

# **FEMA Appeals**

## **Frequently Asked Questions**

### **Important Disaster Resource Information:**

- FEMA.gov - Federal Emergency Management Agency website.
- Disasterassistance.gov - Apply for assistance and check status of applications and appeals.
- FloridaLawHelp.org - Legal information and Hurricane Irma resources.
- Disaster Legal Services Hotline – 866-550-2929

### **Q: What is FEMA?**

A: The Federal Emergency Management Agency (FEMA) is the federal agency charged with consequence-management for large-scale disasters in the United States and U.S. Territories. FEMA helps coordinate the response activities of up to 28 different federal departments and agencies, all of which work in support of the state and local emergency responders managing the impacts of a disaster. Additionally, FEMA provides direct financial assistance to the affected state and municipal governments, as well as to individuals and families impacted by the disaster.

### **Q: Why was my application denied?**

A: Applications may be denied for various reasons. The decision letter you received contains a code that references the reason for the denial. You may contact FEMA at (800) 621-FEMA (621-3362) or [DisasterAssistance.gov](https://www.disasterassistance.gov) .

Additionally, your application will be denied if you have not completed all of the steps in the FEMA application process. For example, your application will be denied if you applied for damage to your home, personal belongings, travel or medical needs and you have not applied for a SBA loan, or pursued reimbursement from your insurance company.

If your application has been denied because of one of these two reasons, you should not appeal the denial. Rather, you should apply for an SBA loan and/or seek reimbursement from your insurance company because these steps are required as part of your application process. You should only appeal a denial of your FEMA application after you have completed all of the FEMA application requirements, including applying for an SBA Loan and/or insurance reimbursements, and received a final denial from

FEMA. However, if your application has been denied because you have not completed a step in the FEMA application process, you should assume that you have no more than 60 days to correct any problems and you should take action immediately by contacting FEMA to correct any problems related to your FEMA application.

**Q: Do I need to apply for a Small Business Administration (SBA) Loan Application if I am a tenant who only wants temporary housing assistance?**

A: You do not need to apply for an SBA loan application if you only want temporary housing assistance to get an apartment or trailer. It is wrong for FEMA to require you to apply for an SBA loan application as a condition for applying for housing assistance. If you only seek housing assistance and you were denied because you failed to fill out an SBA loan application, you should appeal. A federal court told FEMA not to require a SBA loan application if the applicant only applies for temporary housing assistance.

**Q: What is a Small Business Administration (SBA) Loan?**

A: The U.S. Small Business Administration (SBA) is the primary source of federal funds for long-term recovery assistance for disaster victims. You do not have to own a business to apply for an SBA loan. In addition to non-farm business owners, homeowners and tenants also may apply for low-interest disaster loans to cover disaster damage to real and personal property. Homeowners may borrow up to \$200,000 for disaster related home repairs. In addition, homeowners and tenants may borrow up to \$40,000 to replace disaster-damaged personal property, including vehicles. The SBA may not duplicate benefits from your insurance or FEMA. You may receive an SBA referral when you apply with FEMA.

**Q: Why do I have to apply for an SBA Loan?**

A: Most forms of relief available through FEMA only provide financial assistance that is not available through other forms of payment, such as insurance or SBA loans. As a result, typically you must first apply for and be denied an SBA loan before you may seek FEMA assistance related to damage to your home or personal property. This requirement applies even if you are not a homeowner or a tenant.

Although most forms of FEMA relief require you to apply for and be denied an SBA loan, it is not required if you are seeking temporary housing assistance. FEMA's temporary housing assistance is available if you have been displaced from your pre-disaster primary residence or your residence has been rendered uninhabitable as a direct result of a federally declared disaster. However, as discussed below, FEMA will not provide you with temporary housing assistance if you are eligible for insurance coverage that provides for your housing needs.

**Q: If I do not own a business, must I still apply for an SBA Loan?**

A: Yes. SBA Loans are available to homeowners and tenants and may be used toward repairing your home and replacing personal property. Typically, FEMA will only provide relief that is unavailable through the SBA, so you must complete an SBA loan application, and be denied a loan from the SBA, before you may apply for FEMA assistance.

**Q: I have been denied a SBA Loan. Why hasn't FEMA approved my application?**

A: Once the SBA denies your loan application, the denial must be processed with FEMA. As a result, you may receive a loan denial letter from the SBA; however, your SBA loan denial may take additional time to be processed with FEMA. Be sure to retain a copy of your SBA denial letter and contact the SBA and FEMA regarding the status of your SBA loan denial. Additionally, read your FEMA denial letter carefully and make sure that there isn't some other reason why your FEMA application has been denied.

**Q: Do I have to seek reimbursement from my insurance company before FEMA will approve my application?**

A: Yes. Most forms of relief available through FEMA only provide financial assistance that is not available through other forms of payment, such as reimbursement from your insurance company. As a result, if you are seeking FEMA assistance related to damage to your home or personal property, you must first file a claim with your insurance company. After you file your insurance claim, FEMA will only provide assistance to you if your insurance company has denied your claim or if you have insufficient insurance (discussed below). If your insurance claim is denied, FEMA must receive a copy of the letter denying your claim.

Likewise, if you receive a payment from your insurance company, FEMA must receive a statement from your insurance company indicating how much you received and what items were covered. Be sure to keep copies of all insurance company correspondence for your records.

**Q: What does it mean if I have “insufficient insurance”?**

A: If you have “insufficient insurance” it means that you have received the maximum settlement from your insurance and still have an unmet disaster-related need. For example, if you have \$100,000 of damage to your house, but your insurance company only reimbursed you for \$80,000, you may have “insufficient insurance” to cover all of your disaster-related losses. If this is the case, you will need to write a letter to FEMA indicating the unmet disaster-related need. You will also need to send in documentation from your insurance company indicating the amount of your claim, the amount paid by your insurance company, and what was covered by your insurance policy.

