



FEMA

October 28, 2018

MEMORANDUM FOR: Thomas McCool  
Federal Coordinating Officer  
FEMA-4399-DR-FL

FROM: Keith Turi  
Assistant Administrator  
Recovery Directorate

A handwritten signature in black ink, appearing to read "Keith Turi", written over the typed name.

SUBJECT: Direct Temporary Housing Approval for FEMA-4399-DR-FL

This memorandum is in response to your request, dated October 26, 2018, to partially approve the State of Florida's request for FEMA to provide Direct Temporary Housing Assistance, or "Direct Assistance," under the Individuals and Households Program (IHP) for FEMA-4399-DR-FL. The Housing Assistance provision of the IHP, authorized by Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, or "Stafford Act," as implemented in 44 C.F.R. Part 206, authorizes FEMA to provide Direct Assistance when eligible applicants are unable to obtain temporary housing using financial assistance due to a lack of available housing resources. Direct Assistance may be provided for a period of up to 18 months beginning on October 11, 2018, the date of the President's declaration of a Major Disaster, and ending on April 11, 2020.

The State of Florida requested Direct Assistance for all 12 counties designated for Individual Assistance for Hurricane Michael on October 23, 2018. The State of Florida Housing Task Force has been actively engaged in identifying available rental resources in the impacted counties, including surrounding counties within a 50 mile radius. Rental housing availability analysis included information from public websites such as [www.socialserve.com](http://www.socialserve.com), [www.apartmentfinder.com](http://www.apartmentfinder.com), and [www.renthop.com](http://www.renthop.com). In addition to research and callouts, JFO teams canvassed the impacted areas looking for rental resources. The results of these efforts demonstrate there are insufficient resources to meet the need. The Individual Assistance Division (IA) Disaster Housing Unit (DHU) has reviewed the information provided by the JFO and verified that the number of applicants projected to qualify for Direct Assistance exceeds the number of available resources in all of the requested counties.

Information on the number of applicants who meet FEMA's policy criteria for being considered for Direct Assistance, and the number of applicants projected to meet these criteria when registrations and inspections are complete was provided by the Recovery Reporting & Analytics Division (RAD) as of October 26, 2018.

County	Rental Resources @ FMR	Rental Resources @ 125% FMR	Current Applicants Meeting DH Criteria	Projected Applicants Meeting DH Criteria	Projected Applicants to Accept DH
Bay*	166	339	1,907	5,800	580
Calhoun*	0	0	116	350	35
Franklin	0	0	7	20	5
Gadsden*	19	0	49	150	15
Gulf*	0	0	223	680	70
Holmes	0	0	3	10	5
Jackson*	6	5	162	500	50
Leon	694	304	15	50	5
Liberty	0	0	10	30	5
Taylor	0	0	1	5	5
Wakulla	13	2	10	30	5
Washington	1	1	14	50	5

Rental Assistance is clearly insufficient to meet the housing needs in Bay, Calhoun, Gadsden, Gulf, and Jackson Counties due to a lack of available housing resources. Increasing the Rental Assistance rate up to 125% of the HUD FMR will not be sufficient to meet the need for temporary housing. Due to the relatively modest number of applicants who potentially qualify for Direct Assistance in the remaining counties, the State of Florida and FEMA should continue to evaluate the potential housing needs and resources within the remaining counties.

Based upon the State of Florida's request and the supporting information, I am authorizing Direct Assistance in the forms of Multi-family Lease and Repair (MLR), Manufactured Housing Units (MHUs), and Recreational Vehicles (RVs) for the following designated counties: Bay, Calhoun, Gadsden, Gulf, and Jackson. Direct Assistance is subject to the conditions as set forth in the attached "Direct Temporary Housing Conditions". The Regional Administrator (RA) must provide me prior notification of the types of Direct Temporary Housing Assistance that will be implemented based on the recommendations from the Direct Housing Assessment.

A separate request from the Federal Coordinating Officer (FCO) is required for the approval of Direct Lease. The request should demonstrate that other forms of housing assistance have been evaluated and delivered in sequential order and are not sufficient to meet the disaster-caused housing need, housing needs exceed the capacity to provide MLR units or MHUs and RVs in a timely manner, and one or more properties have been identified that meet the criteria identified in the Property Eligibility Criteria. In addition, the RA may approve the implementation of Group Site(s) if the approved direct assistance options are not feasible. The RA must notify me in writing prior to approving any RV or MHU Group Site(s).

