

In December 1996, James L. Witt, Director of the Federal Emergency Management Agency (FEMA), requested a rethinking of the way FEMA does business in order to promote effective and speedy assistance to State and local governments recovering from disasters.

Through a collaborative process with Federal, State and local partners, FEMA now has redesigned the Public Assistance (PA) program. The redesigned and streamlined program emphasizes better, more personal customer service, improved communications, reallocated responsibilities, more efficient and consistent program delivery, and, a faster, simpler system for obtaining funding.

A fundamental principle of the redesigned program is that it will operate much more effectively for all participants when everyone shares a common understanding of the program benefits, expectations, and procedures. To support this idea, FEMA has undertaken an effort to provide the State and local partners with more and better information about the PA program. Through the Internet, newly published materials, training opportunities, and the production of a standard applicant's briefing package, FEMA wants to ensure that all participants have the tools to do their part in obtaining and administering PA funding.

As part of this effort, FEMA has produced this digest of PA program policies. This digest is intended to be an easy-to-read, easy-to-use, brief summary of the basic policies that govern the PA program. It is available in hard copy and on the FEMA web site ([www.fema.gov](http://www.fema.gov)). While the digest is primarily intended for those unfamiliar with the terms and provisions of the program, it also may serve as a reference for those with more knowledge of the program. Because this policy digest is not exhaustive, either in topics or in detail, information should be verified with FEMA PA program officials before becoming the basis for decision making.

Please direct suggestions regarding improvements to the program and this publication to:

Director, Infrastructure Division, Room 713  
Response and Recovery Directorate  
Federal Emergency Management Agency  
500 C Street, SW  
Washington, D.C. 20472

## Acronyms

ADA	Americans with Disabilities Act
CBRA	Coastal Barrier Resources Act
CEF	Cost Estimating Format
CFR	Code of Federal Regulations
DRM	Disaster Recovery Manager
DSR	Damage Survey Report
ER	Emergency Relief Program
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FCO	Federal Coordinating Officer
FHWA	Federal Highway Administration
GAR	Governor's Authorized Representative
INF	Immediate Needs Funding
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NOI	Notice of Interest
PA	Public Assistance
PAC	Public Assistance Coordinator
PAO	Public Assistance Officer
PDA	Preliminary Disaster Assessment
PNP	Private Non-Profit
PW	Project Worksheet
<i>Request</i>	Request for Public Assistance
TAC	Technical Assistance Contractor
USACE	U.S. Army Corps of Engineers

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**T**itle 44 of the Code of Federal Regulations—Emergency Management and Assistance—contains rules, policies and procedures that have been issued by FEMA in the form of regulations that are applicable to, among other things, the implementation and administration of federal disaster assistance programs by FEMA. Most of the regulations applicable to FEMA's disaster assistance programs are found in Part 206 of the 44 CFR and those applicable to the Public Assistance Program are contained in Subparts G, H and I. The regulations set forth in Parts 9 (Floodplain Management and Protection of the Wetlands), 10 (Environmental Considerations) and 13 (“Common Rule” of Grant Administration) of the 44 CFR are often applicable to projects funded under the Public Assistance Program.

## 44 CFR

## Administrative Allowance, Grantee

The Stafford Act stipulates that each grant recipient be provided an administrative allowance to meet the cost of administering the grant. The allowance is calculated differently for grantees and subgrantees and covers different costs for each. The administrative

allowance for grantees covers overtime pay and travel expenses for State employees who participate in the administration of public assistance grants. It does not cover regular time labor costs and other costs directly associated with grants administration. Examples of administrative activities covered by the allowance include:

- field inspections;
- preparation of damage assessments and cost estimates;
- working with applicants; and
- project monitoring, final inspections, and audits.

The allowance is calculated as a percentage of all public assistance funds actually awarded in the State for a given disaster (Federal share). These funds include the Federal share of all grants to both the State and local applicants and the administrative allowances for all the local applicants in the State ( see also **Administrative Allowance, Subgrantee**). The percentage is calculated using a sliding scale, as follows:

Total Amount of PA Program Funds	Allowance
First \$100,000	3 percent
Next \$900,000	2 percent of that \$900,000
Next \$4,000,000	1 percent of that \$4,000,000
Funds in excess of \$5,000,000	½ percent of the excess

The State does not need to submit any documentation to receive their administrative allowance. The funds are automatically calculated by FEMA's computer system when project applications are processed and forwarded to the State.

*References: Section 406 (f)(2) of the Stafford Act (42 U.S.C. §5172)  
44 CFR §206.228(a)  
Public Assistance Guide, FEMA 322, pages 43-44*

## Administrative Allowance, Subgrantee

The Stafford Act stipulates that each grant recipient be provided an administrative allowance to meet the cost of administering the grant. The administrative allowance for subgrantees covers direct and indirect costs incurred in requesting, obtaining, and administering public assistance. Examples of the activities that the allowance is intended to cover include:

- Identifying damage.
- Attending the applicant's briefing.
- Completing forms necessary to request assistance.
- Working with Federal and State teams to assess damage, collect cost data, and develop cost estimates.
- Working with the State during project monitoring and final inspection.
- Preparing for audits.



The allowance is not intended to cover direct costs of managing specific projects that are completed using public assistance funds. For example, the wages of a foreman on the site of a repair project would be a direct cost associated with that project. These costs are eligible as part of the grant for each project, as long as they can be specifically identified and justified as necessary for the work.

The allowance is calculated as a percentage of eligible costs that are approved for the subgrantee in a given disaster. This percentage is calculated using the same sliding scale used for the grantee's administrative allowance (see also **Administrative Allowance, Grantee**).

The subgrantee is not required to submit documentation for its administrative allowance. The funds are added when their project applications are processed.

## Alternate Project

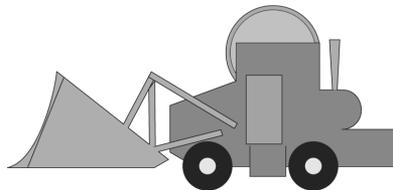
Occasionally an applicant may determine that the public welfare would not be best served by restoring a damaged facility or its function to the pre-disaster condition. This usually occurs when a facility was being used in a capacity not consistent with its original design (such as a gymnasium that was converted to office space) or when the service provided by the facility is no longer needed (such as a low volume road or bridge located within a short distance from a high capacity structure). A portion of the costs associated with repairing such facilities may still be eligible for public assistance funding when the applicant proposes to use the money for an **Alternate Project**.

The allowance of alternate projects gives the applicant flexibility to use funds for public benefits to work on another facility when the damaged facility is obsolete. The alternate project option may be proposed for both small and large projects, but only for permanent restoration projects. Debris removal and emergency protective measures are not eligible. All alternate projects must be approved by FEMA. Such projects are only eligible for 90% of the Federal share of the costs that would be associated with repairing the damaged facility to its pre-disaster condition, or the actual costs of completing the alternate project, whichever is less.

Possible alternate projects include:

- Repair or expansion of other public facilities.
- Construction of new public facilities.
- Purchase of capital equipment.
- Funding of hazard mitigation measures.

Funding may not be used for operating costs or to meet the State or local share requirement on other public assistance projects or projects that utilize other Federal grants. 406 Hazard Mitigation funds cannot be applied to an alternate project (see **Hazard Mitigation, Section 406**).



*References: Section 406 (c)(1) of the Stafford Act (42 U.S.C. §5172)  
44 CFR §206.203(d)(2)  
Public Assistance Guide, FEMA 322, pages 84-85*

**T**he **Americans with Disabilities Act (ADA)** applies to restoration of damaged facilities under the Stafford Act. ADA requires that any building or facility that is accessible to the public or any residence or workplace containing disabled persons be accessible to and useable by handicapped persons.

When FEMA provides Public Assistance to replace a facility, the facility must meet handicapped access requirements. FEMA must provide funds to comply with ADA when replacing a facility, whether or not the facility met compliance prior to the disaster. For example, if the front door of a public facility is damaged during a disaster, FEMA may pay to upgrade the doorway to comply with ADA requirements.

- If all or part of the restroom in a public or private non-profit facility was partially or totally damaged during a disaster, the restroom must be repaired in compliance with ADA.
- If a restroom was not damaged and does not serve a damaged area, then FEMA is not obligated to provide Federal assistance to make restrooms handicapped accessible.

Other features of a facility will be treated similarly.

## Appeals

**T**he **Appeals** process is the opportunity for applicants to request that FEMA reconsider its decision regarding funding for work initially found to be ineligible or any other matter. There are two levels of appeal. The first level appeal is to the Regional Director. The second level appeal is to the Associate Director/Executive Associate Director at FEMA Headquarters.

Typical appeals involve the following:

- An entity is not an eligible applicant.
- A facility, work or project is not eligible for disaster assistance.
- Costs of work items approved as eligible are less than the applicant believes is necessary to complete the work.
- A requested time extension was not granted.
- A portion of the cost claimed for the work was not eligible.

*References: Section 423 of the Stafford Act (42 U.S.C. §5189a)  
44 CFR §206.206, as amended April 8, 1998  
Public Assistance Guide, FEMA 322, pages 85-87*

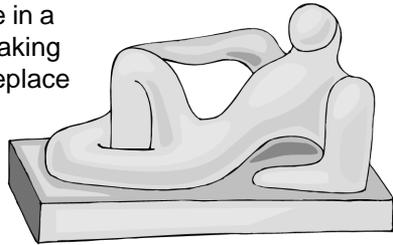
**A**n **Applicant's Briefing** is a meeting conducted by the Governor's Authorized Representative (GAR) for all potential applicants for public assistance grants. The briefing occurs after a disaster has been declared and addresses application procedures, administrative requirements, funding, and program eligibility criteria.

The GAR is responsible for notifying each potential applicant of the date, time, and location of the briefing. The size of the disaster area and the number of possible applicants determine whether more than one briefing is held. FEMA personnel will participate in the briefing to clarify issues regarding eligibility, floodplain management, and insurance requirements. In order to obtain the maximum benefit from the information presented at the briefing, each applicant should send three representatives: an elected official, and one representative each from the public works department and the accounting department.

There will be no Federal assistance provided for **Art** objects that are destroyed during a disaster. Because it is impossible to replace the educational or aesthetic function of a unique piece of art, the art objects will not be replaced using Federal assistance. However, Federal

assistance will be provided for conservation of damaged works of art. Conservation involves a process of maintaining art for display purposes. The repairs to the art object should be made only so that the visual integrity of the artwork is maintained. The conservation process involves the minimum steps that are both necessary and feasible to place the items back on display without restoring them to their pre-disaster condition.

For example, a priceless sculpture in a public museum falls from a shelf breaking it into many pieces. FEMA will not replace the sculpture but will pay to conserve the sculpture for display purposes.



**P**ublic Assistance Program grant recipients and sub-recipients (States, local governments, non-profit organizations, universities, hospitals and Indian tribes) are required to comply with the provisions set forth under the Single Audit Act Amendments of 1996.

The Act requires grant recipients expending \$300,000 or more in Federal funds in a fiscal year to have a Single Audit performed.

Even though a Single Audit is performed, grant recipients also are subject to additional audit efforts by the FEMA Office of Inspector General and State auditors for items not covered by the Single Audit. Specific documentation and procedures are based on the requirements of the Federal Office of Management and Budget (OMB). The OMB requires grant recipients to maintain financial and program records for three years following final payment.

Typically, applicants will be informed of audit requirements during the Applicant Briefing. Any questions after the briefing regarding the Single Audit, or audits in general, should be directed to the appropriate State Public Assistance Program representative or FEMA's Office of the Inspector General in Washington, D.C.



*References: Section 318 of the Stafford Act (42 U.S.C. §5161)  
 44 CFR §14.1 and 14.2 and 206.207(c)  
 Public Assistance Guide, FEMA 322, pages 117-118  
 Office of Management and Budget Circular A-133*

## Beaches

**E**mergency placement of sand on a natural or engineered **Beach** may be eligible when necessary to protect improved property from an immediate threat. Protection may be to a 5-year storm profile or to its pre-storm profile, whichever is less.

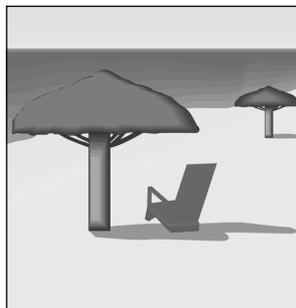
A beach is considered eligible for permanent repair if it is an improved beach and has been routinely maintained prior to the disaster. A beach is considered to be an “improved beach” if the following criteria apply:

- The beach was constructed by the placement of sand to a designed elevation, width, grain size, and slope.
- The beach has been maintained in accordance with a maintenance program involving the periodic re-nourishment of sand at least every 5 years.

Typically, FEMA will request the following from an applicant before approving assistance for permanent restoration of a beach:

- Design documents and specifications, including analysis of grain size.
- “As-built” plans.
- Documentation of regular maintenance or nourishment of the beach.
- Pre- and post-storm cross-sections of the beach.

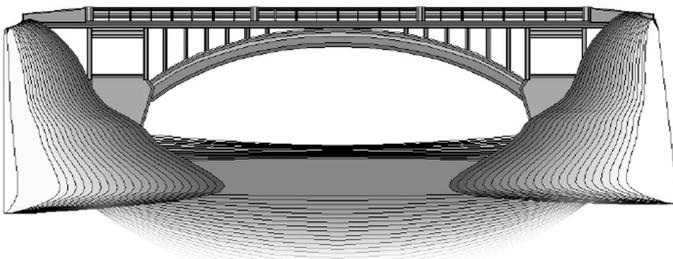
Permanent restoration of sand on natural beaches is not eligible.



**B**ridges are eligible for repair or replacement under the Public Assistance Program, unless they are on a Federal Aid Road (see **Federal-Aid Roads**). Eligible work includes repairs to decking, guardrails, girders, pavement, abutments, piers, slope protection, and approaches. Only repairs of disaster-related damage are eligible. In some cases, FEMA may use pre-disaster bridge inspection reports to determine if damage to a bridge was present before the disaster.

Work to repair scour or erosion damage to the channel and stream banks is eligible if the repair is necessary to ensure the structural integrity of the bridge. Earthwork that is not related to the structural integrity of the bridge is not eligible (see **Landslides**). Similarly, work to remove debris, such as fallen trees, from the channel at the bridge is eligible if the debris could cause further damage to the structure or if the blockage could cause flood waters to inundate nearby homes, businesses, or other facilities (see **Debris Removal**).

Restoration of a damaged bridge may include upgrades necessary to meet current codes and standards, as defined by the State or local highway department (see **Codes and Standards**). Typical standards affect lane width, loading design, construction materials, and hydraulic capacity. FEMA will not pay to upgrade the number of lanes on a bridge, because that work increases the capacity beyond pre-disaster capacity. For example, if a one-lane bridge requires replacement, FEMA will pay only for the construction of a one-lane bridge, even though the current standard prohibits construction of a one-lane bridge (see also **Categories of Work**).



## Buildings

**B**uildings, including contents and interior systems such as electrical work, are eligible for repair or replacement under the Public Assistance Program. In addition to contents such as furnishings, FEMA will pay for the replacement of pre-disaster quantities of

consumable supplies and inventory. FEMA will also pay for the replacement of library books and publications. Removal of mud, silt, or other accumulated debris is eligible, along with any cleaning and painting necessary to restore the building.

If an insurance policy applies to a building, FEMA must take that policy into account before providing funds for restoration of the building (see **Insurance**). FEMA will reduce Public Assistance grants by the maximum amount of insurance proceeds an applicant would receive for an insurable building located in an identified floodplain that is not covered by Federal flood insurance. The owners of insurable buildings can expedite the grant process by providing FEMA with policy and settlement information as soon as possible after a disaster occurs.

FEMA will pay for upgrades that are required by certain codes and standards (see **Codes and Standards**). Examples include roof bracing installed following a hurricane, seismic upgrades to mitigate damage from earthquakes, and upgrades to meet standards regarding use by the handicapped (see **Americans with Disabilities Act**). For repairs, upgrades are limited to damaged elements only. If a structure must be replaced, the new facility must comply with all applicable codes and standards.

If a damaged building must be replaced, FEMA has the authority to pay for a building with the same capacity as the original structure. However, if the standard for space per occupant has changed since the original structure was built, FEMA will pay for construction of a larger building to the original design capacity. A Federal or State agency or statute must mandate the increase in space; it cannot be based only on design practices for an industry or profession (see also **Categories of Work**).

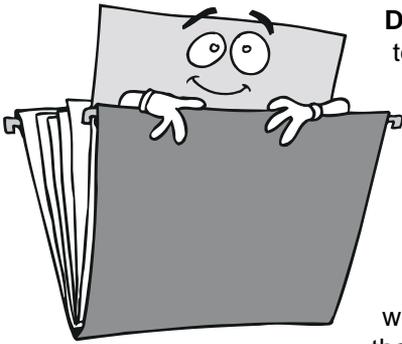


References: 44 CFR §206.221 (e) and (h) and 206.226  
Public Assistance Guide, FEMA 322, page 56

**F**EMA maintains a centralized **Case Management File** that contains information about each applicant. This system, which is organized around the needs of the applicant, facilitates rapid identification, documentation, and approval of an applicant's eligible work. The system also minimizes redundant data collection and allows quick access to the current status of an applicant's case.

The case management file is first established using information gathered during the Preliminary Damage Assessment (PDA; see **Preliminary Damage Assessment**). If the PDA teams do not visit an applicant, FEMA can establish a file for that applicant later in the recovery process, when the applicant submits a Request for Public Assistance (see **Request for Public Assistance**).

All Federal and State personnel working with the applicant can view the case management file.



## Categories Of Work

To facilitate the processing of Public Assistance Program grants, FEMA has divided disaster-related work into seven **Categories of Work**. These categories are listed below and are described in more detail elsewhere in this digest under the appropriate subject.

### Emergency Work

#### **Category A: Debris Removal**

Clearance of trees and woody debris; building wreckage; sand, mud, silt, and gravel; vehicles; and other disaster-related material deposited on public and, in very limited cases, private property (see also **Debris Removal**).

#### **Category B: Emergency Protective Measures**

Measures taken before, during, and after a disaster to save lives, protect public health and safety, and protect improved public and private property (see also **Emergency Protective Measures**).

