

HB

421

SFIN

FILE

Frank &
Kelly
ordered CS

Sen. Kelly amendment
to HB 42:

To require reimbursement
to the State of
any disaster relief
funds received if
person receives
reimbursement at
some future date
thru settlement, court
decision, insurance
proceeds, or any other
funds for those same
funds.

SENATE FINANCE COMMITTEE REPORT

DATE: 3/28/94

FURTHER:

DATE TURNED INTO OFFICE: 5-2-94

The Finance Committee considered HOUSE BILL NO. 421

"An Act authorizing grants for temporary housing assistance during emergencies and disasters."

and recommends:

replace with S CS HB 421 (FINANCE)
 or adopt previous _____ CS _____
 attaches amendment(s)

same title
 new title
 technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
<u>DDVA</u>	<u>2/7/94</u>	<u>0</u>	

Appropriation No Fiscal Note

DO PASS:

Tim Kelly

OTHER RECOMMENDATIONS:

Bob Sharp
Steve King No Recommendation

Gregg
John No Rec

1. [Signature]
 Co-Chair Signature/Recommendation

2. [Signature]
 Co-Chair Signature/Recommendation

FISCAL NOTE

No. 1
 Bill Version: HB 421
 (H) Publish Date: 2/14/94

STATE OF ALASKA
 1994 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Military and Veterans Affairs
 Title: Authorizing grants for temporary housing assistance BRU: na
during emergencies and disasters Component: _____
 Sponsor: House MVA
 Requestor: House MVA COMPONENT SERIAL NO. _____

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0					

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0					

Estimate of any current year (FY94) cost: \$ (not applicable) _____

POSITIONS						
FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)
 Zero fiscal impact

Prepared by: Jeff Morrison, Director Phone: 465-4730
 Division: Administrative Support Services Division Date: February 7, 1994
 Approved by Commissioner: *J. Morrison for* Hugh L. Cox III Date: February 7, 1994
 Agency: Military and Veterans Affairs

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COMMITTEE COPY

5/2/94
A. Lauterbach

8-LS1604E.2
Lauterbach
5/2/94

A M E N D M E N T

OFFERED IN THE SENATE
TO: SCS HB 421(FIN)

BY SENATOR KELLY

Page 2, line 1, after "\$5,000:"

Insert "as a condition of accepting a housing assistance grant from the state under this paragraph, the recipient shall agree to repay the state for the assistance to the extent that the recipient is reimbursed or otherwise compensated from any source for the same costs of temporary housing that were covered by the state grant:"

SENATE FINANCE
COMMITTEE (3)
Amendment Number:
Bill Number: HB 421
Sponsor: Kelly Date: 5/2/94
Logged In By: RM

Post-It™ brand fax transmittal memo 7671		# of pages ▶	1
To	<u>Legal Services</u>	From	<u>Mani</u>
Co.	<u>Attn: Perry</u>	Co.	<u>Senate Finance</u>
Dept.		Phone #	<u>x4935</u>
Fax #		Fax #	<u>o 10:25 am</u>

8-LS1604E
Lauterbach
4/27/94

SENATE CS FOR HOUSE BILL NO. 421(FIN)
IN THE LEGISLATURE OF THE STATE OF ALASKA
EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:
Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing grants for temporary housing assistance during emergencies
2 and disasters."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 26.23.100(a) is amended to read:

5 (a) Whenever the governor has proclaimed a disaster emergency, or the
6 President, at the request of the governor, has declared an emergency or a major
7 disaster to exist in this state, the governor may

8 (1) purchase, lease, or make other arrangements with any agency of the
9 United States or state for temporary housing units to be occupied by disaster victims
10 and to make those units available to any political subdivision of the state;

11 (2) make housing assistance grants to eligible disaster victims who
12 have located temporary housing and are not eligible for temporary housing
13 assistance from the Federal Emergency Management Agency or under private
14 insurance: a grant under this paragraph, when combined with a grant under

1 AS 26.23.090 to the same individual or family, may not exceed \$5,000:

2 (3) assist any political subdivision of this state that is the location of
3 temporary housing for disaster victims to acquire sites necessary for the temporary
4 housing and do all things necessary to prepare the site to receive and use temporary
5 housing units by

6 (A) advancing or lending funds available to the governor from
7 an appropriation made by the legislature or from any other source;

8 (B) passing through funds made available by any agency, public
9 or private; or

10 (C) becoming a copartner with a political subdivision for the
11 execution and performance of any temporary housing for disaster-victim
12 projects and, for those purposes, pledging the credit of the state on terms
13 considered appropriate, having due regard for current debt transactions of the
14 state;

15 (4) [(3)] under whatever relevant regulations the governor may adopt,
16 temporarily suspend, or modify, for not more than 60 days, any public health, safety,
17 zoning, transportation, or other requirement of law or regulation of the state, when by
18 proclamation, the governor declares a suspension or modification essential to provide
19 temporary housing for disaster victims.

