



FEMA

Fact Sheet

Stafford Act Declaration Process

This fact sheet is intended to provide general information regarding the Stafford Act declaration process. All emergency and major disaster declarations are made solely at the discretion of the President of the United States.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (the Stafford Act) §401 states in part that: "All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State." A State also includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Republic of Marshall Islands and the Federated States of Micronesia are also eligible to request a declaration and receive assistance through the Compacts of Free Association.

As a result of the Sandy Recovery Improvement Act, federally recognized Indian tribal governments now have the option of requesting a declaration directly from the President. In 2017, FEMA developed a Tribal Declarations Pilot Guidance that provides detailed and specific guidance for Tribal requests.

FEMA has codified the declaration process at 44 C.F.R. Part 206, [Subpart B](#).

Preliminary Damage Assessment

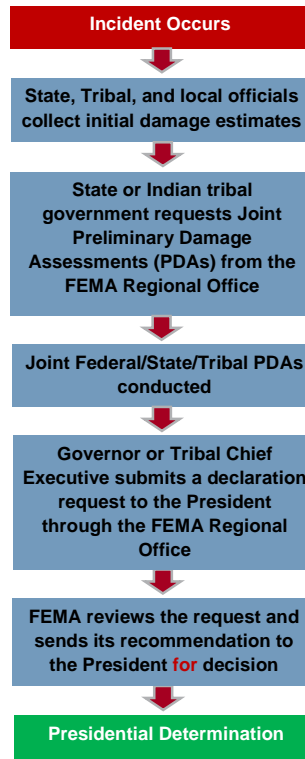
If it is apparent that a Presidential disaster declaration may be necessary to assist in the recovery of the impacted area, the State or Indian tribal government should contact their FEMA Regional Office and request a joint Federal, State/Tribal Preliminary Damage Assessment (PDA). Local government representatives should be included, if possible. Together, the team will conduct a thorough assessment of the impacted area to determine the extent of the disaster, its impact on individuals and public facilities, and the types of federal assistance that may be needed. This information is included in the Governor or Tribal Chief Executive's request to show that the disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments or Indian tribal government and that supplemental federal assistance is necessary.

State or Indian Tribal Government Resources Overwhelmed

Once the PDA is complete and the State or Indian tribal government determines that the damage exceeds their resources, the Governor or Tribal Chief Executive may submit a declaration request to the President through their FEMA Regional Office. As part of the request, the Governor or Tribal Chief Executive must take appropriate action under State or Tribal law and direct the execution of the State or Tribal emergency plan. The Governor or Tribal Chief Executive shall furnish information on the nature and amount of State and local or Indian tribal government resources that have been or will be committed to alleviating the results of the disaster, provide an estimate of the amount and severity of damage and the impact on the private and public sectors, and provide an estimate of the type and amount of assistance needed under the Stafford Act. In addition, the

Governor or Tribal Chief Executive must certify that, for the current disaster, State and local governments or Indian tribal government obligations and expenditures will comply with all applicable cost-sharing requirements.

Declaration Process



Generally, the PDA is completed prior to the submission of the Governor or Tribal Chief Executive's request for a major disaster declaration. However, when an obviously severe or catastrophic event occurs, the Governor or Tribal Chief Executive's request may be submitted prior to completion of the PDA.¹ In such circumstances the major disaster will generally be limited to Public Assistance Categories A and/or B (which may be further limited to Direct Federal Assistance (DFA)) and Hazard Mitigation Assistance. For high-impact events where the level of damage to residences is empirically overwhelming, the declaration may also include Individual Assistance. Additional forms of assistance may be added at a later date, pending the completion of PDAs.

Declaration Types

There are two types of disaster declarations provided for in the Stafford Act: emergency declarations and major disaster declarations.² Both declaration types authorize the President to provide supplemental federal disaster assistance. However, the events related to the two different types of declaration and scope and amount of assistance differ.

Emergency Declarations: The President can declare an emergency for any occasion or instance when the President determines federal assistance is needed. Emergency declarations supplement State and local or Indian tribal government 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 total amount of assistance provided for a single emergency may not exceed \$5 million. The President shall report to Congress if this amount is exceeded.