### Permanent Work

#### **Category C: Roads and Bridges**

Repair of roads, bridges, and associated features, such as shoulders, ditches, culverts, lighting and signs ( see also **Roads and Bridges**).

#### **Category D: Water Control Facilities**

Repair of irrigation systems, drainage channels, and pumping facilities. Repair of levees, dams, and flood control channels fall under Category D, but the eligibility of these facilities is restricted (see also **Flood Control Works**).

#### **Category E: Buildings and Equipment**

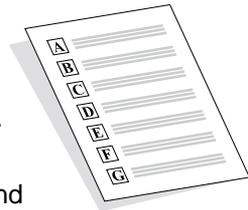
Repair or replacement of buildings, including their contents and systems; heavy equipment; and vehicles (see also **Buildings and Equipment**).

#### **Category F: Utilities**

Repair of water treatment and delivery systems; power generation facilities and distribution lines; and sewage collection and treatment facilities (see also **Utilities**).

#### **Category G: Parks, Recreational Facilities, and Other Items**

Repair and restoration of parks, playgrounds, pools, cemeteries, and beaches. This category also is used for any work or facility that cannot be characterized adequately by Categories A-F (see also **Parks and Recreational Areas**).



Reference: *Public Assistance Guide, FEMA 322, pages 44-60*

**T**he **Coastal Barrier Resources Act (CBRA)** restricts Federal expenditures and financial assistance that encourage development of coastal barriers so that damage to property, fish, wildlife, and other natural resources associated with the coastal barrier is minimized. Coastal barriers are located along the Atlantic and Gulf coasts and along the Great Lakes. They are identified on National Flood Insurance Rate Maps as Coastal Barrier Resource System (CBRS) units.

Debris removal and emergency protective measures in designated CBRS units may be eligible for Public Assistance provided the actions eliminate the immediate threat to lives, public health and safety and protect of improved property. Advanced consultation with the U.S. Fish and Wildlife Service (USFWS) is not required before approval of emergency measures.

However, FEMA must consult with the USFWS to allow the USFWS the opportunity to provide written comments before permanent work funding is approved. The following types of publicly owned facilities may be eligible for permanent work funding:

- Essential links in a larger system.
- Improvements to an existing channel.
- Repair of existing energy facilities that are functionally dependent on a coastal location.
- Other existing roads, structures, or facilities that are consistent with the purposes of CBRA.

Certain Private Non-Profit facilities that meet the restrictions of CBRA and the PA Program may be eligible for assistance. Examples include electric or gas utilities or educational facilities used for scientific research.

Improved projects that expand a facility are not eligible in CBRS units except in a few limited cases. Alternate projects are not eligible.

An existing facility is defined as a publicly owned or operated facility on which the start of construction took place on or before October 18, 1982. If a facility has been substantially improved or expanded since October 18, 1982, it is not an existing facility. If a unit was added to CBRS at a later date, that date may be substituted for the October 18, 1982 date.

## Codes And Standards

**W**hen a facility must be repaired or replaced, FEMA may pay for upgrades that are necessary to meet specific requirements of current **Codes and Standards**. This situation typically occurs when older facilities, particularly buildings, must be repaired in accordance with codes that were adopted after the original construction.

For the cost of an upgrade to be eligible, the code or standard requiring the upgrade must:

- *Apply to the repair work being performed.* If a facility must be replaced, an upgrade would apply throughout the facility. However, if a facility needs repair work only, then upgrades would apply to the damaged elements only. For example, FEMA would pay to install a sprinkler system throughout a building if that building were being replaced, but would not pay for such a system if the only eligible repair work involved replacing flood-damaged walls and flooring on the ground level.
- *Be appropriate to the pre-disaster use of the facility.*
- *Be formally adopted, in writing, by the applicant before FEMA approves a grant for the project.* The jurisdiction where the facility is located must formally incorporate the standard into its ordinances; design practices and guidance documents are not considered standards. As of January 1, 1999, for local governments, and January 1, 2000, for State governments, codes and standards will need to have been formally adopted and implemented on or before the date of the disaster and found to be reasonable.
- *Apply uniformly to all facilities of the type being repaired within the applicant's jurisdiction.* The standard cannot allow selective application; it must have a "trigger" that mandates its use when a facility is repaired. For example, a standard could not allow the Public Works director to decide whether it should be applied. Additionally, the standard must be applied regardless of the source of funding for the upgrade work; it cannot be applied selectively based on the availability of funds.
- *Be enforced during the time that it was in effect.* Specific examples of application of the standards may be required to prove enforcement.

For additional information regarding standards, see **Bridges and Americans With Disabilities Act**.

**A** private non-profit **Community Center** is a facility that is open to the general public, established and *primarily used* as a gathering place for a variety of social, educational advancement, and community service activities.

Eligible activities include:

1. Social – such as board meetings, senior citizen meetings, or community picnics.
2. Educational – such as seminars on personal finance, stamp collecting, or gardening.
3. Community service – such as clean-up projects, local government meetings, or rehabilitation programs.

A community center facility includes the building, and associated structures and grounds, which must be evaluated in their entirety to determine eligibility.

*EXAMPLE:* A community center complex consists of three buildings: two serve as community centers and one serves as an administrative building. Therefore, only two buildings are eligible for Public Assistance, as the administrative building does not provide an eligible community center activity.

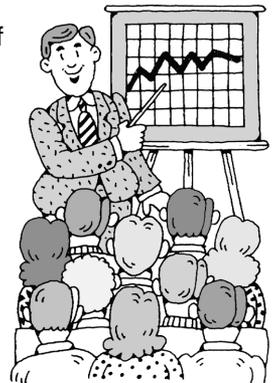
*Primarily used* means that the facility is used at least 50% of the time for eligible community center activities.

*EXAMPLE:* If a community center's activities were for the following purposes:

20% vocational, 25% athletic, and 55% community oriented, the community center would be eligible for Public Assistance. In the case of a facility built as a church, it will generally be ineligible even if actual services are only held one or two days a week.

Facilities used for the following purposes are not eligible community centers and are not eligible for Public Assistance.

- Political
- Athletic
- Religious
- Recreational
- Vocational
- Academic training
- Arts
- Conferences



References: 44 CFR §206.221(e)(6)

Community Center Eligibility, FEMA Policy 9521.1, dated August 11, 1998

Public Assistance Guide, FEMA 322, pages 14-15

## Community Disaster Loans

**C**ommunity Disaster Loans are available, subject to Congressional funding, to any local government or other political subdivision of the State. The jurisdiction must have suffered a substantial loss (generally in excess of 5 percent) of tax or other revenues as

a result of a major disaster and must demonstrate the need for Federal assistance to perform its governmental functions. The amount of the loan shall not exceed 25 percent of the annual operating budget of the locality for the fiscal year of the disaster. Loan proceeds must be used to maintain existing governmental functions or to expand such functions to meet disaster-related needs. The loan cannot be used for capital improvements, the repair or restoration of damaged public facilities, or to pay the local cost-share of any Federal program. If the jurisdiction has not fully recovered economically from the disaster after 3 fiscal years, all or part of the loan may be converted to a grant.

To apply for a Community Disaster Loan, the local government must submit a loan application through the State. The State exercises administrative authority over the local government's application and must certify that the local government is legally qualified, under State law, to assume the debt, and that the information on the application is accurate.



**C**ontracts must be of reasonable cost, competitively bid, and must comply with Federal, State, and local procurement standards. FEMA finds four methods of procurement acceptable:

- **Small purchase procedures:** an informal method for securing services or supplies that do not cost more than \$100,000 by obtaining several price quotes from different sources.
- **Sealed bids:** a formal method where bids are publicly advertised and solicited, and the contract is awarded to the bidder whose proposal is the lowest in price (this method is the preferred method for procuring construction).
- **Competitive proposals:** a method similar to sealed bid procurement in which contracts are awarded on the basis of contractor qualifications instead of on price (this method is used for procuring architectural or engineering professional services).
- **Noncompetitive proposals:** a method whereby a proposal is received from only one source because the competition is inadequate to seek additional sources or the public urgency for the work will not permit the delay that would result from using one of the other three methods.

FEMA provides reimbursement for three types of Contracts:

- **Lump sum:** contract for work within a prescribed boundary with a clearly defined scope and a total price.
- **Unit price:** contract for work done on an item-by-item basis with cost determined per unit.
- **Cost plus fixed fee:** either a lump sum or unit price contract with a fixed contractor fee added into the price.

Time and materials contracts should be avoided, but may be allowed for work that is necessary immediately after the disaster has occurred when a clear scope of work cannot be developed. Applicants must carefully document contractor expenses, and a cost ceiling or “not to exceed” provision must be included in the contract. If a time and materials contract has been used, the applicant should contact the State to ensure proper guidelines are followed. Cost plus a percentage of cost contracts and contingency contracts are not eligible.

*References: OMB Circular A-102*

*44 CFR Part 13*

*41 U.S.C. 403 (11)*

*Public Assistance Guide, FEMA 322, pages 39-40*

## Cost Codes

FEMA maintains a national unit price listing called **Cost Codes** that is updated and revised to conform with geographical and disaster-specific needs. Appropriate cost codes are issued during each disaster. A sample of FEMA cost codes is shown below.

REG	STATE	CNTY	COST CODE NO.	DESCRIPTION	UNIT	UNIT PRICE
00	00	037	3010	Aggregate Surface Course (Pit Run)	TN	7.50
00	00	037	3011	Aggregate Surface Course (Pit Run)	CY	10.00
00	00	037	3012	Aggregate Surface Course (Crushed)	TN	10.00
00	00	037	3013	Aggregate Surface Course (Crushed)	CY	13.50
00	00	037	3020	Fill (Unclassified)	CY	10.00
00	00	037	3030	Local Borrow	CY	3.00

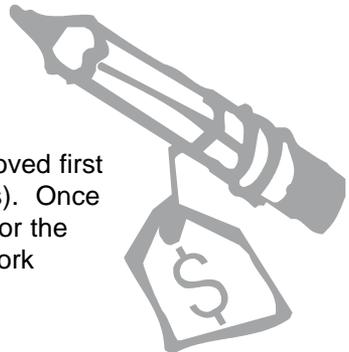
Cost estimates documented for public assistance should be based upon the most feasible and economical methods possible. For work that an applicant has not yet completed, cost estimates are developed using unit prices, such as cost codes, whereby each work component is priced separately. Typically, unit prices are based on in-place costs. This means that the price includes materials, labor, equipment, insurance, overhead, and profit, as appropriate. For example, a \$14 per linear foot unit price to replace concrete curb and gutter includes all costs for setting up and breaking down the forms and pouring and finishing the concrete. If an item does not appear on the FEMA cost code listing and State or local unit prices are not available or appropriate, a unit price can be developed for that item utilizing commercial estimating guides such as R.S. Means, Dodge, Richardson, and Marshall.

**W**hen an applicant requests public assistance for disaster-related work, grant amounts are based on actual costs if the work was completed at the time of the request. However, for work that has not been completed at the time of the request, a **Cost Estimate** must be used. Typically, these estimates are prepared using unit costs. With this method, the project is broken down into elements based on the quantities of material that must be used to complete the work. For example, a culvert repair may be broken down into linear feet of pipe, cubic yards of fill, and square feet of pavement. The estimate for each of these items is a cost per unit that includes all labor, equipment, and material necessary to install that item (referred to as an “in-place” cost).

FEMA has developed a list of unit costs (see **Cost Codes**) for typical disaster repairs that may be used for estimating total costs. Alternatively, unit cost data developed by State or local governments may be used, if appropriate. Commercially available cost-estimating guides or data from local vendors and contractors may also be used. It may be necessary for FEMA to review cost data not based on established cost codes before approving a grant.

A cost estimate may also include additional items, such as engineering and design services that are identified at the time the estimate is prepared. Costs for managing a project should also be included if the project is sufficiently large or complex to require them (see **Large Projects**). Most small projects do not require project management above the level of foreman.

For complex projects, it may be necessary for the applicant to prepare a detailed design of the restoration work before a viable cost estimate can be developed. In such cases, a grant for engineering and design services is approved first (see **Engineering and Design Services**). Once the design is complete, a cost estimate for the work is prepared or actual bids for the work may be used as the basis for the grant.



## Cost Estimating Format (CEF)

FEMA uses a cost estimating methodology called the **Cost Estimating Format (CEF)** to better estimate the total cost of large projects (see **Large Projects**). The CEF is a forward-pricing model that allows FEMA to account for all possible costs associated with a construction project. FEMA uses experienced cost estimators and construction engineers to apply the CEF.

The CEF relies on the development of a clear definition of the scope of work that is eligible for public assistance. Once this scope of work has been developed, the CEF is applied in eight parts. Part A represents the base cost of completing the project; it includes the labor, materials, and equipment necessary to complete each item of the scope of work. Parts B through H contain job-specific factors that depend on the methods, complexity, and time of construction. These factors are described below.

**Part B** includes construction costs not typically itemized in Part A, such as the general contractor's supervision costs.

**Part C** reflects construction cost contingencies and is designed to address budgetary risks associated with project complexity.

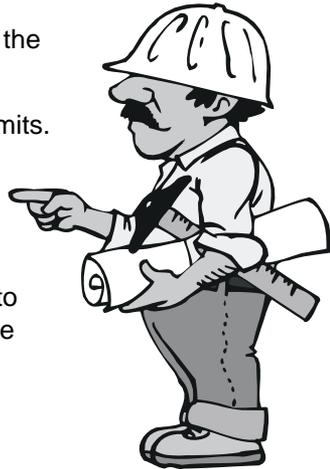
**Part D** accounts for the contractor's overhead and profit.

**Part E** accounts for cost escalation over the life of the project.

**Part F** includes fees for reviews and permits.

**Part G** is the applicant's reserve for change orders and unforeseen conditions.

**Part H** accounts for the applicant's cost to manage the design and construction of the project.



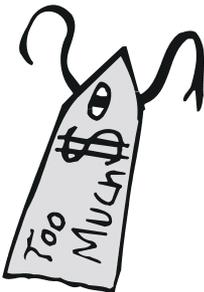
**B**ecause of the nature of the Public Assistance Program, applicants may find that in most instances cost estimates are approved by FEMA prior to the completion of the associated work. Often the actual costs incurred by the applicant during performance of the work exceed the approved estimate. This situation is known as a **Cost Overrun**. Cost overruns are usually caused by one of the following:

- **Variations in unit pricing:** The unit prices used in the cost estimate may have been lower than those the applicant was actually charged.
- **Change in the scope of work:** While performing the work, the applicant may find that additional eligible work or changes in the prescribed work are necessary.
- **Delay in starting or completion times:** Problems beyond the applicant's control may contribute to delays in starting or completing work.

The applicant should evaluate cost overruns on large projects. If the additional costs are justified, the applicant can request additional funding. The applicant should contact the State to ensure that proper guidelines for documenting any additional costs are followed. The State will forward requests for additional funding to FEMA. Such requests must contain documentation to support that the additional costs were incurred during the performance of eligible work.

FEMA will only review small project cost overruns in aggregate instead of on an individual project basis. This is based on the fact that typically small projects with cost overruns will average out with those small projects where the applicant experienced a cost underrun

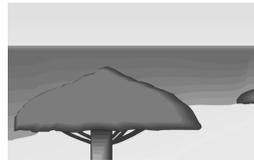
(where less money was expended than estimated). Upon completion of all small projects, an applicant should review the net costs to determine if a net overrun exists. At that time, an appeal for additional funding can be submitted to the State for forwarding to FEMA (see **Appeals**).



## Cost Share

**U**nder the Public Assistance Program the Federal government is responsible for supplementing the efforts and available resources of State and local governments when the President declares a disaster or emergency.

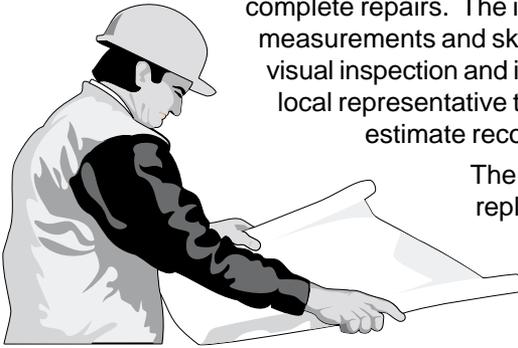
Because funding provided by the program is supplementary in nature, an appropriate sharing of costs between the Federal and State governments must be determined. This **Cost Share** is outlined in the FEMA-State Agreement. While the cost share is subject to change depending on the severity of a disaster, the minimum cost share is 25% non-Federal and 75% Federal. The State grantee and the subgrantee determine the distribution of the non-Federal share. All applicants, including private non-profit organizations, are also subject to the cost share outlined in the FEMA-State Agreement.



*References: Sections 403(b) and 406(b) of the Stafford Act (42 U.S.C. §5170b and 5172)  
44CFR §206.203(b)  
Public Assistance Guide, FEMA 322, pages 4 and 61*

## Damage Survey Report (DSR)

**A** **Damage Survey Report (DSR)** is a term used prior to September 30, 1998, to indicate a step in the assistance process during which a joint Federal/State/local inspection team surveyed and recorded damaged sites. The local representative is responsible for identifying the damaged sites and accompanying the Federal/State inspection team to each site. The inspection team was responsible for identifying the eligible work and preparing a quantitative estimate of the work necessary to complete repairs. The inspection team would use measurements and sketches taken during the visual inspection and information provided by the local representative to determine the cost estimate recorded on the DSR.



The DSR process was replaced by a more efficient and responsive process on October 1, 1998 (see **Project Worksheet**).

## Davis-Bacon Act

The **Davis-Bacon Act** is a law that requires Federal construction contractors to pay their workers the “prevailing wage” based on the local union wage scale defined by the Department of Labor. The provisions of the Davis-Bacon Act do **not** apply to State or local contracts using Federal assistance funds under the Stafford Act. However, the provisions may apply to contracts let by other Federal agencies, such as the U.S. Army Corps of Engineers.



**D**ebris Removal is the clearance, removal, and/or disposal of items such as trees, sand, gravel, building components, wreckage, vehicles, and personal property. For debris removal to be eligible the work must be necessary to:

- Eliminate an immediate threat to lives, public health and safety.
- Eliminate immediate threats of significant damages to improved public or private property.
- Ensure the economic recovery of the affected community.

