

PRIOR PROVISIONS

A prior section 5174, Pub. L. 93-288, title IV, § 404, May 22, 1974, 88 Stat. 154, related to temporary housing assistance, prior to repeal by Pub. L. 100-707, § 106(d).

A prior section 408 of Pub. L. 93-288 was classified to section 5178 of this title and to a note set out under section 5178 of this title prior to repeal by Pub. L. 100-707.

AMENDMENTS

2018—Subsec. (c)(1)(B)(ii)(I)(aa). Pub. L. 115-254, § 1213(b), amended item (aa) generally. Prior to amendment, item (aa) read as follows: “enter into lease agreements with owners of multifamily rental property located in areas covered by a major disaster declaration to house individuals and households eligible for assistance under this section; and”.

Subsec. (c)(1)(B)(ii)(II). Pub. L. 115-254, § 1213(a), amended subcl. (II) generally. Prior to amendment, subcl. (II) related to improvements or repairs.

Subsec. (f)(1). Pub. L. 115-254, § 1211(a)(1)(A), substituted “State- or Indian tribal government-administered assistance and other needs assistance” for “Financial assistance to address other needs” in heading.

Subsec. (f)(1)(A). Pub. L. 115-254, § 1211(a)(1)(B), struck out “financial” before “assistance” and substituted “subsections (c)(1)(B), (c)(4), and (e) if the President and the State or Indian tribal government comply, as determined by the Administrator, with paragraph (3)” for “subsection (e)”.

Subsec. (f)(1)(B). Pub. L. 115-254, § 1211(a)(1)(C), struck out “financial” before “assistance” and substituted “subsections (c)(1)(B), (c)(4), and (e)” for “subsection (e)”.

Subsec. (f)(3). Pub. L. 115-254, § 1211(a)(2), added par. (3).

Subsec. (h)(1). Pub. L. 115-254, § 1212(1), inserted “, excluding financial assistance to rent alternate housing accommodations under subsection (c)(1)(A)(i) and financial assistance to address other needs under subsection (e)” after “disaster”.

Subsec. (h)(2), (3). Pub. L. 115-254, § 1212(2)–(4), added par. (2), redesignated former par. (2) as (3), and, in par. (3), substituted “paragraphs (1) and (2)” for “paragraph (1)”.

Subsec. (h)(4). Pub. L. 115-254, § 1212(5), added par. (4). 2013—Subsec. (c)(1)(B)(ii) to (iv). Pub. L. 113-2, § 1103, added cl. (ii), redesignated former cls. (ii) and (iii) as (iii) and (iv), respectively, and, in cl. (iv), substituted “clause (iii)” for “clause (ii)”.

Subsec. (e)(1). Pub. L. 113-2, § 1108(a), inserted “child care,” after “dental,” in heading and text.

2006—Subsec. (b)(1). Pub. L. 109-295, § 689(c)(1), inserted “, or with respect to individuals with disabilities, rendered inaccessible or uninhabitable,” after “uninhabitable”.

Subsec. (c)(1)(A)(i). Pub. L. 109-295, § 689d(1), inserted at end “Such assistance may include the payment of the cost of utilities, excluding telephone service.”

Subsec. (c)(1)(A)(ii). Pub. L. 109-295, § 689d(2), inserted “security deposits,” after “hookups,”.

Subsec. (c)(2)(C). Pub. L. 109-295, § 686(1), struck out subpar. (C) which read as follows: “The amount of assistance provided to a household under this paragraph shall not exceed \$5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”

Subsec. (c)(3)(B), (C). Pub. L. 109-295, § 686(2), redesignated subpar. (C) as (B) and struck out former subpar. (B) which read as follows: “The amount of assistance provided to a household under this paragraph shall not exceed \$10,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.”

Subsec. (c)(4). Pub. L. 109-295, § 685, in introductory provisions, inserted “or semi-permanent” after “permanent” and struck out “remote” before “locations”.

Subsec. (d)(1)(A)(ii), (iii). Pub. L. 109-295, § 689(c)(2), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsecs. (i), (j). Pub. L. 109-295, § 696(c), added subsec. (i) and redesignated former subsec. (i) as (j).

2000—Pub. L. 106-390 amended section catchline and text generally. Prior to amendment, text provided for temporary housing assistance through provision of temporary housing, temporary mortgage and rental payment assistance, expenditures to repair or restore owner-occupied private residential structures made uninhabitable by a major disaster which are capable of being restored quickly, and transfer of temporary housing to occupants or to States, local governments, and voluntary organizations, required notification to applicants for assistance, and set out location factors to be given consideration in the provision of assistance.

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-254 applicable to each major disaster and emergency declared by the President on or after Aug. 1, 2017, and authorities provided under div. D of Pub. L. 115-254 applicable to each major disaster and emergency declared by the President on or after Jan. 1, 2016, except as otherwise provided, see section 1202 of Pub. L. 115-254, set out as a note under section 5121 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-390, title II, § 206(d), Oct. 30, 2000, 114 Stat. 1571, provided that: “The amendments made by this section [amending this section and section 5192 of this title and repealing section 5178 of this title] take effect 18 months after the date of the enactment of this Act [Oct. 30, 2000].”

