

May 15, 2025

Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Re: Request for Public Input on Experiences with FEMA Disaster Responses (Docket No. DHS-2025-0013)

VIA ELECTRONIC MAIL AND [REGULATIONS.GOV](https://www.regulations.gov)

Thank you for the opportunity to comment on experiences with FEMA during disasters. Since 1969, the nonprofit [National Consumer Law Center® \(NCLC®\)](https://www.nclc.org/) has worked for consumer justice and economic security for low-income and other disadvantaged people in the U.S. through its expertise in policy analysis and advocacy, publications, litigation, expert witness services, and training. NCLC has provided technical assistance and advocacy support to communities around the country affected by natural disasters and also has worked at the federal level to support consumer protections in disaster relief and energy policies. Our comment will focus on two issues: the availability of assistance for disaster survivors with nontraditional property title and the need for FEMA to cover extreme heat as a form of natural disaster. These comments are submitted on behalf of our low-income clients.

As discussed further below, while we identify several ways in which FEMA services could be improved, we urge the Council to retain FEMA's role and to work to increase its efficiency; moving to a state block-grant model will only further undermine efficient disaster response and recovery at a time when natural disasters are increasing. FEMA remains a lifeline to communities across the country in times of natural disasters and cannot be replaced, in the near-term at least, by state action.

1. Describe your experience with FEMA's response to your request for assistance. Was FEMA's response timely and efficient to assist in your recovery?

Inherited homes: In order to get FEMA assistance, homeowners must establish ownership of the home to FEMA's standards. For those with inherited property who do not have traditional proof of title, including those who inherited the family after the owner died without a will (often called "heirs property"), FEMA accepts a self-declarative statement of ownership that includes certain designated information, including an attestation that the applicant was unable to obtain documentation of ownership and an explanation of the circumstances, a statement that the owner has all the rights of the deceased, and a copy of the death certificate. After a natural disaster homeowners who inherit a family home will likely struggle to provide a death certificate,

especially where the family home was destroyed and community offices are closed or also destroyed.

Moreover, homeowners in this situation face additional hurdles in applying for FEMA assistance because no template form exists for FEMA applicants with inherited property. These homeowners face significant hurdles in ensuring they have included all of the proper information in their personal statements. In fact, many do not even know they must provide the information until their initial application has been denied, forcing applicants to navigate a complex appeals process.

As prior studies have indicated, homes in the United States inherited by heirs where the owner did not have a will are predominantly — though not exclusively — located in southeastern states, many of which are coastal.¹ Communities with disproportionate amounts of heirs property, then, are likely to be at the frontlines of increasingly devastating climate disasters.

Problems with documenting ownership are greatest for families where the home has been inherited for generations. State intestacy laws, which determine the distribution of a person's assets should they die without a will, leave ownership divided amongst heirs, who must then take affirmative steps to consolidate the title — whether in one individual's name or in a legal tool such as a trust or business entity.² In many cases, this does not happen.

As described above, while FEMA has improved its policies to allow for more flexible title documentation, implementation practices make it difficult to take advantage of these improved policies. As a result, communities with many homeowners who have informal title have less access to disaster assistance, leaving them in a lingering state of economic disinvestment. For example, in Lake Charles, Louisiana, damage to inherited homes — which are often uninsured — and lack of access to disaster relief post-Hurricane Laura contributed to neighborhood blight, causing the town in 2020 to experience “the largest outward migration of any city in the United States,” with roughly 7% of residents leaving, according to data from the U.S. Postal Service.³

¹ See *The State of Probate in America*, Trust & Will (July 17, 2024), available at <https://trustandwill.com/documents/probate-study-2024>.

² See Mavis Gragg, *Suggestions for heirs' property owners*, Center for Agriculture and Food Systems at Vermont Law and Graduate School (Jan. 2024), <https://farmlandaccess.org/suggestions-for-heirs-property-owners/>. It is worth mentioning that heirs property can also be created via wills that are either not probated or that leave a home to more than one descendant. See also Danaya C. Wright, *Trapped Between the URPTODA and the UHPA: Probate Reforms to Bridge the Gap and Save Heirs Property for Modest-Wealth Decedents*, 127 Penn St. L. Rev. 749 (2023), citing Danaya Wright & Beth Sterner, *Honoring Probable Intent in Intestacy: An Empirical Assessment of the Default Rules and the Modern Family*, 42 ACTEC L.J. 341, 363 (2017).

³ Alena Maschke, *Four years after Hurricane Laura, Lake Charles has recovered — but many are left behind*, The Current (Aug. 30, 2024), available at <https://thecurrentla.com/2024/four-years-after-hurricane-laura-lake-charles-has-recovered-but-many-are-left-behind>; see also Alena Maschke, *'Twilight Zone': Families caught up in push to demolish storm-damaged houses in Lake Charles*, The Advocate (May 28, 2023), available at <https://www.theadvocate.com/lake-charles/lake-charles-families-caught-in-push-to-raze-damaged->

Extreme Heat: In recent years, Americans have suffered more frequent and dangerous heat waves across the country, which can lead to serious harm to health and safety and even death.⁴ Nearly a quarter of people in the U.S. are vulnerable to extreme heat. One estimate pegs the cost of heat events in the U.S. at \$1 billion in excess health care costs each year and, if unaddressed, could cost the U.S. economy \$14.5 trillion over the next fifty years.⁵ Extreme heat is particularly harmful to households that are struggling to afford their home energy bills. Families experiencing a financial hardship may be forced to rely on high-cost or payday lending in the face of extreme heat. Low-income households are more at risk for the harmful consequences of climate-related extreme heat.⁶ It is an unfortunate fact that many heat-related deaths result when consumers have an air conditioner available but do not turn it on because they are worried about electricity costs.⁷ Extreme heat has a disproportionate impact on residents in urban heat islands, multifamily housing, housing in poor condition, and mobile homes, all of which may experience higher temperatures than the surrounding areas. Yet, extreme heat events are not covered by FEMA.

