

115TH CONGRESS
1ST SESSION

H. R. 4249

To provide housing and Medicaid assistance to families affected by a major disaster, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 3, 2017

Mrs. MURPHY of Florida (for herself and Mr. SOTO) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide housing and Medicaid assistance to families affected by a major disaster, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Disaster Displacement
5 Act of 2017”.

6 **SEC. 2. HOUSING ASSISTANCE.**

7 (a) DEFINITIONS.—In this section—

1 (1) the term “disaster housing assistance pro-
2 gram” means a program that provides direct rental
3 assistance and case management services to individ-
4 uals and households displaced from their pre-dis-
5 aster primary residences—

6 (A) pursuant to sections 408(b) and 426 of
7 the Robert T. Stafford Disaster Relief and
8 Emergency Assistance Act (42 U.S.C. 5174(b),
9 5189d); and

10 (B) using the authorities, as may be nec-
11 essary, under—

12 (i) section 102(b)(2) of the Homeland
13 Security Act of 2002 (6 U.S.C. 112(b)(2));

14 (ii) section 306(a) of the Robert T.
15 Stafford Disaster Relief and Emergency
16 Assistance Act (42 U.S.C. 5149(a)); and

17 (iii) section 1535 of title 31, United
18 States Code; and

19 (2) the term “public housing agency” has the
20 meaning given the term in section 3(b)(6) of the
21 United States Housing Act of 1937 (42 U.S.C.
22 1437a(b)(6)).

23 (b) HOUSING ASSISTANCE FOLLOWING A MAJOR
24 DISASTER.—Except as provided in subsection (c)—

1 (1) the Secretary of Housing and Urban Devel-
2 opment shall provide funding for, or make tem-
3 porary adjustments to, assistance provided under
4 section 8(o), 9(d), or 9(e) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437f(o),
6 1437g(d), 1437(e)) upon request by a public housing
7 agency and supported by documentation, as required
8 by the Secretary of Housing and Urban Develop-
9 ment, that demonstrates a need for the additional
10 funding or adjustment as a consequence of a major
11 disaster declared by the President under section 401
12 of the Robert T. Stafford Disaster Relief and Emer-
13 gency Assistance Act (42 U.S.C. 5170); and

14 (2) the Secretary of Agriculture shall provide
15 funding for, or make temporary adjustments to, as-
16 sistance provided under section 504, 515, 521, or
17 542 of the Housing Act of 1949 (42 U.S.C. 1474,
18 1485, 1490a, 1490r) upon request by a State or a
19 political subdivision of a State and supported by
20 documentation, as required by the Secretary of Agri-
21 culture, that demonstrates a need for the additional
22 funding or adjustment as a consequence of a major
23 disaster declared by the President under section 401
24 of the Robert T. Stafford Disaster Relief and Emer-
25 gency Assistance Act (42 U.S.C. 5170).

1 (c) EXCEPTION.—With respect to a request made
2 under paragraph (1) or paragraph (2) of subsection (b),
3 no additional funding or temporary adjustment shall be
4 provided or made under such subsection if a disaster hous-
5 ing assistance program is established to address the need
6 for the additional funding or temporary adjustment identi-
7 fied in the request not later than 7 days after the date
8 on which the request is made.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated such sums as may be
11 necessary to carry out this section.

12 **SEC. 3. DISASTER RELIEF MEDICAID FOR HURRICANE**
13 **MARIA SURVIVORS.**

14 (a) AUTHORITY TO PROVIDE DISASTER RELIEF
15 MEDICAID.—Notwithstanding any provision of title XIX
16 of the Social Security Act (42 U.S.C. 1396 et seq.), a
17 State shall, as a condition of participation in the Medicaid
18 program established under such title, provide medical as-
19 sistance to DRM-eligible Maria Survivors (as defined in
20 subsection (b)) under a State Medicaid plan during the
21 DRM coverage period in accordance with the following
22 provisions of this section and without submitting an
23 amendment to the State Medicaid plan. Such assistance
24 shall be referred to as “DRM assistance”.

25 (b) DRM-ELIGIBLE MARIA SURVIVOR DEFINED.—

1 (1) IN GENERAL.—In this section, the term
2 “DRM-eligible Maria Survivor” means a Maria Sur-
3 vivor whose family income (as determined under sec-
4 tion 1902(e)(14) (relating to modified adjusted gross
5 income), subject to paragraphs (2) and (3) of this
6 subsection) does not exceed the higher of—

7 (A) the income eligibility standard which
8 would apply to the Survivor under the Medicaid
9 plan of the State in which the Survivor had a
10 primary residence in a direct impact area on
11 any day during the week preceding September
12 17, 2017; or

13 (B) the income eligibility standard that ap-
14 plies to the Survivor under the Medicaid plan of
15 the State in which the Survivor temporarily is
16 residing.