REIMBURSEMENT

Pub. L. 115-254, div. D, § 1211(b), Oct. 5, 2018, 132 Stat. 3447, provided that: “The Federal Emergency Management Agency (FEMA) shall reimburse State and local units of government (for requests received within a period of 3 years after the declaration of a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170)) upon determination that a locally implemented housing solution, implemented by State or local units of government—

“(1) costs 50 percent of comparable FEMA solution or whatever the locally implemented solution costs, whichever is lower;

“(2) complies with local housing regulations and ordinances; and

“(3) the housing solution was implemented within 90 days of the disaster.”

[For definition of “State” as used in section 1211(b) of Pub. L. 115-254, set out above, see section 1203 of Pub. L. 115-254, set out as a note under section 5122 of this title.]

§ 5174a. Flexibility

(a) Waiver authority

(1) Definition

In this subsection, the term “covered assistance” means assistance provided—

(A) under section 5174 of this title; and

(B) in relation to a major disaster or emergency declared by the President under section 5170 or 5191, respectively, of this title on or after October 28, 2012.

(2) Authority

Notwithstanding section 3716(e) of title 31, the Administrator—

(A) subject to subparagraph (B), may waive a debt owed to the United States related to covered assistance provided to an individual or household if—

(i) the covered assistance was distributed based on an error by the Agency;

(ii) there was no fault on behalf of the debtor; and

(iii) the collection of the debt would be against equity and good conscience; and

(B) may not waive a debt under subparagraph (A) if the debt involves fraud, the presentation of a false claim, or misrepresentation by the debtor or any party having an interest in the claim.

(3) Monitoring of covered assistance distributed based on error

(A) In general

The Inspector General of the Department of Homeland Security shall monitor the distribution of covered assistance to individuals and households to determine the percentage of such assistance distributed based on an error.

(B) Removal of waiver authority based on excessive error rate

If the Inspector General of the Department of Homeland Security determines, with respect to any 12-month period, that the amount of covered assistance distributed based on an error by the Agency exceeds 4 percent of the total amount of covered assistance distributed—

(i) the Inspector General shall notify the Administrator and publish the determination in the Federal Register; and

(ii) with respect to any major disaster or emergency declared by the President under section 5170 or section 5191, respectively, of this title after the date on which the determination is published under subparagraph (A), the authority of the Administrator to waive debt under paragraph (2) shall no longer be effective.

(b) Recoupment of certain assistance prohibited

(1) In general

Notwithstanding section 3716(e) of title 31, and unless there is evidence of civil or criminal fraud, the Agency may not take any action to recoup covered assistance from the recipient of such assistance if the receipt of such assistance occurred on a date that is more than 3 years before the date on which the Agency first provides to the recipient written notification of an intent to recoup.

(2) Covered assistance defined

In this subsection, the term “covered assistance” means assistance provided—

(A) under section 5174 of this title; and

(B) in relation to a major disaster or emergency declared by the President under section 5170 or 5191 of this title, respectively, on or after January 1, 2012.

(c) Statute of limitations

(1) Omitted

(2) Applicability

(A) In general

With respect to disaster or emergency assistance provided to a State or local government on or after January 1, 2004—

(i) no administrative action may be taken to recover a payment of such assistance after October 5, 2018, if the action is

prohibited under section 5205(a)(1) of this title, as amended by paragraph (1); and

(ii) any administrative action to recover a payment of such assistance that is pending on such date of enactment shall be terminated if the action is prohibited under section 5205(a)(1) of this title, as amended by paragraph (1).

(B) Limitation

This section, including the amendments made by this section, may not be construed to invalidate or otherwise affect any administration action completed before October 5, 2018.

(Pub. L. 115–254, div. D, §1216, Oct. 5, 2018, 132 Stat. 3449.)

CODIFICATION

Section was enacted as part of the Disaster Recovery Reform Act of 2018 and as part of the FAA Reauthorization Act of 2018, and not as part of the Robert T. Stafford Disaster Relief and Emergency Assistance Act which comprises this chapter.

Section is comprised of section 1216 of Pub. L. 115–254. Subsec. (c)(1) of section 1216 of Pub. L. 115–254 amended section 5205 of this title.

EFFECTIVE DATE

Authorities provided under div. D of Pub. L. 115–254, which enacted this section, applicable to each major disaster and emergency declared by the President under Pub. L. 93–288 on or after Jan. 1, 2016, except as otherwise provided, see section 1202(b) of Pub. L. 115–254, set out in an Effective Date of 2018 Amendment note under section 5121 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 1203 of Pub. L. 115–254, set out as a note under section 5122 of this title.

§ 5174b. Critical document fee waiver

(1) In general

Notwithstanding section 214 of title 22 or any other provision of law, the President, in consultation with the Governor of a State, may provide a waiver under this subsection to an individual or household described in section 5174(e)(1) of this title for the following document replacement fees:

(A) The passport application fee for individuals who lost their United States passport in a major disaster within the preceding three calendar years.

(B) The file search fee for a United States passport.

(C) The Application for Waiver of Passport and/or Visa form (Form I–193) fee.

(D) The Permanent Resident Card replacement form (Form I–90) filing fee.

(E) The Declaration of Intention form (Form N–300) filing fee.

(F) The Naturalization/Citizenship Document replacement form (Form N–565) filing fee.

(G) The Employment Authorization form (Form I–765) filing fee.

(H) The biometric service fee.

(2) Exemption from form requirement

The authority of the President to waive fees under subparagraphs (C) through (H) of para-