

## APPLICANT PENDING FEMA DECISION AND WAIVER NOTICE

Dear :

You are receiving this letter because you currently have an appeal, a request for compromise, or a request for payment plan pending with the Federal Emergency Management Agency (FEMA), as a result of an improper payment provided to you for disaster assistance. Due to the FEMA Disaster Assistance Recoupment Fairness Act of 2011 (DARFA), P.L. 112-74, signed into law on December 23, 2011, **you might have the opportunity to have your debt from the Federal Emergency Management Agency (FEMA) waived**, if it was incurred from a disaster that took place between August 28, 2005 and December 31, 2010.

This new law allows FEMA to waive some debts, incurred during the above dates, when the debt does not involve fraud; the presentation of a false claim or misrepresentation or debtor fault. The assistance must have been distributed because of FEMA error; and collection would be “against equity and good conscience,” meaning that it would be unfair under the circumstances of your case to collect the debt. If the above conditions apply to you, **you may now request a waiver of your debt**.

Please note that your waiver request is part of a new process required by a new law; it is entirely separate from FEMA’s ordinary appeals, compromise, and payment plan processes. We recommend that you read the following information carefully.

- If you have a pending appeal, you should take this opportunity to request a waiver and your appeal will be considered with your waiver request.
- If you previously requested a payment plan or compromise, you should take the opportunity to request a waiver. Even if the waiver is denied, your pending request for a payment plan or compromise will be evaluated separately and you will be notified of the determination.

Finally, once you’ve submitted the waiver request and supporting documentation, a member of our team may contact you if additional information is needed to process your waiver request.

### **What do you need to do?**

If you would like to be considered for a waiver of your debt under this new law, **you must send FEMA a letter requesting a waiver** that specifies why it would be unfair for FEMA to collect the debt. Again, **the information required is different from the information required for an appeal, payment plan or compromise**. Your written request should provide information that explains one or more of the following:

- **Collecting the debt would cause you serious financial hardship:** Your request should tell FEMA about your financial situation and why you cannot afford to repay the money. Your letter should also provide details about any other circumstances that create a hardship for you.
- **You have spent the money you received from FEMA for disaster-related needs and you have no ability to reclaim and return the funds to FEMA:** Your request should tell FEMA how you

spent the money and why you believe it was disaster-related. If you have receipts for the disaster-related expenses, provide them to FEMA.

- **Other personal circumstances exist that would make collection burdensome or grossly unfair:**  
This request may include information about your age, health, employment status, family or childcare obligations, disability, or any other circumstances you believe FEMA should know about to inform its decision about why it would be unfair to collect this debt.

This new law limits FEMA's authority to waive debts for households that earn over \$90,000 per year. Therefore, households earning over \$90,000 a year may not receive a total waiver of their debt but may be eligible for a partial waiver.

### **When do you need to request a waiver?**

**You must send FEMA a letter requesting a waiver within 60 days of the date on this notice.** Please remember to include all the information you have that supports your argument that it would be unfair for FEMA to collect your debt.

You are also required to fill out the attached form, providing a certification to FEMA of your household's "Adjusted Gross Income" from your most recent Federal tax return (2010 or 2011).

Your request should be mailed to:

FEMA Individuals and Households Program  
National Processing Service Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055

Or Fax it to: 1-800-827-8112

Upon receipt of your request for a waiver, FEMA may need to contact you for additional information. If you have an appeal pending with FEMA, FEMA will notify you of its decision on the appeal at the same time it notifies you of its decision on your waiver request. If you have a payment plan or compromise request pending with FEMA, FEMA will make a final determination on that request after a decision is made on the waiver request. The final determination for a payment plan or compromise will be mailed to you in a separate letter after you are notified of the waiver determination.

### **Interest Charges**

Because of the new law, FEMA is suspending the accrual of interest on your debt for the next 60 days or, if you request a waiver, until a determination on the waiver request is made.

### **Conclusion**

If you have questions about this notice, you should immediately contact FEMA's Recoupment Helpline at 1-800-816-1122 between 9:00 AM and 8:00 PM EST, Monday through Friday. If you have a speech

disability or hearing loss and use a TTY, call 1-800-462-7585 directly; if you use 711 or Video Relay Service (VRS), call 1-800-816-1122.

Please note that the decision on your appeal or your request for a compromise or a payment plan, or your request for a waiver will only apply to assistance you received from FEMA's Individuals and Households Program and has no bearing on any other form of federal assistance you may have received or are currently receiving.



# FEMA

## Debt Waiver Process In Summary

FEMA is committed to serving disaster survivors as effectively as possible, while also being responsible stewards of taxpayer dollars. Our agency, along with other federal agencies, is required by law to both identify federal dollars that may have been disbursed to individuals in error and take steps to recover those funds through a debt collection process. This process is known as “recoupment”. On December 23, 2011, the President signed the FEMA Disaster Assistance Recoupment Fairness Act of 2011 (DARFA), P.L. 112-74, which authorizes FEMA to **waive** some debts. There are steps that survivors must take in order to apply for a waiver.

### **Who is eligible for a waiver?**

By law, a recoupment case must meet all of the following criteria to be eligible for a full waiver:

- ✓ An improper payment was received from disasters declared between August 28, 2005, and December 31, 2010;
- ✓ The improper payment did not involve fraud, presentation of false claim, or misrepresentation;
- ✓ The improper payment was the result of an error on the part of FEMA;
- ✓ The improper payment was not a result of fault on the part of the survivor;
- ✓ Collection of the debt would be against “equity and good conscience” which means that it would be unfair under the circumstances of the case to collect the debt; and
- ✓ For a full waiver, the household’s adjusted gross income must be less than \$90,000.