Requirements³: The Governor of the affected State or Tribal Chief Executive of the affected Tribe must submit a request to the President, through the appropriate Regional Administrator, within 30 days of the occurrence of the incident. The request must be based upon a finding that the situation is beyond the capability of the State and affected local governments or Indian tribal government and that supplemental federal emergency assistance is necessary to save lives and protect property, public health and safety, or to lessen or avert the threat of a disaster. In addition, the request must include:

- Confirmation that the Governor or Tribal Chief Executive has taken appropriate action under State or Tribal law and directed the execution of the State or Tribal emergency plan;
- A description of the State and local or Indian tribal government efforts and resources utilized to alleviate the emergency;
- A description of other federal agency efforts and resources utilized in response to the emergency; and
- A description of the type and extent of additional federal assistance required.

Assistance Available Under Emergency Declarations:

- Public Assistance (PA) – Only Categories A (debris removal) and B (emergency protective measures) may be authorized under an emergency declaration. Categories C-G (permanent work) are not available under an emergency declaration. Emergency declarations often include only Category B and will typically be limited to DFA, absent damage assessments showing significant need for financial assistance. This assistance is generally provided on a 75% federal, 25% non-federal cost sharing basis.
- Individual Assistance (IA) – The Individuals and Households Program (IHP) is the only form of IA that may be authorized under an emergency declaration. Authorization of IHP under an emergency is rare. Housing Assistance under IHP is provided at a 100% federal share, while Other Needs Assistance under IHP requires a 25% non-federal cost share.
- The Hazard Mitigation Grant Program (HMGP) is not available for emergency declarations.

Pre-Disaster Emergency Declarations⁴: A Governor or Tribal Chief Executive may request an emergency declaration in advance or anticipation of the imminent impact of an incident that threatens such destruction as could result in a major disaster. Such requests must meet all of the statutory and regulatory requirements for an emergency declaration request. Requests must demonstrate the existence of critical emergency protective measure needs prior to impact are beyond the capability of the State and affected local governments or Indian tribal government and identify specific unmet emergency needs that can be met through DFA. Such DFA may include, but is not limited to, personnel, equipment, supplies, and evacuation assistance. Pre-positioning of assets generally does not require a declaration. Assistance made available under a pre-disaster emergency declaration will typically be Category B (emergency protective measures), limited to DFA. FEMA may require damage assessments and/or verified cost estimates if additional types of assistance are requested.

Emergency Declarations with Federal Primary Responsibility: When an emergency exists for which the primary responsibility rests with the Federal government, the President may declare an emergency without a request from the Governor of the affected State or the Tribal Chief Executive of the affected Tribe. Such an emergency declaration does not prevent the Governor or Tribal Chief Executive from subsequently requesting a major disaster declaration for other unmet needs caused by the event.

Major Disaster Declarations: The President can declare a major disaster for any natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion, that the President determines 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.

Requirements⁵: The Governor of the affected State or Tribal Chief Executive of the affected Tribe must submit the request to the President through the appropriate Regional Administrator within 30 days of the occurrence of the incident. The request must be based upon a finding that the situation is beyond the capability of the State and affected local governments or Indian tribal government and that supplemental federal assistance is necessary. In addition the request must include:

- Confirmation that the Governor or Tribal Chief Executive has taken appropriate action under State or Tribal law and directed execution of the State or Tribal emergency plan;

- An estimate of the amount and severity of damage to the public and private sector;
- A description of the State and local or Indian tribal government efforts and resources utilized to alleviate the disaster;
- Preliminary estimates of the type and amount of Stafford Act assistance needed; and
- Certification by the Governor or Tribal Chief Executive that the State and local governments or Indian tribal government will comply with all applicable cost sharing requirements.

Assistance Available Under Major Disaster Declarations: Not all programs, however, are activated for every disaster. The determination of which programs are authorized is based on the types of assistance specified in the Governor or Tribal Chief Executive's request and the needs identified during the joint PDA and subsequent PDAs. FEMA disaster assistance programs are as follows:

- **Individual Assistance** - Assistance to individuals and households, which may include:
 - Individuals and Households Program;
 - Crisis Counseling Program
 - Disaster Case Management
 - Disaster Unemployment Assistance
 - Disaster Legal Services
 - Disaster Supplemental Nutrition Assistance Program
- **Public Assistance** - Assistance to State, Tribal, and local governments and certain private nonprofit organizations for emergency work and the repair or replacement of disaster-damaged facilities, which may include the following Categories:
 - A - Debris removal
 - B - Emergency protective measures
 - C - Roads and bridges
 - D - Water control facilities
 - E - Buildings and equipment
 - F - Utilities
 - G - Parks, recreational and other facilities
- **Hazard Mitigation Assistance** - Assistance to State, Tribal, and local governments and certain private nonprofit organizations for actions taken to prevent or reduce long term risk to life and property from natural hazards.