17 (2) NO RESOURCES, RESIDENCY, OR CATEGOR-
18 ICAL ELIGIBILITY REQUIREMENTS.—Eligibility
19 under paragraph (1) shall be determined without ap-
20 plication of any resources test, State residency, or
21 categorical eligibility requirements.

22 (3) DISREGARD OF UNEMPLOYMENT INSUR-
23 ANCE BENEFITS.—In determining the family income
24 of a Maria Survivor, the State shall disregard any
25 amount received under a law of the United States or

1 of a State which is in the nature of unemployment
2 compensation by a Maria Survivor during the DRM
3 coverage period.

4 (4) DEFINITION OF CHILD.—For purposes of
5 paragraph (1), a DRM-eligible Maria Survivor shall
6 be determined to be a “child” in accordance with the
7 definition of “child” under the State Medicaid plan.

8 (c) ELIGIBILITY DETERMINATION; NO CONTINU-
9 ATION OF DRM ASSISTANCE.—

10 (1) STREAMLINED ELIGIBILITY PROCESS.—The
11 State shall use the following streamlined procedures
12 in processing applications and determining eligibility
13 for DRM assistance for DRM-eligible Maria Sur-
14 vivors:

15 (A) A common 1-page application form de-
16 veloped by the Secretary in consultation with
17 the National Association of State Medicaid Di-
18 rectors. Such form shall—

19 (i) require an applicant to provide an
20 expected address for the duration of the
21 DRM coverage period and to agree to up-
22 date that information if it changes during
23 such period;

24 (ii) include notice regarding the pen-
25 alties for making a fraudulent application;

1 (iii) require the applicant to assign to
2 the State any rights of the applicant (or
3 any other person who is a DRM-eligible
4 Maria Survivor and on whose behalf the
5 applicant has the legal authority to execute
6 an assignment of such rights) under any
7 group health plan or other third-party cov-
8 erage for health care; and

9 (iv) require the applicant to list any
10 health insurance coverage which the appli-
11 cant was enrolled in immediately prior to
12 submitting such application.

13 (B) Self-attestation by the applicant that
14 the applicant—

15 (i) is a DRM-eligible Maria Survivor;
16 and

17 (ii) if applicable, requires home and
18 community-based services provided under
19 such DRM assistance.

20 (C) No requirement for documentation evi-
21 dencing the basis on which the applicant quali-
22 fies to be a DRM-eligible Maria Survivor or, if
23 applicable, requires home and community-based
24 services.

1 (D) Issuance of a DRM assistance eligi-
2 bility card to an applicant who completes such
3 application, including the self-attestation re-
4 quired under subparagraph (B). Such card shall
5 be valid as long as the DRM coverage period is
6 in effect and shall be accompanied by notice of
7 the termination date for the DRM coverage pe-
8 riod and, if applicable, notice that such termi-
9 nation date may be extended. If the Secretary
10 extends the DRM coverage period, the State
11 shall notify DRM-eligible Maria Survivors en-
12 rolled in DRM assistance of the new termi-
13 nation date for the DRM coverage period.

14 (E) If an applicant completes the applica-
15 tion and presents it to a provider or facility
16 participating in the State Medicaid plan that is
17 qualified to make presumptive eligibility deter-
18 minations under such plan (which at a min-
19 imum shall consist of facilities identified in sec-
20 tion 1902(a)(55) of the Social Security Act (42
21 U.S.C. 1396a(a)(55))) and it appears to the
22 provider that the applicant is a DRM-eligible
23 Maria Survivor based on the information in the
24 application, the applicant will be deemed to be

1 a DRM-eligible Maria Survivor eligible for
2 DRM assistance in accordance with this section.

3 (F) Continuous eligibility, without the need
4 for any redetermination of eligibility, for the
5 duration of the DRM coverage period.

6 (2) NO CONTINUATION OF DRM ASSISTANCE.—

7 (A) IN GENERAL.—Except as provided in
8 subparagraphs (B) and (C), no DRM assistance
9 shall be provided after the end of the DRM cov-
10 erage period.