SENATE FINANCE COMMITTEE REPORT

DATE: 3/28/94

FURTHER:

DATE TURNED INTO OFFICE: 5-2-94

The Finance Committee considered HOUSE BILL NO. 421

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- replace with S CS HB 421 (FINANCE)
- or adopt previous _____ CS _____
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

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further referral to the _____

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do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
<u>DMVA</u>	<u>2/7/94</u>	<u>0</u>	

Appropriation No Fiscal Note

DO PASS:

Tim Kelly

OTHER RECOMMENDATIONS:

Bob Sharp
Steve King No Recommendation
Genetta Ho
Johnnie No Rec

True Dance No Rec

A M E N D M E N T

OFFERED IN THE SENATE

BY SENATOR KELLY

TO: SCS HB 421(FIN)

Page 2, line 1, after "\$5.000:":

Insert "as a condition of accepting a housing assistance grant from the state under this paragraph, the recipient shall agree to repay the state for the assistance to the extent that the recipient is reimbursed or otherwise compensated from any source for the same costs of temporary housing that were covered by the state grant:"

SENATE FINANCE
COMMITTEE

Amendment Number: 3

Bill Number: HB 421

Sponsor: Kelly Date: 5/2/94

Logged In By: RM

HB 421

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF MILITARY
AND VETERANS AFFAIRS

P.O. BOX 110900
JUNEAU, ALASKA 99811-0900
PHONE: (907) 465-4600
FAX: (907) 465-4605

APR 27 1994

April 27, 1994

Senator Steve Frank
Co-chair, Senate Finance Committee
Alaska State Legislature

Senator Drue Pearce
Co-chair, Senate Finance Committee
Alaska State Legislature

Dear Senators Frank and Pearce,

Re: HB 421, Temporary Housing During Disasters

Thank you for scheduling a hearing on HB 421 so quickly. As Representative Mulder's staff, Tim Sullivan, pointed out in your hearing of April 26, we expect passage of this bill to improve our ability to respond quickly to meeting the emergency housing needs of disaster victims.

Tim has relayed to me some of the concerns voiced during the hearing, and I wanted to let you know my response to those concerns.

The committee raised a concern over the temporary housing assistance provided by the state being subordinate to any similar assistance available from the federal government or from private insurance providers. Under our current plans and procedures, this is already the case.

In any federally declared disaster, we maximize the federal funds available for all purposes, including housing. Normally, the Federal Emergency Management Agency takes over the temporary housing program during federally declared disasters, and there is little, if any, involvement of state agencies or funds for temporary housing in federal disasters. Although I have not had the opportunity to review any specific language proposed in a committee substitute regarding this issue, I do not believe it would present any problems if added to the bill.

The requirement to subordinate temporary housing assistance to private insurance reimbursements is something that we conceptually support as well, since our procedures already incorporate this requirement. It does not make sense to pay someone for temporary housing needs if they are also being paid by their private insurance.

Since the issue of subordination of temporary housing grants to federal and private insurance benefits is already addressed in departmental procedures, there is no objection to incorporating it into statutory language as well. However, it would not be necessary to do so, if your committee chose not to make this amendment.

The final issue raised in committee concerns a limit on the amount of temporary housing funds, with a possible link to the previous section in Alaska Statutes regarding the individual and family grants limit of \$5,000 [AS 26.23.090 (b)(2)]. Apparently the committee wanted to limit the total amount for both these programs (combined) to \$5,000 for each disaster victim. I do not believe this would provide the public with the assistance they need and deserve if they become victims of a disaster.