Examples of eligible debris removal activities:

- Debris removal from a street or highway to allow the safe passage of emergency vehicles.
- Debris removal from public property to eliminate health and safety hazards, such as the threat of fire.

Examples of ineligible debris removal activities:

- Removal of debris, such as tree limbs and trunks, from natural (unimproved) wilderness areas.
- Removal of pre-disaster sediment from engineered channels.
- Removal of debris from a natural channel unless the debris poses an immediate threat of flooding to improved property.

Debris removal from private property is generally not eligible because it is the property owner's responsibility. If property owners move the disaster-related debris to a public right-of-way, the local government may be reimbursed for curbside pickup and disposal. If the debris significantly impacts the public health and safety of a community, FEMA may fund debris removal from private property by the State or local government.



## Declarations

**T**here are two types of **Declarations** provided for in the Stafford Act: An Emergency Declaration or a Major Disaster Declaration. Both declaration types authorize the President to provide Federal disaster assistance. However, the cause of the declaration and type and amount of assistance differ.

An Emergency Declaration can be declared for any occasion or instance when the President determines Federal assistance is needed. Emergency Declarations usually supplement State and local efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. The amount of emergency assistance is capped at \$5 million per single event. Additional funding must be proposed by the President and approved by Congress.

The President can declare a Major Disaster Declaration for any natural catastrophe, including fires, floods, earthquakes, tornadoes and explosions, in any part of the United States that the President believes has caused damage of such severity that it is beyond the combined capabilities of State and local governments to respond. A major disaster declaration provides a wide range of Federal assistance programs for individuals and public infrastructure, including funds for both emergency and permanent work.

*References: Section 102 (1) and (2), Title IV and V of the Stafford Act (42 U.S.C. §5122, 5170, and 5191)  
Public Assistance Guide, FEMA 322, pages 2-3*



## Donated Resources

**D**onated Resources (collectively known as volunteer labor, donated equipment, and donated materials) are eligible to offset the State and local portion of the cost share for emergency work (Categories A and B). The amount of credit that can be applied to a project is capped at the Non-Federal share so that the Federal share will not exceed the applicant's actual out of pocket costs. Any excess credit can be applied to another project in the same category of work.

Donated resources must apply to actual emergency work, such as debris removal or the filling and placing of sandbags. Credit for volunteers providing food and drink is not eligible. The donated services must be documented and must include a record of hours worked, the work site, and a description of work.

Volunteer labor will be valued at the same hourly labor rate as someone in the applicant's organization performing similar work. If the applicant does not have employees performing similar work, then the rate should be consistent with those ordinarily performing the work in the same labor market.

The value for donated equipment should be determined by using the applicable FEMA equipment rate and multiplying it by the number of hours the piece of equipment was used performing eligible work.

Donated materials are valued at the current commercial rate. If the materials were donated by a Federal agency, such as sandbags donated by the U.S. Army Corps of Engineers, the materials cannot be applied for volunteer credit.



References: 44 CFR §13.24

*Donated Resources, FEMA Policy 9525.2, dated August 17, 1999  
Public Assistance Guide, FEMA 322, pages 40-41*

**W**hen providing assistance, FEMA must ensure that a **Duplication of Benefits** does not occur between its own programs and insurance recoveries and between its own programs and assistance provided by other Federal agencies (see **Other Federal Agencies**). If an applicant can obtain assistance for a project from a source other than FEMA, then FEMA cannot provide funds for that project.

A duplication of benefits most commonly occurs with insurance settlements. If a damaged facility is insured, FEMA is required to reduce the amount of the grant by any insurance proceeds that the applicant receives for the insured facility. The applicant is required to provide information concerning insurance recoveries to FEMA. FEMA will review the insurance information and determine whether the settlement will be sufficient to cover the applicant's loss or need (see **Insurance**).

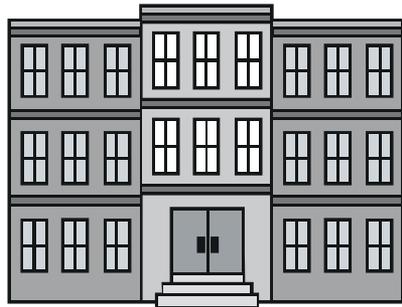


## Educational Facilities

**Educational Facilities** eligible for assistance include day or residential schools that provide a primary or secondary education as determined under State law. Institutions of higher education and one year vocational schools are also eligible provided that:

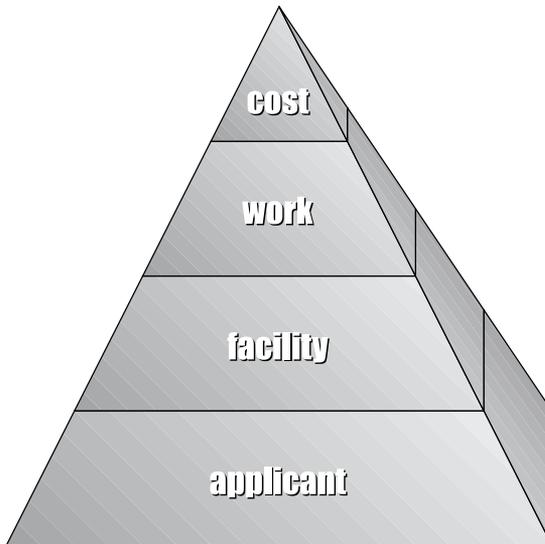
- They admit as students persons having a high school diploma or equivalent.
- They are legally authorized to provide education beyond a secondary level.
- They award a bachelor's degree or two-year degree that is acceptable as full credit towards a bachelor's degree.
- They are accredited by a nationally recognized agency or association.

Eligible components of educational facilities include classrooms and related supplies, equipment, machinery, and utilities of an educational institution necessary for instructional, administrative, and support purposes. Buildings or structures and related items primarily used for religious purposes or instruction are not eligible.



The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and Title 44 Code of Federal Regulations (44 CFR) Part 206 provide FEMA's eligibility guidelines. FEMA has established **Eligibility** criteria for providing disaster assistance. These criteria have the following four components:

The diagram below refers to the four building blocks of eligibility. The applicant is the basis for eligibility. The applicant must be eligible for the facility to be eligible. The facility must be eligible for the work to be eligible. The work must be eligible for the cost to be eligible. Using these guidelines, FEMA determines if the various components are eligible for disaster assistance. See also **Eligible Applicant**, **Eligible Costs**, **Eligible Facility** and **Eligible Work**.



## Eligible Applicants

Four types of entities are **Eligible Applicants** for Public Assistance. If an entity meets the requirements of one of the types, the applicant may apply for FEMA disaster assistance. The types of eligible applicants are:

1. State Government Agencies, including:
  - Department of Transportation.
  - Environmental Resources Agency.
  - State Parks Agency.
  - Water Quality Commission.
2. Local Governments, including:
  - Towns.
  - Cities.
  - Counties.
  - Irrigation and other special districts organized under State law.
  - Rural or unincorporated communities represented by the State or a political subdivision of the State.
  - School Districts.
3. Private Non-profit (PNP) organizations or institutions that own or operate a qualified PNP facility, including:
  - Educational.
  - Emergency.
  - Medical.
  - Utilities.
  - Custodial Care.
  - Essential Governmental Service providers (community centers, homeless shelters, libraries, museums, rehabilitation centers, senior citizen centers, shelter workshops, and zoos).
4. Indian Tribes or authorized tribal organizations and Alaskan Native village organization. This *does not* include Alaska Native Corporations, which are owned by private individuals.

All eligible applicants must submit their requests for assistance through the State except Indian Tribal Governments that have been designated as grantee.

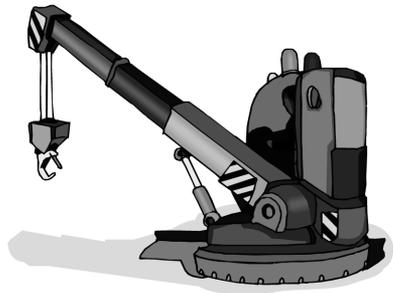
References: 44 CFR §206.201(a) and 206.222  
Public Assistance Guide, FEMA 322, pages 9-15

**N**ot all costs incurred by an eligible applicant are eligible for Public Assistance funding. **Eligible Costs** are costs that:

1. Are reasonable and necessary to accomplish the eligible work (see **Reasonable Costs**).
2. Comply with Federal, State, and local requirements for procurement.
3. Do not include (or are reduced by) insurance proceeds, salvage values, and other credits.

The eligible cost criteria apply to direct labor, material, and equipment costs.

- Direct Costs
- Salaries, wages, and fringe benefits.
- Materials.
- Equipment (applicant owned and rental).
- Contracts.
- Administrative Allowance.



*References: Sections 311, 312, and 406 of the Stafford Act (42 U.S.C. §5154, 5155 and 5172)  
44 CFR §206.228 and 206.250-252.  
Public Assistance Guide, FEMA 322, pages 33-35*

## Eligible Facility

**W**ith certain exceptions, an **Eligible Facility** is any building, works, system, or equipment that is built or manufactured, or any improved and maintained natural feature that is owned by an eligible public or Private Non-Profit (PNP) applicant. To be eligible for Public Assistance funding a facility must:

- Be the responsibility of an eligible applicant.
- Be located in a designated disaster area.
- Not be under the specific authority of another Federal agency.
- Be in active use at the time of the disaster.

Eligible *Public Facilities* include:

- Roads (non-Federal aid).
- Sewage Treatment Plants.
- Airports.
- Irrigation Channels.
- Schools.
- Buildings.
- Bridges and Culverts.
- Utilities.

Eligible *Private Non-Profit facilities* include:

- Educational facilities (classrooms, supplies, and equipment).
- Gas, Water, and Power systems.
- Emergency facilities (fire stations and rescue squads).
- Medical facilities (hospitals and outpatient centers).
- Custodial care facilities
- Essential government services (see **Eligible Applicant**).

An alternate use facility is one being used for purposes other than which it was originally designed. An alternate use facility is eligible for restoration, but is limited to the extent necessary to restore its immediate pre-disaster use. An example is an office building being used as a storage facility at the time of the disaster. The facility is only eligible for repairs to restore it as a storage facility. Any special lighting or wall and floor finishes that are typical of an office building would not be necessary as a storage facility and are, therefore, not eligible.

All eligible PNP facilities must be open to the general public.

*References: Section 102(8) and (9) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.201(c), 206.221 (e) and (h) and 206.226 (i)(1)  
Public Assistance Guide, FEMA 322, pages 16-21*

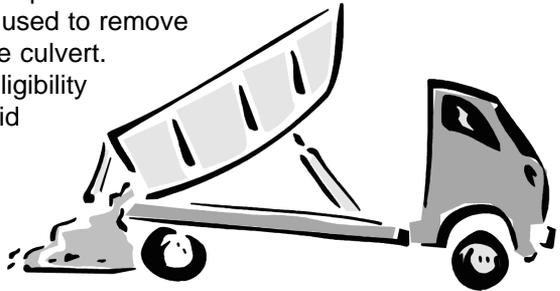
In general, **Eligible Work** is based on the following minimum criteria:

- It must be required as a result of the declared event.
- It must be within the designated disaster area (see **Designated Disaster Area**).
- It must be the legal responsibility of an eligible applicant (see **Legal Responsibility**).

There are two types of work eligible for the Public Assistance program. These types of work are:

1. Emergency Work.
2. Permanent Work.

For example, Brooks Run Culvert is located in Clarke County, which is a designated disaster area. The eligible applicant's annual maintenance report indicated that the culvert was half full of debris and sediment before the disaster. Following the disaster, the applicant requested that FEMA disaster assistance be used to remove the obstruction from the culvert. This work has limited eligibility because the disaster did not cause the total obstruction.

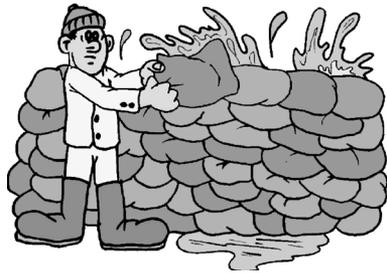


## Emergency Protective Measures

**E**mergency Protective Measures are actions taken by applicants before, during, and after a disaster to save lives, protect public health and safety, and to prevent damage to improved public and private property. Emergency protective measures also include emergency communications, emergency access, and emergency public transportation.

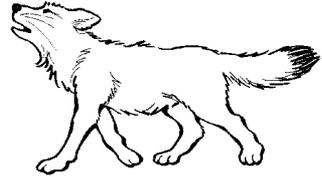
Examples of eligible emergency protective measures are:

- Warning devices (barricades, signs, and announcements).
- Search and rescue.
- Security forces (police and guards).
- Construction of temporary levees.
- Provision of shelters or emergency care.
- Sandbagging.
- Bracing/shoring damaged structures.
- Provision of food, water, medicine and other essential needs.
- Emergency repairs.
- Emergency demolition.
- Removal of health and safety hazards.



References: Section 403 of the Stafford Act (42 U.S.C. §5170b)  
44 CFR §206.225  
Public Assistance Guide, FEMA 322, pages 47-53

**T**he **Endangered Species Act (ESA)** ensures that Federal agencies consider the effects that their actions may have on threatened and endangered species. The law also requires that Federal agencies coordinate with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service to prevent or modify those projects that will jeopardize the continued existence of any threatened or endangered species or that will result in the destruction or adverse modification of a designated critical habitat.



The law establishes a 3-step consultation process with the USFWS, which FEMA uses as the basis of its internal procedures for compliance. This process must be completed before FEMA approves a grant for a project. The compliance procedure consists of:

- An internal review of the project area to indicate whether the presence of any endangered species exists and whether the project could affect the endangered species.
- A request for a Biological Assessment (BA) or Biological Evaluation (BE) by the USFWS if the review indicates there are endangered species present
- A formal consultation with the USFWS if the BA or BE indicates the action will “adversely affect”, “jeopardize”, or “modify” threatened or endangered species or their habitats.

Compliance with the ESA is often accomplished during the National Environmental Policy Act (NEPA) compliance process; however, ESA and NEPA are distinct laws with individual regulations and requirements. Even if a project is exempted from compliance with NEPA, FEMA must comply with the ESA before funding can be provided for that project.

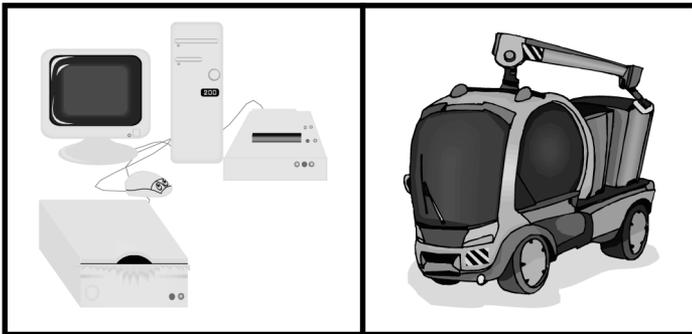
**E**ngineering and Design Services necessary to complete eligible work are eligible for Public Assistance. For estimating purposes, these services generally fall into three categories.

- **Basic engineering services required to complete a project:** these services are common to many construction projects and include preliminary engineering analysis and design, final design, and construction inspection. For large projects, FEMA generally estimates the cost of these services when determining the grant amount for a project by using a percentage of the estimated project cost.  
  
When complex facilities must be repaired or replaced, FEMA may first provide a grant using the estimate for basic engineering services based on a scope of work so that the applicant can retain an Architecture and Engineering firm to design the new facility. Once the facility is designed, FEMA can then develop the grant for construction using the design.
- **Special services:** these services, which are not required on every restoration project, include land surveys, geo-technical investigations, resident engineering services, environmental studies, and feasibility studies. These services must be specifically described and must be shown to be necessary for completing the eligible scope of work before FEMA can approve a grant for them.
- **Construction inspections:** some projects do not require engineering and design but may require full-time construction inspection services because of unusual situations. For example, a project involving a pile-driving operation may have a specific inspection requirement. If a clear need for such services is evident when a project estimate is prepared, FEMA may approve a grant that does not exceed 3% of the estimated construction cost.

Estimates for engineering and design services are typically not included in small project estimates (see **Small Projects**), except for complex projects or projects where specific services (such as a geo-technical analysis) are required.

All types of **Equipment**, including vehicles, may be eligible for repair or replacement when damaged as a result of the declared event. When damaged equipment cannot be repaired, FEMA will approve the replacement of the item with a similar item of approximately the same age and condition. Blue book prices may be used as an initial guide for vehicles damaged beyond repair. Replacement of equipment with new equipment may be approved if a used item is not available within a reasonable time and distance. When applicable, salvage value should be deducted from the estimated replacement costs (see **Categories of Work**).

Maintenance activities necessary due to the use of equipment to perform emergency or permanent work are not eligible. The cost of maintenance is part of the equipment rate (see **Equipment Rates**).



*References: 44 CFR §206.226(f)*

*Damage to Applicant Owned Equipment, FEMA Policy 9525.8, dated August 17, 1999*

*Disposition of Equipment - Supplies and Salvaged Materials, FEMA Policy 9525.12, dated August 29, 1999*

*Public Assistance Guide, FEMA 322, pages 37-38, 57*

## Equipment Rates

The costs for using applicant owned (force account) equipment while conducting eligible work may be claimed on the basis of **Equipment Rates**. These rates typically include operation, depreciation, and maintenance, but do not include operator labor. FEMA recognizes three types of equipment rates:

- **FEMA rates:** FEMA maintains a national schedule of equipment rates;
- **State rates:** rates approved under State guidelines can be used up to a rate of \$75 per hour (rates over \$75 per hour may be approved by FEMA on a case-by-case basis); and
- **Local rates:** rates developed by local government can be used in conjunction with FEMA rates whereby the lesser of the two rates is used.

A sample of FEMA equipment rates is shown below.

REG	STATE	CNTY	COST CODE NO.	DESCRIPTION	UNIT	UNIT PRICE
00	00	000	8680	Truck, Concrete, 8CY, 235 HP	HR	39.00
00	00	000	8700	Truck, Flatbed, 6,000 Lbs., 140 HP	HR	8.75
00	00	000	8710	Truck, Bucket, 30 Ft., 150 HP	HR	12.50
00	00	000	8714	Truck, Line, 150 HP	HR	26.00
00	00	000	8715	Truck Line, 210 HP	HR	31.00
00	00	000	8730	Truck, Garbage, 25 CY	HR	26.00

Equipment rates are applied only to the time equipment is actually working. Standby time and idle time are not eligible.