Should you have any questions or need additional information, please contact Christopher B. Smith, Individual Assistance Division Director, at [Christopher.B.Smith@fema.dhs.gov](mailto:Christopher.B.Smith@fema.dhs.gov).

Attachments: Direct Temporary Housing Conditions  
FSA Amendment Template

cc: Jeffrey Byard, Associate Administrator, Office of Response and Recovery  
Jeffrey Dorko, Assistant Administrator, Logistics Management Directorate  
Christopher B. Smith, Director, Individual Assistance Division  
Monty LeMaire, Branch Chief, Individuals and Households Program Delivery Branch,  
Individual Assistance Division

## **DIRECT TEMPORARY HOUSING CONDITIONS FOR DR-4399-FL**

### **General Conditions**

1. An amendment to the FEMA-State Agreement (FSA) is required prior to the implementation of direct assistance.
2. Unless specifically superseded by these conditions, direct assistance will be implemented in accordance with FP-104-009-03, Individuals and Households Program Unified Guidance (IHPUG), Chapter 5 and the July 26, 2018, Individual Assistance Delegation of Authority IHPUG Waiver Memo.
3. The JFO shall prioritize accessible housing units for applicants whose household includes one or more persons with a disability or other access and functional needs. FEMA may only consider placing other eligible applicants in accessible housing units when all households with accessibility needs have been housed.
4. The JFO shall make use of the Disaster Case Management (DCM) grant program, and all Direct Assistance occupants will be provided an opportunity to participate in the DCM program. DCM will connect Direct Assistance occupants with the additional services they will need and provide a more coordinated, comprehensive approach for support these households who often struggle to transition to more permanent housing.

### **MLR Conditions**

FEMA will implement the below program changes in order to make more units safe, habitable, and functional for a broader spectrum of survivors. The following conditions shall apply, superseding the IHPUG, Chapter 5, Section IV:

1. The JFO may repair or make improvements to existing multi-family housing units which meet the following criteria:
  - a. The property must have previously been used as multi-family housing. Multi-family housing is defined as a building that contains three or more dwelling units, each such unit providing complete and independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, and sanitation.
  - b. The property owner must agree to allow FEMA to make reasonable accommodation and/or modification repairs or improvements during the term of the lease agreement and consider any repairs or improvements permanent.
  - c. The property owner must agree to incorporate a lease addendum containing MLR program conditions of eligibility and termination of tenancy and eviction into the lease between the property owner and the occupant.
  - d. The lease agreement between FEMA and the property owner must include the option to extend the lease if an extension beyond the standard 18-month period of assistance is approved.
  - e. The property must be located in an area covered by a major disaster declaration.

2. FEMA will only authorize repairs and improvements that promote living environments that are usable by the broadest spectrum of people, regardless of ability, without the need for adaptation or specialized design. Any repairs or improvements will not take more than four months to complete. When repairs or improvements are made to provide accessibility features, contractors will be guided by the Americans with Disabilities Act Accessibility Guidelines (ADAAG) and HUD's Design Details for Accessible Disaster Relief Housing.
3. The JFO shall prioritize properties that make at least one unit accessible and evaluate properties according to the following factors:
  - a. Cost to the federal government;
  - b. Time to complete repairs;
  - c. The landlord's demonstrated ability to manage and/or provide maintenance services;
  - d. Proximity to wrap-around services;
  - e. Areas designated as known high-crime risk by the territory and/or local government officials, if applicable; and
  - f. Accessibility: When selecting available properties, FEMA will prioritize properties that are already accessible, include accessibility features, or can be easily made accessible; and/or are in proximity to accessible public transportation.
4. The JFO shall determine cost-effectiveness of a potential MLR property by deducting the estimated cost of the repairs and improvements from the value of the lease agreement as follows:
  - a. Identify the estimated cost of repairs or improvements to make one unit per lease agreement accessible to applicants with disabilities. Other considerations when improving or repairing a unit, so that it is accessible for an applicant with a mobility assistance need, include the provision of marked and signed accessible parking, access to the unit, and common areas.
  - b. Determine if cost of the potential MLR property is within the approved Rental Assistance Rate for the county where the property is located.
  - c. The FCO must submit a written recommendation with justification to the AA for Recovery when the estimated cost of the repairs or improvements, including accessibility-related costs, exceeds the approved Rental Assistance Rate for the county where the property is located.
  - d. The value of the improvements or repairs may not exceed the value of the lease agreement.
5. FEMA will provide payment for utilities as part of the monthly rent only when utilities are included in the rent established by the property owner; however, background checks, credit checks, application fees, or pet deposits will not be covered. FEMA may provide a per-unit security deposit payment to the landlord not to exceed one month of the FMR, based on location and number of bedrooms. Unused portions of each security deposit must be returned to FEMA upon release of the unit. In the event the security deposit amount does not cover the amount of damage to the unit, the occupant will be responsible to the property owner for the additional funds.