The individual and family grant (IFG) program is intended to provide for immediate necessary items lost as a result of a disaster. Any insurance claims paid to disaster victims for their immediate needs is deducted from the amount paid under IFG grants. These grants normally pay the following types of immediate needs: food, clothing, medicine, etc. State law limits the amount of an IFG grant to no more than \$5,000; however, they are frequently less than that amount, as they are intended only to meet immediate needs.

The temporary housing program addressed in AS 26.23.100 provides for alternate housing when people (homeowners or renters) are displaced from their homes. Displacements as a result of disasters can be for long periods of time. The current temporary housing plan allows for state funding of temporary housing for a maximum of 18 months, with reviews every three months to verify continued eligibility. There is no dollar limit to the amount now spent on temporary housing; the only limit is the 18 month time frame. Without the ability to grant funds to disaster victims for temporary housing (which HB 421 would allow), the state must negotiate all lease agreements and make payments directly to landlord of the temporary housing. The intent of HB 421 was to simplify and streamline the method in which the state pays for temporary housing, and not to create additional restrictions on the program.

Placing a dollar restriction on temporary housing would create a financial hardship to displaced disaster victims when they can least afford it. Often, homeowners have their home completely destroyed, but are still required to make mortgage payments. Combining this limitation with the IFG grant amount would create

further hardship by requiring disaster victims to choose between meeting their needs for the immediate and necessary items funded by IFG grants, or meeting their needs for temporary housing.

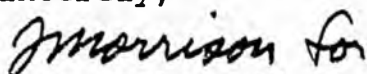
The purpose of the temporary housing program is to enable disaster victims to live close to their pre-disaster jobs, family, friends, schools, and community. This facilitates their recovery from the disaster by assuring some stability and normalcy until they can obtain permanent housing in their community. I do not believe it is consistent with the philosophy of providing necessary disaster relief to limit the amount to be paid for temporary housing. This action could have the effect of creating an enclave of homeless people who cannot afford to get back on their feet after a disaster.

The intent of both the IFG program and the temporary housing program is to provide rapid temporary emergency relief, and not to add to the trauma of a disaster by limiting the amount of relief such that basic emergency needs go unmet.

I believe that the limitation being proposed would result in serious deficiencies in the state's ability to fairly and compassionately meet the needs of disaster victims. I urge you to reject any such limitation in HB 421.

I hope this information is useful to you in your further consideration of HB 421.

Sincerely,



Ervin Paul Martin, Director
Division of Emergency Services

cc: Representative Eldon Mulder
Hugh L. Cox III, Commissioner
Dick Eliason, Governor's Legislative Liaison

[HB421L1]

HOUSE BILL NO. 421

IN THE LEGISLATURE OF THE STATE OF ALASKA

EIGHTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Introduced: 1/31/94

Referred: House Special Committee on Military and Veterans' Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing grants for temporary housing assistance during emergencies
2 and disasters."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 26.23.100(a) is amended to read:

5 (a) Whenever the governor has proclaimed a disaster emergency, or the
6 President, at the request of the governor, has declared an emergency or a major
7 disaster to exist in this state, the governor may

8 (1) purchase, lease, or make other arrangements with any agency of the
9 United States or state for temporary housing units to be occupied by disaster victims
10 and to make those units available to any political subdivision of the state;

amend #1

11 (2) make housing assistance grants to eligible disaster victims who
12 have located temporary housing;

13 (3) assist any political subdivision of this state that is the location of
14 temporary housing for disaster victims to acquire sites necessary for the temporary

1 housing and do all things necessary to prepare the site to receive and use temporary
2 housing units by

3 (A) advancing or lending funds available to the governor from
4 an appropriation made by the legislature or from any other source;

5 (B) passing through funds made available by any agency, public
6 or private; or

7 (C) becoming a copartner with a political subdivision for the
8 execution and performance of any temporary housing for disaster-victim
9 projects and, for those purposes, pledging the credit of the state on terms
10 considered appropriate, having due regard for current debt transactions of the
11 state;

12 (4) [(3)] under whatever relevant regulations the governor may adopt,
13 temporarily suspend, or modify, for not more than 60 days, any public health, safety,
14 zoning, transportation, or other requirement of law or regulation of the state, when by
15 proclamation, the governor declares a suspension or modification essential to provide
16 temporary housing for disaster victims.

from Senate Finance Committee
Marie x4935

*forward to
Legal 9:00 am
mm*

please prepare a work draft for:

HOUSE BILL NO. 421

"An Act authorizing grants for temporary housing assistance during emergencies and disasters."

