



## **FEMA TRAILER EVICTIONS:** **A GUIDE FOR FAMILIES THREATENED WITH DISPLACEMENT**

This Guide is designed to help households that receive FEMA eviction notices understand their rights, and to take action to protect them. If FEMA has sent you an eviction notice (a letter giving you 30 days to “vacate” your FEMA trailer), and you think FEMA made a mistake, you should **ACT NOW** to preserve your rights. You can either follow the suggestions in this Guide or request an attorney to represent you at the Mississippi Center for Legal Services (1-800-959-6752).

### **FREQUENTLY ASKED QUESTIONS**

**Q. If I receive an eviction notice from FEMA, is this decision final?**

**A. No.** You can challenge or appeal the decision.

**First**, call the FEMA hotline at (800-621-3362) or find the nearest Disaster Recovery Center (DRC). Ask to know the exact reason why you received the eviction notice. Specifically, ask why FEMA says you are “ineligible” for a trailer or other FEMA assistance. Go through the list of common problems below with the FEMA representative to determine which one applies to you. [Tip: If you don’t get a clear answer, ask for a “Damaged Dwelling Address Check,” which will tell you if more than one application for FEMA assistance has been made from the same household. If there are duplicate applications, read more about the “combined households” issue below.]

**Second**, explain to the FEMA representative why you think the decision is wrong. You should also ask the FEMA representative what information is necessary to correct FEMA’s decision. Some suggestions are listed below. Once you understand the problem FEMA has with your eligibility, you should file a written letter challenging FEMA’s decision at the local DRC. You can use the sample letters at the end of this Guide. You should also ask the FEMA representative to give you enough time to challenge the eviction decision before anyone tries to evict you.

**Third**, if you want legal representation to help you challenge FEMA’s decision, you can call the Mississippi Center for Legal Services (1-800-959-6752).

**Q. The notice to vacate I received says I have 30 days to get out of the trailer, but appealing it can take up to 60 days. What do I do?**

**A.** FEMA officials say that they will work with each individual if you face this situation. **Furthermore, they have stated that you will not be asked to leave until your appeal is resolved.** You should speak to a FEMA representative about this as soon as possible after you file an appeal.

## **SOLVING THE PROBLEM:**

### **HOW TO CHANGE FEMA'S DECISION THAT YOU ARE INELIGIBLE**

FEMA's eviction letters usually refer to an earlier letter you received (also attached to the eviction notice) that may list a reason FEMA is saying you are "ineligible" for assistance. Either refer to that code, or ask a FEMA representative to explain why you are ineligible.

There are five common reasons for ineligibility.

#### **1. Reason: NO INSPECTION**

**What it means:** To have a trailer, your house or apartment must have at least \$5200 worth of damage. It must be inspected by FEMA to prove this. If you received a trailer without an inspection, you will appear to be ineligible now.

**What to do:** If your home or apartment was never inspected, you can request an inspection from FEMA. If you had insurance, be sure to submit those papers along with the request. If you have a house, it must have \$5200 of damage or more. Apartments must also have sustained \$5200 of damage, but many inspectors will say "renter: major damage" or call the apartment "uninhabitable."

Once you've received your inspection, you can request in writing that your trailer termination be cancelled.

#### **2. Reason: HOME WAS DEMOLISHED AFTER THE STORM**

**What it means:** Many people have bulldozed their badly damaged homes. If you never received an inspection, or your inspection shows that less than \$5200 of damage was done, you will appear to be ineligible and there is no home to re-inspect.

**What to do:** Get a letter from the city or county inspector or professional engineer hired to inspect the house before it was demolished stating that the home was destroyed because 51% of it was damaged. Submit this letter with a written request to have the trailer termination cancelled.

#### **3. Reason: OCCUPANCY AT TIME OF STORM**

**What it means:** To be eligible for a trailer, you must have occupied the damaged or destroyed home at the time of the storm. Many people have not yet proven this in their FEMA files.

