



# FEMA

9443.9

## RECOVERY POLICY

---

- I. **TITLE: Replacement Assistance – Individuals and Households Program**
- II. **DATE OF ISSUANCE: FEB 10 2014**
- III. **PURPOSE:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and regulations authorize FEMA to make available financial assistance to replace an eligible owner-occupied primary residence when, as a result of a major disaster or emergency, the residence is not repairable. This policy sets the circumstances and criteria for Replacement Assistance, a type of Housing Assistance available through the Federal Assistance to Individuals and Households Program (IHP).
- IV. **SCOPE AND EXTERNAL AUDIENCE:** This policy applies to all major disasters and emergencies declared on or after the date in Paragraph II. All FEMA personnel involved in the administration of the IHP are directed to follow this policy.
- V. **AUTHORITIES:** Section 408, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. § 5155, § 5174, and § 5192); 44 C.F.R. § 206.113, 44 C.F.R. §206.115; 44 C.F.R. § 206.117.
- VI. **DEFINITIONS:**
- Caused by the Disaster:* As a direct result of a peril identified in the Federal Register Notice of a Presidentially-declared major disaster or emergency, the component is no longer functional.
- Component:* Each individual part of a dwelling that makes it habitable (e.g. foundation, exterior walls, roof, windows and doors, heating, ventilation and air conditioning system, utility systems, etc.).
- Destroyed:* The residence is a total loss or damaged to such an extent that the real property structural components of the dwelling are structurally compromised (i.e. foundation, floor, walls and roof).
- Functional:* A “component” or residence capable of being used for its intended purpose.
- VII. **POLICY:**
- A. Eligibility Criteria for Replacement Assistance:** An owner-occupant, who applied for assistance for their primary residence, may be eligible if:
1. The eligibility criteria in 44 C.F.R. § 206.113 are met;
  2. The residence was functional immediately before the disaster;
  3. The residence was destroyed, and the damage was caused by the disaster;
  4. The damage to the residence is not covered by insurance;
  5. Repair is not feasible, will not ensure the safety or health of the occupant, or will not make the residence functional; and

6. Replacement is necessary to ensure the safety or health of the occupant.

- B. Method for Determining if the Residence was Destroyed by the Disaster.** FEMA will consider criterion #3 in Section VII (A) having been met if the initial FEMA inspection of the residence designated it as "destroyed".
- C. Appeals:** Applicants may appeal FEMA's determination that the residence is not destroyed.
1. The applicant may submit any supporting documentation that demonstrates the residence is destroyed, including a condemnation notice from the local government authority in the disaster area that designated the residence as destroyed by the disaster;
  2. Upon appeal, a second FEMA inspection<sup>1</sup> of the residence must be conducted to verify and designate whether or not the residence is "destroyed" due to disaster-related damage.
- D. Amount of Assistance:** Replacement Assistance will be for costs applied towards the replacement of the residence (i.e., calculations will be based on the square footage of the destroyed residence) or towards acquiring a new permanent residence. Assistance will not exceed the IHP statutory limit established for the fiscal year in which the President declared the event a disaster.
- E. Category of Assistance:** Replacement Assistance will be provided under the Housing Assistance provision of the IHP (42 U.S.C. 5174(c)(3)) and is not dependent upon the applicant applying for, or being denied, a loan from the U.S. Small Business Administration.
- F. Approval of Assistance:** All Replacement Assistance awards must be approved by the Regional Administrator or his/her designee.

**VIII. RESPONSIBLE OFFICE:** Recovery Directorate, Individual Assistance Division.

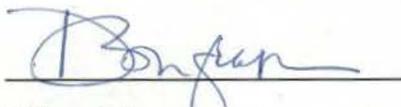
**IX. SUPERSESION:** For all disasters declared on or after the date in Paragraph II, this policy supersedes Response and Recovery Directorate Policy 9443.9 dated December 10, 2002, and all previous guidance on this subject, which includes 1) Revised Replacement Assistance Guidance (05/14/03), 2) Supplemental Guidance – Replacement Assistance (07/10/03), 3) Supplemental Guidance – Replacement Assistance Revised (08/13/03), and 4) Supplemental Guidance – Replacement Assistance (06/26/03), Delegation of Authority for Replacement Assistance

---

<sup>1</sup> The purpose of the FEMA second inspection is to take into consideration the supporting documentation submitted on appeal (e.g., local jurisdiction condemnation notice) and determine if there are any damages resulting from the disaster that were not previously identified or new information is presented supporting a change in damage determination, e.g., imminent danger of residence being destroyed due to land subsidence resulting from the disaster event. Supporting documentation on its own will not automatically necessitate FEMA change the residence status from repairable to destroyed (i.e. replacement). For example, a local jurisdiction's condemnation determination will not automatically change the residence status from repairable to destroyed as the local jurisdiction's determination may be based on non-disaster-related circumstances.

Memorandum (10/13/04), Individuals and Households Program Replacement Assistance Guidance (9/27/13).

- X. **REVIEW DATE:** It is FEMA policy to review policies and reissue, revise or rescind the policy within three years of the date of issuance.



Deborah Ingram  
Assistant Administrator  
Recovery Directorate