
Tribal Consultations and Listening Sessions on the Individual Assistance Reform Framing Paper

Session 1 February 12, 1:00-2:00 p.m. ET

Session 2 February 27, 2024, 3:00-5:00 p.m. ET

Session 3 March 27, 2024, 2:00-4:00 p.m. ET

Overarching Consultation and Listening Session Questions

***Are there any specific challenges you foresee with the implementation of this rulemaking?
What additional changes would Tribal leaders want to see in this rule?***

Background

FEMA is responsible for administering and coordinating the Federal Government response to Presidentially declared disasters pursuant to the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) (Stafford Act). A major disaster declaration may authorize all, or only particular types of, supplemental Federal Assistance requested by the Tribal Chief Executive or Governor. FEMA provides recovery assistance through Individual Assistance (IA), Public Assistance, and the Hazard Mitigation Grant Programs. Through IA programs, FEMA provides assistance to individuals and households, as well as Tribal, State, and Territorial governments to support individual survivors. One of these IA programs is the [Individuals and Households Program \(IHP\)](#), which authorizes FEMA to provide financial assistance and direct services to individuals and households who, as a direct result of a major disaster, have necessary expenses and serious needs in cases in which the individuals and households are unable to meet such expenses or needs through other means.

IHP includes two types of assistance: Housing Assistance and Other Needs Assistance (ONA). Housing Assistance is available for individuals and households who are displaced from their pre-disaster primary residences or whose pre-disaster residences are rendered uninhabitable or, for individuals with disabilities, inaccessible or uninhabitable, as a result of damage caused by a major disaster. ONA is financial assistance FEMA makes available to individuals and households adversely affected by a disaster to address their necessary expenses and serious needs.¹ ONA includes funeral assistance, medical assistance, dental assistance, child care assistance, assistance for miscellaneous items, moving and storage assistance, critical needs assistance, clean and sanitize assistance, personal property assistance, transportation assistance, and the direct purchase of a Group Flood Insurance Policy.²

In alignment with [Executive Order 13985](#) on *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, and in response to four comments from Tribal

¹ 42 U.S.C. 5174(e).

² See page 146 of FEMA Policy (FP) 104-009-03, Individual Assistance Program and Policy Guide, Version 1.1 (IAPPG 1.1). <https://www.fema.gov/assistance/individual/policy-guidance-and-fact-sheets>.

Nations or members of Tribal Nations received during the Agency's [Request for Information \(RFI\)](#)³ to receive input on FEMA programs, regulations, and policies that were relevant to this rule, FEMA published an [IA Reform](#) on January 22, 2024.

The IA Reform efforts are intended to establish new benefits; cut red tape and expand eligibility; and simplify the application process for certain types of assistance under the IA program. Specifically, the IA Reform will:

- Remove the requirement to apply for a U.S. Small Business Administration loan as a condition of eligibility for ONA.
 - This change streamlines the disaster assistance process for many individuals and helps to distribute disaster assistance more equitably.
 - Ensures low income and other vulnerable disaster survivors who may not have the means to obtain or repay a disaster loan due to their financial condition have equitable access to disaster assistance.
- Establish Serious Needs Assistance (SNA) as a standard form of assistance under ONA that will replace Critical Needs Assistance and clarifies applicant eligibility criteria.
 - SNA improves assistance equity and flexibility to better help disaster survivors by providing an additional standard form of financial assistance to address applicant's displacement-related immediate needs.
- Establish Displacement Assistance (DA) as a standard form of assistance under ONA providing up-front funds to help displaced applicants with their immediate housing needs.
 - Award amount is based on a time period established by FEMA, and a daily lodging rate established by the Tribal Nation or State government.
 - Applicants do not have to provide receipts to show they exhausted the Displacement Assistance funds.
 - Applicants who apply after the registration period will receive Rental Assistance, if eligible, and are not eligible for Displacement Assistance.
- Expand the IHP's definition of "habitability" to broaden eligibility to include repairs to address homes with pre-existing conditions damaged by disasters. The home still has to have been damaged by the disaster to qualify for assistance.
 - Supports disaster survivors whose residences incurred disaster-caused damage but fall short of immediate safety and sanitation concerns.
 - Better supports low income and other vulnerable disaster survivors who may not have the means to immediately address disaster damage or may have a pre-existing need for some repairs.

³ 86 FR 21325, Apr. 22, 2021. published an [IA Reform](#) on January 22, 2024.

