to HUD and/or receive the case management help either through HUD or through FEMA's own authority.

⁷¹ U.S. Congress, Committee on Homeland Security, Ad Hoc Subcommittee on Disaster Recovery, Special Report – From Home: Deficiencies in Federal Disaster Housing Assistance After Hurricanes Katrina and Rita and Recommendations for Improvement, 111th Cong., 1st sess., (Washington: GPO, 2009), at <http://www.gpoaccess.gov/congress/index.html>, p. 253.

⁷² The Disaster Relief Fund is the no-year fund managed by FEMA that pays for Stafford Act disaster assistance programs following a Presidential declaration of an emergency or a disaster. It is a FEMA budgetary account that is funded both through annual appropriations and, frequently, through disaster supplemental appropriations. For additional information see, CRS Report RL33226, *Emergency Supplemental Appropriations Legislation for Disaster Assistance: Summary Data*, by Justin Murray and Bruce R. Lindsay.

⁷³ Testimony of Karen Paup, Co-Director, Texas Low-Income Housing Information Service, in U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, Ad Hoc Subcommittee on Disaster Recovery, *A New Way Home: Finding from the Disaster Recovery Subcommittee Special Report and Working with the New Administration on a Way Forward*, 111th Cong. 1st sess., March 18, 2009.

⁷⁴ 42 U.S.C. 5189d.

Congress may wish to further explore the possibilities and limits of the FEMA-HUD relationship and how it fits into the disaster recovery model, and whether additional legislative adjustments are needed to ensure both proper authority and funding for this partnership. Given the authority provided to the President under the Stafford Act, additional legislation may not be necessary but a clear implementation policy would be needed that could explain state and local roles as well as managing the expectations of all parties involved in the process, especially those seeking assistance.

Special Needs

Another possible model for consideration in the area of FEMA-HUD collaboration in post-disaster housing is the KDHAP-SN (Katrina Disaster Housing Assistance Program – Special Needs), a HUD program, funded by FEMA, that targeted disaster victims with special needs, particularly the pre-disaster homeless following Hurricane Katrina.⁷⁵ The Stafford Act’s IHP program specifically references special needs as a “direct result of a major disaster” and also confines eligibility to those “displaced from their pre-disaster primary residences”.⁷⁶ This obviously can reduce the help provided to previously homeless people in a disaster area to general, emergency assistance in congregate shelters or feeding sites. Beyond that, homeless individuals cannot qualify for FEMA disaster housing assistance under Section 408. This has been a recurring issue at least since the Loma Prieta earthquake of 1989 and cropped up as well following Hurricane Andrew in 1992. The KDHAP-SN program represents the first official recognition of the challenge of meeting the housing goals of special needs persons and the most direct programmatic attempt to address it following a disaster.

In defining special needs, another consideration involves those individuals with disabilities and their requirements during a declared disaster event. To address the many special needs of these individuals in a disaster situation, from evacuation through recovery, Congress in the PKEMRA Act established the position of Disabilities Coordinator within FEMA.⁷⁷ FEMA has issued some guidance materials and worked with other related groups.⁷⁸ But this remains as an area where the agency can adapt its policies. Congress may want to review the work of the Coordinator and how and if that position has informed FEMA regulations and policies.

Summary Considerations

It can be argued that disaster housing has been driven by the assumption, by both FEMA and its state partners, of a temporary, short-term mission. This assumption was based upon the shared experiences of most non-catastrophic disaster events. Additionally, the sometimes scant attention paid to longer term housing missions by the media and public officials resulted in a program of limited resources and vision that reflected efforts to respond to fleeting negative media reports

⁷⁵ U.S. Department of Housing and Urban Development, *Katrina Disaster Housing Assistance Program – Special Needs (KDHAP-SN) – Fact Sheet*, Dec. 12, 2005, at http://www.google.com/search?sourceid=navclient&hl=en-GB&ie=UTF-8&rlz=1T4GZEZ_en-GBUS287US287&q=KDHAP.

⁷⁶ 42 U.S.C. 5174, (a) (1) and (b) (1).

⁷⁷ P.L. 109-295, 6 U.S.C. 321b.