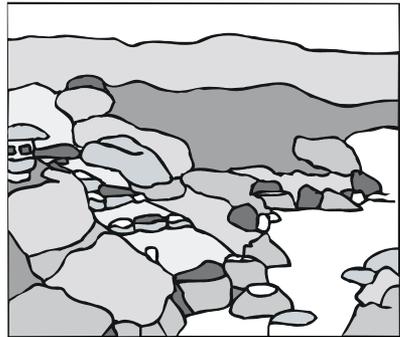
FEMA's schedule of equipment rates can be obtained from the State at the Applicant's Briefing.

**Erosion** is the washing away of soil and rocks along a stream bank or at the bottom (toe) of a slope. The loss of material may

damage or threaten to damage improved property or facilities. If the erosion causes an immediate threat, emergency protective

measures may be eligible for Public Assistance. If the eroded area is part of an improved and maintained natural feature, such as an engineered channel, FEMA will fund the permanent restoration to pre-disaster condition. See **Emergency Protective Measures, Immediate Threat, and Landslide.**

## Erosion



## Facilities Under Construction

Typically, **Facilities under Construction** are the responsibility of the contractor until the owner has accepted the work as complete. In the event of damage to a facility under construction, FEMA must determine if the applicant is responsible for repairs before granting assistance. Repairs are eligible in the following situations:

- The contract under which the work is being performed places responsibility for damage on the applicant during the construction period.
- Prior to the disaster, the applicant had accepted the work as complete and had, therefore, assumed responsibility. If the applicant had accepted responsibility for a portion of the site, repairs to that portion of the site are eligible.

Repairs are not eligible if the work is the responsibility of the contractor at the time of the disaster.



The Federal Highway Administration (FHWA) administers the Emergency Relief (ER) Program to assist State and local governments with the repair of roads and bridges damaged during disasters. Funds from this program are used for facilities that are **Federal-Aid Roads**. Federal-Aid Roads include most public roads functionally classified as arterial and collector routes (about one-quarter of all public road mileage in the country).

The ER Program is the responsibility of the Secretary of Transportation and is activated independently of major disaster declarations made by the President. Frequently, the ER Program is not activated when the President declares a major disaster. ER funds are used for both emergency and permanent work and are granted on the basis of inspections performed by FHWA and State highway department personnel.

Because FHWA has the authority to provide assistance on Federal-aid routes, FEMA's ability to provide Public Assistance Program assistance on these routes is restricted, as described below.

- *Permanent Work*: FEMA is prohibited from providing Public Assistance Program funds for the permanent repair of roads and bridges that are Federal-Aid Roads, even if the ER program is not activated. As a result, there may be times when no Federal assistance is available for the permanent repair of disaster-damaged facilities on Federal-aid routes.
- *Emergency Work*: FEMA may provide limited assistance for emergency work, such as debris clearance, on Federal-aid routes if ER funds are not available for that work. This situation could occur if the ER Program is not activated, or if a particular facility does not qualify for ER funding.

To speed the processing of Public Assistance Program grants, local officials should be aware of roads in their communities that are considered Federal-aid routes.

References: 44 CFR §206.226(a)

*Public Assistance Guide, FEMA 322, pages 19-20*

*Guide to the Federal-Aid Highway Emergency Relief Program, FHWA 95-021*

## FEMA-State Agreement

**T**he **FEMA-State Agreement** is a document signed by the Governor of the State and the FEMA Regional Director that states the understandings, commitments, and conditions under which Federal assistance will be provided.

The agreement identifies the incident and the incident period, specifies the types of assistance that will be provided, lists the areas eligible to receive assistance, outlines the cost sharing provisions, and includes other special terms and conditions that may apply.



**Flood Control Works** are facilities constructed for the purpose of eliminating or reducing the threat of flooding. Examples include:

- Protective levees.
- Floodwalls.
- Flood control channels.
- Dams designed for flood control.

Funds for the repair of flood control works are available through the U.S. Army Corps of Engineers' (USACE's) PL 84-99 program and the Natural Resources Conservation Service's Emergency Watershed Protection program. Because the repair of flood control works falls under the authority of other Federal agencies, FEMA cannot provide public assistance funds for the permanent repair of flood control works. This restriction applies even if funding is not available from the other agencies.

FEMA may, however, provide funds for certain emergency measures involving flood control works, as described below.

- **Debris removal:** removal of debris (for example, from a channel) is eligible if it is necessary to reduce an immediate threat of damage to improved property.
- **Flood fighting:** activities such as sandbagging, pumping behind a levee to protect improved property, and increasing the height of a levee to prevent overtopping are eligible.
- **Emergency repair:** emergency repairs, such as stabilizing a breach in a levee, are eligible if they are necessary to save lives, to protect public health and safety, or to lessen or eliminate the immediate threat of additional damage to improved property. Funding is limited to work necessary to provide protection from a 5-year flood or to provide the pre-disaster level of protection whichever is less.

If a facility is enrolled in the USACE's PL 84-99 program, FEMA cannot provide assistance for emergency repairs to the facility because the USACE can provide that assistance. If FEMA provides funds for emergency repairs for a non-enrolled facility, the applicant must agree to enroll the subject facility in the USACE program. FEMA will not provide assistance for emergency repairs to that facility in a subsequent disaster, even if the applicant fails to enroll the facility in the USACE program.

*References: 44 CFR §206.224 and 206.225*

*Policy for Rehabilitation Assistance for Levees and other Flood Control Works, FEMA Policy 9524.3, dated August 17, 1999*  
*Public Assistance Guide, FEMA 322, pages 18-19*

A distinct reduction in disaster assistance is made for facilities located in the base flood plain, whether or not the applicant has the facility insured by a National Flood Insurance Program (NFIP) standard flood insurance policy.

This reduction is the *maximum* amount of insurance proceeds the applicant would have received if the facility had been fully covered by an NFIP standard flood insurance policy. It is made separately for buildings and contents up to a maximum of \$500,000 each.

The items that are eligible for disaster assistance include:

- Items not covered by a standard flood insurance policy, such as asbestos, lead-based paint abatement, depreciation, fences, and non-building facilities.
- The cost of damages that are in excess of the maximum insurance coverage available.

A FEMA flood insurance specialist determines the amount of the reduction. This specialist will evaluate the NFIP policy and the damaged facility and contents to determine the maximum amount of insurance coverage available for that facility. As a condition of receiving Federal assistance, the applicant must obtain and maintain flood insurance as a condition of receiving the Federal grant.

Notes:

- If the insurance is not maintained, at the next disaster the facility will receive no assistance.
- If the estimate for the repair of disaster-related damage is less than \$5,000 and the property is located outside the 100-year floodplain, the insurance purchase requirement is waived.

The reduction is not taken if a private non-profit (PNP) facility is located in a community that does not participate in the NFIP. However, the community must join the NFIP within six months after the disaster and the PNP must purchase the required insurance. If the community does not join, the PNP is not eligible for assistance (see also **Insurance**).

*References: Sections 311, 312, and 406 of the Stafford Act (42 U.S.C. §5154, 5155 and 5172)*

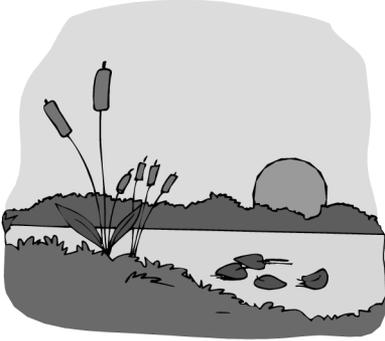
*44 CFR Part 206 Subpart I*

*Retroactive Application of a Letter of Map Amendment (LOMA or Letter of Map Revision (LOMR) to Infrastructure Grants, FEMA Policy 9524.3, dated August 8, 2000*

*Public Assistance Guide, FEMA 322, pages 96-97*

**A**s outlined in Title 44 Code of Federal Regulations (44 CFR) Part 9, FEMA has a Federal responsibility to review **Floodplain Management** issues for any project that may receive Federal funding. FEMA must determine if a project is located in a floodplain designated

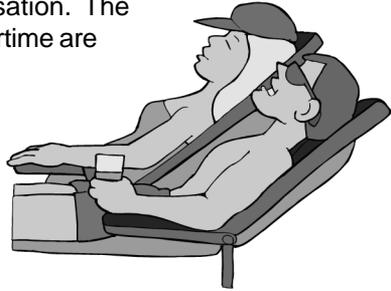
on the National Flood Insurance Program maps and, if so, determine the impact that the project will have on the floodplain or that the floodplain will have on the project. The primary criteria of the regulations are that a Federal action in an identified Special Flood Hazard Area (SFHA) must be the only practicable alternative.



## Fringe Benefits

**E**ligible labor costs include actual wages paid plus a percentage of the actual wages that pays for employee benefits. These benefits are referred to as **Fringe Benefits**. Such benefits can include vacation, holiday, insurance, retirement, unemployment,

social security, and worker's compensation. The fringe benefit rates for regular and overtime are different. Refer to **Labor Rates** for an explanation of appropriate regulatory criteria and policy guidelines that must be followed when claiming costs associated with force account labor.

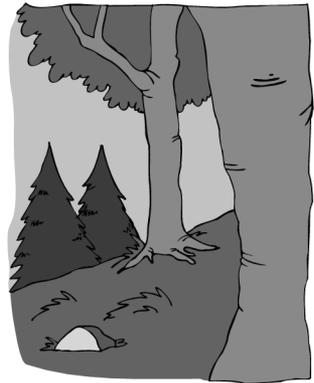


**A Geo-Technical Study**, for the purposes of the Public Assistance Program, is an engineering study that analyzes the condition of a slope that, by failing, will affect improved property or threaten public safety. The FEMA Regional Director may approve such a study. The primary purpose of a geo-technical study is to establish the cause and extent of the damages created by the declared disaster event, and to evaluate proposed measures for stabilizing or restoring the site. Limited investigations are eligible if the slope failure is disaster related and if a threat to lives, public health and safety, or improved property is apparent or if public assistance funds will be used to restore a facility that is located on the slope.

For Emergency Work, the study must determine:

1. If an immediate threat exists, and
2. The types of temporary emergency protective measures that are needed to reduce or eliminate an immediate threat.

For Permanent Work, the study must identify the location and extent of the unstable ground in relation to an improved property and the cause of the instability (including any pre-existing conditions that would contribute to a landslide). If the slide is determined to be disaster related, the study must recommend cost-effective repair projects.



## Grant Closure

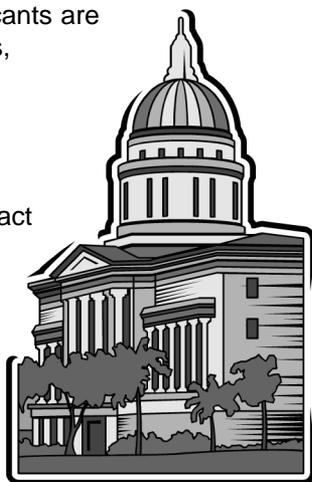
**G**rant Closure occurs when FEMA and the State reach an agreement that all applicable administrative actions related to the Public Assistance Program are complete and all program funds have been reconciled. At this stage, all Public Assistance Program projects have been completed, the State has awarded all grant funds and has submitted its final expenditure report to FEMA, and FEMA has adjusted the funding level for the program as appropriate. Once grant closure occurs, no additional actions related to the program may transpire. FEMA may conduct an audit of the program after grant closure.



**T**he **Grantee** is the State government to which the grant is awarded. The grantee is accountable for the use of the funds provided by FEMA and is responsible for disbursing those funds to the subgrantee (applicant). The grantee is also responsible for providing technical advice and assistance to eligible applicants, ensuring that all potential applicants are aware of the available assistance programs, providing support for damage assessment operations, and submitting the necessary paperwork for grant awards. See **State Administrative Plan** for more information.

In some instances, an Indian tribe may act as a grantee (see **Indian Tribal Governments**).

## Grantee



## Hazard Mitigation, Section 404

One type of hazard mitigation funding provided for in the Stafford Act is **Hazard Mitigation, Section 404**. The State manages and prioritizes projects for funding under this program. Section 404 mitigation measures do not have to be structural in nature.

Section 404 hazard mitigation does not fall under the jurisdiction of the Public Assistance (PA) program. The hazard mitigation program that falls under the PA program is Section 406 (see **Hazard Mitigation, Section 406**). Applicants who have questions regarding the Section 404 mitigation program should contact the State Hazard Mitigation Officer.



**H**azard Mitigation, Section 406, is a funding source for cost-effective measures that would reduce or eliminate the threat of future damage to a facility damaged during the disaster. The measures must apply only to the damaged elements of a facility rather than to other, undamaged parts of the facility or to the entire system. For example, if flooding inundates a sanitary sewer and blocks the manholes with sediment, mitigation to prevent the blockage of the damaged manholes in a future event may be considered eligible. However, work to improve undamaged manholes using the same method would not be eligible, even though the manholes are part of the same system.

Hazard mitigation measures restore a facility beyond its pre-disaster condition. Section 406 mitigation measures are considered part of the total eligible cost of repair, restoration, reconstruction, or replacement of a facility. They are limited to measures of permanent work, and the applicant may not apply mitigation funding to improved or alternate projects or improved projects if a new replacement facility is involved. Upgrades required to meet applicable codes and standards are not “mitigation measures” because measures are part of eligible restoration work.



*References: Section 406 of the Stafford Act (42 U.S.C. §5172)  
44 CFR §206.201(f) and 206.226(c)  
Hazard Mitigation Funding Under Section 406 (Stafford Act),  
FEMA Policy 9526.1, dated August 13, 1998  
Public Assistance Guide, FEMA 322, pages 98-101*

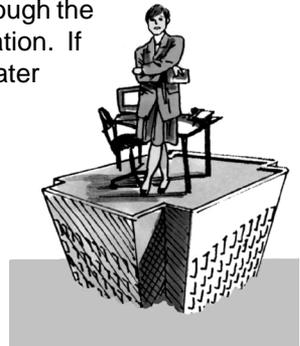
## Homeless Shelters

**H**omeless Shelters may be eligible for grants if they are public or private non-profit facilities and have the primary purpose of providing shelter to homeless people. These provisions include food, water, shelter, and clothing. FEMA funding is available to those shelters that are open to the general public and operate similar to a government service (see **Buildings** and **Private Non-Profit Facility**).

## Immediate Needs Funding (INF)

**Immediate Needs Funding (INF)** is intended to meet an applicant's urgent needs in the initial aftermath of a disaster. FEMA can provide these funds for work that an applicant must perform immediately and pay for within the first 60 days after the disaster declaration. The funding is available for emergency work only; it cannot be used to complete permanent repairs. Eligible activities typically include debris removal, emergency protective measures, and removal of health and safety hazards. The funding may be used to cover such costs as overtime payroll, equipment costs, and materials purchases.

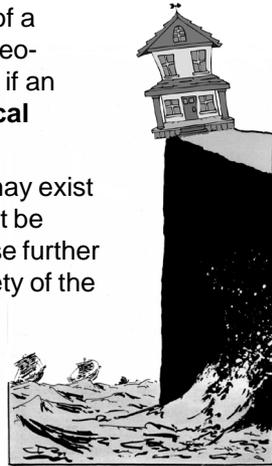
FEMA identifies potential immediate needs during the Preliminary Damage Assessment (PDA; see **Preliminary Damage Assessment**). If a major disaster is declared, FEMA may provide an applicant with up to 50% of the Federal share of the cost of the emergency work identified during the PDA. If necessary, FEMA can make INF available through the State within a few days of the disaster declaration. If an applicant receives INF, the INF amount is later deducted from the grants for the applicant's Category A and B projects.



## Immediate Threat

**T**he threat of damage to improved private or public property or to lives, public health, and safety as a result of an event that could reasonably occur within 5 years is called an **Immediate Threat**. Debris removal, emergency protective measures, and emergency repairs to some facilities are eligible only if these actions are necessary to lessen or eliminate an immediate threat. The following are examples of how the definition of an immediate threat applies to various disaster scenarios:

- For a flood, the immediate threat exists if a 5-year flooding event could cause damage or threaten lives, public health, and safety. This is not a flood that necessarily happens within 5 years, but a flood that has a 20 percent chance of occurring in any given year.
- For a landslide, an immediate threat may exist if the earth on a slope could slide as the result of a moderate amount of rainfall. Typically, a geo-technical study is necessary to determine if an immediate threat exists (see **Geo-technical Study**).
- For an earthquake, an immediate threat may exist if moderate ground shaking, such as might be expected during an aftershock, could cause further damage to a structure or threaten the safety of the structure's occupants.
- For a hurricane, an immediate threat may exist if a facility damaged by storm surge could be exposed to additional flooding from a subsequent 5-year event. Similarly, if a wind-damaged facility is subject to additional damage by moderate winds, such winds could be considered an immediate threat.



## Improved Projects

**A**pplicants performing restoration work on a damaged facility may use the opportunity to make additional improvements while still restoring the facility to its pre-disaster condition. For example, an applicant might propose laying asphalt on a gravel road or replacing a firehouse that originally had two bays with one that has three. Projects that incorporate such improvements are called **Improved Projects**. For the most part, these are projects in which the funding for approved work cannot be tracked within the improved project because of physical changes or contracting arrangements.

An improved project may be requested for both small and large projects, but must be approved by the State prior to construction. Any project that may have an environmental impact, i.e., one which is not essentially to pre-disaster configuration, must be reviewed by FEMA. State approval must be held pending such review. Federal funding for such projects is limited to the Federal share of the estimated costs that would be associated with repairing the damaged facility to its pre-disaster condition. The balance of the funds is the responsibility of the State and applicant. Funds to construct the improved project can be combined with a grant from another Federal agency; however, Federal grants cannot be used to meet the State or local cost-share requirement.

If the original facility is being repaired and improvements are being added, Section 406 Hazard Mitigation funding may be applied to the original facility. If the improved project involved a new facility, Section 406 Hazard Mitigation funding may not be applied to that project.



