

117TH CONGRESS  
2D SESSION

# S. 5035

To make available necessary disaster assistance for families affected by major disasters, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Ms. WARREN (for herself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. DURBIN, Ms. KLOBUCHAR, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. SANDERS, Mr. MENENDEZ, Mr. KAINE, Mr. BENNET, Mr. MERKLEY, Mr. BOOKER, Mr. PADILLA, and Mr. WARNOCK) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To make available necessary disaster assistance for families affected by major disasters, 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 “Housing Survivors of  
5 Major Disasters Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) FEMA.—The term “FEMA” means the  
2           Federal Emergency Management Agency.

3           (2) ADMINISTRATOR.—The term “Adminis-  
4           trator” means the Administrator of FEMA.

5 **SEC. 3. ELIGIBILITY FOR AND USE OF DISASTER ASSIST-**  
6 **ANCE.**

7           (a) FINANCIAL ASSISTANCE.—Notwithstanding any  
8 other provision of law, individuals and households de-  
9 scribed in subsection (c) may be eligible for assistance  
10 made available under section 408 of the Robert T. Staf-  
11 ford Disaster Relief and Emergency Assistance Act (42  
12 U.S.C. 5174) in connection with a major disaster declared  
13 by the President under section 401 of such Act (42 U.S.C.  
14 5170), including Hurricane Maria of 2017.

15           (b) USE OF FUNDS.—Any assistance provided pursu-  
16 ant to subsection (a) may include costs relating to obtain-  
17 ing title for a property described in subsection (c)(1), in-  
18 cluding the cost of land surveys and any other taxes or  
19 fees associated with obtaining the title for such property.

20           (c) ELIGIBLE INDIVIDUALS OR HOUSEHOLDS.—With  
21 respect to a major disaster declared by the President  
22 under section 401 of the Robert T. Stafford Disaster Re-  
23 lief and Emergency Assistance Act (42 U.S.C. 5170), an  
24 individual or household described in this subsection is an  
25 individual or household who—

1           (1) is residing on a property located in the area  
2           for which the major disaster was declared but does  
3           not have documented ownership rights to such prop-  
4           erty and is not renting such property; or

5           (2) is or was residing in, or otherwise perma-  
6           nently or temporarily occupying, an area for which  
7           a major disaster has been declared by the President  
8           under section 401 of the Robert T. Stafford Disaster  
9           Relief and Emergency Assistance Act (42 U.S.C.  
10          5170), during the designated incident period, includ-  
11          ing individuals experiencing homelessness and those  
12          residing in any housing accommodation or property  
13          upon which a housing accommodation is located, in-  
14          cluding any living quarters, boardinghouse, bunk-  
15          house, manufactured home, mobile home, or travel  
16          trailer.

17          (d) EVIDENCE.—

18           (1) CONSIDERATION.—In the case of an indi-  
19          vidual or household that does not have documented  
20          ownership rights in the predisaster primary resi-  
21          dence of the individual or household, in making a  
22          determination to provide assistance pursuant to  
23          paragraphs (2) and (3) of section 408(c) of the Rob-  
24          ert T. Stafford Disaster Relief and Emergency As-  
25          sistance Act (42 U.S.C. 5174(c)) for owner-occu-

1 pants, the Administrator shall consider evidence de-  
2 monstrative of the individual or household having  
3 constructive ownership of the predisaster primary  
4 residence.

5 (2) FORMS OF EVIDENCE.—In determining  
6 whether an individual or household has constructive  
7 ownership for the purpose of paragraph (1), the Ad-  
8 ministrator shall consider a wide range of evidence,  
9 including the following:

10 (A) A utility (including gas, electric, sewer,  
11 or water) bill with the name and address of the  
12 individual.

13 (B) A merchant's statement (including a  
14 credit card, delivery notice, or first class mail)  
15 with the name and address of the individual.

16 (C) A pay stub from an employer with the  
17 name and address of the individual.

18 (D) A current driver's license or State-  
19 issued identification card of the individual.

20 (E) The deed or title for the applicable  
21 property.

22 (F) A mortgage payment booklet or an-  
23 other mortgage document.

24 (G) Property title of mobile home certifi-  
25 cate of title.

1 (H) A real estate property tax receipt.

2 (I) A school registration containing the ad-  
3 dress of self, child, or children.

4 (J) A will and testament with the name  
5 and address of the individual.

6 (K) In a State that does not require a will  
7 and testament for the transfer of immovable  
8 property, a death certificate and birth certifi-  
9 cate that establishes an automatic transfer of  
10 legal ownership.

11 (L) Medical records that list the name and  
12 address of the individual.