### MHU Conditions

1. The JFO shall prioritize the use of MHUs from FEMA's inventory. In coordination with the Logistics Management Directorate, the JFO may also use MHUs from off-the-lot purchases.
  - a. The number of bedrooms in the MHU must accommodate the applicant's household composition, as recorded during the FEMA inspection.
  - b. Units must be constructed in accordance with 24 C.F.R. Part 3280 Manufactured Home Construction and Safety Standards ("HUD code").
  - c. Dealer inventory units are not built to UFAS requirements, therefore, only FEMA contract inventory will be provided to households who require an accessible MHU.
2. FEMA MHUs are equipped with residential fire sprinklers, which can help save lives and prevent injuries. Residential fire sprinklers require a tank and pump system (TPS) to operate.
  - a. Any MHU provided for an eligible applicant with a disability or other access and functional needs, including any MHU that meets the UFAS, must be installed with a functioning TPS prior to occupancy.
  - b. Any FEMA-sourced MHU provided for an eligible applicant must be installed with a functioning TPS prior to occupancy, except when doing so would cause a delay in allowing the applicant to take occupancy, in which case the TPS shall be installed at the earliest possible date after occupancy.

### RV Conditions

1. The JFO shall coordinate with the State and local officials regarding the use and placement of RVs.
2. The JFO will only provide commercially-available RVs certified to comply with the Recreation Vehicle Industry Association (RVIA) standards.
3. FEMA will procure RVs that meet current California Air Resource Board (CARB) standards or are certified compliant with the Toxic Substances Control Act (TSCA) Title VI requirements for formaldehyde emissions from composite wood products found in RVs.<sup>1</sup>
4. FEMA will prioritize RVs for eligible applicants who are projected to have a temporary housing need of 6 months or less. FEMA will determine based on the household's needs whether an RV, MHU or other form of direct temporary housing will be provided.
5. RVs may not be a suitable temporary housing solution for disaster survivors with access and functional needs. FEMA will notify disaster survivors with access and functional needs who request an RV that a reasonable modification may be available upon request.

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<sup>1</sup> On December 12, 2016, the EPA issued a final rule mirroring the CARB standards as required by the Formaldehyde Standards for Composite Wood Products Act, Pub. L. 111-199 (2010), 15 U.S.C. § 2601 *note*. The rule will take effect in December 2017; however regulated entities may voluntarily label compliant products as soon as compliance can be achieved. See 40 CFR Part 770.

- a. For disaster survivors with access and functional needs who are eligible for an RV, FEMA will determine whether a reasonable modification is available to address the survivor's disability-related needs.
- b. If a reasonable modification is not available, FEMA will work with survivors on a case-by-case basis to see if there is an acceptable alternative that would effectively address the survivor's disability-related needs.
- c. Additionally, FEMA will provide MHUs that are compliant with Uniform Federal Accessibility Standards (UFAS) for eligible survivors with access and functional needs who are unable to occupy an RV.
- d. FEMA will establish protocols for readying RVs for occupancy to safeguard health and safety.