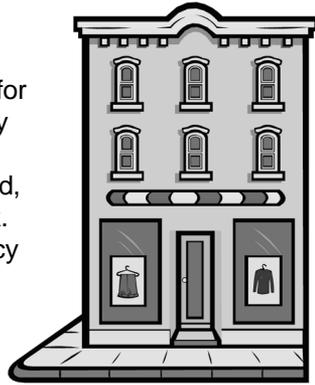
## Improved Property

**Improved Property** is any structure, facility, or item of equipment that was constructed, built, or manufactured. For Public Assistance, the applicant or owner should also maintain the property.

Examples of Improved Property include:

- Buildings.
- Levees.
- Roads.
- Vehicles and equipment.

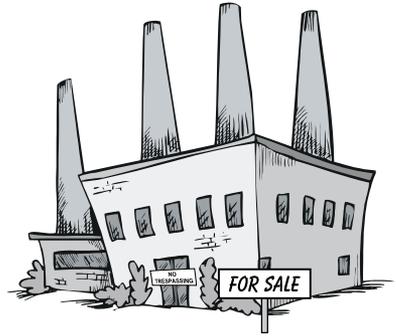
Unimproved Property is not eligible for FEMA funding for permanent restoration or for protection by the performance of emergency protective measures. Examples of unimproved property include agricultural land, a hillside or slope, or a natural stream bank. In some cases, debris removal or emergency protective measures may be eligible if an immediate threat exists and other applicable requirements are met.



## Inactive Facilities

To be eligible for Public Assistance, a facility must have been in active use at the time of the disaster. **Inactive Facilities** are typically not eligible. Exceptions to this requirement occur when:

- The facility was only temporarily inoperative for repairs or remodeling.
- The facility was temporarily unoccupied between tenants.
- Future use by the applicant was firmly established in an approved budget.
- The owner can demonstrate to FEMA that there was an intent to begin use within a reasonable amount of time.



## Incident Period

**T**he **Incident Period** is the time span during which the disaster-causing incident occurs. This period varies in length, depending on the type of incident. For example, the incident period for a flood event could be several weeks, because the water has to crest and recede before all

normal damage can be assessed, while the incident period for a tornado would be one day, because the damage occurs in a matter of minutes. Damage resulting from the disaster must fall within the incident period or be a result of events occurring during the incident period to be eligible; however, emergency work completed in reasonable anticipation of that incident may also be eligible.

The incident period will be established by FEMA in the FEMA-State Agreement.



**Indian Tribal Governments**, including Alaska Native villages and organizations, are eligible applicants. Privately owned Alaska Native corporations are not eligible applicants.

Generally Indian tribes are considered subgrantees and receive grant funds from the State, which acts as the Grantee (see **Grantee**). In some States, however, State regulations prohibit the State from acting as Grantee for an Indian tribe. In such cases or upon their own choice, the tribal government may act as an independent Grantee. The tribe must apply to the FEMA Regional Director to become an independent Grantee.

Revised by page A-8

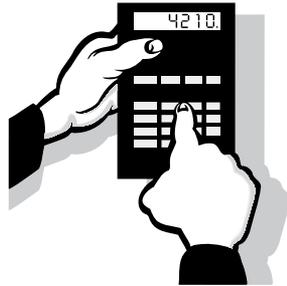
## Insurance

The amount of **Insurance** proceeds, known or anticipated, is deducted from the eligible costs. By taking the reduction, FEMA eliminates the duplication of benefits to repair the same facility. This applies to both general property insurance and flood insurance (see **Flood Insurance**).

For general property insurance, FEMA will use the applicant's insurance adjustment, if available, to reduce the eligible amount of funding by the amount of the actual insurance proceeds provided. However, if this amount is unknown, a FEMA insurance specialist will review the insurance policy and damaged facility to determine the anticipated insurance proceeds, which are then deducted from the original eligible amount. As a condition of receiving Federal assistance, the applicant must obtain and maintain insurance sufficient to protect against future loss to such property.

### Notes:

- If the insurance is not maintained, at the next disaster the facility will receive no assistance.
- If the estimate for the repair of disaster-related damage is less than \$5,000, the purchase of insurance is not required.



*References: Sections 311, 312, and 406 of the Stafford Act (42 U.S.C. §5154, 5155 and 5172)  
44 CFR Part 206 Subpart I  
Public Assistance Guide, FEMA 322, pages 94-98*

## Irrigation Canals

**Irrigation Canals** are channels designed and constructed for the purpose of transporting water for agricultural use. The canals and associated features of an irrigation system (such as siphons) are eligible for public assistance provided that the system is the legal responsibility of an eligible applicant. Private Non-Profit irrigation companies are not eligible applicants. The canals must be improved and maintained; natural channels are not eligible. Debris removal and permanent restoration are only eligible to the point of restoring the pre-flood hydraulic capacity.



## Labor Rates

**T**he labor costs associated with conducting eligible work may be claimed at an hourly rate. **Labor Rates** can include actual wages paid plus fringe benefits paid or credited to personnel. Different eligibility criteria apply to labor rates for different kinds of employees and work. An applicant's own labor forces are known as force account.

For emergency work, only overtime labor is eligible for permanent or reassigned employees of the applicant. Regular time, which is usually considered to be the first 40 hours worked in a week, is not eligible for permanent or reassigned employees. Both regular time and overtime labor are eligible for temporary employees hired to perform emergency work.

For permanent work, both regular time and overtime are eligible for all employees.

Refer to **Donated Resources, Fringe Benefits, Reassigned Employees, and Temporary Employees** for an explanation of appropriate regulatory criteria and policy guidelines that must be adhered to when claiming costs associated with these specific items.



*References: Section 406 (f)(5) of the Stafford Act (42 U.S.C. §5172)*

*44 CFR §206.228(a)(4)*

*Labor Costs-Emergency Work, FEMA Policy 9526.1, dated July 20, 2000  
Public Assistance Guide, FEMA 322, pages 35-37*

**A Landslide** occurs when a mass of soil, rock, or other material on a slope moves, or threatens to move, out of its pre-disaster position. Such slope failures may be caused by soil saturation or by erosion. Stabilization or restoration of failed slopes is generally not eligible.

In limited circumstances, it may be eligible for public assistance, as described below.

- **Emergency Work:** If a disaster-related landslide poses an immediate threat to life, public health and safety, or improved public or private property, cost-effective measures for reducing the threat may be eligible. Examples include evacuation, excavation, buttressing, de-watering, modification of surface drainage, and grading. Such measures must be temporary in nature. FEMA will provide assistance to stabilize the area of the threat only; FEMA will not assist with the stabilization of an entire hillside or with long-term stabilization of the limited area.
- **Permanent Work:** If a landslide damages an eligible facility, repairs to that facility are eligible as long as the site is stable. If the disaster caused the site to become unstable, FEMA can assist with the replacement of a reasonable amount of natural ground necessary to support the facility. However, if the site was unstable before the disaster, the applicant must pay to stabilize the site before FEMA will provide funds to repair the facility.



In some cases, the stability of a site cannot be determined through visual inspection or review of available geo-technical data (see **Geo-Technical Study**).

## Large Projects

**T**wo different payment methods have been established for Public Assistance Program grants. The difference between the methods is dependent on whether a project is small or large. That determination is based on a cost threshold that changes annually. The threshold is updated at the beginning of each fiscal year and published in the Federal Register. For the year ending September 30, 1998, the threshold was set at \$47,100. If the estimated cost of a project exceeds this threshold, the project is processed as a large project.

**Large Projects** are funded using a final accounting of actual costs. The steps for processing a large project are described below.

1. An initial estimate is prepared. FEMA approves funding using the estimate and obligates the Federal share of the funds to the State (see **Payment of Claims**).
2. As the project proceeds, the applicant periodically requests funds from the State to meet expenses that have been incurred or that are expected in the near future. It may take time to process a request for funds through the State system, and the applicant should take this into account when timing requests for funds.
3. When the project is complete, the State determines the final cost of completing the work, often performing inspections or audits to do so. The State then submits a report on the completed project to FEMA, certifying that the applicant's costs were incurred in the completion of eligible work.
4. After reviewing the State's report, FEMA will adjust (obligate/deobligate) the amount of the grant to reflect the actual cost of the work.

While proceeding with the project, the applicant must ensure that grant funds are used only for eligible work. When reviewing final costs, the State cannot provide funds for costs that are outside the scope of work approved by FEMA. The applicant should contact the State if changes to the scope of work are foreseen during construction.

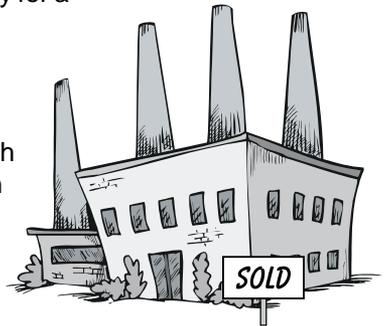
Similarly, an applicant may find during construction that FEMA's initial estimate is too low. If this happens, the applicant should request an increase in the funds FEMA has made available for the work. As with changes in scope, the applicant should request funding level increases as soon as the need becomes apparent.

*References: 44 CFR §206.203(c)(1) and 206.205(b)  
Public Assistance Guide, FEMA 322, pages 68, 82-83*

**T**he work or expense must be the **Legal Responsibility** of the applicant at the time of the disaster in order to be eligible.

Ownership of a facility is sufficient to establish the responsibility for repairs to that facility. However, if an applicant leases a facility, repairs to that facility are not eligible unless the lease states that the lessee is responsible for the repairs. A copy of the lease agreement should be provided to FEMA to determine responsibility. The lease usually contains general repair and maintenance language; however, responsibility for damage resulting from a disaster may not be established. In the absence of any mention in the lease, the owner of the facility will be assumed to be responsible for the repair.

In some cases, a state or local government has operation and maintenance responsibility for a facility built and owned by the Federal government. For example, local water boards often have responsibility for reservoirs and delivery systems built by the U.S. Bureau of Reclamation. As with leased facilities, the agreement between the Federal government and the local applicant must state that the applicant is responsible for disaster repairs for repairs to be eligible.

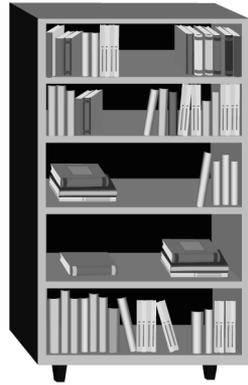


## Libraries

**L**ibraries are eligible for Federal assistance, if they are public or if they are owned by a private non-profit organization, provided that they are open to the general public. Some eligible costs associated with a library include:

- Removal and replacement of destroyed books, shelving, carpeting, furniture, etc.
- Labor involved with disposal and re-shelving of books and cleaning of damaged books.
- Dump charges associated with the disposal of books and debris.

For other eligible costs, see **Buildings, Equipment, and Private Non-Profit Facility.**



**T**he costs associated with supplies that were purchased or taken from an applicant's stock and used during performance of eligible work may be claimed on the basis of quantity. **Materials** must be of reasonable amount and cost.

If available, actual costs for materials should be quantified from invoices. If invoices are not available, costs may be developed from the applicant's historical data or by contacting area vendors. Where applicable, salvage values of items being replaced should be deducted from costs.



## Mutual Aid Agreement

**A Mutual Aid Agreement** is an agreement between jurisdictions or agencies to provide services across boundaries in the event of an emergency. The conditions of the agreement can be to provide reciprocal services or direct payment for services. FEMA will reimburse mutual aid costs provided that:

- The agreement is written and was in effect prior to the disaster.
- The assistance is requested by the applicant.
- The work performed is directly related to the disaster and is otherwise eligible for FEMA assistance.
- The entity that received the aid was charged for that aid. For example, Green County removes debris in Blue County. As part of their mutual aid agreement, Green County charges Blue County for the work. FEMA may provide funding to Blue County.
- The agreement contains no contingency clause, i.e., “Payment will be provided only upon receipt of funding from FEMA.”
- The entity can provide documentation of payment for services, if requested.

The employees of the entity providing supplemental assistance are considered as extra hires or contract labor; therefore, both regular and overtime labor are eligible.

\* Exceptions may be granted by the Regional Director in unusual circumstances.



*References: Mutual Aid Agreements for Public Assistance, FEMA Policy 9523.6, dated August 17, 1998  
Public Assistance Guide, FEMA 322, page 25*

**T**he **National Environmental Policy Act (NEPA)** outlines Federal policy for the protection and maintenance of the environment and provides a process that all Federal agencies must follow. Any required NEPA review must be completed before FEMA may fund a project.

Debris removal and emergency work (Categories A and B) are typically excluded from NEPA review through statutory exclusions identified in the Stafford Act. Permanent work (Categories C-G), which restores a facility essentially to its pre-disaster condition is also statutorily excluded from review. All alternate and some improved projects involve changes that require NEPA review. Typical projects that require a NEPA review include:

- Any project that involves breaking or disturbing new or undeveloped ground.
- Work taking place in floodplains or wetlands.
- Improved projects that increase the size or footprint of a facility (see **Improved Projects**).
- Alternate or relocated projects (see **Alternate Projects and Relocation of a Facility**).
- Hazard mitigation projects affecting floodplains or wetlands, such as culvert enlargements.
- Any project that changes the function of a facility.



Performance of a NEPA review is a Federal responsibility although applicants may be requested to furnish information.

While the requirements of other environmental laws, such as the Endangered Species Act and the National Historic Preservation Act, are independent of NEPA, they are usually addressed in the NEPA process. Projects exempt from NEPA must still be reviewed for compliance with these other laws.

*References: Section 316 of the Stafford Act (42 U.S.C. §5159)  
40 CFR Parts 1500-1508  
44 CFR Part 10  
Environmental Policy Memoranda, FEMA Policy 9560.1, dated  
August 17, 1999  
Public Assistance Guide, FEMA 322, pages 102-104*

# National Historic Preservation Act (NHPA)

**T**he **National Historic Preservation Act (NHPA)** requires that Federal agencies take into account the effects a project will have on historic resources and allow the Advisory Council on Historic Preservation the opportunity to comment on the effects of the project. Historic resources include structures, archaeological sites, traditional cultural properties, or other cultural resources included on, or eligible for inclusion on, the National Register of Historic Places.

FEMA activities requiring NHPA compliance include repair or restoration of historic facilities, demolition or removal of historic structures, and improved, alternate, or relocated projects affecting historic or archaeological sites (see **Alternate Projects, Improved Projects, and Relocation of a Facility**). FEMA is required to make a good faith effort to identify historic properties within a given project's area of potential effect.

The NHPA requires FEMA to:

- Identify historic properties that may be affected by federally funded activities.
- Evaluate the effects of the proposed work on historic properties.
- Consult with the following entities to resolve adverse effects:
  - State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO).
  - Advisory Council on Historic Preservation, when necessary.
  - Other interested parties, such as impacted property owners, local historical associations, or Native American groups..
  - Proceed with the work only after completing the historic review process.



The NHPA encourages FEMA to establish “programmatic agreements” with the State Emergency Management Agencies, SHPO’s and the Advisory Council. A “programmatic agreement” outlines roles and responsibilities, streamlines the process for compliance with Section 106 of the NHPA for certain types of projects and identifies types of projects that are excluded from NHPA review.

*References: 36 CFR §800*

*Section 106 of the National Historic Preservation Act  
Public Assistance Guide, FEMA 322, pages 108-109*

**D**amage caused by **Negligence** on the part of the applicant is not eligible. This issue often arises when an applicant fails to take prudent measures to protect a facility from further damage in the wake of a disaster. For example, the roof of a library is damaged during a hurricane.

The applicant does not install tarps on the roof to protect the building's interior for four weeks. In that time, repeated rain showers destroy the exposed books and furnishings. The damage caused by the rains is not eligible. The installation of the tarps is an emergency measure that would be eligible.

Damage caused by the applicant, if unavoidable, is not necessarily negligence, especially in cases where the damage occurs during emergency response efforts. For example, while using heavy equipment to prevent collapse of a levee, an applicant damages the road that provides access to the levee. Even though the applicant caused the damage, the repairs to the road may be eligible.

When inadequate design, such as an undersized culvert, contributes to damage, such damage is not considered negligence.

## Notice Of Interest (NOI)

Following the President's declaration of a disaster or major disaster, the governor's authorized representative (GAR) or designee will normally conduct meetings for all potential applicants for public disaster assistance. Applicants attending the briefing are requested to complete and submit a request for public assistance. Prior to September 30, 1998, this request was called a **Notice of Interest (NOI)**. The NOI was completed and submitted at the briefing or it was be submitted to the GAR no later than 30 days after designation of the disaster area.

On the NOI, the applicant indicated the broad categories of work and damaged facilities that were caused by the disaster incident and identified the applicant's representative who would manage the grant application.

The NOI was replaced by the Request for Public Assistance on October 1, 1998 (see **Request for Public Assistance**).



**F**or certain types of facilities, disaster assistance is the responsibility of a Federal agency other than FEMA. FEMA cannot provide assistance for the permanent repair of these facilities. This restriction applies even if the authorized agency decides not to provide assistance.

**Other Federal Agencies** with authority to provide disaster assistance include the following:

- Federal Highway Administration (FHWA): assistance with damage to roads and bridges on the Federal-Aid Roads (see **Federal-Aid Roads**).
- U.S. Army Corps of Engineers: repair of locally owned flood control works, such as dams, levees, and flood control channels (see **Flood Control Works**).
- Natural Resources Conservation Service: repair of locally owned flood control works (see **Flood Control Works**).

Even though FEMA cannot assist with permanent repairs to these facilities, in some cases FEMA may fund emergency work if the authorized agency decides not to provide assistance. For example, if the FHWA decides not to provide funds to clear debris from a road on the Federal-Aid Roads, FEMA may fund work to open the road for emergency use.

Some Federal agencies own facilities but turn responsibility for operation and maintenance of these facilities over to local agencies. Examples include:

- Roads constructed by the U.S. Forest Service and the Bureau of Indian Affairs.
- Reservoirs and water delivery systems constructed by the U.S. Bureau of Reclamation.

FEMA may provide assistance for the permanent repair of these facilities, if the agreement between the Federal and local agencies specifically assigns responsibility for repairs to the local agency. (see **Legal Responsibility**)

## Parks And Recreational Areas

**F**EMA provides assistance for restoration of **Parks and Recreational Areas**. Roads, buildings, and utilities within those areas are eligible (see **Roads, Buildings, and Utilities**). Additional recreational features, such as playground equipment, ball fields, swimming pools, tennis courts, boat docks and ramps, piers, and golf courses are also eligible. FEMA does not pay for the restoration of natural features such as stream channels, hillsides, trees, and landscaping. Repairs to beaches may be eligible in limited circumstances (see **Beaches**).

