

**ALASKA DIVISION OF EMERGENCY SERVICES**  
*Comments on*  
**FEMA proposed changes to 44 CFR Part 206, Disaster Assistance;  
Federal Assistance to Individuals and Households**  
*Published*  
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**206.101 (e) Period of Assistance. FEMA may provide assistance under this subpart for a period not to exceed 18 months from the date of declaration.**

Based on climactic conditions in some parts of the United States and the limited construction seasons in these locations, this time limitation should be increased to 24 months. Rationale: Alaska, for example, has arctic and sub-arctic regions that have significantly short construction seasons. Some areas will have construction seasons lasting only 3 to 4 months and are normally accompanied by a similar limited opportunity to ship bulk supplies and equipment via river systems into these areas. Recovery actions in most Alaska communities could not be accomplished in only one construction season.

**206.101 (g) Exemption from garnishment. All assistance provided under this subpart is exempt from garnishment, seizure .....**

The following should be added to this section: "These exemptions do not apply to recovering grant funds fraudulently obtained or misapplied." Rationale: While there are criminal sanctions for fraud or misrepresentation, there needs to be a caveat added so that this section of the federal law cannot be used as a shelter to prevent recoupment for fraud or material misrepresentation in the claims process.

**206.101 (h) (4) (i) (2) (ii) The State will pay the 25 percent non-Federal share from funds that the State makes available.**

How will these funds be recouped by FEMA (i.e. monthly/quarterly) and by what means? Even considering the accompanying MOU, it is unclear whether FEMA will make payments up front and then seek reimbursement from the state, whether it will be a joint funding arrangement, or whether the state will have to fund the 25% up front. Also, there is no mechanism either in the CFR or the MOU to accomplish this objective.

**206.101 (j) (2) (ii) States receiving such applicant information must not disclose the information further to other entities, nor must they use it for purposes other than providing additional State or local disaster assistance to individuals and households.**

How does/will the information restrictions affect sharing information with VOADs for additional assistance and unmet needs? It is unclear whether information can be shared with non-government entities that normally coordinate additional assistance.

**ALASKA DIVISION OF EMERGENCY SERVICES comments  
44 CFR PART 206, Disaster Assistance; Federal Assistance to Individuals and Households; (Cont.)**

**206.101 (k) (3) (i) (A) If the grantee is a homeowner, flood insurance coverage must be maintained on the structure at the flood-damaged property address for as long as the address exists. The flood insurance requirement is reassigned to any subsequent owner of the flood-damaged structure.**

Will FEMA maintain a database on the "addresses" that were required to purchase flood insurance from one federal disaster to the next federal disaster? If not, who is responsible for maintaining? How will this be handled if the State chooses Option 3 or 4 of the MOU? Who insures the requirement to maintain flood insurance on an "address" is passed on to future purchasers of that property and not penalized if not informed? If no data base is maintained, will the application process include provisions to put the burden on the claimant to prove or disprove this requirement? Additionally, since there is no provision for FEMA to pay the premium for a 3 yr. flood insurance policy under the new program (pg. 3415, column 1, of Federal Register), this new policy should be clearly stated in this section of the CFR to ensure fair notice to the public.

**206.102 Definitions**

**Household means all persons (adults and children) who lived in the pre-disaster residence who request assistance under this subpart, plus any additions during the assistance period, such as infants, spouse, or part-time residents who were not present at the time of the disaster, but who are expected to return during the assistance period.**

Are the "additions" then eligible for disaster assistance under the Temp Housing and Other Needs programs also? This point should be clarified in the final rule.

**Primary residence means the dwelling where the applicant normally lives, during the major portion of the calendar year...**

"Major portion" needs to be defined more clearly. Is it assumed that "Major" means 50% or greater?

**206.105 (a) .....FEMA may provide continued Housing assistance up to 18 months, based on need, ...**

Because of the climatic conditions in Alaska and other portions of the U.S. we feel this assistance should cover two construction seasons which equates to 24 months.

**ALASKA DIVISION OF EMERGENCY SERVICES comments**  
**44 CFR PART 206, Disaster Assistance; Federal Assistance to Individuals and Households; (Cont.)**

**206.105 (b) (1) Additional Criteria for continued Assistance. All applicants requesting continued rent assistance must establish a realistic permanent housing plan no later than the first certification for continued assistance.**

What is a "realistic permanent housing plan?" Is there written guidance that FEMA will provide to the applicant to assist them in developing this plan? Who will be responsible for assisting the applicant if written guidance is not provided? Will FEMA or some other agency assist the applicant in writing their plan? These points need to be clarified.