**Q: What is a “delay of settlement” letter?**

A: FEMA may deny federal assistance because it believes you have adequate insurance coverage. If you receive a letter from FEMA stating that your claim for federal assistance has been denied because of insurance coverage, you should contact your insurance agent and request a “delay of settlement” letter. The delay of settlement letter either will explain that you have been denied insurance reimbursements or will disclose the amount of insurance paid to date (if any). The delay of settlement letter, along with any new or important information that may have surfaced since you first registered with FEMA, should then be mailed to the address provided in the FEMA letter.

**Q: Do I have a right to appeal?**

A: Yes, any person who has had their application for assistance denied by FEMA has a right to appeal. However, you should only appeal after you have completed all of the FEMA application processes, such as filing for an SBA Loan and seeking reimbursement from your insurance company. If all of the FEMA application requirements have been satisfied and FEMA denies your application, you may then appeal the denial.

**Q: How do I appeal?**

A: Send a letter to FEMA explaining why you believe the decision about the amount or type of assistance you received is incorrect. You, or someone who represents you or your household, should sign the letter. Include the FEMA registration number and disaster number (shown at the top of your decision letter) in your letter of appeal.

You may send your letter or appeal form in one of two ways:

- 1) Mail your appeal letter and/or appeal form to:  
FEMA – Individuals & Households Program  
National Processing Service Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055

Or

- 2) Fax your appeal letter and/or appeal form to:  
(800) 827-8112  
Attention: FEMA – Individuals & Households Program

**Q: Can someone else fill out my appeal form for me?**

A: If the person writing the letter and/or submitting the appeal form is not a member of your household, then the request must also contain a statement signed by you giving that person authorization to act for you. For example, you might sign a statement that says, “I represent the household referenced by FEMA registration number \_\_\_\_\_, and \_\_\_\_\_ [name of person completing form or letter] is authorized to act for me.”

**Q: What is the deadline for filing an appeal?**

A: All appeals must be postmarked within sixty (60) days of the date of the decision letter denying your FEMA application.

**Q: How long will it take to hear back from FEMA after I submit my appeal form?**

A: You should be notified by mail of the response to your appeal within approximately thirty (30) days from the date FEMA receives your appeal form. However, due to delays in processing large volumes of FEMA appeals it may take longer than thirty (30) days

**Q: How can I check on the status of my appeal?**

A: You can check the status of your appeal with FEMA online at [DisasterAssistance.gov](https://www.disasterassistance.gov) or you can call FEMA at 1-800-621- FEMA (3362) (or TTY 1-800-462-7585) 24 hours a day, seven days a week until further notice.

**Q: If I have not yet registered for assistance, how can I do so now?**

A: You can “register for assistance” with FEMA online at [DisasterAssistance.gov](https://www.disasterassistance.gov) or you can call FEMA at 1-800-621- FEMA (3362) (or TTY 1-800-462-7585) 24 hours a day, seven days a week until further notice. You will be asked to provide general information about your income, insurance coverage and how badly your residence or business was damaged. You should be prepared to give details about your housing needs, the location of the damaged property and a phone number where you can be reached. You should have the following information available when you access the website or make the call:

- a. Your full legal name
- b. Your social Security number
- c. Your current telephone number(s)
- d. Your current and pre-disaster addresses
- e. Insurance coverage, policy number(s) and agent’s name. If you do not have insurance coverage, please state that you do not have any insurance coverage.
- f. Proof of residency, such as a copy of your driver’s license.
- g. Concise statement of the type, location, and extent of damage.

You must also inform your insurance carrier of your losses and follow it procedures for filing a claim. Even if you have insurance, you should also register with FEMA. However, if you have insurance you will need to provide documentation to FEMA regarding all aspects of your insurance coverage, including the amount of insurance payments received and the extent of your insurance coverage. Disaster assistance may be available to help uninsured or

underinsured losses or expenses.

**Q: Is there anything I can do while waiting to hear back to speed up the review process?**

A: No. FEMA is attempting to process a large amount of applications and the process takes time. Be certain to retain all of your correspondence and records, make sure that you have satisfied all of the requirements in the FEMA application process, and periodically check with FEMA regarding the status of your application.

**Q: My application was denied because FEMA states that my contact information is no longer valid. What should I do?**

A: Contact FEMA at [DisasterAssistance.gov](https://www.disasterassistance.gov) or (800) 621-FEMA (621-3362) and have your denial letter and file number with you. Verify the contact information on file with FEMA and make sure that it is accurate. Correct any inaccurate information with FEMA and request FEMA to reinstate your application. If FEMA does not reinstate your application, you must appeal FEMA's denial within 60 days.

**Q: Instead of appealing, can I just fill out a new application?**

A: No. If all of the FEMA application requirements have been satisfied and your application has been denied, you must appeal the denial within sixty (60) days from the date of the FEMA denial letter. You should not reapply for FEMA assistance.

**Q: If other members of my family have had their applications denied, should they each file separate appeals or one appeal for the group?**

A: For each application that is denied, a separate appeal must be filed.

**THIS LIST OF FREQUENTLY ASKED QUESTIONS WAS PREPARED AS A PUBLIC SERVICE. YOU MAY WANT TO CONFER WITH LEGAL COUNSEL REGARDING FEMA APPLICATIONS OR APPEALS. IN MANY DISASTER RELIEF AREAS, COUNSEL MAY BE OBTAINED THROUGH LOCAL LEGAL AID SOCIETIES OR VOLUNTEER LAWYER PROGRAMS ON A LOW OR NO COST BASIS DEPENDING UPON YOUR FINANCIAL CIRCUMSTANCES.**