Recreational facilities operated by private non-profit organizations are not eligible for Public Assistance (see **Categories of Work**).

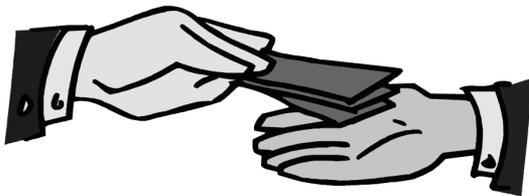
*References: Section 102(8) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221(e) and (h)  
Public Assistance Guide, FEMA 322, pages 58-60*

**F**EMA and the State share responsibility for making Public Assistance Program funds available to the applicant. This is accomplished through the process known as **Payment of Claims**.

FEMA is responsible for approving project applications, which serve as the basis for Federal funding. Once approved, FEMA makes the Federal share of the approved amount available to the State through a process known as obligation. Funds that FEMA has obligated are available to the State via electronic transfer, but reside in a Federal account until the State is ready to award grants to the appropriate applicants. The State administers the grant to the applicant as outlined in the State Administrative Plan.

The State is responsible for securing the State share of the grant amount and for notifying the applicant that funds are available. The method of payment to the applicant is dependent on whether the project is small or large.

- **Small projects:** payment is made on the basis of an estimate prepared at the time of project application. The State makes payment to the applicant as soon as possible after FEMA has obligated the Federal share (see **Small Projects**).
- **Large projects:** the State makes payments to the applicant on the basis of actual incurred costs as the project proceeds. Once the project is completed, FEMA may adjust the amount initially obligated for the project depending on an accounting of final eligible costs (see **Large Projects**).



## Permanent Work

**P**ermanent work refers to any activity that must be performed to restore a damaged facility, from minor repairs to complete replacement. The work is grouped into categories (see **Categories of Work**). There are three basic guides for permanent work:

- **Design:** FEMA provides funds to restore a facility to its pre-disaster design. If a gravel road is washed out during a flood, FEMA cannot provide a grant to replace the gravel with a paved surface.
- **Function:** The facility must perform the same function that it was designed to perform before the disaster. For example, a school gymnasium is in need of repair after an earthquake. The school district proposes to convert the space into a two-story office complex. Only the repairs to the gym are eligible. FEMA cannot provide a grant for the conversion to office space.
- **Pre-disaster capacity:** The restored facility must operate at the capacity available before the disaster. For example, a hospital designed for 100 beds is damaged beyond repair during a hurricane. The eligible replacement facility must be designed for at least 100 beds. FEMA will not reimburse for the cost to build a larger hospital required due to a greater service area or over-utilization of space. If code dictates a larger area per unit of capacity, only then will FEMA pay to increase the size of the building.

FEMA may make exceptions to these criteria for Improved Projects and Alternate Projects.



References: Section 406 of the Stafford Act (42 U.S.C. §5172)  
44 CFR §206.201(g) and 206.226  
Public Assistance Guide, FEMA 322, pages 44, 53-60

The costs of restoring damaged facilities are eligible for public assistance funding, but only on the basis of the facility's **Pre-Disaster Condition**. Pre-Disaster condition is defined as the size and capacity of a facility as it existed immediately prior to the disaster. There are two restrictions to restoration based on the pre-disaster condition:

1. If a facility was being used for lesser purposes than those for which it was designed, restoration will only be eligible to the extent necessary to restore the immediate pre-disaster use.
2. If a facility was inactive at the time of the disaster, restoration will not be eligible except in those instances:
  - Where the facility was only temporarily inoperative for repairs or remodeling.
  - Where future use by the applicant was firmly established in an approved budget.
  - Where the owner can demonstrate to FEMA that there was an intent to begin use within a reasonable time.

Cost-effective hazard mitigation projects may alter the pre-disaster condition of a facility but may be included, if approved by FEMA.

## Preliminary Damage Assessment (PDA)

**T**he **Preliminary Damage Assessment (PDA)** is a joint venture between FEMA and the State and local governments to document the impact and magnitude of the disaster on individuals, families, businesses, and public property. The governor will use the information gathered during the PDA process to determine whether Federal assistance should be requested.

The PDA is conducted once the State determines that the recovery effort is beyond State and local capabilities. State officials will ask the appropriate FEMA Regional Office to conduct a joint PDA with State and local officials in those areas defined by the State. After the PDA teams have documented the damage, the governor will determine whether or not to request Federal disaster assistance. The governor may limit the request for assistance or may seek the full range of assistance authorized under the type of declaration being requested. The Governor's request is addressed to the President but submitted through the appropriate FEMA Regional Director.



## Private Non-Profit (PNP) Applicant

**A** Private Non-Profit (PNP) Applicant must meet FEMA's eligibility criteria for applicants and must have:

- An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954, as amended, or
- State certification that the organization is a non-profit organization under State law.

For PNPs performing an eligible function, assistance includes repair or replacement of damaged facilities and related cost, such as emergency protective measures to prevent damage to the facility or its contents.

Operating costs for providing services are not eligible for PNP applicants, even if they are increased by the event. Ineligible items include labor, material, and equipment costs for providing assistance to disaster victims, even if the services are outside the organization's basic mission. If the organization is providing these services under contract to a local government or State agency, the costs may be eligible if claimed by the government or agency. See **Eligible Applicant**.



## Private Non-Profit (PNP) Facility



**A Private Non-Profit (PNP) Facility** must be open to the public, the responsibility of an eligible PNP applicant and provide a government service. Some services are:

- Community Centers.
- Custodial Care.
- Educational.
- Emergency.
- Homeless Shelters.
- Libraries.
- Medical.
- Museums.
- Rehabilitation Facilities.
- Senior Citizen Centers.
- Shelter Workshops.
- Utility.
- Zoos.

PNP facilities include buildings, structures and systems belonging to eligible PNP applicants. Administrative and support buildings essential for the operation of PNP educational, emergency, medical and custodial care facilities are eligible also.

References: Section 102 of the Stafford Act  
44 CFR §206.221 (e) and §206.223  
Public Assistance Guide, FEMA 286, pages 9-13

**P**rivate Property is not eligible for permanent restoration under the Public Assistance Program. However, an eligible applicant or Federal agency may use private property to perform emergency protective measures, such as the construction of a temporary levee to protect private and public property. In this case, the work performed is eligible; however, the removal of the temporary levee on private property is not eligible, unless the levee causes a health and safety risk.

If an eligible applicant damages private property as a result of eligible work, including the removal of debris, repairs to that property are not eligible unless the damage results in a health or safety risk. Similarly, if private property is damaged by a Federal agency engaged in disaster response efforts, the Federal government is not liable for repairs to that property.



*References: Section 407 (b) of the Stafford Act (42 U.S.C. §5173)  
44 CFR §206.208(b)(1)(ii)  
44 CFR §206.222 and 206.223 and 206.224  
Public Assistance Guide, FEMA 286, page 46*

## Programmatic Closure

**P**rogrammatic Closure occurs when FEMA ensures that all grants awarded under the Public Assistance Program for a given disaster meet the statutory and regulatory requirements governing the program. To achieve programmatic closure, FEMA ensures that all funds for small projects (see **Small Projects**) have been obligated and that the work for all large projects (see **Large Projects**) complies with eligibility requirements and any conditions of the grant, such as compliance with historic preservation regulations. In addition, FEMA must resolve any appeals before programmatic closure (see **Appeals**).

**A Project** is a representation of the work and costs associated with disaster-related activities. The applicant, working with the Public Assistance Coordinator (see **Public Assistance Coordinator**), is responsible for assessing disaster-related needs and developing projects to address those needs. The applicant must determine the best means for addressing the needs and organize projects accordingly. Examples of projects include:

- A single site, such as a road washout or a damaged building.
- Multiple sites, such as repairs at various locations along a sewer line.
- A complex containing multiple facilities, such as a school campus or a park.
- Work that has been, or will be done, by a single contractor, such as debris removal or citywide repairs to windows in public facilities.

When developing projects, the Public Assistance Coordinator and applicant must work together to develop a complete scope of work for each project (see **Scope of Work**). In addition, the applicant should consider all direct costs associated with that project. These costs include labor, equipment, materials, and contract costs.



## Project Application

FEMA bases Public Assistance Program grants on estimates or actual cost information for individual projects (see **Projects**). When processing the grants, FEMA assembles one or more of an applicant's projects together as a **Project Application**.

Before funds are made available to the State, FEMA must ensure that the project complies with all applicable Federal laws, regulations, and policies. This is known as the **Project Approval** process. Responsibility for compliance rests with the Disaster Recovery Manager (DRM), a FEMA official appointed by the FEMA Regional Director. The Public Assistance Officer, working with State counterparts, is usually responsible for the specific functions that must be performed to complete the granting of funds.

When an application is approved, FEMA makes funds available to the State for the projects contained in that application. The State then notifies the applicant that FEMA has approved the projects and proceeds with the payment process (see **Payment of Claims**).

If an applicant has a large number of projects, it may take time to collect all of the information needed for grant purposes. Rather than waiting until information for all of the projects has been gathered, FEMA may process the projects as an application with supplements. This process allows FEMA to make funds available to the applicant in increments.

In some cases, the initial scope of work or cost estimate for a project may have to be modified before the DRM can approve the project. If the changes are significant, FEMA will discuss the project with the State. The applicant has the right to appeal any decision project (see **Appeals**).

The **Project Worksheet** is a tool used by the applicant and FEMA to develop projects (see **Projects**). The worksheet can be used to record the following information:

- The scope of eligible work for the project, including the cause of damage, dimensions of damage, and the work necessary to repair the damage.
- Estimated or actual costs necessary to complete the work.
- Special considerations associated with the project, such as insurance and hazard mitigation.



For small projects, the applicant is responsible for maintaining supporting documentation. For large projects, FEMA may collect supporting documentation and store that information in the case management file.

See **Scope of Work, Special Considerations, Case Management File, Large Projects, and Small Projects.**

## Public Assistance Coordinator

**A**t the beginning of the disaster recovery process, a **Public Assistance Coordinator (PAC)** is assigned to each applicant. The PAC is a customer service manager who works with the applicant to resolve disaster-related needs and ensure that the applicant's projects are processed as efficiently and expeditiously as possible. By being involved from the declaration to the obligation of funds, the PAC ensures continuity of service throughout the delivery of the Public Assistance Program.

The PAC's responsibilities include:

- Meeting with the applicant to discuss the program and its application to the applicant's specific needs.
- Working with the applicant to develop projects.
- Obtaining the appropriate technical assistance if the applicant requires it.
- Ensuring that projects comply with all applicable laws, regulations, and policies.
- Ensuring that any special considerations associated with a project are identified and reviewed.
- Coordinating with the State as necessary to resolve problems.
- Maintaining the case management file.

See **Preliminary Damage Assessment, Projects, Special Considerations**, and **Case Management File**.



## Public Assistance Officer

The **Public Assistance Officer (PAO)** is the Federal official specifically responsible for the Public Assistance (PA) Program during disaster operations. As the program manager, the PAO:

- Advises the Federal Coordinating Officer (FCO) on all PA Program matters.
- Manages the operation of the PA staff and any coordination between the PA Program and other arms of the Federal disaster recovery effort.
- Works with State counterparts to ensure that the PA Program is effective in meeting the needs of applicants.
- Ensures that the PA Program is operating in compliance with all laws, regulations, and policies.

Typically, a State PAO is also designated. The State PAO has similar responsibilities within the State organization, but is also responsible for keeping applicants informed and educated and for working with applicants to resolve problems.



## Reasonable Cost

The definition of cost eligibility states that a cost must be reasonable and necessary to be eligible. What is a **Reasonable Cost**? A reasonable cost is a cost that is both fair and equitable for the type of work being performed.

For example, charging \$75/hour for a backhoe is unreasonable when the going rate for a backhoe is \$25/hour. There are several ways reasonable costs are established, such as:

- Historic documentation for similar work.
- Average costs for similar work in the area.
- Published unit costs from national cost estimating database.
- FEMA cost codes.

The reasonable costs requirement applies to all labor, materials, equipment, and contract costs awarded for the performance of eligible work.



## Reassigned Employee

**A Reassigned Employee** is an employee assigned to perform eligible work that is not part of his/her normal job. Many times during a disaster, employees are tasked to help other departments perform work. The labor cost for a reassigned employee is eligible as long as the reassigned employee is performing eligible work. An example of a reassigned employee performing eligible work is having an office employee stacking sandbags or a police officer removing debris from a roadway.



For emergency work, only overtime is eligible for reassigned employees. For permanent work, both regular and overtime are eligible.

When a reassigned employee has a higher salary than the personnel normally performing the work, the eligible labor rate should be an average rate for the employees who normally perform that type of work.

## Rehabilitation Facility



**A Rehabilitation Facility** is an eligible private non-profit facility that operates for the purpose of assisting in the rehabilitation of disabled persons. Such a facility provides professionals to conduct evaluations and services for the following types of evaluations.

- Medical.
- Psychological.
- Social.
- Vocational.

An eligible Rehabilitation Facility should provide a majority of these services. See **Private Non-Profit Applicant** and **Eligible Facility** definitions for more details.

*References: Section 102 (9) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221(e)(6)  
Public Assistance Guide, FEMA 322, page 12*

**A**n applicable Federal, State, or local standard, such as a floodplain management regulation, may require that a damaged facility be relocated away from a hazardous area. The **Relocation of a Facility** may also be required by FEMA if the facility is subject to repetitive heavy damage because of its location. In either case, the relocation project will only be approved if it is cost effective comparing project costs with future damages avoided, and not barred by any other FEMA regulations or policies.

Eligible costs included in a relocation project are:

- Demolition and removal of the old facility.
- Land acquisition.
- Construction of the new facility.
- Ancillary facilities, such as roads and utilities.

When a relocation project is approved, no future Federal funding for the repair or replacement of any facility subsequently built at the old site will be approved. An exception is given for facilities or structures that facilitate an open space use. Examples include minimal facilities for a park, such as benches, tables, restrooms, or minor gravel roads.



If relocation is not desirable, feasible or cost effective and restoration of the facility in its original location is not practicable or allowed because of floodplain, environmental, or other considerations or laws, then the applicant may apply for an Alternate Project (see **Alternate Project**).

## Repair Or Replacement

FEMA will restore an eligible facility to its pre-disaster condition. Restoration is divided into two categories: **Repair or**

**Replacement.** If a facility is damaged to the point where the applicant thinks the facility should be replaced rather than repaired, the

following calculation, known as the “**50% Rule**,” should be used to determine the eligibility components only. The cost **does not** include codes and standards upgrades, demolition, site work, and any soft costs.

IF  $\frac{\text{Repair Cost}^1}{\text{Replacement Cost}^2} < 50\%$  THEN only the repair cost is eligible



IF  $\frac{\text{Repair Cost}^1}{\text{Replacement Cost}^2} \geq 50\%$  THEN the replacement cost is eligible

- <sup>1</sup> Repair cost equals the cost of repair of damaged components only. The cost does not include codes and standards upgrades, demolition, site work, or any soft costs.
- <sup>2</sup> Replacement cost equals the cost of reconstructing the facility and includes current codes and standards upgrades. The cost does not include demolition, site work, and any soft costs.

References: Section 406 (a)(1) of the Stafford Act (42 U.S.C. §5127)

44 CFR §206.226(d)(1)

Eligibility of Facilities for Replacement under 44 CFR §206.226(d)(1)

(The 50% Rule), FEMA Policy 9524.4, dated September 24, 1998

Public Assistance Guide, FEMA 322, pages 28-31

**T**he **Request for Public Assistance (RPA)** is the form a public or private non-profit organization uses to apply for disaster assistance. Using the RPA, potential applicants can provide information about their organizations, such as physical location, points of contact, and information regarding private non-profit status. FEMA and the State use the information submitted on the RPA to determine if an applicant is eligible for public assistance.

The RPA, which includes instructions for completion, must be submitted to the State Public Assistance Officer within 30 days of the date of declaration or designation of an area. The form may be submitted at the applicant's briefing, by mail, by fax, or electronically. Once submitted, the RPA becomes part of the case management file.

Potential applicants may obtain a copy of the RPA from the State emergency management organization, through FEMA's Internet website, or at the applicant's briefing.

See **Eligible Applicant, Private Non-Profit Applicant, and Case Management File.**

## Roads

**R**oads (paved, gravel, and dirt) are eligible for repair or replacement under the Public Assistance Program, unless they are part of the Federal-Aid Roads (see **Federal-Aid Roads**). Eligible work includes repair to surfaces, bases, shoulders, ditches, culverts,

low water crossings, and other features, such as guardrails. Damage to the road must be disaster-related. In addition, repairs necessary as the result of normal deterioration, such as “alligator cracking,” are not eligible because it is pre-disaster damage.

Landslides and washouts often affect roads. Earthwork in the vicinity of a road may be eligible, but only if the work is necessary to ensure the structural integrity of the road (see **Landslides**).

Road or bridge closures resulting from a disaster may increase traffic loads on nearby roads. If diverted traffic causes damage to a road, FEMA may pay to repair this damage if no other alternative is available.

Restoration of a damaged road may include upgrades necessary to meet current codes and standards, as defined by the State or local department of highways (see **Codes and Standards**). Typical standards affect lane width, loading design, and construction materials.



*References: Section 102(8) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221(h) and 206.226 (a) and (b)  
Public Assistance Guide, FEMA 322, pages 53-55*

**P**rojects are defined by the specific damage sustained at a facility and a detailed description of the proposed repair. The components of the proposed repair make up the **Scope of Work**. A good scope of work contains three components:

1. The cause of damage.
2. The dimensions and description of the damage.
3. The work necessary to repair the damage or replace the facility.

The scope of work is the basis for the cost estimate; therefore, it is important that the scope of work is concise yet comprehensive enough to fully support what work is to be done and why it is being done. The scope of work is developed through coordination between FEMA field personnel, State representatives, and applicants and must be reviewed to ensure that the project complies with all applicable Federal laws, regulations, and policies before funds can be provided (see **Project Coordination** and **Project Approval**).



## Sequence Of Events

The following list outlines the general **Sequence of Events** during a disaster. This sequence may vary based on the circumstances of the disaster.