Conceptual amendment 1:

on page 1, line 11 to read-

(2) make grants for temporary housing assistance, subordinate to FEMA and private insurance assistance, to eligible disaster victims who have located temporary housing;

Conceptual amendment 2:

The grants for temporary housing made under 26.23.100 and grants to disaster victims under 26.23.090 for any individual or family, when combined, should not exceed \$5,000.

*Billy -
do you agree w/this?
see Sen Frank
given to Sen Frank 2-27
2:25pm
OK'd by Sen Frank
for Deora!
4-27-94
3:45pm*

from Senate Finance Committee
Marie x4935

please prepare a work draft for:

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Conceptual amendment 2:

The grants for temporary housing made under 26.23.100 and grants to disaster victims under 26.23.090 for any individual or family, when combined, should not exceed \$5,000.

Sponsor Statement HB 421

OVERVIEW

This legislation was introduced at the request of the State of Alaska's Division of Emergency Services. Under current state statute, people that are displaced from their homes during a state declared disaster must have temporary housing arrangements negotiated individually by DMVA. This can be a lengthy, tedious process that takes precious resources away from other disaster assistance. The Federal Emergency Management Agency (FEMA) has streamlined this process during a federally declared disaster by making grants directly to displaced individuals. These individuals then make their own housing arrangements, reducing costs and removing possible liability from the government as a lessor.

WHAT HB 421 DOES

HB 421 adds language to AS 26.23.100 that would allow the Division of Emergency Services the ability to grant funds to displaced people for temporary housing during state declared disasters. Eligibility for these funds would be determined by the criteria set out by DES. This change will result in more efficient response to temporary housing needs during a state declared disaster.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS
BRIEFING PAPER HB421

Background:

Whenever people are displaced from their homes because of a disaster, part of the disaster assistance provided by the Division of Emergency Services (DES) is the provision of temporary housing. The authority for doing this is addressed in A.S. 26.23.100. The current authority is limited to the state making direct payments for providing temporary housing. The statutes also allow the state to work through local governments to provide temporary housing.

Current statutes do not authorize DMVA to make housing assistance grants to persons displaced from their homes during state-declared disasters. Without this authority, DMVA must negotiate lease/rental terms for every individual or family requiring temporary housing during a disaster. This task is administratively burdensome and increases the administrative costs of a disaster by requiring time to monitor and manage the lease agreements. However, the process for providing temporary housing in a federally-declared disaster is significantly more efficient.

In a federally-declared disaster, Federal Emergency Management Agency (FEMA) staff directly administers the temporary housing program, using 100% federal funds. The federal temporary housing program makes grants directly to individuals for them to arrange their own temporary housing. Granting funds to recipients to arrange their own housing reduces administrative costs, removes liability from the government as a lessor, and reduces government involvement in personal issues.

Impact of proposed legislation:

HB421 will specifically permit DMVA to grant funds to eligible disaster victims who have located temporary housing. The eligibility of disaster victims would be determined by the staff of the Division of Emergency Services (DES) using criteria established in the Temporary Housing Assistance Plan promulgated by DES. This granting authority will greatly expedite the ability of DMVA to respond to providing for temporary housing during a disaster, and would allow each family or individual affected to secure housing which best fits their housing needs.

The addition of this granting authority will add another tool in the ability of DES to respond to temporary housing needs. It will not be the only way these needs are met, and circumstances of a particular event will influence the choice of approaches to temporary housing.

tance. The governor may make a grant to an individual and family under this subsection as follows:

(1) when the President declares a major disaster, the governor may make a grant of an amount whose total of federal and state shares does not exceed the maximum amount authorized by 42 U.S.C. 5178(f) for grants payable to individuals and families;

(2) when the President does not declare a major disaster but the governor declares a disaster emergency, the governor may make a grant of an amount not to exceed \$5,000.

(c) [Repealed, § 18 ch 178 SLA 1990.] (§ 3 ch 104 SLA 1977; am §§ 9, 18 ch 178 SLA 1990)

Effect of amendments. — The 1990 amendment deleted "the total of federal and state shares not to exceed \$5,000" following "financial grants" and "in any single major disaster declared by the president" following "individual or family" and substituted "the disaster" for "a major di-

saster" in the first sentence of subsection (b); added the second sentence of subsection (b); and repealed subsection (c), which penalized fraudulent or wilful misstatements of fact in connection with financial assistance applications.