### **RV and MHU Site Conditions**

1. The implementation for RVs and MHUs on private and commercial sites will follow all conditions of MHUs outlined in the IHPUG, Chapter 5, Section V, unless stipulated specifically below.
2. Placement of RVs and MHUs as temporary housing in a SFHA/1-percent annual chance year floodplain must comply with 44 C.F.R. Part 9, FEMA Directive/Instruction 108-1, Environmental Planning and Historic Preservation Responsibilities and Program Requirements, and the abbreviated decision-making process under 44 C.F.R. Part 9.13 when considering placement of RVs and MHUs on private and commercial sites in a floodplain.
3. FEMA will only place RVs and MHUs in SFHAs where no other housing options are available. RVs and MHUs may only be placed in an SFHA only where base flood depths are sufficiently shallow to allow for timely and safe evacuation from the RV on foot. RVs and MHUs placed in the SFHA will be adequately anchored.
4. RV are more vulnerable to flood risk than MHUs as when utilized as temporary housing units because, unlike MHUs, the RV industry has not developed standards for their installation, including elevation and anchoring, to address varying flood zones and wind loads. Because of the potential significant risk to the safety and welfare of occupants and potential damage to property when RVs are placed in the floodplain, when practicable FEMA should prioritize the placement of MHUs over RVs on any site within the floodplain.
5. FEMA should only approve placement of RVs on sites with shallow base flood depths. In order to reduce the risk of loss of life by occupants, RVs may be placed in the SFHA only where base flood depths are sufficiently shallow to allow for timely and safe evacuation from the RV on foot.
6. MHUs must be elevated to the highest practicable extent in accordance with the manufacturer specifications and adequately anchored. RVs may be installed on their chassis but must also be adequately anchored. FEMA should coordinate with local floodplain administrators to permit the installation of MHUs or RVs.

7. For each RV and MHU located in an SFHA, the JFO shall provide the occupant with a fact sheet that identifies the flood risk to the occupant and addresses health and safety, evacuation, right of entry, and personal property information during the move-in process, and obtain the occupant's acknowledgement they have been provided this information. The contact information for the local emergency manager should accompany the fact sheet.
8. If the currently approved direct assistance options are not feasible, the RA may approve the development of Group Site(s). The RA must notify the AA of Recovery in writing prior to approval of any RV or MHU Group Site(s) and implementing their use.
9. The RA shall use the following parameters when deciding to use Group Site(s):
  - a) The FCO must certify the need for each group site in writing and provide a copy of the certification to the Regional Administrator before initiating the final or 100% design.
  - b) The FCO's certification of need for group site must include:
    - i. A request from the state, territorial, tribal, or local government for the specific group site and an assurance that the state, territorial, tribal, or local government has exhausted all other housing options in the area;
    - ii. An analysis demonstrating insufficient rental resources exist within a reasonable commuting distance of the proposed group site location to meet the needs of eligible applicants;
    - iii. An assessment demonstrating an increase in the Rental Assistance rate within the county or parish where the group site will be located will not be sufficient to meet the needs of eligible applicants;
    - iv. Identification of any restrictions for placing TTHUs on private sites within the county or parish where the group site will be located, accompanied by:
      - a. Documentation of the JFO's efforts to negotiate waivers or otherwise seek relief from these restrictions to provide temporary housing for eligible applicants;
      - b. An analysis demonstrating that the group site would still be required if applicants whose private sites are infeasible solely because of the local restrictions were removed from consideration;
        - i. Identification of the efforts taken to identify MLR and Direct Lease properties within the county or parish where the group site will be located; and
        - ii. Verification that none of the applicants to be placed in group site(s) are eligible for PHC, if approved for the disaster.



**AMENDMENT NUMBER [INSERT NUMBER] TO THE  
FEMA-STATE AGREEMENT  
FEMA-4399-DR-FL**

**INDIVIDUAL ASSISTANCE PROGRAMMATIC ADDENDUM**

This is Amendment Number [INSERT NUMBER] to the FEMA-State Agreement for major disaster FEMA-4399-DR-FL, declared on October 112018. This Amendment serves to add the Individual Assistance (IA) Programmatic Addendum, including Subpart A: Temporary Direct Housing Assistance, which has been approved for this major disaster on [INSERT DATE].