- Disaster occurs.
- Local response – declaration of state of emergency.
- Continue emergency work – maintain records (labor, equipment, materials, and contracts).
- Compile estimated damage costs. Report to State Emergency Management Agency.
- Evaluate and request State/Federal aid.
- Federal/State survey of need – Preliminary Damage Assessment (PDA).
- Governor’s request for Federal assistance.
- Presidential declaration of disaster.
- Request Immediate Needs Funding if necessary.
- Designate applicant’s representative.
- Attend applicant’s briefing and submit a request for Public Assistance.
- Prepare for damage assessment and designate FEMA/State team members.
- Develop projects and complete application for Federal funds.
- Maintain required documentation – labor, equipment, materials, and contracts.
- Receive payment for Federal share of small projects and possibly State share.
- Complete approved disaster work within time allowed.
- Request final inspections.
- Submit documents for final audit.
- Receive reimbursement – final payment on large projects.
- Keep all records for 3 years after final payment.



**A** private non-profit facility that may be eligible for Federal funding is a **Shelter workshop**. An eligible private non-profit shelter workshop creates a product utilizing the skills of disabled persons. They establish their eligibility by providing a government service and being available to the general public.

This definition does not apply to shelters established for disaster victims. FEMA may provide funds for such a shelter if it is established and run by a State or local government, but only if volunteer agencies are unable to meet the need.



## Small Projects

**T**wo different payment methods have been established for Public Assistance Program grants. The difference between the methods is dependent on whether a project is small or large. That determination is based on a cost threshold that changes annually. The threshold is updated at the beginning of each fiscal year and published in the Federal Register. For the year ending September 30, 1998, the threshold was set at \$47,100. If the estimated cost of a project is less than this threshold, the project is processed as a small project.

**Small Projects** are funded using an initial estimate of costs. The steps for processing a small project are described below.

1. An estimate is prepared. FEMA approves funding using the estimate and obligates the Federal share of the funds to the State (see **Payment of Claims**).
2. The State grants funds to the applicant as soon as possible after FEMA approves the funds.
3. The funding level for small projects is fixed, regardless of the final cost incurred by the applicant (see **Cost Overruns**).
4. FEMA does not perform a final inspection of completed small projects. However, the State must certify that the applicant completed the work in compliance with all applicable laws, regulations, and policies. Therefore, the State may decide to review some, if not all, of an applicant's small projects.

The advantage to this process is that processing of the grant is expedited; funds are available as soon as the estimate is approved rather than after the applicant submits documentation of costs.

*References: Section 422 of the Stafford Act (42 U.S.C. §5189)  
44 CFR §206.203(c) and 206.205(a)  
Public Assistance Guide, FEMA 322, pages 68, 80, 82-83*

**S**now Removal Assistance is eligible for Federal assistance provided that:

- The snowfall is of record or near record.
- The response is beyond the State and local government capabilities.
- The action is necessary to save lives, protect public health and safety, and protect improved property.

Other circumstances, such as heavy snowfall over an extended period of time, severe winds and extraordinary drifting, extraordinary ice formations, and the cumulative effect of snow on the ground may warrant assistance even if the snow depth does not exceed record snowfall levels.

Snow removal assistance will be provided for a 48-hour time period to address the most critical emergency needs. The 48-hour period for snow removal assistance may begin at a time other than when the storm actually began. The disaster assistance applicant will designate the beginning of the 48-hour period.

Emergency protective measures, as described in 44 CFR, Section 206.225 are eligible for assistance following a major disaster or emergency declaration. It is assumed that the most critical needs will be addressed during the 48-hour period. Therefore, all snow plowing and related work (salting and sanding) is eligible for reimbursement from FEMA during the approved time period. The provisions of 44 CFR, Section 206.228 (a)(4) apply.



*References: 44 CFR §206.227*

*Snow Assistance Policy, FEMA Policy 9523.1, dated December 28, 1999  
Public Assistance Guide, FEMA 322, pages 52-53*

## Special Considerations

FEMA uses the term **Special Considerations** to describe issues other than program eligibility that could affect the scope of work and funding for a project. These issues include insurance; hazard mitigation measures; and compliance with other Federal laws and regulations, such as those pertaining to protection of the environment and historic preservation.

To expedite the approval of grant funds, FEMA strives to identify and resolve special considerations issues as early in the recovery process as possible. To accomplish this objective:

- Teams work to identify special considerations during the Preliminary Damage Assessment (see **Preliminary Damage Assessment**).
- FEMA meets with the State and other agencies that might be involved in special considerations to outline strategies for resolving special considerations issues.
- The Public Assistance Coordinator (PAC; see **Public Assistance Coordinator**) works with the applicant to identify special considerations issues as early as possible in the project formulation process.
- FEMA provides specialists to review special considerations issues at the Disaster Field Office.

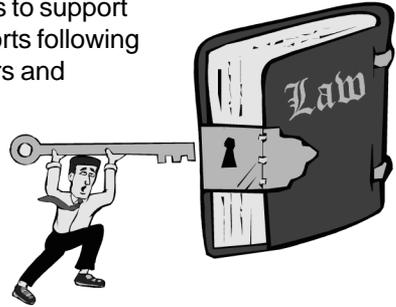
The applicant has a critical role in the identification and quick resolution of special considerations issues. By being aware of the way these issues can affect projects, the applicant can assist FEMA by identifying these issues as early as possible and providing information necessary for review.

See **Insurance, Hazard Mitigation, National Environmental Policy Act, and National Historic Preservation Act**.



**T**he **Stafford Act**: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq., authorizes the President (FEMA per Executive Order 12673) to provide financial and other forms of assistance to State and local governments, certain private nonprofit organizations and individuals to support response, recovery and mitigation efforts following Presidentially declared major disasters and emergencies. The Stafford Act describes generally the declaration process, the types and extent of assistance that may be provided and fundamental eligibility requirements.

## Stafford Act



**T**he State is required to develop a **State Administrative Plan** to administer the Public Assistance Program. The Plan should include the designation of responsibilities for State agencies and include staffing for the Public Assistance Program.

The administrative plan should also include procedures for:

- Notifying of potential applicants.
- Conducting Applicant's Briefings.
- Assisting FEMA in determining applicant eligibility.
- Participating in the damage assessment and project application processes.
- Processing appeals.
- Compliance with 44 CFR Parts 13 and 206.
- Compliance with audit requirements.
- Processing advances of funds and reimbursement.
- Determining staffing and budget requirements.

An approved state administrative plan must be on file with FEMA before grants will be approved for any major disaster. The approved state administrative plan should be incorporated into the State's emergency plan.

**F**EMA and the State work as partners to deliver the Public Assistance Program. The **State Role** is as follows:

- Providing technical support and assistance to applicants.
- Ensuring that potential applicants are educated about the Public Assistance Program and are aware that the assistance is available.
- Assisting FEMA in the collection of damage information and the preparation of cost estimates.
- Granting funds to applicants.
- Administering the grants through project monitoring, inspection, and reconciliation.

## State Role



# Subgrantee

The **Subgrantee** (also referred to as an Applicant) is a State agency or local government, American or Native Indian Tribe, private non-profit group or other legal entity to which a public assistance funds are awarded. The Subgrantee:

- Is accountable to the grantee for the use of the funds provided by FEMA.
- Should attend the Applicant's Briefing to learn about the necessary paper work to apply for Federal assistance and documentation required for the damage assessment process.
- Is responsible for providing documentation and personnel to work with FEMA and the State in the damage assessment and project application processes.
- Is responsible for completing its recovery actions.



**F**EMA maintains nationwide, stand-by contracts with a group of engineering firms called **Technical Assistance Contractors (TACs)**. The TACs provide skills and services to meet Public Assistance Program needs that cannot be addressed using FEMA staff. FEMA may request TAC assistance when specialists are needed, such as in estimating the damages to complex facilities. The TACs also provide certain non-engineering services, such as insurance adjustment services and historical and environmental reviews.

## Technical Assistance Contractors (TAC)



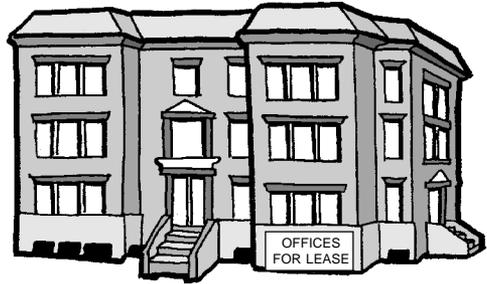
## Temporary Employee

**T**emporary Employees are extra personnel hired by the applicant as a direct result of the disaster to perform eligible work. An example of a temporary employee would be a laborer hired to perform repairs to roads damaged during the disaster.

Regular and overtime labor costs are eligible for both emergency and permanent work for temporary employees.



**W**hen buildings that house essential community services, such as schools, government offices, and certain private non-profit functions are damaged extensively enough that they cannot be used until repairs are made, **Temporary Relocation** of the essential services may be necessary. The costs associated with Temporary Relocation are eligible but are subject to cost comparisons of alternate methods of providing facilities. Such costs include the rental or purchase of temporary space and equipment. Maintenance and operating costs of the temporary facility are not eligible.



The decision whether to rent or purchase space and equipment must be based on cost effectiveness. The length of time that rental or purchase costs are eligible will be based on the time required to complete repair work that will bring the damaged facility to predisaster condition.

## Time Limits

**F**EMA has established **Time Limits** for requesting assistance and for completing work using Public Assistance Program grants.



### **Requesting Assistance**

- An applicant must submit a request for Public Assistance within 30 days of the date that the area was designated a disaster area.
- Project information must be submitted to FEMA within 60 days of the designation date.
- FEMA will take action on granting funds for a specific project within 45 days of receiving all of the information for that project.
- A subgrantee may appeal FEMA's decision to the grantee within 60 days of being notified of that decision.

### **Completing Work**

The time frames for completing eligible work are also measured from the date of declaration of the disaster and vary depending on the type of work.

Type of Work	Months After Designation
Debris Clearance	6
Emergency Work	6
Permanent Work	18

### **Time Extension**

All time frames are set by regulation. However, a Time Extension may be requested through the grantee, if extenuating circumstances or unusual project conditions exist. The grantee has the authority to extend the time frames for completion of debris removal and emergency work by 6 months and permanent work by 30 months. For all other extensions, the grantee must request the extension from FEMA.

**T**rees, Shrubs, and Other Ground Cover are not eligible for replacement under the Public Assistance Program. This policy applies to trees and shrubs in recreational areas, such as parks, as well as trees and shrubs associated with public facilities, such as those located in the median strips along roadways and as landscaping for public buildings. Grass and sod are eligible only when necessary to stabilize slopes and minimize sediment runoff.

This policy does not affect removal of tree debris or the removal of trees as emergency protective measures. FEMA will reimburse for the removal of tree debris and the removal of trees as emergency protective measures if the removal does one of the following:

- Eliminates an immediate threat to lives, public health and safety;
- Eliminates the immediate threats of significant damage to improved public or private property; or,
- Ensures the economic recovery of the affected community to the benefit of the community at large.

However, FEMA will not reimburse for the replacement of these trees.



## Utilities

**T**ypical **Utilities** include:

- Water treatment plants and delivery systems.
- Power generation and distribution facilities, including generators, substations, and power lines.
- Sewage collection systems and treatment plants.



The owner of a facility is responsible for determining the extent of damage; FEMA does not provide funds for random surveys to look for damage, such as TV inspection of sewer lines. If damage is evident, however, FEMA may pay for inspections to determine the extent of the damage and method of repair.

While FEMA will pay for restoration of damaged utilities, FEMA does not provide funds for increased operating expenses resulting from a disaster. Similarly, FEMA cannot provide funds for revenue lost if a utility is shut down. However, the cost of establishing temporary, emergency services in the event of a utility shut-down may be eligible.

*References: Section 102 (8) and 102 (9) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221 and §206.226  
Public Assistance Guide, FEMA 322, pages 57-58*

**F**EMA must ensure that public assistance grants comply with all applicable laws, regulations, and policies. When an applicant submits small projects (see **Projects**) for approval, FEMA conducts the **Validation** process to ensure this compliance.

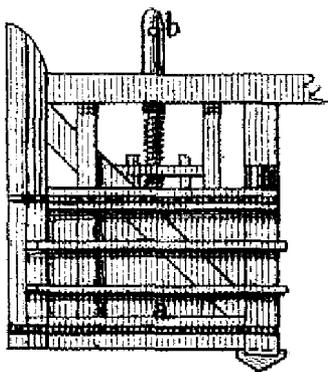
During validation, a specialist from FEMA or the State reviews a portion of the applicant's small projects to confirm that the applicant has developed accurate scopes of work and cost estimates and that the applicant has sufficient documentation to support the projects. Normally, the review is limited to 20 percent of the applicant's small projects. However, if problems are found, the sample size may be expanded.

At the beginning of the recovery process, the applicant's Public Assistance Coordinator (PAC; see **Public Assistance Coordinator**) is responsible for describing the validation process to the applicant and ensuring that the applicant is aware of documentation requirements. Validation occurs after the applicant has developed projects for all disaster-related work. The PAC is responsible for working with the applicant to schedule validation. Validation should be completed within 15 days of receipt of the applicant's small projects.

## Water Control Facilities

**W**ater Control Facilities are those facilities built for the following purposes:

- Channel alignment.
- Recreation.
- Navigation.
- Land reclamation.
- Fish and wildlife habitat.
- Interior drainage.
- Irrigation.
- Erosion prevention.
- Flood control.



Public Assistance eligibility is limited for facilities built specifically for flood control (see **Flood Control Works**). Those built for other purposes are evaluated as any other eligible facility.

References: Section 102 (8)(a) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221(h)  
Public Assistance Guide, FEMA 322, pages 55-56

## Appendix A

In October 1998, the Federal Emergency Management Agency (FEMA) prepared the Public Assistance Policy Digest. This digest was intended to assist participants in the Public Assistance (PA) program by providing a brief summary of the basic policies that govern the PA program. Since the date of publication, FEMA Headquarters has issued additional policies and has updated the Public Assistance Guide, one of the primary references referred to in this digest.

This appendix to the digest has been prepared to provide a summary of the additional policies and clarification of other topics. References for each topic included in the digest and this appendix are presented in table format on pages A-15 through A-22. Users also may find the FEMA PA Program Web Site ([www.fema.gov/r-n-r/pa/](http://www.fema.gov/r-n-r/pa/)) a useful resource.

While the digest and this appendix are primarily intended for those unfamiliar with the terms and provisions of the program, they also may serve as a quick reference for those with more knowledge of the program. Because these documents are not exhaustive, either in topics or in detail, information should be verified with FEMA PA program officials before becoming the basis for decision making.

Please direct suggestions regarding improvements to the program and this publication to:

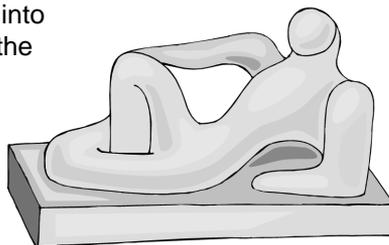
Director, Infrastructure Division, Room 713  
Response and Recovery Directorate  
Federal Emergency Management Agency  
500 C Street, SW  
Washington, D.C. 20472

**A**rt or other culturally significant collections or objects may be damaged or destroyed when museums or other eligible facilities, either publicly owned or owned by a PNP, are involved in disasters. These collections and objects, by their very nature, generally are one-of-a-kind and thus cannot be replaced. Therefore, replacement of destroyed collections or objects is not an eligible cost.

Art

FEMA may, however, fund stabilization measures. Stabilization involves taking the minimum steps necessary to return a collection or object to a condition to which it can function in the same capacity as it did prior to the disaster. FEMA's Preservation Officer (or designee) in consultation with the applicant and the State, will use professional judgement to determine if additional treatment beyond stabilization is necessary to maintain the integrity of the collection or object and return it to its pre-disaster function.

For example, a priceless sculpture in a public museum falls from a shelf breaking it into many pieces. FEMA will not replace the sculpture but will pay to stabilize the sculpture for display purposes.



*References: Collections and Individual Objects, FEMA Policy 9524.6, dated August 17, 1999  
Public Assistance Guide, FEMA 322, page 57*

## Bridges

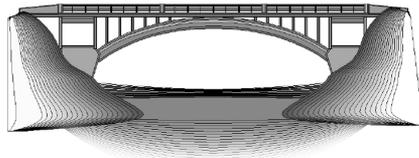
**B**ridges are eligible for repair or replacement under the Public Assistance Program, unless they are on a Federal Aid Road (see **Federal-Aid Roads**). Eligible work includes repairs to decking, guardrails, girders, pavement, abutments, piers, slope protection, and

approaches. Only repairs of disaster-related damage are eligible. In some cases, FEMA may use pre-disaster bridge inspection reports to determine if damage to a bridge was present before the disaster.

Work to repair scour or erosion damage to the channel and stream banks is eligible if the repair is necessary to ensure the structural integrity of the bridge. Earthwork that is not related to the structural integrity of the bridge is not eligible (see **Landslides**). Similarly, work to remove debris, such as fallen trees, from the channel at the bridge is eligible if the debris could cause further damage to the structure or if the blockage could cause flood waters to inundate nearby homes, businesses, or other facilities (see **Debris Removal**).

Restoration of a damaged bridge may include upgrades necessary to meet current standards for road and bridge construction, as defined by the State or local highway department (see **Codes and Standards**). Typical standards affect lane width, loading design, construction materials, and hydraulic capacity. If code requires, FEMA will permit changes in the bridge design from one lane to two lanes. This does not apply to other expansions of capacity (e.g. from two lanes to four lanes).

Permanent restoration of a bridge that falls under the authority of the FHWA is not eligible for public assistance (see **Federal-Aid Roads**).



References: 44 CFR §206.221(h) and §206.226 (a) and (b)  
Public Assistance Guide, FEMA 322, pages 53-54

**U**nder the Stafford Act, FEMA can consider the increased demand for **Building Inspection** services as an eligible emergency protective measure if such inspections are directly related to the disaster and are necessary to establish if a damaged structure poses an immediate threat to life, public health or safety. Eligible costs for safety inspections are written as “Category B” emergency work on the Project Worksheet.