Factors: When evaluating requests for major disasters and making recommendations to the President, FEMA considers the following factors⁶:

- (a) Public Assistance Program

- 1) Estimated cost of the assistance
- 2) Localized impacts
- 3) Insurance coverage in force
- 4) Hazard Mitigation
- 5) Recent multiple disasters
- 6) Other federal agency assistance programs

- (b) Individual Assistance Program
- 1) State fiscal capacity and resource availability
 - 2) Uninsured home and personal property losses
 - 3) Disaster impacted population profile
 - 4) Impact to community infrastructure
 - 5) Casualties
 - 6) Disaster-related unemployment

Appeals: The Governor or Tribal Chief Executive can appeal the denial of a major disaster or emergency declaration request. The appeal must be submitted within 30 days of the date of the denial letter and should include additional information justifying the need for supplemental federal assistance.

Post Declaration Actions

Add-ons: The Governor, the Governor's Authorized Representative (GAR), or Tribal Chief Executive can request designation of additional counties and programs within 30 days of the declaration or the end of the incident period, whichever is later. The Governor, GAR, or Tribal Chief Executive may submit an extension request within the 30-day period, providing a valid reason supporting an extension.

Cost Share Adjustments: The authority to adjust the Public Assistance cost share resides with the President. FEMA will recommend an increase in the federal share to not more than 90% for Public Assistance when a disaster is so extraordinary that actual federal obligations under the Stafford Act, excluding administrative cost, meet or exceed a qualifying threshold.⁷

Appeals: Post declaration determinations are generally subject to a one-time appeal. Such appeals must be submitted within 30 days of the denial letter. This deadline may be extended by FEMA, upon request of the State or Indian tribal government. Extension requests must be submitted within the 30 day deadline.

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FEMA's Mission: "Helping people before, during, and after disasters."



DISASTER DECLARATION CRITERIA

FEMA considers a combination of factors when evaluating a Governor's request for a major disaster declaration and in making a recommendation to the President for final determination on the declaration of a major disaster or emergency. These factors include issues which revolve around the specific needs of different communities, including those States with small populations or unique circumstances. The different needs of all States are carefully considered through the declaration process, irrespective of the size of the State's population and FEMA does not use an arithmetical formula as a sole determining factor.

FEMA regulations outline the factors the Agency considers when evaluating a Governor's request for Federal assistance. While these factors include assessments of damage and impact, the Stafford Act prohibits the denial of assistance solely on the basis of arithmetic formulas or sliding scales based on income or population (Section 320). FEMA's declaration regulations do not make a distinction or apply different criteria for States based on different categories of population size. For Public Assistance, however, FEMA does review analysis of the impact of a disaster based on a per capita estimation of eligible costs. The same per capita factor is applied to all States and territories regardless of overall size of the population. There is no per capita indicator established as a factor for the consideration of Individual Assistance.

Public Assistance

FEMA's Public Assistance (PA) program provides supplemental assistance to State, local and tribal governments, as well as certain private non-profit organizations, for emergency measures to protect public health and safety and for the repair and restoration of facilities damaged in major disasters. FEMA considers multiple factors when making a recommendation to the President regarding the provision of PA under a Presidential disaster declaration. As outlined in FEMA regulations, these factors include:

- 1. Estimated cost of the assistance.** FEMA evaluates the estimated cost of Federal and non-Federal public assistance against the statewide population to give some measure of the per capita impact within the State. FEMA uses a per capita amount as an indicator that the disaster is of such size and magnitude that it might warrant Federal assistance, and adjusts this figure annually, based on the Consumer Price Index. For Fiscal Year 2021, the State per capita amount is \$1.55. FEMA has also established a county per capita amount of \$3.89.
- 2. Localized impacts.** FEMA evaluates the impact of the disaster at the county and local government levels, as well as at the American Indian and Alaskan Native Tribal Government levels, because, at times, there are extraordinary concentrations of damages that might warrant Federal assistance even if the statewide per capita is not met. This is particularly true where critical facilities (such as major roadways, bridges, public buildings, etc.) are affected or where localized per capita impacts are extremely high. For example, localized damages

may be in the tens or even hundreds of dollars per capita, even though the overall statewide per capita impact is low.