**206.106 Appeals.**

There are two standards of effective notice in this paragraph. Under 206.106(a), notice to the applicant appears to be effective and the time starts running when FEMA delivers the notice into the US postal system (although this point is not clear). In contrast, in para 206.106(f), notice to FEMA is not effective until actually received by FEMA. Due to cultural differences in Alaska bush communities, victims/applicants likely will be away from their primary residence at fishcamps for up to six weeks. To accommodate cultural differences and subsistence ways of life, and to standardize the notice policy, it is recommended that notice to applicants be effective "upon receipt".

**206.106 (f) Appeals. ....FEMA or the State will give the appellant a written notice of the disposition of the appeal within 90 days of receiving the appeal.**

90 days to respond to an appeal is too long. Appeals should be dealt with in a timely manner. We feel the appellant should receive a response within 30-45 days.

**206.108 (b) Housing Assistance. Types of housing assistance.....**

Many of the options are either not available or feasible in rural Alaska.

**206.108 (b)(ii) (D) Direct Assistance. All utility costs and security deposits are the responsibility of the occupant except where the utility does not meter utility services separately and utility services are a part of the rental charge.**

Asking an applicant to pay the security deposit (usually equal to one months rent) and/or utilities (which also require a deposit) after a major disaster would pose a hardship on most applicants. Most applicants will not have the additional \$500-\$1,000 needed for utilities and deposits by the time FEMA's assistance is made available.

**ALASKA DIVISION OF EMERGENCY SERVICES comments**  
**44 CFR PART 206, Disaster Assistance; Federal Assistance to Individuals and Households; (Cont.)**

**206.108 (l) (2) (iv) Repairs. Eligible individuals or households may receive up to \$5,000...to repair damages to their private residence.**

**208.108 (l) (3) Replacement. FEMA may provide financial assistance under this paragraph to replace a disaster damaged owner's occupied, primary residence if the dwelling can be replaced, in its entirety, for \$10,000 or less as adjusted annually to reflect changes in the CPI.**

Both of the caps stated above are too low. First, \$10,000 would normally not even meet the deductibles on insurance policies. Second, \$5,000 to repair a damaged home will not go very far, especially in Alaska or similar insular regions where transportation costs of materials alone will likely exceed even the \$5,000 cap. Additionally, if you limit the amount that can be spent on repairing the home, you increase the time the applicant spends in temporary housing. FEMA's cap should be equal to the max grant of \$25,000. This would give the applicant adequate funds to do repairs and or enough money to try an obtain a new house. What good is giving an applicant \$15,000 - \$20,000 in Financial Assistance to Address Other Needs if the applicant doesn't have a home to put it in. Most applicants would prefer to spend the money on fixing their home.

**208.108 (l) (4) Permanent Housing Construction.**

Alaska should be considered an insular region similar to the locations noted in the supplementary information provided in the beginning of the subject federal register. Alaska is remote from the continental United States when accessed by land, water, or air. Even more remote are the approximately 225 native villages in Alaska, many of such villages are inaccessible days and sometimes weeks due to weather, because air transportation is the only source of re-supply for many of these culturally unique communities. It is noted, however, that the express language in this section does not exclude Alaska from being considered an insular region.

**206.110 (c) (2) Transportation.**

In the previous program FEMA placed a cap on the amount of assistance they would award for transportation (i.e. 50% of the max grant amount). Will this change under the new program or will the cap remain the same? This point should be clarified under this section.

**ALASKA DIVISION OF EMERGENCY SERVICES comments**  
**44 CFR PART 206, Disaster Assistance; Federal Assistance to Individuals and Households; (Cont.)**

**206.111 (b) (2) Before a State may participate in the management of the Temporary Housing-Direct Assistance Program, the State must agree to hold and save the United States free from damages and indemnify the Federal Government against any claims arising from the Temporary Housing-Direct Assistance Program.**

This provision makes States responsible to indemnify the Federal Government for any claims adjudicated and paid under the Federal Tort Claims Act. If there are not currently procedures to allow participation by a state in the federal claims process, then such procedures or intent should be stated herein. Since States are a part of the entire program, they should have some input into how such claims are settled by the federal government.