The following category B inspections are ineligible for funding under the public assistance program:

- To determine if the building was substantially damaged beyond repair under the National Flood Insurance Program regulations
- To determine if the building should be elevated or relocated
- To determine if the repairs are needed to make the building habitable



The three types of inspections listed above are related to reconstruction and repair, rather than to safety, and are, therefore, ineligible for assistance.

*Reference: Sections 403 and 406 of the Stafford Act (42 U.S.C. §5170b and 5172)  
44 CFR §206.204 and 206.228  
Eligibility of Building Inspections in a Post-Disaster Environment,  
FEMA Policy 9523.2, dated June 23, 1998  
Public Assistance Guide, FEMA 322, page 52*

## Codes and Standards

**W**hen a facility must be repaired or replaced, FEMA may pay for upgrades that are necessary to meet specific requirements of current **Codes and Standards**. This situation typically occurs when older facilities, particularly buildings, must be repaired in accordance with codes that were adopted after the original construction.

For the cost of an upgrade to be eligible, the code or standard requiring the upgrade must:

- *Apply to the type of work being performed.* If a facility must be replaced, an upgrade would apply throughout the facility. However, if a facility needs repair work only, then upgrades would apply to the damaged elements only. For example, FEMA would pay to install a sprinkler system throughout a building if that building were being replaced, but would not pay for such a system if the only eligible repair work involved replacing flood-damaged walls and flooring on the ground level.
- *Be appropriate to the pre-disaster use of the facility.*
- *Be reasonable, formally adopted, in writing, and implemented prior to the disaster declaration date.* The appropriate legislative authority within the applicable jurisdiction must have taken all requisite actions to implement the code or standard.
- *Apply uniformly to all facilities of the type being repaired within the applicant's jurisdiction.* The standard cannot allow selective application; it cannot be subject to discretionary enforcement by public officials. The standard must be applied regardless of the source of funding for the upgrade work; it cannot be applied selectively based on the availability of funds.
- *Be enforced during the time that it was in effect.* FEMA may require documentation showing prior application of the standard.

For additional information regarding standards, see **Bridges** and **Americans With Disabilities Act**.

References: Section 406(e) and 409 of the Stafford Act (42 U.S.C. §5172 and §5176)  
44 CFR §206.221 (j) and 206.226(b)  
Public Assistance Guide, FEMA 322, pages 27-28

**D**emolition of disaster-damaged structures may be eligible for emergency work assistance if the work is necessary to:

- Eliminate an immediate threat to lives, public health and safety
- Eliminate immediate threats of significant damage to improved public or private property
- Ensure the economic recovery of the affected community to the benefit of the community-at-large

Eligible activities include demolition of the facility superstructure, filling in of open below-grade structures (basements, swimming pools), and other activities including capping of wells and pumping and capping of septic tanks.

Examples of ineligible demolition activities include:

- Removal of slabs or foundations that do not present a health or safety hazard
- Removal or covering of pads and driveways
- Demolition of structures condemned as safety hazards prior to the disaster
- Demolition of threatened but habitable (not yet damaged) structures



In addition to demolition as an emergency protective measure, demolition may occur as part of permanent restoration. Demolition activities are eligible for permanent work assistance when the work is required in support of repair, replacement or reconstruction of a project. Demolition of a facility that is going to be abandoned and that is associated with an approved relocation, improved, or alternate project also may be eligible.

Exception: For FEMA-funded buyout and relocation projects, slabs and appurtenances may be removed when the local official certifies the structure as substantially damaged.

*References: Sections 403, 406, and 407 of the Stafford Act (42 U.S.C. §5170b, 5172 and 5173)  
44 CFR §206.204 and §206.226  
Demolition of Private and Public Facilities, FEMA Policy 9523.4, dated November 9, 1999*

## Educational Facilities

**Educational Facilities** are defined in terms of primary, secondary and higher education schools. For primary and secondary schools, an education institution is a day or residential school that provides primary or secondary education as determined under State law. This

generally means that the school satisfies State requirements for compulsory attendance. Institutions of higher education are also eligible provided that:

- They admit as students persons having a high school diploma or equivalent
- They are legally authorized to provide education beyond a secondary level
- They award a bachelor's degree or two-year degree that is acceptable as full credit towards a bachelor's degree
- They are accredited by a nationally recognized agency or association



A higher educational institution is also defined as any school that provides not less than a one-year training program to prepare students for gainful employment in a recognized occupation and that meets the criteria set forth in the first, second and fourth bullets above.

Eligible components of educational facilities include classrooms and related supplies, equipment, machinery, and utilities of an educational institution necessary for instructional, administrative, and support purposes. Buildings or structures and related items primarily used for religious purposes or instruction are not eligible.

*References: Sections 102(8) and 102(9) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221(a) and §206.226(a)(2)  
Public Assistance Guide, FEMA 322, pages 11-12*

**H**omeowners' Associations are generally formed for the specific purpose of managing, maintaining and governing the use of property within a specific defined area on behalf of the homeowners of that area.

## Homeowners' Associations

Services often include:

- Emergency services such as fire and ambulance.
- Utilities such as power, water and sewer, sewage treatment.
- Medical clinics.
- Roadways within the defined community area.
- Recreational facilities (golf, tennis, pools), parks and lakes, and community centers.

A Homeowners' Association may be eligible for public assistance if the Association meets the eligibility criteria for a Private Nonprofit (PNP) applicant (**see Private Nonprofit (PNP) Applicant**). Eligible facilities include only those that would be eligible for an eligible PNP applicant (**see Private Nonprofit (PNP) Facility**), and must be open to the general public. Roadways and recreational facilities are not eligible PNP facilities.

Homeowners' Associations generally have membership dues and prohibit access by those who are not members or to citizens outside the geographic community area. Under these circumstances, the services and facilities are not considered to be open to the general public and, therefore, are not eligible for public assistance.

Eligible facilities owned by a Homeowners' Association are eligible for debris removal and other protective measures. The work may be done by either the Homeowners' Association or by an eligible local or State level governmental entity. Removal of debris from non-eligible facilities, such as roadways within the community, is only eligible if performed by an eligible local or State level governmental entity.



## Indian Tribal Governments

**Indian Tribal Governments**, including Alaska Native villages and organizations, are eligible applicants. Privately owned Alaska Native corporations are not eligible applicants.

Generally Indian tribes are considered Subgrantees and receive grant funds from the State, which acts as the Grantee (see **Grantee**). In some States, however, State regulations prohibit the State from acting as Grantee for an Indian tribe. In such cases, or if the tribe chooses, the tribal government may act as its own Grantee. The tribe must apply to the FEMA Regional Director to become its own Grantee.

An Indian tribal government that chooses to act as its own Grantee becomes responsible for the entire non-Federal share of the public assistance grant, unless the State provides some or all of that cost (see **Cost Share**). In addition, the tribal government will be required to comply with the following conditions in order to receive funding:

1. Meeting all requirements placed on a Grantee in accordance with 44 CFR Part 13
2. Executing a formal FEMA-Tribal Agreement similar to the FEMA-State Agreement (see **FEMA-State Agreement**)
3. Developing and submitting a Public Assistance Administrative Plan similar to the State Administrative Plan (see **State Administrative Plan**).

*References: Section 102 of the Stafford Act (42 U.S.C. §5122)*

*44 CFR Part 13*

*44 CFR §206.202(f)(1) and §206.222(c)*

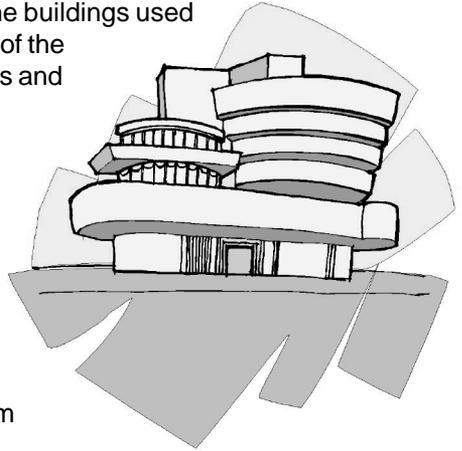
*Administering American Indian and Alaska Native Tribal Government Funding, FEMA Policy 9521.4, dated December 28, 1999*

*Public Assistance Guide, FEMA 322, page 9*

**P** rivate Nonprofit (PNP) **Museums** are confined facilities that are constructed or manufactured to preserve and exhibit a documented collection of artistic, historic, scientific or other importance. PNP Museums are eligible for public assistance provided that they are open to the general public. Only the buildings used for the preservation and exhibition of the collection, including appurtenances and infrastructure, are eligible. Administrative buildings and other assets that are not essential to this purpose, including the grounds and open natural areas, are not eligible.

Publicly owned museums generally are eligible for public assistance.

See **Art** for eligibility of museum collections and objects.



References: Sections 102 and 406(a) of the Stafford Act (42 U.S.C. §5122 and 5172)  
44 CFR §206.221(e)(6) and (h)  
*Private Nonprofit Museum Eligibility, FEMA Policy 9521.2, dated August 17, 1999*  
*Public Assistance Guide, FEMA 322, page 14*

## Private Nonprofit (PNP) Facility

**A Private Nonprofit (PNP) Facility** must be open to the general public, the responsibility of an eligible PNP applicant and provide a government service. Eligible services are:

- Educational
- Zoos
- Utility
- Libraries
- Emergency
- Community Centers
- Medical
- Senior Citizen Centers
- Custodial Care
- Rehabilitation Facilities
- Museums
- Shelter Workshops
- Other Health and Safety Services



PNP facilities include buildings, structures and systems belonging to eligible PNP applicants. Administrative and support buildings essential for the operation of PNP educational, emergency, medical and custodial care facilities are eligible also.

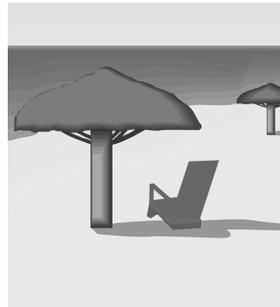
Facilities with mixed activities (eligible and non-eligible) may be eligible if the facility has over 50% of its space dedicated to eligible uses. Assistance would be pro-rated based on the percentage of space used for eligible purposes. Contents within the ineligible space are not eligible for any assistance.

Example: A PNP medical clinic has 20% of its space leased to a for-profit medical group. Because the facility is primarily used for eligible PNP services (80%), the facility is eligible. Disaster damages occur throughout the building, including the space occupied by the for-profit medical group. Funding would be provided for 80% of the total estimated building repair cost and may be applied to repair of any disaster-related damages throughout the building.

*References: Section 102(9) of the Stafford Act (42 U.S.C. §5122)  
44 CFR §206.221(e) and §206.223  
Public Assistance Guide, FEMA 322, pages 10-16, 32-33*

**E**xecutive Order 12699 – **Seismic Safety** of Federal and Federally Assisted or Regulated New Building Construction – requires that all eligible construction of new buildings under the PA Program use appropriate seismic design and construction standards and practices. This is true regardless of the cause of the declared disaster.

If a damaged building is eligible for replacement, the costs of meeting required and reasonable seismic codes also are eligible. However, for new construction of an alternate or improved project, any additional costs to satisfy appropriate seismic requirements beyond those for the original approved project are not eligible.



*References: Section 409 of the Stafford Act (42 U.S.C. §5176)  
Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, dated January 5, 1990  
Seismic Safety – New Construction, FEMA Policy 9527.1, dated December 28, 1999  
Public Assistance Guide, FEMA 322, page 110*

## Sequence Of Events

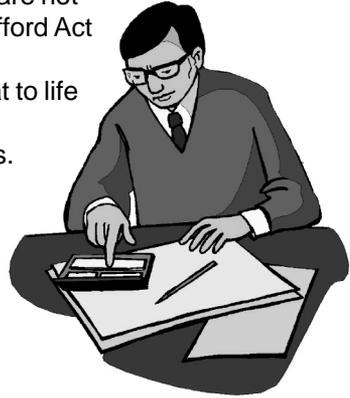
The following list outlines the general **Sequence of Events** during a disaster. This sequence may vary based on the circumstances of the disaster.

- Disaster occurs.
- Local response – emergency operations center activation – declaration of state of emergency.
- Continue emergency work – maintain records (labor, equipment, materials, and contracts).
- Compile initial estimated damage. Report to State emergency management agency.
- Evaluate needs and request State/Federal assistance.
- Federal/State survey of need – Preliminary Damage Assessment (PDA).
- Governor’s request for Federal assistance.
- Presidential declaration.
- Designate applicant’s agent.
- Request immediate needs funding
- Attend Applicants’ Briefing and submit a *Request for Public Assistance*.
- Attend Kickoff Meeting with Public Assistance Coordinator – discuss project formulation.
- Prepare *Project Worksheets* – work with the Public Assistance Coordinator.
- Address applicable Special Considerations (floodplain management, insurance, hazard mitigation and compliance with environmental and historic preservation laws).
- Complete application for Federal funds.
- Maintain required documentation (labor, equipment, materials, and contracts).
- Provide quarterly reports to FEMA
- Receive payment of small projects - for Federal share and possibly State share.
- Complete approved disaster work within time allowed.
- Request final inspections.
- Submit documents for final inspection, program review and close-out.
- Receive reimbursement – final payment on large projects.
- Keep all documentation for 3 years after applicant close-out.



## Tax Assessments

**F**ollowing disasters, State and local governments may conduct **Tax Assessments** to reassess real property values within their jurisdictions. Although property reassessments may be the legal responsibility of the applicants following a disaster, they are not eligible for reimbursement under the Stafford Act because the reassessments are neither essential to meeting an immediate threat to life or improved property nor connected with permanent restoration of eligible facilities.



*References: Sections 403 and 406 of the Stafford Act (42 U.S.C. §5170b and 5172)  
44 CFR §206.223  
Post-Disaster Property Tax Assessment, FEMA Policy 9525.1, dated  
November 30, 1998*

## Temporary Relocation

**W**hen buildings that house essential community services, such as schools, government offices, and certain Private Nonprofit functions, such as critical health facilities, are damaged extensively enough that they cannot be used until repairs are made,

**Temporary Relocation** of the essential services may be necessary. Criticality of the service and safety of the facility are the factors used to determine the need for temporary relocation. The costs associated with Temporary Relocation are eligible but are subject to cost comparisons of alternate methods of providing facilities. Such costs include the rental or purchase of temporary space and equipment. Maintenance, utilities and operating costs of the temporary facility are not eligible.

The decision whether to rent or purchase space and equipment must be based on cost effectiveness. The length of time that rental or purchase costs are eligible will be based on the time required to complete repair work that will bring the damaged facility to pre-disaster design. Normally, the period of time for which temporary relocation assistance may be provided is 6 months, based on the regulatory time limitation for the completion of emergency work (44 CFR 206.204(c)). However, the Governor's Authorized Representative(GAR) may recommend a time extension based on information provided by the applicant documenting extenuating circumstances beyond the control of the applicant, complete design drawings, and the revised timeline for the permanent restoration project. An extension will not be granted if the GAR does not meet these requirements.



*Reference: Section 403 of the Stafford Act (42 U.S.C. §5170b)  
Provision of Temporary Relocation Facilities, FEMA Policy 9523.3,  
dated July 16, 1998  
Public Assistance Guide, FEMA 322, page 31*

## Topic References

Topic	Policy Digest	Stafford Act	44 CFR	Other Regulations	Policy and Other	PA Guide
44 CFR	1					8
Administrative Allowance, Grantee	2	406(f)(2)	206.228(a)			41-44
Administrative Allowance, Subgrantee	3	406(f)(1)	206.228(a) 206.228(b)			41-43
Alternate Project	4	406(c)(1)	206.203(d)(2)			84-85
Americans with Disabilities Act (ADA)	5			36 CFR Part 1190 28 CFR Part 35		
Appeals	6	423	206.206			85-87
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Art	A-1				9524.6 Collections and Individual Objects (8/17/99)	57
Audits	9	318	14.1, 14.2 206.207(c)	OMB Circular A-133		117-118
Beach	10		206.226(h)			59-60
Bridges	A-2		206.221(h) 206.226(a) 206.226(b)			53-54
Building Inspectors	A-3	403 406	206.204 206.228		9523.2 Eligibility of Building Inspectors in a Post-Disaster Environment (6/23/98)	52
Buildings	12	102(8)	206.221(e) 206.221(h) 206.226			56
Case Management File	13					
Categories of Work	14					44-60
Coastal Barrier Resources Act	15		Part 206, Subpart J			105-10-7

## Topic References (continued)

Topic	Policy Digest	Stafford Act	44 CFR	Other Regulations	Policy and Other	PA Guide
Codes and Standards	A-4	406(e) 409		206.221(j) 206.226(b)		27-28
Community Center	17		206.221(e) (6)		<u>9521.1</u> Community Center Eligibility (8/11/98)	14-15
Community Disaster Loans	18	417	Part 206, Subpart K			
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Cost Estimate	21		206.202(d)			73-75
Cost Estimating Format (CEF)	22					
Cost Overrun	23		206.204(e)			115-116
Cost Share	24	403(b) 406(b)	206.203(b)			4, 61
Damage Survey Report (DSR)	25		206.202(d)			
Davis-Bacon Act	26		13.36(j)(5)			36
Debris Removal	27	403 407	206.224			45-47
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Demolition	A-5	403 406 407	206.204 206.226		<u>9523.4</u> Demolition of Private and Public Facilities (11/9/99)	
Designated Disaster Area	29					24-25
Donated Resources	30		13.24		<u>9525.2</u> Donated Resources (8/17/99)	40-41
Duplication of Benefits	31	312			<u>9525.3</u> Duplication of Benefits (8/17/99)	94
Educational Facilities	A-6	102(8) 102(9)	206.221(a) 226(a)(2)			11-12

## Topic References (continued)

Topic	Policy Digest	Stafford Act	44 CFR	Other Regulations	Policy and Other	PA Guide
Eligibility	33		Part 206, Subpart H			7-60
Eligible Applicants	34		206.201(a) 206.222			9-10
Eligible Costs	35	311 312 406	206.228		See also <a href="http://www.fema.gov/r-n-r/pa">www.fema.gov/r-n-r/pa</a>	33-35
Eligible Facility	36	102(8) 102(9)	206.201(c) 206.221(h)			16-21
Eligible Work	37		206.223			23-25
Emergency Protective Measures	38	403	206.225			47-53
Endangered Species Act (ESA)	39					107-108
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