⁷⁸ For additional information, see CRS Report RS22254, *The Americans with Disabilities Act and Emergency Preparedness and Response*, by Nancy Lee Jones.

rather than the design of comprehensive policies. One researcher summarized the media approach to domestic events.

The media are often criticized for focusing upon dramatic events that are easy to cover. Events that are concentrated in time and space, provide for excellent visual footage, and can be encapsulated within a 90 second story are the essence of electronic journalism. For example, crime and political events, fires and collisions are the stuff of local news. More complex, slowly developing, diffuse issues, however, are often ignored.⁷⁹

The disaster housing work of FEMA, both its planning and its execution in concert with affected state and local governments and charitable groups, represents the type of “diffuse issue” that does not always garner extended media coverage or close attention. Some observers have asserted that while FEMA has at times devoted time and committed staff and financial resources to mitigating against future disaster damage or to improving its logistics chain, the same attention has rarely been paid to the housing part of its mission.

Under the Stafford Act, disaster housing is a limited, temporary mission and as such was not expected to result in the same intense engagement over long periods as other FEMA public assistance or mitigation projects where the state is an active partner. The lack of a sense of engagement on the part of states for disaster housing may be in part due to the fact that, in most cases, the state and local cost-share (usually 25% of each project) for such repair/construction/acquisition projects provokes an interest and involvement on the part of the state and local government that is missing from the housing mission. Some observers assert that with no investment of resources in housing, the amount of interest in the quality of disaster temporary housing can be commensurate with that investment.

Also, due to the nature of housing itself, some may assume that nongovernmental social service agencies will provide the leadership at the state and local levels, as well as the remaining resources needed, to complete the disaster housing cycle. Accordingly, Congress may wish to consider a federal-state partnership for the housing program that begins to incorporate more of a state role in its administration, similar to ONA, since that program has demonstrated that state input can be useful in program decisions and implementation.

Arguably, these circumstances – a lack of state and local commitment and limited resources within FEMA – have impeded innovative administration of disaster housing assistance. Since PKEMRA, however, new authorities have led to new focus on disaster housing issues. Technological advances at the National Processing Service Centers (NPSCs), which receive and process individual applications, have speeded response to those in need and have also improved the system’s resistance to fraud.⁸⁰ Even the privately contracted housing inspection services, which have been open to some criticism regarding the quality of their damage inspections, still have increased their speed and overall coverage within a disaster area.⁸¹ Although processing has been enhanced, the housing options themselves have changed little in three decades.

⁷⁹ Dennis Wenger, *Mass Media and Disasters*, Disaster Research Center, University of Delaware, Preliminary Paper #98, 1985, p.15, at <http://dspace.udel.edu:8080/dspace/bitstream/1971>.

⁸⁰ Government Accountability Office, GAO-09-671, *Hurricanes Gustav and Ike Disaster Assistance*, June, 2009, pg. 3 at <http://www.gao.gov/new.items/d09671.pdf>.

⁸¹ Mike Snyder, “Critics Target FEMA’s Post-Ike Contract Inspectors,” *Houston Chronicle*, Feb. 7, 2009, at <http://www.chron.com/disp/story.mpl/ike/galveston/6251993.html>.

Those options, particularly home repair assistance, have achieved some housing goals in some instances such as restoring a neighborhood's normal community life following most "average" size disasters. New legislative authorities, as well as potential new options derived from the results of the pilot projects undertaken since the Gulf Coast hurricanes of 2005, may change or expand the existing range of housing options.

It was only in the PKEMRA, following the impact of Hurricane Katrina, that FEMA gained authority for a far more flexible housing program.⁸² PKEMRA authorized case management, payment of evacuated victims' transportation costs to return to the disaster area, lifting of the caps within the IHP program for repairs and replacement costs, authority to construct permanent and semi-permanent housing in some situations, and the pilot program for the repair of rental units.⁸³ Those are significant additions to the FEMA "tool box," but it is unclear whether FEMA leadership at the time of PKEMRA's passage was apprehensive or unwilling to exercise those new authorities.⁸⁴ Until those changes were enacted in the PKEMRA, FEMA did face constraints, within the Stafford Act, on any work that went beyond strictly temporary housing.