11 (B) PRESUMPTIVE ELIGIBILITY.—In the
12 case of any DRM-eligible Maria Survivor who is
13 receiving DRM assistance from a State in ac-
14 cordance with this section and who, as of the
15 end of the DRM coverage period, has an appli-
16 cation pending for medical assistance under the
17 State Medicaid plan for periods beginning after
18 the end of such period, the State shall provide
19 such Survivor with a period of presumptive eli-
20 gibility for medical assistance under the State
21 Medicaid plan (not to exceed 60 days) until a
22 determination with respect to the Survivor's ap-
23 plication has been made.

24 (C) PREGNANT WOMEN.—In the case of a
25 DRM-eligible Maria Survivor who is receiving

1 DRM assistance from a State in accordance
2 with this section and whose pregnancy ended
3 during the 60-day period prior to the end of the
4 DRM coverage period, or who is pregnant as of
5 the end of such period, such Survivor shall con-
6 tinue to be eligible for DRM assistance after
7 the end of the DRM coverage period, including
8 (but not limited to) for all pregnancy-related
9 and postpartum medical assistance available
10 under the State Medicaid plan, through the end
11 of the month in which the 60-day period (begin-
12 ning on the last day of her pregnancy) ends.

13 (3) TREATMENT OF MARIA SURVIVORS PRO-
14 VIDED ASSISTANCE PRIOR TO DATE OF ENACT-
15 MENT.—Any Maria Survivor who is provided medical
16 assistance under a State Medicaid plan in accord-
17 ance with guidance from the Secretary during the
18 period that begins on September 17, 2017, and ends
19 on the date of enactment of this Act shall be treated
20 as a DRM-eligible Maria Survivor, without the need
21 to file an additional application, for purposes of eli-
22 gibility for DRM assistance under this section.

23 (d) SCOPE OF COVERAGE.—

24 (1) IN GENERAL.—The State shall treat a
25 DRM-eligible Maria Survivor as an individual eligi-

1 ble for medical assistance under the State Medicaid
2 plan on the same basis for eligibility under the State
3 Medicaid plan as would apply to the Survivor if the
4 survivor were a permanent resident of the State in
5 which the Survivor temporarily is residing. Coverage
6 for such assistance shall be retroactive to items and
7 services furnished on or after September 17, 2017.

8 (2) CHILDREN BORN TO PREGNANT WOMEN.—

9 In the case of a child born to a DRM-eligible Maria
10 Survivor who is provided DRM assistance during the
11 DRM coverage period, such child shall be treated as
12 having been born to a pregnant woman eligible for
13 medical assistance under the State Medicaid plan
14 and shall be eligible for medical assistance under
15 such plan in accordance with section 1902(e)(4) of
16 the Social Security Act (42 U.S.C. 1396a(e)(4)).
17 The Federal medical assistance percentage applica-
18 ble to the State Medicaid plan shall apply to medical
19 assistance provided to a child under such plan in ac-
20 cordance with the preceding sentence.

21 (e) 100-PERCENT FEDERAL MATCHING PAY-

22 MENTS.—

23 (1) IN GENERAL.—Notwithstanding section
24 1905(b) of the Social Security Act (42 U.S.C.
25 1396d(b)), the Federal medical assistance percent-

1 age or the Federal matching rate otherwise applied
2 under section 1903(a) of such Act (42 U.S.C.
3 1396b(a)) shall be 100 percent for—

4 (A) providing DRM assistance to DRM-eli-
5 gible Maria Survivors during the DRM coverage
6 period in accordance with this section;

7 (B) costs directly attributable to adminis-
8 trative activities related to the provision of such
9 DRM assistance; and

10 (C) DRM assistance provided in accord-
11 ance with subparagraph (B) or (C) of sub-
12 section (c)(2) after the end of the DRM cov-
13 erage period.

14 (2) DISREGARD OF PAYMENTS.—Payments pro-
15 vided to a State in accordance with this subsection
16 shall be disregarded for purposes of applying sub-
17 sections (f) and (g) of section 1108 of the Social Se-
18 curity Act (42 U.S.C. 1308).

19 (3) MAINTENANCE OF EFFORT.—A State that
20 receives payments in accordance with this subsection
21 shall provide assurances to the Secretary that the
22 funds provided under this subsection will be used to
23 supplement and not supplant other Federal and
24 State funds used to provide medical assistance under
25 the State Medicaid plan.

1 (f) VERIFICATION OF STATUS AS A MARIA SUR-
2 VIVOR.—

3 (1) IN GENERAL.—A State shall make a good
4 faith effort to verify the status of an individual who
5 is enrolled in the State Medicaid plan as a DRM-eli-
6 gible Maria Survivor under the provisions of this
7 section. Such effort shall not delay the determina-
8 tion of the eligibility of the Survivor for DRM assist-
9 ance under this section.