Paragraph III. B. of the FEMA-State Agreement is hereby amended to read as follows:

- B. PROGRAMMATIC ADDENDUMS.** Attached and also made part of this Agreement are the following Programmatic Addendums, which unless indicated otherwise in Attachment 1 may be signed or agreed to on behalf of the State by the Governor's Authorized Representative (GAR) listed in Attachment 1, and are included on a case by case basis depending on the assistance designated and whether additional terms and conditions for implementation of specific assistance programs are needed:

[INSERT ADDENDUM TITLE]

The terms and conditions of the [INSERT AMENDMENT/ADDENDUM TITLE] are hereby incorporated by reference into this [INSERT AMENDMENT NUMBER] to the FEMA-State Agreement for major disaster FEMA-4399-DR-FL.

All other paragraphs of this Agreement remain unchanged, unless previously amended.

AGREED:

\_\_\_\_\_  
Governor's Authorized Representative

\_\_\_\_\_  
Federal Coordinating Officer  
Disaster Recovery Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**FEMA-STATE AGREEMENT  
FEMA-4399-DR-FL**

**INDIVIDUAL ASSISTANCE PROGRAMMATIC ADDENDUM**

**SUBPART [INSERT SUBPART]: TEMPORARY DIRECT HOUSING ASSISTANCE**

**PREVAILING TERMS AND CONDITIONS**

Individual Assistance, including the Individuals and Households Program (IHP) under Stafford Act Section 408 (42 U.S.C. §5174), has been designated for this major disaster declaration, FEMA-4399-DR-FL, which was declared on October 11, 2018. Based on the damage resulting from the incident, FEMA determined that a lack of available housing resources existed in and around the declared area, and authorized temporary direct housing assistance under IHP for eligible applicants. Stafford Act Section 408(c)(1)(B)(i), 42 U.S.C. § 5174(c)(1)(B)(i). FEMA and the State agree to the following terms and conditions regarding the implementation of Temporary Direct Housing Assistance under this declaration:

1. In accordance with the Stafford Act, temporary direct housing assistance shall be provided for a period of up to 18 months from the date of the Presidential declaration. Stafford Act Section 408(c)(1)(B)(iii), 42 U.S.C. § 5174(c)(1)(B)(iii).
2. FEMA, in coordination with the State, will work with applicants to identify and achieve a permanent housing plan.
3. For this declaration, the 18-month period of assistance ends on [INSERT DATE].
4. If necessary, because of extraordinary circumstances, at the written request of the State, FEMA may extend the 18-month period of assistance for temporary direct housing assistance if an extension is in the public's interest. The State will request an extension, if needed, between 90 and 120 days before the end of the period of assistance. Stafford Act Section 408(c)(1)(B)(iii), 42 U.S.C § 5174(c)(1)(B)(iii). FEMA will charge fair market rent for occupants who remain in or maintain possession of the Manufactured Housing Unit (MHU) or Recreational Vehicle (RV) during the extended period of assistance. Stafford Act Section 408(c)(1)(B)(iv), 42 U.S.C. § 5174(c)(1)(B)(iv), 44 C.F.R. § 206.117(b)(1)(ii)(F).
5. FEMA will assess a monthly penalty fee for occupants who remain in or maintain possession of the MHU or RV after the end of the approved period of assistance 44 C.F.R. § 206.117(b)(1)(ii)(H).
6. Pursuant to Section 408(c)(1)(B)(ii) of the Stafford Act (42 U.S.C. § 5174(c)(1)(B)(ii)), FEMA has authority, to the extent it would be a cost-effective alternative to other temporary housing options, to enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to provide temporary housing to eligible individuals and households. FEMA may make repairs or

improvements to properties under such lease agreements, to the extent necessary, to serve as safe and adequate temporary housing. Under the terms of any lease agreement, the value of the improvements or repairs shall be deducted from the value of the lease agreement and may not exceed the value of the lease agreement.