Some options for improving FEMA housing include the previously discussed IA pilot program for restoring rental units and the "Katrina cottages" program for creating new temporary housing. Another option is the suggestion of providing victims with a "one-time cash settlement based on historical costs of acquiring, providing, maintaining, repairing, and administering transitional housing."⁸⁵ With further research, this may be a viable approach to empowering some victims to make their own choices for their future by providing enough resources. But as with other suggestions of changes to the housing program, an acknowledgement to the breadth of the population being served is necessary. While this option may be ideal for some people after a disaster, for others it might be overwhelming. It is easy to imagine empowering a young couple by providing them the funds to make their own decisions. But providing similar resources to an elderly person with physical limitations, and little family support, would not be as helpful in addressing their unique needs. In part, it was in recognition of the disparate needs of the universe of disaster victims that Congress provided FEMA with case management authority. Also, as the DHS IG notes, this type of alternative, a one-time cash settlement, would require very careful pre-screening before substantial resources are committed to avoid fraud or abuse.

FEMA has announced a "2009 Disaster Housing Plan" that notes three "additional resources" at its disposal to provide temporary housing assistance. The three areas noted are transitional sheltering assistance for those that cannot return to their homes for an extended period, a redefinition of the criteria for use of travel trailers (noting the changes in the trailers to improve air quality) and critical needs assistance. The last category refers to limited financial assistance to

⁸² It is important to note that PKEMRA was not retroactive, so the housing changes could not have a large effect on remaining housing needs resulting from the storms of 2005.

⁸³ For further details, see CRS Report RL33729, *Federal Emergency Management Policy Changes After Hurricane Katrina: A Summary of Statutory Provisions*, coordinated by Keith Bea.

⁸⁴ Congress may choose to raise questions regarding FEMA's implementation of new authorities. Although the case management authority was authorized with P.L. 109-295 in October 2006, observers have noted that scant action has been taken. The National Disaster Strategy of January, 2009 notes that "FEMA and HHS' Administration for Children and Families (ACF) have entered into an interagency agreement to develop a pilot Disaster Case Management program."

⁸⁵ U.S. Department of Homeland Security, *FEMA's Sheltering and Transitional Housing Activities After Hurricane Katrina*, OIG-08-93, p.28.

be provided to displaced populations immediately after the disaster event.⁸⁶ This plan acknowledges past problems and attempts to demonstrate changes that have been made to anticipate future challenges. In a sense, the “plan” appears to be another step in advancing the conversation on what disaster housing policy should be and also emphasizes the need for state-led housing task forces to help provide that definition and leadership.

In a general review of changes, alternatives, and new options for disaster housing it may also be useful to determine the improvements to the disaster housing program that are desirable outside of those recommended for catastrophic events. Voucher programs such as those administered by HUD provide great flexibility to families and individuals in meeting post-disaster housing needs.

But other alternatives, such as the Alternative Housing Pilot Program (AHPP) now being evaluated along the Gulf Coast, may also provide new options for victims wishing to remain within their communities. FEMA, through the work of the AHPP, has arguably constructed an evaluation process that is designed to consider the possible future use of the units that have been built as a part of the pilot. However, given the timeline of the evaluation period, the results of the pilot program for alternative forms of disaster housing may not be available to Congress until more than five years after the inception of the project. Congress may wish to review this timeline and consider whether it would want an accelerated evaluation to provide additional options for disaster housing in the near future.

Conversely, it is also important to appreciate that the unique capacities being considered for a catastrophic event, for example, FEMA’s work with HUD and Public Housing Authorities in the disaster and surrounding areas, may lend themselves to smaller, non-catastrophic disaster events as well. This might be helpful for a disaster where the greatest losses are to the housing stock of an area for which a longer term, or at least a more creative, housing policy may be desirable.

Whether of short duration or long, housing is a fundamental post-disaster need that has been addressed in law and practice. Recent reports and activity indicate that it will receive increased attention, particularly concerning the safety, quality, and location of the housing provided during the disaster recovery period.

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⁸⁶ U.S. Department of Homeland Security, Federal Emergency Management Agency, Congressional Advisory, *FEMA Announces the Posting of the 2009 Disaster Housing Plan*, April 21, 2009.