2. Describe your overall experience with FEMA. Was your interaction with FEMA positive or negative? Please fully explain your experience.

See above.

3. By what means did you apply for benefits—was it online, in person, or over the phone? Did you encounter any difficulties?

[homes/article_6284d5e2-fa76-11ed-8ae0-1bbe8ff5d8b3.html](https://www.npr.org/2021/06/29/1004347023/why-fema-aid-is-unavailable-to-many-who-need-it-the-most); Rebecca Hersher & Ryan Kellman, *Why FEMA Aid Is Unavailable To Many Who Need It The Most*, NPR (June 29, 2021), available at <https://www.npr.org/2021/06/29/1004347023/why-fema-aid-is-unavailable-to-many-who-need-it-the-most>.

⁴ In 2023, the U.S. saw a record number of heat-related deaths. For example, Maricopa County, Arizona reported nearly 500 heat-related deaths that summer, the region's deadliest year on record. That same year, the Texas Department of State Health Services reported that 334 people died from heat-related causes in the state -- more than double the number recorded in 2011. In an earlier example, in 1995, over 700 Chicago residents died due to extreme heat in a single week.

⁵ See Center for American Progress, *The Health Care Costs of Extreme Heat* (June 27, 2023), available at <https://www.americanprogress.org/article/the-health-care-costs-of-extreme-heat/>; *The turning point -- A new economic climate in the United States*, Deloitte (Jan. 2022), available at <https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/us-the-turning-point-a-new-economic-climate-in-the-united-states-january-2022.pdf>.

⁶ See, e.g., Michelle Graff et al., [Climate Change and Energy Insecurity: A Growing Need for Policy Intervention](https://par.nsf.gov/servlets/purl/10248736), 15 *Environmental Justice* 76 (April 19, 2022), available at <https://par.nsf.gov/servlets/purl/10248736>.

⁷ See, e.g., *Hostage to Heat* series, Gatehouse Media (2019), available at <https://stories.usatodaynetwork.com/hostagetoheat/texas-heat-summer-temperatures-electricity-power-cut-off/site/statesman.com>; Maricopa County Dept. of Public Health, *2023 Weekly Heat Report* (Oct. 2023), available at [WeArePublicHealth.org](https://www.maricopa.gov/WeArePublicHealth.org).

Inherited homes: FEMA benefit applicants seeking to present alternative title documentation face challenges whether they apply online, in person or over the phone due to the lack of clarity at the initial application stage about the necessary paperwork.

Extreme Heat: Individuals and families who experience extreme heat (when not accompanied by other weather disasters) have not yet been able to apply for FEMA benefits or assistance.

4. *Were local or state authorities or private groups able to provide assistance in a more timely or efficient way than FEMA? Please fully describe your experience.*

Inherited homes: Disaster survivors, including individuals with informal title who are seeking short-term support directly after a disaster, require the assistance only FEMA can provide. While additional help can be provided by state and local government and private non-profits, that assistance in no way replaces the essential support available through FEMA.

Extreme Heat: Other than cooling centers, state and local assistance is typically not available.

5. *What recommendations would you like the Council to make?*

Retain and improve FEMA. First, the Council should retain FEMA and work to improve its service delivery. While the country's disaster response and recovery system is in need of major, comprehensive reform, the dismantling of FEMA or its ability to respond to disasters would worsen access to disaster response and recovery services across the nation. FEMA provides crucial assistance and funding to states and communities before, during, and after disasters. States generally do not have the capacity to fully manage disaster response, even as a block grant, and thus preservation and improvement of the federal system is essential.

Sample self-declarations for property ownership and flexible documentation timelines. Second, as noted above, the lack of clear information about what is needed for alternative proof of ownership is a significant barrier to accessing benefits, often leading to preliminary application denials and requiring homeowners to navigate the complex appeals process for any chance at critical assistance. Without sample self-declarative statements, and facing initial denial decisions, homeowners who have inherited their homes are likely to be discouraged in their efforts to obtain FEMA relief funds, despite the policy change. To fully realize the promise of its 2021 policy change, FEMA should publish on its website sample self-declarative statements that heirs and their legal advocates can use as a reference and include this information in the application materials. It should also provide some flexibility for the timeline on the requirement to provide a death certificate, giving the applicant 60 or 90 days to follow up with such documentation.

Cover extreme heat. Third, extreme heat events are the most dangerous weather events experienced in the United States, and are more deadly than other types of extreme weather events that are already recognized as disasters. As extreme heat events continue to become more severe,

FEMA should be given the authority to protect individuals and families during extreme heat events and to help these individuals and families with recovery after these weather disasters. Assistance could take the form of support for temporary relocation expenses if home cooling is not available or to cover expenses associated with the heat, such as higher cooling costs for the home and assistance to replace items that may be damaged by heat such as food and medications.

Thank you for the opportunity to comment on the importance of FEMA's role in disaster response. Retaining a central role for FEMA and improving its service delivery is the best way to promote efficient and effective disaster response in our nation.