



GOVERNMENT OF  
THE UNITED STATES VIRGIN ISLANDS

OFFICE OF MANAGEMENT AND BUDGET

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March 11, 2002

Rules Docket Clerk  
Office of the General Counsel  
Federal Emergency Management Agency  
Room 840  
500 C Street, S.W.  
Washington, D.C. 20472

RE: Disaster Mitigation Act of 2000

Dear Sir/Madam:

This letter serves to provide comments on the attached Disaster Mitigation Act of 2000 relative to the proposed final rule revising the Federal Emergency Management Agency (FEMA) disaster assistance to Individual and Households.

As Governor's Authorized Representative for the United States Virgin Islands, and after the Territory receiving disaster assistance for Hurricanes Hugo (1989), Marilyn (1995), Bertha (1996), Georges (1998) and Lenny (1999) the following represents our views on the new consolidated program as outlined in Section 408 of the Robert T. Stafford Emergency and Disaster Relief Act.

Section 206.101(d)

The timeframe to provide Temporary Housing-Direct Assistance for a period up to 18 months is in keeping with the disaster Emergency period. However, experience in the U.S. Virgin Islands has proven that since we are in an off-shore location, delivery of materials and supplies coupled with logistical elements, require the ability to request additional time to service displaced victims as is available for any other Emergency period activity.

Section 206.108(b)(2) - "The \$5,000 cap would cover not only repairs to owner-occupied private residences, but also hazard mitigation measures."

The \$5,000 cap for these types of repairs in addition to hazard mitigation measures is insufficient in certain geographical areas as well as insular areas. It may be more prudent calculate the level of assistance based on a number of factors, i.e. metropolitan areas vs.

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rural areas; Cost of Living Adjustment (COLA); the average cost of housing in affected areas; and the average cost of labor, materials and supplies.

Section 206.108(b)(3) – "...Federal disaster assistance funding to replace owner-occupied private residences that are damaged in major disasters."

As indicated in the proposed rule discussion, this would occur only when the new replacement housing is at a cost of \$10,000 or less. This section probably will never be executed simply because, I don't believe that there is any construction, at this cost, in any part of the United States even in rural Mississippi or North Carolina that would be safe, sanitary, and habitable for even the smallest family. Therefore, it is recommended that the cap be raised to \$25,000 and adjusted based on the same baseline data as in the above-mentioned comments.

Section 206.108(b)(4) - "Financial assistance or direct assistance to disaster victims to construct permanent housing in insular areas."

This is a welcome change for disaster victims in the U.S. Virgin Islands particularly since it has been very difficult to identify both temporary and permanent housing on a long-term basis.

42 U.S.C. 5174(d) (2)(A)(iv) and (B)(ii)(II) – "...obligation to purchase insurance on disaster housing units."

The concern is centered on ownership on the disaster housing units. If the units are sold to victims, they should not be required to obtain flood insurance when other victims who have incurred damages to their owner-occupied homes or when other home purchases are not required. Particularly, insurance should not be required in a non-flood zone. Additionally, if the units are temporary housing, then there definitely should not be a flood insurance requirement.

Administration of Sec. 206.111- Temporary Housing-Direct Assistance Program and Financial Assistance to Address Other Needs Program.

We agree that a (1) States should have the option to manage the Temporary Housing-Direct Assistance Program as well as the Other Needs Program based on an established Memorandum of Understanding (MOU) or (2) work with FEMA to administer the program (3) have FEMA administer the program. Issues relating to the Privacy Act and sharing of personal electronic records have to be reviewed closely so as not to violate any provisions outlined in the Privacy Act. Security mechanisms should be first and foremost in this effort.

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It is recognized that whatever option the Governor determines to be in the best interest of the community, both an agreement and/or a management plan would prudent for the protection of both parties.

Should you need additional information, you may contact Jonetta Darden at (340)777-5439.

Sincerely,



Ira R. Mills  
Governor's Authorized Representative

IRM/JD