**What to do:** Submit evidence showing occupancy at the time of the storm. Evidence can include your driver's license address, bills sent to the address under your name, your lease, receipt of mail at the address, documentation of utilities at the address in your name, or mortgage documents like your mortgage book mailed to you at your primary residence. Send a written request to have your trailer termination cancelled with your evidence.

#### **4. Reason: COMBINED OR SHARED HOUSEHOLD (also called “DUPLICATE APPLICATION”)**

**What it means:** Generally, there is only one trailer or mobile home per household. Households of five or more can get a second trailer or a motor home in lieu of two trailers, but this must be requested by the head of household. If two people from the household received trailers, both may appear ineligible.

**What to do:** First, the head of household should check their inspection to be sure that they are eligible. If \$5200 of damage was done, or an apartment was labeled “major damage,” the head of household can submit this information and request that the termination be cancelled. If there are five or more people in the household, the head of household can request a second trailer or a motor home (in lieu of the first and second trailer). If you have already received two trailers, the head of household can request that the second be placed in his name to avoid having to swap a new trailer for the old.

Example: John and his four children lived with his parents before the storm. After the storm, John’s parents received a trailer and John received a trailer. Now they have both received termination notices. John’s parents should prove their eligibility by following the suggestions above. Then they can request an additional trailer in their name for John, or a mobile home for all of them. They can alternatively request that they keep the trailer John already has by placing it in their name.

Exceptions will also be granted if there is a disabled member of the household who needs a separate trailer. This should be explained in writing and very specifically.

#### **5. Reason: IMPROPER/INSUFFICIENT/INCOMPLETE HOME INSPECTION**

**What it means:** Your home must have \$5200 of damage for you to be eligible for a trailer. If you lived in an apartment, the inspection should show “major damage.” Many people have received inspections, but the reports do not show sufficient damage.

**What to do:** If you were inspected in late October or later, you can request a re-inspection. Be sure to include specific descriptions of the damage done. You also must include an appraisal from a building inspector or professional engineer, or repair estimates from a contractor, showing that \$5200 of damage was done.

If you were inspected in September or early October, you can simply request a re-inspection. You must include specific details on the damage done, though you do not have to have an appraisal. Including an appraisal may speed the process, however. After you have been re-inspected, you can request in writing that the termination be cancelled.

**SAMPLE APPEAL LETTER**

FEMA Region VI National Processing Services Center  
P.O. Box 10055  
Hyattsville, MD 20782-7055

Re: FEMA Application No. \_\_\_\_\_  
Disaster No. 1604  
**EXPEDITED APPEAL/PRIORITY PROCESSING  
REQUIRED**

**STAY OF EVICTION REQUESTED**

Applicant: \_\_\_\_\_

Dear Sir or Madam:

I received a notice from FEMA, dated \_\_\_\_\_, 2006, evicting me from my FEMA trailer within 30 days. The eviction notice says it is based on a review of your "initial determination" letter, dated \_\_\_\_\_, which FEMA claims denied me individual FEMA assistance (IHP) because of the

- Shared Household Rule or Duplicate Application
- Insufficient Damage
- No Inspection or Incomplete Evidence of Damage
- Not Occupant of Home at Time of Storm
- Other: \_\_\_\_\_

I did not understand that this letter would result in my trailer assistance being terminated, since that "initial" letter stated that "[t]his initial determination will not preclude [me] from receiving future assistance."

**This letter (1) appeals the eviction and its purported basis, (2) requests expedited treatment of this appeal and (3) seeks a stay of eviction from my FEMA trailer pending final resolution of my appeal.**

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**Shared Household Rule/Duplicate Application**  
**(check if this section is applicable, cross out if not)**

A November 26, 2005 press release (Release No. 1606-089) shows FEMA is allowing exceptions to the shared household rule. I believe I should not be deemed a shared household or duplicate application with others because of the following.