Sec. 26.23.100. Temporary housing. (a) Whenever the governor has proclaimed a disaster emergency, or the President, at the request of the governor, has declared an emergency or a major disaster to exist in this state, the governor may

(1) purchase, lease, or make other arrangements with any agency of the United States or state for temporary housing units to be occupied by disaster victims and to make those units available to any political subdivision of the state;

(2) assist any political subdivision of this state that is the location of temporary housing for disaster victims to acquire sites necessary for the temporary housing and do all things necessary to prepare the site to receive and use temporary housing units by

(A) advancing or lending funds available to the governor from an appropriation made by the legislature or from any other source;

(B) passing through funds made available by any agency, public or private; or

(C) becoming a copartner with a political subdivision for the execution and performance of any temporary housing for disaster-victim projects and, for those purposes, pledging the credit of the state on terms considered appropriate, having due regard for current debt transactions of the state;

(3) under whatever relevant regulations the governor may adopt, temporarily suspend or modify, for not more than 60 days, any public health, safety, zoning, transportation, or other requirement of law or regulation of the state, when by proclamation, the governor declares a suspension or modification essential to provide temporary housing for disaster victims.

(b) A political subdivision of this state may acquire, temporarily or permanently, by purchase, lease, or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements, including purchase of temporary housing units and payment of transportation charges, that are necessary to prepare or equip those sites to receive and use the housing units. (§ 3 ch 104 SLA 1977)

Sec. 26.23.110. Debris and wreckage removal in disaster emergency or major disaster. (a) When the governor has declared a disaster emergency, or the President, at the request of the governor, has declared a major disaster or emergency to exist in this state, the governor may

(1) through the use of state agencies, clear from publicly or privately owned land or water, debris and wreckage that may threaten public health, safety, or property;

(2) apply for and accept funds from the federal government and use those funds to make grants to a political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(b) Authority under (a)(1) of this section may not be exercised unless the affected political subdivision, corporation, organization, or individual unconditionally authorizes the removal of the debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, first agrees to indemnify the state government against claims arising from the removal. (§ 3 ch 104 SLA 1977; am §§ 10, 11 ch 178 SLA 1990)

Effect of amendments. — The 1990 amendment substituted "a political subdivision" for "any local government" in paragraph (a)(2) and "political subdivision" for "local government" in subsection (b).

Sec. 26.23.120. Interstate Civil Defense and Disaster Compact entered into. The Interstate Civil Defense and Disaster Compact is hereby enacted into law and entered into with all jurisdictions legally joining in it in a form substantially as contained in AS 26.23.130. (§ 3 ch 104 SLA 1977)

Sec. 26.23.130. Compact terms. The terms and provisions of the compact referred to in AS 26.23.120 are as follows:

INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

The contracting states solemnly agree:

§ 206.65

44 CFR Ch. I (10-1-91 Edition)

§ 206.65 Cost sharing.

The Federal share for assistance provided under this title shall not be less than 75 percent of the eligible costs.

§ 206.66 Limitation on expenditures.

Total assistance provided in any given emergency declaration may not exceed \$5,000,000, except when it is determined by the Associate Director that:

(a) Continued emergency assistance is immediately required;

(b) There is a continuing and immediate risk to lives, property, public health and safety; and

(c) Necessary assistance will not otherwise be provided on a timely basis.

§ 206.67 Requirement when limitation is exceeded.

Whenever the limitation described in § 206.63 is exceeded, the Director must report to the Congress on the nature and extent of continuing emergency assistance requirements and shall propose additional legislation if necessary.

§§ 206.68—206.100 [Reserved]

Subpart D—Temporary Housing Assistance

206.101 Temporary housing assistance.

(a) *Purpose.* This section prescribes the policy to be followed by the Federal Government or any other organization when implementing section 408 of the Stafford Act.

(b) *Program intent.* Assistance under this program is made available to applicants who require temporary housing as a result of a major disaster or emergency that is declared by the President. Eligibility for assistance is based on need created by disaster-related unlivability of a primary residence or other disaster-related displacement, combined with a lack of adequate insurance coverage. Eligible applicants may be paid for authorized accommodations and/or repairs. In the interest of assisting the greatest number of people in the shortest possible time, applicants who are able to do so will be encouraged to make their

own arrangements for temporary housing. Although numerous instances of minor damage may cause some inconvenience to the applicant, the determining eligibility factor must be the livability of the primary residence. FEMA has also determined that it is reasonable to expect applicants or their landlords to make some repairs of a minor nature. Temporary housing will normally consist of a check to cover housing-related costs wherever possible.

