

Frequently Asked Questions: Addressing Housing Issues Facing Older Adults Following a Natural Disaster

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This FAQ is a follow up to NCLER's training, Addressing Housing Issues Facing Older Adults Following a Natural Disaster. The webcast [recording](#) and [slides](#) have more information.

How can we assist older adult clients prepare for natural disasters now?

Older adults and people with disabilities are more likely to be seriously injured or to die as a result of a natural disaster. Therefore, disaster preparation is key for improving an older adult's chance of recovering from a natural disaster. As part of the disaster preparation process, it is important to make sure that older adults have originals or copies of important documents and that those documents are properly stored, especially those documents that may be needed to apply for disaster assistance programs, such as identification, property records showing current ownership or occupancy of housing and personal property (e.g. deed, lease, title, registration, etc.), and insurance policies. Prior to a natural disaster, legal service providers can assist older adults with obtaining legal documents that they may need, such as a clear title to a home that was passed down via heirship, or estate planning forms, such as a power of attorney, a health care surrogate, or a will.

Everyone should have a disaster preparedness plan that takes into account their particular needs, including medical needs, (e.g. having a sufficient supply of medications, access to back up power sources for medical devices, etc.); transportation needs, including the ability to evacuate if needed or to return home following a disaster; and accessibility needs for people with disabilities. Federal law prohibits discrimination on the basis of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status in providing disaster assistance.¹ In addition, Title II of the Americans with Disabilities Act (ADA) requires shelters to be accessible to people with disabilities, including being physically accessible to people with disabilities, allowing service animals in all shelters, and providing reasonable accommodations to policies and procedures when necessary to allow individuals equal access.

When does federal financial assistance become available following a natural disaster?

In general, local and state resources and volunteer organizations provide the initial disaster response and relief efforts to a community impacted by a natural disaster. After the natural disaster occurs, state and federal officials conduct a Preliminary Damage Assessment (PDA). Based on the PDA, if the state determines that the disaster response needed to adequately respond to the disaster has or will exceed the state's disaster response capacity, the Governor of the affected state requests the issuance of a disaster declaration. The President then decides whether to issue a presidential disaster declaration (PDD). The PDD is what triggers the federal disaster response, including setting up FEMA's Individual and Household Programs (IHP) that provide financial assistance and direct services to those who have qualifying expenses and serious needs as a result of being impacted by the disaster.

¹ Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5151.

How can older adults apply for federal financial assistance following a natural disaster?

The process for applying for FEMA assistance is known as “registration.” In most cases, a disaster survivor must register for FEMA assistance within 60 days after the PDD. However, FEMA will accept late registrations up to 60 days after the registration deadline if the applicant provides documentation to justify the delay in registering. Applications are available in multiple languages and accessible formats. Disaster survivors can apply for FEMA assistance online at www.disasterassistance.gov, in person by visiting a [Disaster Recovery Center](#), by phone by calling 800-621-3362/TTY or 800-462-7585 or through the [FEMA Mobile app](#).

Due to the registration deadlines, people should apply for assistance as soon as possible, even if they don’t have access to all of their documentation at the time they are applying. Applicants can always supplement their initial application. Once they submit their registration, an applicant will receive a FEMA registration number, which will be needed to update their application with any new information or to discuss any issues with FEMA.

If an older adult’s FEMA application is denied, they can appeal the determination. FEMA appeals must be filed within 60 days after the date FEMA notifies the applicant of the award or denial of assistance.² Appeals must be in writing and explain the reasons for the appeal. Appeals are made to the FEMA Regional Administrator, who has 90 days to issue a decision.

Older adults who need assistance applying for FEMA benefits or filing an appeal, should contact a legal services provider. Attorneys at legal services organizations have a lot of experience representing people who were eligible, but had problems getting FEMA assistance following a disaster. They are well-versed in the potential issues that someone may experience in applying for FEMA benefits as well as appealing a FEMA determination.

Who is eligible for federal financial assistance following a natural disaster?

To be eligible to receive federal financial assistance under FEMA’s Individuals and Households Program (IHP), the applicant must be a U. S. citizen or qualified alien, have a valid social security number, have housing needs that are directly caused by the disaster, establish proof of occupancy or ownership in the disaster impacted area and sustain a loss that is not covered by other financial assistance, such as insurance. Households with ineligible individuals can still receive financial assistance if an eligible adult or eligible minor child in that household applies for assistance.

However, all disaster victims, regardless of immigration status, are eligible to receive short-term, non-cash disaster assistance (e.g. crisis counseling, disaster legal services, etc.); other non-monetary, in-kind emergency disaster relief (e.g. medical care, emergency shelter, food and water), and services provided by community, nonprofit, or other non-governmental organizations that help disaster victims (e.g. emergency shelter, small amounts of cash to help with immediate expenses, food, water, first aid, or clothing).

What type of federal financial assistance is available to older adults if their home is damaged as a result of a natural disaster?

Under the IHP, FEMA may provide Housing Assistance and/or Other Needs Assistance to households that have experienced disaster damage to their homes.³ Housing Assistance helps homeowners and renters whose homes were damaged due to disaster to have somewhere to stay. It may be provided in the form of financial assistance directly to an applicant or housing provided to the applicant by FEMA. Applicants may receive more than one type of Housing Assistance.

² 44 C.F.R. § 206.115.

³ 42 U.S.C. § 5174

Other Needs Assistance (ONA) provides financial assistance to individuals and households who have other disaster-related expenses. ONA funds help with paying for necessary expenses and serious needs arising out of the disaster, such as funeral, medical, dental, child care, personal property, etc. ONA can be used for moving and storage expenses that occur as a result of the disaster. It can also be used to cover the loss of personal property such as clothes, household items, furnishings or appliances as well as the cost of cleaning or sanitizing any eligible personal property item.

Additional Resources

- [Housing and Homelessness \(ESG, CDBG, HOME, FEMA, CRF, and ERAP\)](#)
- NCLER webinar addressing homeowner and consumer issues: [Legal Challenges After a Natural Disaster: Helping Older Adults Face the Aftermath](#)
- National Consumer Law Center: [Disaster Relief & Consumer Protection Site](#)
- [National Disaster Legal Aid Advocacy Center](#)
- [25 Pro Tips for Working with the Federal Emergency Management Agency \(FEMA\): COVID-19 Edition](#) (2021)
- PLI, Pro Bono Net, Equal Justice Works, & Lone Star Legal Aid Training: [Current and Emerging Issues in Disaster Response: Legal Strategies and Practices for Helping Survivors](#) (free through November 2022)
- [FEMA Individual Assistance Program and Policy Guide](#) (IAPPG) v. 1.1, FP 104-009-03 (May 2021), and [Fact Sheets](#)
- [FEMA Fact Sheet: Citizenship Status and Eligibility for Disaster Assistance FAQ](#)
- [Eldercare Locator](#): includes OAA-funded legal assistance

Case consultation assistance is available for attorneys and professionals seeking more information to help older adults. Contact NCLER at ConsultNCLER@acl.hhs.gov.

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