13 (M) A charitable donation receipt that lists  
14 the name and address of the individual.

15 (N) Any other documentation, certification,  
16 identification, or proof of occupancy or owner-  
17 ship not included on this list that can reason-  
18 ably link the individual requesting assistance to  
19 the applicable property.

20 (e) APPLICABILITY.—This section shall apply to  
21 funds appropriated on or after the date of enactment of  
22 this Act.

23 **SEC. 4. DECLARATIVE STATEMENT.**

24 (a) DEVELOPMENT OF DECLARATIVE STATEMENT.—

1           (1) IN GENERAL.—Not later than 30 days after  
2           the date of enactment of this Act, the Administrator  
3           shall create, in coordination with the appropriate au-  
4           thorities of the applicable jurisdiction, and dis-  
5           tribute, where necessary, a declarative statement  
6           form that an applicant for assistance provided pur-  
7           suant to section 3 may use to self-certify such appli-  
8           cant’s eligibility for assistance pursuant to this Act.

9           (2) PROHIBITION OF NOTARIZATION.—The Ad-  
10          ministrator may not require the declarative state-  
11          ment form created under paragraph (1) to require  
12          notarization by the applicant.

13          (b) EXEMPTIONS.—A declarative statement form cre-  
14          ated under subsection (a)(1) shall be exempt from publica-  
15          tion notice, public comment periods, and agency informa-  
16          tion collection review and approval by the Office of Man-  
17          agement and Budget required by the Paperwork Reduc-  
18          tion Act (44 U.S.C. 3501 et seq.).

19          (c) GUIDANCE.—Not later than 30 days after the  
20          date of enactment of this Act, the Administrator shall pro-  
21          vide written notification and guidance to employees of  
22          FEMA regarding the requirements of this Act.

23          (d) PUBLICATION.—Not later than 30 days after the  
24          date of enactment of this Act, the Administrator shall—

1           (1) make the declarative statement form cre-  
2           ated under subsection (a)(1) available in Spanish  
3           and English at all active Disaster Recovery Centers;  
4           and

5           (2) publish in English, Spanish, and any other  
6           locally predominant languages on the website of  
7           FEMA and on social media the declarative state-  
8           ment form and instructions on how applicants can  
9           reopen or seek further appeal of relevant determina-  
10          tions.

11          (e) PAST DISASTERS.—For applicants of assistance  
12          provided pursuant to section 3 since January 1, 2017, the  
13          Administrator shall provide an applicant not fewer than  
14          180 days to submit the declarative statement form to re-  
15          open or appeal a case after such applicant has received  
16          notice of the right to do so.

17          **SEC. 5. REPAIR AND REBUILDING.**

18          Section 408 of the Robert T. Stafford Disaster Relief  
19          and Emergency Assistance Act (42 U.S.C. 5174) is  
20          amended—

21                  (1) in subsection (b)(1)—

22                          (A) by striking “rendered uninhabitable”  
23                          and inserting “damaged by a major disaster”;  
24                          and

1 (B) by striking “uninhabitable, as a result  
2 of damage caused by a major disaster” and in-  
3 serting “damaged by a major disaster”; and  
4 (2) in subsection (c)—

5 (A) in paragraph (2)(A)(i) by striking “to  
6 a safe and sanitary living or functioning condi-  
7 tion” and inserting “to ensure that such resi-  
8 dences are habitable during longer term recov-  
9 ery (including through coordination with other  
10 sources for repair and rebuilding of such resi-  
11 dences)”; and

12 (B) in paragraph (4) by striking “in cases  
13 in which” and all that follows, and inserting “if  
14 the President determines such assistance is a  
15 cost effective alternative to other housing solu-  
16 tions, including the costs associated with tem-  
17 porary housing provided under this section.”.

18 **SEC. 6. FEMA HUD AGREEMENTS.**

19 In the case of any major disaster declared by the  
20 President under section 401 of the Robert T. Stafford  
21 Disaster Relief and Emergency Assistance Act (42 U.S.C.  
22 5170) on or after the date of enactment of this Act, not  
23 later than 60 days after the date of the declaration of the  
24 major disaster, the Administrator and the Secretary of  
25 Housing and Urban Development shall engage in con-



1 sultations regarding the implementation of a disaster  
2 housing assistance program or similar joint program  
3 under section 408 of the Robert T. Stafford Disaster Re-  
4 lief and Emergency Assistance Act (42 U.S.C. 5174) to  
5 provide temporary rental assistance to individuals and  
6 households displaced from their residences by the major  
7 disaster, including individuals and households eligible for  
8 such assistance under section 3(a) of this Act.

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