(c) *Definitions.*

(1) *Adequate alternate housing* means housing that:

(i) Accommodates the needs of the occupants.

(ii) Is within reasonable commuting distance of work, school, or agricultural activities which provide over 25% of the household income.

(iii) Is within the financial ability of the occupant in the realization of a permanent housing plan.

(2) *Effective date of assistance* means the date the eligible applicant received temporary housing assistance but, where applicable, only after appropriate insurance benefits are exhausted.

(3) *Essential living area* means that area of the residence essential to normal living, i.e., kitchen, one bathroom, dining area, living room, entrances and exits, and essential sleeping areas. It does not include family rooms, guest rooms, garages, or other nonessential areas, unless hazards exist in these areas which impact the safety of the essential living area.

(4) *Fair market rent* means a reasonable amount to pay in the local area for the size and type of accommodations which meets the applicant's needs.

(5) *Financial ability* is the determination of the occupant's ability to pay housing costs. The determination is based upon the amount paid for housing before the disaster, provided the household income has not changed subsequent to or as a result of the disaster or 25 percent of gross post disaster income if the household income changed as a result of the disaster. When computing financial ability, extreme or unusual financial circum-

stances may be considered by the Regional Director.

(6) *Household* means all residents of the predisaster residence who request temporary housing assistance, plus any additions during the temporary housing period, such as infants, spouses, or part-time residents who were not present at the time of the disaster but who are expected to return during the temporary housing period.

(7) *Housing costs* means shelter rent and mortgage payments including principal, interest, real estate taxes, real property insurance, and utility costs, where appropriate.

(8) *Occupant* means an eligible applicant residing in temporary housing provided under this section.

(9) *Owner-occupied* means that the residence is occupied by: the legal owner; a person who does not hold formal title to the residence and pays rent but is responsible for the payment of taxes, or maintenance of the residence; or a person who has lifetime occupancy rights with formal title vested in another.

(10) *Primary residence* means the dwelling where the applicant normally lives during the major portion of the calendar year, a dwelling which is required because of proximity to employment, or to agricultural activities as referenced in paragraph (c)(1)(ii) of this section.

(d) *Duplication of benefits—(1) Requirement to avoid duplication.* Temporary housing assistance shall not be provided to an applicant if such assistance has been provided by any other source. If any State or local government or voluntary agency has provided temporary housing, the assistance under this section begins at the expiration of such assistance, and may continue for a period not to exceed 18 months from the date of declaration, provided the criteria for continued assistance in paragraph (k)(3) of this section are met. If it is determined that temporary housing assistance will be provided under this section, notification shall be given those agencies which have the potential for duplication of such assistance. In the instance of insured applicants, temporary housing

assistance shall be provided only when:

(i) Payment of the applicable benefits has been significantly delayed;

(ii) Applicable benefits have been exhausted;

(iii) Applicable benefits are insufficient to cover the temporary housing need; or

(iv) Housing is not available on the private market.

(2) *Recovery of funds.* Prior to provision of assistance, the applicant must agree to repay to FEMA from insurance proceeds or recoveries from any other source an amount equivalent to the value of the temporary housing assistance provided. In no event shall the amount repaid to FEMA exceed the amount recovered by the applicant. All claims shall be collected in accordance with agency procedures for debt collection.

(e) *Applications—(1) Application period.* Applications for temporary housing assistance shall be accepted for a 60-day period following the date of a declaration of a major disaster or emergency, unless additional time for submission of applications is authorized by the Regional Director in order to achieve uniformity of application periods in contiguous States. After the established period, applications shall be accepted; however, processing shall not be completed unless authorized by the Regional Director on a case-by-case basis.

(2) *Household composition.* Members of a household shall be included on a single application and be provided one temporary housing residence unless it is determined by the Regional Director that the size of the household requires that more than one residence be provided.

(f) *General eligibility guidelines.* Temporary housing assistance may be made available to those applicants who, as a result of a major disaster or emergency declared by the President, are qualified for such assistance.