3. **Insurance coverage in force.** FEMA considers the amount of insurance coverage that is in force or should have been in force as required by law and regulation at the time of the disaster, and reduces the amount of anticipated assistance by that amount.
4. **Hazard mitigation.** To recognize and encourage mitigation, FEMA considers the extent to which State and local government measures contributed to the reduction of disaster damages. For example, if a State can demonstrate in its disaster request that State-wide building codes or other mitigation measures are likely to have reduced the damages from a particular disaster, FEMA considers that in the evaluation of the request. This could be especially significant in those disasters where, because of mitigation, the estimated public assistance damages fell below the per capita indicator.
5. **Recent multiple disasters.** FEMA also considers the disaster history within the last twelve-month period to better evaluate the overall impact on the State or locality. FEMA considers declarations under the Stafford Act as well as declarations by the Governor and the extent to which the State has spent its own funds.
6. **Programs of other Federal assistance.** FEMA also considers programs of other Federal agencies (U.S. Army Corps of Engineers, Federal Highway Administration, etc.) because at times their assistance programs more appropriately meet the needs created by the disaster.

Individual Assistance

Through Individual Assistance (IA) programs, FEMA provides assistance to individuals and households who have suffered losses and have outstanding needs as the result of a major disaster. These programs can provide eligible disaster survivors with assistance for home repairs, temporary housing, and other outstanding needs such as medical, dental and funeral expenses resulting from the disaster. Other IA programs include crisis counseling and disaster unemployment assistance.

FEMA considers multiple factors when making a recommendation to the President regarding the provision of IA under a Presidential disaster declaration. State fiscal capacity (44 C.F.R. 206.48(b)(1)(i)) and uninsured home and personal property losses (44 C.F.R. 206.48(b)(2)) are the principal factors that FEMA considers when evaluating the need for supplemental Federal assistance under the Individuals and Households Program, but FEMA will always consider all relevant information submitted as part of a declaration request. As outlined in FEMA regulations, these factors include:

1. **State fiscal capacity and resource availability.** FEMA will evaluate the availability of State resources, and where appropriate, any extraordinary circumstances that contributed to the absence of sufficient resources. Fiscal capacity is a State's potential ability to raise revenue from its own sources to respond to and recover from a disaster. FEMA evaluates the availability of resources from State, Tribal, and local governments as well as non-governmental organizations and the private sector.

Federal disaster assistance under the Stafford Act is intended to be supplemental in nature, and is not a replacement for State emergency relief programs, services, and funds.

2. Uninsured home and personal property losses. Uninsured home and personal property losses may suggest a need for supplemental Federal assistance.

3. Disaster Impacted Population Profile. The demographics of a disaster impacted population may identify additional needs that require a more robust community response and delay a community's ability to recover from a disaster.

4. Impact to Community Infrastructure. The impacts to a community's infrastructure may adversely affect a population's ability to safely and securely reside within the community. Critical infrastructure taken into account includes impacts to life-saving and life-sustaining services, essential community services and transportation infrastructure and utilities.

5. Casualties. The number of individuals who are missing, injured, or deceased due to a disaster may indicate a heightened need for supplemental Federal disaster assistance.

6. Disaster Related Unemployment. The number of disaster survivors who lost work or became unemployed due to a disaster and who do not qualify for standard unemployment insurance may indicate a heightened need for supplemental Federal assistance. This usually includes the self-employed, service industry workers, and seasonal workers such as those employed in tourism, fishing, or agriculture industries.

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October 2020

Disaster Unemployment Assistance

FEMA's Disaster Unemployment Assistance (DUA) program is available to state, tribal, and territorial governments to provide unemployment benefits and reemployment services to individuals who have become unemployed as a direct result of an incident that resulted in a Presidential major disaster declaration for Individual Assistance and who are not eligible for regular state unemployment insurance.

The Department of Labor oversees the DUA program in coordination with FEMA. Following a Presidentially declared major disaster, FEMA provides funds to the Department of Labor for payment of DUA benefits and reimburses the state for administrative costs associated with DUA benefits. The Secretary of the Department of Labor is responsible for administering the DUA program and payment of DUA benefits.

DUA is administered by the state, tribal or territory¹ unemployment insurance agency. Once funding is in place, the unemployment insurance agency will issue public announcements throughout the declared disaster area announcing availability, and will issue payments to eligible applicants for up to 26 weeks after the declaration date, as long as the individuals' unemployment was, and continues to be, a direct result of the declared disaster event.

General Requirements

To be eligible for DUA, individuals must:

- Provide proof of identity
- Be a U.S. citizen, non-citizen national, or qualified alien
- File an application for DUA with local unemployment insurance agency within 30 days of the date of the public announcement of availability of DUA²
- Not be eligible for regular unemployment insurance
- Be unemployed or partially unemployed as a direct result of the major disaster
- Be able and available for work, unless injured as a direct result of the disaster (see conditions below)
- Have not refused an offer of employment in a suitable position.