10 (2) EVIDENCE OF VERIFICATION.—A State may
11 satisfy the verification requirement under subpara-
12 graph (A) with respect to an individual by showing
13 that the State providing DRM assistance obtained
14 information from the Social Security Administration,
15 the Internal Revenue Service, or the State Medicaid
16 Agency for the State from which individual is from
17 (if the individual was not a resident of such State
18 on any day during the week preceding September
19 17, 2017).

20 (g) EXEMPTION FROM ERROR RATE PENALTIES.—
21 All payments attributable to providing DRM assistance in
22 accordance with this section shall be disregarded for pur-
23 poses of section 1903(u) of the Social Security Act (42
24 U.S.C. 1396b(u)).

1 (h) PROVIDER PAYMENT RATES.—In the case of any
2 DRM assistance provided in accordance with this section
3 to a DRM-eligible Maria Survivor that is covered under
4 the State Medicaid plan (as applied without regard to this
5 section) the State shall pay a provider of such assistance
6 the same payment rate as the State would otherwise pay
7 for the assistance if the assistance were provided under
8 the State Medicaid plan (or, if no such payment rate ap-
9 plies under the State Medicaid plan, the usual and cus-
10 tomary prevailing rate for the item or service for the com-
11 munity in which it is provided).

12 (i) APPLICATION TO INDIVIDUALS ELIGIBLE FOR
13 MEDICAL ASSISTANCE.—Nothing in this section shall be
14 construed as affecting any rights accorded to an individual
15 who is a recipient of medical assistance under a State
16 Medicaid plan who is determined to be a DRM-eligible
17 Maria Survivor but the provision of DRM assistance to
18 such individual shall be limited to the provision of such
19 assistance in accordance with this section.

20 (j) DEFINITIONS.—In this section:

21 (1) DIRECT IMPACT AREA.—The term “direct
22 impact area” means an area for which a major dis-
23 aster has been declared by the President before Oc-
24 tober 1, 2017, under the Robert T. Stafford Dis-
25 aster Relief and Emergency Assistance Act by rea-

1 son of Hurricane Maria and which the President has
2 determined warrants individual and public assistance
3 from the Federal Government under such Act by
4 reason of Hurricane Maria.

5 (2) DRM COVERAGE PERIOD.—

6 (A) IN GENERAL.—The term “DRM cov-
7 erage period” means the period beginning on
8 September 17, 2017, and, subject to subpara-
9 graph (B), ending on such date as is deter-
10 mined by the Secretary, in consultation with the
11 Administrator of the Federal Emergency Man-
12 agement Agency, but not earlier than 24
13 months after the date of enactment of this Act.

14 (B) SECRETARY AUTHORITY TO EXTEND
15 DRM COVERAGE PERIOD.—The Secretary may
16 extend the DRM coverage period for an addi-
17 tional 6 months. Any reference to the term
18 “DRM coverage period” in this section shall in-
19 clude any extension under this subparagraph.

20 (3) MARIA SURVIVOR.—

21 (A) IN GENERAL.—The term “Maria Sur-
22 vivor” means an individual who is described in
23 subparagraph (B) or (C).

24 (B) RESIDENTS OF DIRECT IMPACT
25 AREAS.—An individual who, on any day during

1 the week preceding September 17, 2017, had a
2 primary residence in a direct impact area.

3 (C) TREATMENT OF CURRENT MEDICAID
4 BENEFICIARIES.—Nothing in this section shall
5 be construed as preventing an individual who is
6 otherwise entitled to medical assistance under a
7 State Medicaid plan from being treated as a
8 Maria Survivor under this section.

9 (D) TREATMENT OF HOMELESS PER-
10 SONS.—For purposes of this section, in the case
11 of an individual who was homeless on any day
12 during the week described in subparagraph (B),
13 the individual’s “residence” shall be deemed to
14 be the place of residence as otherwise deter-
15 mined for such an individual under title XIX of
16 the Social Security Act.

17 (4) MEDICAID PLAN.—The term “Medicaid
18 plan” means the plan for medical assistance estab-
19 lished by a State under title XIX of the Social Secu-
20 rity Act (42 U.S.C. 1396 et seq.) and includes any
21 waiver of such plan that is in effect in the State dur-
22 ing the DRM coverage period.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of Health and Human Services.

1 (6) STATE.—The term “State” has the mean-
2 ing given that term for purposes of title XIX of the
3 Social Security Act (42 U.S.C. 1396 et seq.).

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