(1) *Conditions of eligibility.* Temporary housing assistance may be provided only when both of the following conditions are met:

(i) The applicant's primary residence has been made unlivable or the applicant has been displaced as the result



NEWS RELEASE
 FEDERAL/STATE/LOCAL
 COORDINATING OFFICE
 Fax NewsExpress

150 East Colorado Boulevard

Pasadena, CA 91101

O E S
 CALIFORNIA

FEMA-DR-1008-CA-PR#145
 February 4, 1994

*

California Office of
 Emergency Services

Media Contacts:

FEMA: (818) 405-7548
 OES: (818) 405 7408

FEMA EARTHQUAKE HOUSING AID
 FLOWING TO HARDEST HIT AREAS

PASADENA --- The Federal Emergency Management Agency (FEMA) says a steady stream of checks is headed to southern California homeowners to repair their quake-damaged homes or find alternate housing.

FEMA says it is prioritizing delivery of checks to people who live in areas which experienced the greatest ground motion during the Northridge quake, and which city housing inspections suggest contain high concentrations of heavily damaged structures.

As of Wednesday, (Feb. 2), over \$76.8 million in temporary housing checks had been distributed to over 25,000 families.

Federal Coordinating Officer Frank Kishton, of FEMA, says some people receiving housing checks mistakenly believe that they are not eligible for housing assistance because they're still able to live in their homes.

"In many cases the housing checks which applicants receive can be used to repair quake damage, including damage to chimneys, windows, doors and walls, even though the applicants weren't forced to move out of the home," Kishton said.

Kishton says some applicants are surprised that FEMA has designed a telephone application process that is simple, non-bureaucratic, and relatively quick. A single phone application covers a wide range of disaster aid, including temporary housing, disaster loans, crisis counseling, and individual and family grants. So some people are unaware that telling FEMA their house sustained damage triggers an automatic review of their eligibility for temporary housing assistance, including home repairs.

If an applicant ultimately qualifies for other FEMA assistance, but not temporary housing or home repairs, the amount of the housing check can be subtracted from other federal assistance for which the person qualifies.

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EARTHQUAKE HOUSING AID

Add One

With the need for housing assistance so great in some parts of the southland, FEMA has expedited check delivery to applicants who pass the initial review of eligibility. FEMA inspectors will conduct follow-up examinations at the residences of all applicants to verify structural and personal property damage.

FEMA says its systematic distribution of temporary housing and home repair checks has gone only to disaster assistance applicants who have indicated their homes sustained earthquake damage.

Enclosed with each of these checks is a notice which states:

"Because your application indicates that your home was damaged or destroyed by the earthquake you are being provided FEMA assistance. By cashing the enclosed check you are confirming that the information on your application is true and correct and are agreeing to use these funds only to meet your disaster-related emergency housing needs, rent for alternative housing, or repairs to your home. You will soon receive a letter from FEMA with more specific information concerning this assistance. If you have any questions, please call FEMA's Disaster Information Hotline at 1-800-525-0321 or 1-800-660-8005 TDD."

In addition, under separate cover a copy of the completed application is provided to the family, along with a description of all FEMA and related disaster assistance which may be available. The application is verified to certify the accuracy of the information contained in the application.

Should disaster assistance applicants wish to return FEMA checks, they may do so by mailing the checks to:

FEMA
Disaster Temporary Housing Program
P.O. Box 8020
Redwood City CA 94063

If applicants have questions about any aspect of the disaster assistance program, including eligibility issues, they are urged to call the Disaster Information Helpline at 1-800-525-0321 or 1-800-660-8005, the TDD number for the speech or hearing-impaired.

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SENATE COMMITTEE REPORT

DATE: 3/16/94

FURTHER: Finance

DATE TURNED INTO OFFICE: 3-28-94

State Affairs Committee considered HOUSE BILL NO. 421

~~An Act~~ authorizing grants for temporary housing assistance during emergencies and disasters."

8 rpts H beh as flw

and recommends:

- replace with _____ CS _____ ()
- or adopt previous _____ CS _____ ()
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

PKM

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
DM 3 VA	2.14.94	<input checked="" type="checkbox"/>	

Appropriation No Fiscal Note

DO PASS:

OTHER RECOMMENDATIONS:

Mike Miller

Robert L. Taylor No Rec
William Woodree

1 Loren J. Skuman DO PASS
Chair: Signature and Recommendation