### **What do you need to do?**

You must respond to the Notice of Waiver you receive in the mail within 60 days by sending FEMA a letter requesting a waiver that specifies why it would be unfair for FEMA to collect the debt. If you have signed up for E-Correspondence, you will receive an email stating that you have new correspondence in the system. You will then have to log into the system to see the Notice of Waiver. Your written request should provide information that explains one or more of the following:

- **Collecting the debt would cause you serious financial hardship:** Your request should tell FEMA about your financial situation and why you cannot afford to repay the money. Your letter should also provide details about any other circumstances that create a hardship for you.
- **You have spent the money you received from FEMA for disaster-related needs and you have no ability to reclaim and return the funds to FEMA:** Your request should tell FEMA how you spent the money and why you believe it was disaster-related. If you have receipts for the disaster-related expenses, provide them to FEMA.
- **Other personal circumstances exist that would make collection burdensome or grossly unfair:** This request may include information about your age, health, employment status, family or childcare obligations, any disability, or any other circumstances you believe FEMA should know about to assist us in determining why it would be unfair to collect this debt.

You will also be required to complete an ‘Adjusted Gross Income Affirmation and Declaration’ form, providing a certification to FEMA of your household’s “Adjusted Gross Income” from your most recent Federal tax return.

You must send FEMA a letter requesting a waiver within 60 days of the date on the Notice of Waiver. Please remember to include all relevant information and send your request to:

FEMA Individuals and Households Program  
National Processing Service Center  
P.O. Box 10055  
Hyattsville, MD 20782-8055  
Or Fax it to: 1-800-827-8112

### **What if you have questions about the Notice of Waiver?**

If you have questions, you should immediately contact FEMA’s Recoupment Helpline at 1-800-816-1122 between 9:00 AM and 8:00 PM EST, Monday through Friday. If you have a speech disability or hearing loss and use a TTY, call 1-800-462-7585 directly; if you use 711 or Video Relay Service (VRS), call 1-800-816-1122.

**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
DEBT WAIVER ADJUSTED GROSS INCOME AFFIRMATION AND DECLARATION**

**FEMA requests the following information in order to administratively process your request for a waiver of debt, as authorized by the Disaster Assistance Recoupment Fairness Act of 2011:**

- Adjusted Gross Income (AGI) information must come from your most recent Federal tax return (2010 or 2011) as reported on Line 37 of Internal Revenue Service (IRS) Form 1040; Line 21 of Form 1040A; or Line 4 of Form 1040EZ.
- If *Married Filing Separately*, please add the AGI amounts from the individual tax returns together to determine the total household AGI.
- If you prefer, you may send in a copy of your most recently filed Federal income tax returns instead of completing the below statement.

**WARNING**

Pursuant to Title 18 of the United States Code: Whoever knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any materially false, fictitious or fraudulent statements or representations, may be fined up to \$250,000, imprisoned, or both (18 U.S.C. §§ 287, 1001, and 3571).

My total household Adjusted Gross Income reported on my most recent Federal income tax return (2010 or 2011) is \$\_\_\_\_\_.

My household does not file a Federal income tax return based upon the IRS requirements for my household's filing status, age, and/or the type of income received. My household income was \$\_\_\_\_\_ in 2011.

**By my signature, I certify and affirm, under penalty of perjury (28 U.S.C. § 1746) that:**

All information I have provided regarding my household's Adjusted Gross Income is true and correct to the best of my knowledge.

In addition to your certification below, FEMA may later require you to submit a copy of your Federal tax return.

\_\_\_\_\_  
NAME (Print)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DISASTER NUMBER

\_\_\_\_\_  
REGISTRATION NUMBER

\_\_\_\_\_  
PHONE NUMBER

**PRIVACY ACT STATEMENT**

DHS/FEMA will use this information to process your waiver of debt pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended, 42 U.S.C. § 5121-5207; The Privacy Act of 1974, 5 U.S.C. § 552a; The Federal Records Act, 44 U.S.C. § 301; and the Disaster Assistance Recoupment Fairness Act of 2011 (DARFA), Public Law 112-74 (December 23, 2011). The information on this form may be used by and disclosed to DHS personnel, contractors, or others who need this information to assist in activities related to the principle purposes noted above, per the Routine Uses found in the DHS/FEMA 008 Disaster Recovery Assistance Files System of Records Notice, 74 Fed. Reg. 48763 (September 24, 2009), DHS/ALL 008 DHS Accounts Receivable System of Records Notice, 73 Fed. Reg. 61885 (October 17, 2008), and DHS/ALL 013 DHS Claims System of Records, 73 Fed. Reg. 63987 (October 28, 2008). The disclosure of this information is voluntary; however failure to provide the information will prevent DHS/FEMA from providing a waiver.

**PAPERWORK BURDEN DISCLOSURE NOTICE**

The information you provided above constitutes follow-up communications for ICR 1660-0002. Obtaining the information above is authorized under 5 C.F.R. § 1320.3(h) and 44 U.S.C. § 3518(c)(1)(B)(ii). If you have any questions or concerns regarding the collection of the information above, please contact the FEMA helpline at 1-800-621-3362, or for individuals with hearing/speech impairment ONLY call 1-800-462-7585 (TTY).