7. Pursuant to Section 408(c)(1)(B)(i), FEMA may purchase or lease temporary housing units, including MHUs and RVs, to provide directly to individuals and households who are unable to use financial rental assistance due to a lack of available housing resources.
8. Pursuant to Section 408(d)(2)(A) of the Stafford Act (42 U.S.C. § 5174(d)(2)(A)), FEMA has the authority and discretion to dispose of MHUs and RVs that were purchased for the purpose of housing eligible applicants, by selling them at a price that is “fair and equitable” directly to the individual or household occupying the unit, if those individuals or households continue to lack permanent housing. The sale of the MHU and RV is a method of disposing of a MHU or RV and is not a form of continued housing assistance.
9. Pursuant to Section 408(d)(2)(B) of the Stafford Act, if not disposed of through sales to occupants, FEMA has the authority and discretion to dispose of MHUs and RVs that were purchased for the purpose of housing eligible applicants, by donating or otherwise making them available to a State, tribe, or other government entity or to a voluntary organization for the sole purpose of providing temporary housing to disaster survivors (sometimes referred to as “victims” in the regulations) in major disasters and emergencies upon the receiving entity or organization agreeing to certain conditions:
  - a. The donation of the MHU and RV is a method of disposing of an occupied MHU and is not a form of continued housing assistance.
  - b. The Sales to Occupants Program must be implemented prior to initiating the occupied Donations Program and occupants who choose not to participate in the MHU or RV Sales to Occupants Program will not be considered for the MHU or RV Donations Program. Only applicants who can prove that they are unable to purchase the MHU due to their financial ability will be eligible for a potential donation.
10. Any Sales or Donation program will be carried out in accordance with all applicable FEMA regulations, policies, management directives, and standard operating procedures in effect as of the date that Amendment [INSERT AMENDMENT #] to the FEMA-State Agreement signed by both parties. If approved, Sales and Donations apply to MHUs and RVs that are occupied by eligible disaster assistance applicants. MHUs and RVs that are unoccupied will be disposed of in accordance with FEMA’s excess personal property management procedures utilized by the FEMA Logistics Management Directorate. FEMA may implement a Sales or Donations program for this declaration after a written request for the Sales Program, or both, the Sales and Donations Programs, is submitted by the State. The State will only submit its request once the State has evaluated the criteria below, as appropriate, in the request.

11. In the State's request for a Sales Program, the State must evaluate the following elements:

- a. Whether the availability of rental resources is not expected to return to a level to support those currently residing in a FEMA-provided MHU or RV within the period of assistance for the declared event;
- b. Whether completing repair or replacement of disaster-damaged residences will not be possible within the period of assistance;
- c. Whether sales of MHUs or RVs will not cause an adverse impact on the economy of the community or local MHU dealers; and
- d. Whether local codes, ordinances, and the requirement of 44 C.F.R. Part 9 will support the continued or permanent placement of MHUs or RVs processed under a Sales Program.

12. In the State's request for a Donations Program, the State must evaluate the following elements:

- a. Whether a Sales Program has also been requested, or approved;
  - b. Whether the declared area lacks available permanent housing resources sufficient to house disaster survivors;
  - c. Whether donation of occupied MHUs or RVs will not cause a significant adverse impact on the economy of the community or local MHU or RV dealers;
  - d. Whether the State is able to identify qualifying governmental entities and/or voluntary organization(s) willing to accept ownership of the occupied MHUs or RVs under FEMA's terms and conditions for the donation; and;
- e. Whether local codes, ordinances, and the requirement of 44 C.F.R. Part 9 will support the continued or permanent placement of MHUs or RVs processed under a Donations Program.

13. Upon the request of the State as described in Paragraphs 10 through 12 of this Addendum, FEMA will review and may authorize the Sales and Donations Programs based on FEMA's determination that it is in the best interest of the community, using the factors discussed in the State's request, as well as FEMA's determination that:

- a. Disposing of MHUs or RVs by sale or donation is expected to be in the best interest of the Federal Government; and
- b. Sales or donations of MHUs and RVs will not cause a significant impact on FEMA's ability to maintain necessary MHU or RV inventory.

14. Upon rendering its decision on the State's written request, FEMA shall notify the State in writing of its decision to approve or deny the program.

**REFERENCES:**

Stafford Act Section 408, 42 U.S.C. § 5174

44 C.F.R. §§ 206.110 – 206.118

Individuals and Households Program Unified Guidance (HPUG), FP 104-009-3, September 30, 2016.