I lived in the disaster area at the following address: \_\_\_\_\_

Also living at that address were the following other people: \_\_\_\_\_

\_\_\_\_\_

I understand that \_\_\_\_\_(name) also applied for FEMA assistance. However, I am not a shared household with this person because:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Alternatively, even if FEMA determines that we are a shared household, FEMA should still provide me with a trailer or mobile home because

\_\_\_ FEMA has not provided sufficient space in the travel trailer/mobile home for all members of my household and this other person’s household. Even if we are the “same” household, FEMA should provide us all sufficient space in a trailer.

\_\_\_ I am now separated from living with this person due to: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Additionally: \_\_\_\_\_

\_\_\_\_\_

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**[\_\_\_] Insufficient Damage**  
**(check if this section is applicable, cross out if not)**

I believe I have been wrongfully deemed ineligible because of “Insufficient Damage” due to (check one or more):

\_\_\_ (1) The inspector assessed my pre-disaster home to be habitable when in fact it is not because it was flooded or otherwise destroyed. Evidence that my home was destroyed by the storm includes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_ (2) The inspector had no contact with me at the pre-disaster home and therefore assessed “Insufficient Damage,” which has replaced the “No Contact reason” reason for denial conventionally used in this situation. I am not sure whether the inspector actually saw my home or did a proper inspection. I would like to have the inspector come out to see my home so I can show how significant the damage to my home is.

\_\_\_ (3) The inspector assessed my pre-disaster home to be habitable and it is habitable but the pre-disaster home is inaccessible due to safety issues or it has been made unavailable to me by my former landlord. The reasons for this are: \_\_\_\_\_

\_\_\_\_\_

\_\_\_ (4) Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

To address the first reason above, I may be appealing this decision because my home was flooded and uninhabitable. FEMA's press release of December 6, 2005 states an assessment of damage to the property may be made through satellite technology.

A contractor for the National Oceanic and Atmospheric Administration and Department of Defense, C&C Technologies, has a flooding map created with satellite technology online at: <http://mapper.cctechnol.com/floodmap.php>. The website states my home was flooded with \_\_\_\_\_ feet of water. The press release states that a home that received two (2) or more feet of water will be deemed destroyed. Even if the pre-disaster home is undamaged, I am still to be granted rental assistance as explained below.

The second reason above that my pre-disaster home may have been declared to have "Insufficient Damage" is because I did not meet the inspector at the premises. However, FEMA's press release of October 8, 2005 states:

In the turmoil that accompanies the shock and loss of a disaster, misleading rumors, half-truths and misunderstandings about available assistance may cause some hurricane-struck residents to miss out on much needed help. . . . If you are not able to return home to meet an inspector you can identify an "Authorized Agent" who can be present during the inspection, such as a trusted neighbor or relative. After you register, a FEMA inspector will contact you to schedule an appointment, and you can discuss this with the inspector. If you do not have someone in the area who can represent you, the inspector can offer an Authorized Agent who is a FEMA employee who can represent your interests.

I was not offered an Authorized Agent as described above; I was not denied based on the more appropriate reason of "No Contact." I was informed in writing that my home has insufficient damage and therefore I am ineligible for benefits because I can live in the home. If it is questionable that my home is habitable, then I request a FEMA employee (not an independent contractor) be the agent for me at my pre-disaster home as stated in FEMA's October 8 press release.

The third reason for "Insufficient Damage" denial is because the pre-disaster home was actually undamaged. The inspector assessed my pre-disaster home to be habitable and it may be habitable, but my pre-disaster home is inaccessible due to safety issues or it has been made unavailable to me by my former landlord. A FEMA memo from the NPSC Coordination Team dated January 10, 2006, outlines the FEMA policy for processing the request of an applicant who lived in a home that was undamaged and now cannot return to their home because it is now unavailable. The Memo states "the rental assistance would be granted" (emphasis in original).

The January 10 Memo also states that priority processing will be implemented for denials due to "Insufficient Damage" where required. Priority processing is required in my case because I am about to be evicted because of the erroneous assessment of "Insufficient Damage" by the FEMA Inspector, or failure of the FEMA processor to follow FEMA policy as set out in the January 10, 2006 Memo.