- Expand assistance for certain accessibility-related improvements to homes made uninhabitable by the disaster, even if these features were not present before the disaster.
 - Under the previous regulations, FEMA could only help with items damaged by the disaster or were not present before the disaster but are required due to a disaster-caused disability.
- Amend the approach to evaluating insurance proceeds to make additional assistance available for underinsured applicants.
 - Helps lower income, underinsured homeowners who may be unable to afford to repair their home.
 - Equitably addresses the unmet needs of insured applicants and more effectively assists applicants to achieve permanent housing solutions.
- Allow for the re-opening of the applicant registration period when the President adds new counties to the major disaster declaration.
- Streamline the documentation requirements for most applicants seeking continued temporary housing assistance and provides additional engagement with those who continue to request this assistance further into the disaster.
 - FEMA has more visibility on applicant recovery progress and opportunities to provide more casework support to those applicants experiencing challenges.
 - Applicants have more visibility on when their financial rental support will end.
- Simplify the appeals process by removing the requirement for a signed, written appeal letter to accompany the supporting documentation.
 - An appeal form will also be made available to simplify the process for applicants.
 - Promotes more equitable access to disaster assistance by reducing applicant barriers, improves overall timeliness, and removes administrative burdens.
- Simplify the process to request approval for a late registration by removing the requirement for applicants to provide documentation supporting the reason they applied late.
- Allow for the provision of assistance for disaster damaged work-required tools for self-employed individuals and expanding Personal Property Assistance so that a household may receive financial assistance for a disaster damaged computing device, regardless of its intended use.
- FEMA will also make revisions to reflect changes to statutory authority that have not yet been implemented in regulation, to include provisions for utility and security deposit payments, lease and repair of multi-family rental housing, childcare assistance, maximum assistance limits, and waiver authority.

The IA Reform was posted to the [Spring Unified Regulatory Agenda](#) in June 2023. Within the Unified Agenda, FEMA included the intent to publish the rulemaking as an interim final rule.

FEMA is committed to protecting and supporting Tribal sovereignty and self-determination, and to honoring our trust and treaty obligations to Tribal Nations under [Executive Order 14112](#), *Reforming Federal Funding and Support for Tribal Nations To Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*, and to our responsibility under [Executive Order 13175](#) on *Consultation and Coordination with Indian Tribal Governments*, reaffirmed by President Biden’s “[Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships](#)”, and reflected in FEMA’s 2022-2026 [National Tribal Strategy](#), to engage in meaningful consultation and collaboration with Tribal officials. In addition, [FEMA’s Tribal Policy](#) outlines a framework for Nation-to-Nation relations between FEMA and Tribal Nations that recognizes Tribal sovereignty, self-governance, and FEMA’s responsibilities, consistent with applicable authorities.

The in person listening session will take place in Washington DC and all Tribal Nations are welcome to participate in person. The two virtual consultations will be hosted on the Zoom for Government platform. Please attend one of three possible sessions:

- FEMA will host an in person tribal listening sessions during the [National Congress of American Indians \(NCAI\), Executive Council Winter Session \(ECWS\)](#) on **Tuesday, February 12, 2024, from 1:00 to 2:00 PM ET**. The in person listening session will take place in **Meeting Room 4** of the Westin – Downtown DC, 999 9th Street NW, Washington, DC 20001. Tribal Nations do not need to register for NCAI ECWS to attend or participate in this in person listening session.
- This first virtual Tribal consultation session will be conducted via the Zoom for Government platform on **Tuesday, February 27, 2024, from 3:00 to 5:00 PM ET**. Register in advance for this meeting at: <https://fema.zoomgov.com/meeting/register/vJIsfumspjsg-TtURcd6HcL4hZ1QFpZzM>. After registering, you will receive an email containing information about joining the meeting.
- This second virtual Tribal consultation session will be conducted via the Zoom for Government platform on **Wednesday, March 27, 2024, from 2:00 to 4:00 PM ET**. Register in advance for this meeting at: <https://fema.zoomgov.com/meeting/register/vJIsco-oqz8iEgIEtXO96v19bU6JhGEv62g>. After registering, you will receive an email containing information about joining the meeting.

Discussion Questions

FEMA seeks input from Tribal Nations on the implementation of the IA Reform. Below are questions for your consideration. These questions are not in order of priority and are not meant to be an exhaustive list of discussion topics. FEMA welcomes broader input on our activities in support of Tribal Nations.

1. Are there any specific challenges you foresee with the implementation of this rulemaking?
2. What other ways can the IHP simplify processes, remove barriers to entry, and increase eligibility?
3. What is missing in the IA Reform to consider the unique needs and considerations of Tribal Nations?

4. What would Tribal Nations like to see in the future in terms of engaging with FEMA IHP?

All consultation materials may be found at: [Tribal Consultations | FEMA.gov](#). The consultation record is open for Tribal leaders to submit feedback or comments via the Federal eRulemakingPortal: <http://www.regulations.gov>, identified by [Docket ID: FEMA-2023-0003](#). Please follow the instructions for submitting comments. Responses to any or all portions of the [IA Reform](#) may be provided by individuals or collective groups but must be submitted not later than **July 22, 2024**. Please also note that all comments submitted through the portal will be made public in accordance with federal requirements.