¹ If a tribe receives a Presidential major disaster declaration with IA, requests DUA, and is approved, the DUA program is administered through the state in which the tribal headquarters is located. Any approved funding is processed through the same state or territorial workforce agency that processes regular unemployment insurance claims.

² While 30 days is the standard deadline, under extenuating circumstances unique to the disaster, the U.S. Department of Labor may extend the deadline. Survivors should consult with their local unemployment or workforce agency to confirm deadlines for applying.



Conditions of Unemployment

Applicants must meet one of the following conditions of unemployment or inability to perform services in self-employment as a direct result of the disaster:

- The individual has had a week of unemployment following the date the major disaster began
- The individual is unable to reach his/her place of employment
- The individual was scheduled to start work and the job no longer exists due to the major disaster, or the individual was unable to reach the job
- The individual became the major support of the household because the head of the household died as a direct result of the disaster
- The individual cannot work because of an injury caused as a direct result of the major disaster
- The individual experienced lack of work or loss of revenues when the employer (or the self-employed individual's business) lost a majority of income or revenue from an entity in the major disaster area that was damaged, destroyed, or closed by the federal, state or local government as a direct result of the major disaster.

Suffering a monetary loss due to damage of property or crops does not automatically entitle an individual to DUA. Applicants must follow the instructions in the public announcements and file for DUA based on the filing method used by the applicable unemployment insurance agency (i.e., in-person, mail, telephone or internet).

Individuals who moved or evacuated to another state, tribe, or territory should contact the unemployment insurance agency for the affected area or the state in which they are currently residing for claim filing instructions and assistance.

For additional information concerning the DUA program, contact the DOL at **1-866-487-2365** or your state or territory unemployment insurance agency.

Rules and Responsibilities

Non-Discrimination

All forms of FEMA disaster assistance are available to any affected household that meets the eligibility requirements. No federal entity or official (or their agent) may discriminate against any individual on the basis of race, color, religion, age, nationality, sex, disability, English proficiency, or economic status.

Documentation

Individuals are required to substantiate employment or self-employment or to substantiate work that was to begin on or after the date of the disaster. If proof of employment cannot be provided at the time the claim is filed, individuals have 21 calendar days from that time to meet this requirement. Failure to submit this documentation within 21 days will result in a denial of DUA, and any benefits already paid will be considered overpaid. Individuals are required to repay any benefits overpaid.

Residency Status in the United States and its Territories

To be considered for DUA, individuals must provide proof of identity and citizenship (U.S. citizen, U.S. national, or qualified alien).



EMERGENCY DECLARATION VS. MAJOR DISASTER DECLARATION

Emergency Declaration	Major Disaster Declaration
<ul style="list-style-type: none"> • Limited to immediate and short-term assistance, essential to save lives, protect public health and safety and property 	<ul style="list-style-type: none"> • Declaration may include all programs, Individual Assistance, Public Assistance and Hazard Mitigation; or some of the programs.
<ul style="list-style-type: none"> • Emergency work <ul style="list-style-type: none"> ○ Debris removal (Category A) ○ Emergency protective measures (Category B) • Direct Federal Assistance • Coordination role • Technical assistance 	<ul style="list-style-type: none"> • Public Assistance may include both emergency work (Cats A-B) and Permanent Work (Cats C-G) • Direct Federal Assistance • Coordination role • Technical assistance
<p>Individual Assistance may include:</p> <ul style="list-style-type: none"> • Individuals & Households Program <ul style="list-style-type: none"> ○ Temporary Housing ○ Repairs ○ Replacement ○ Permanent Housing Construction ○ Medical, dental, funeral expenses ○ Personal property & transportation • Food Commodities (USDA) 	<p>Individual Assistance may include:</p> <ul style="list-style-type: none"> • Individuals & Households Program <ul style="list-style-type: none"> ○ Temporary Housing ○ Repairs ○ Replacement ○ Permanent Housing Construction ○ Medical, dental, funeral expenses ○ Personal property & transportation • Food Commodities (USDA) • Crisis Counseling • Disaster Unemployment Assistance • Food Coupons & Distribution (USDA) • Legal Services • Small Business Administration low interest loans
<ul style="list-style-type: none"> • Congressional notification required when assistance goes above \$5 million 	
<ul style="list-style-type: none"> • Federal share – not less than 75% of the eligible costs for Public Assistance 	<ul style="list-style-type: none"> • Federal share – not less than 75% of the eligible costs for Public Assistance
<ul style="list-style-type: none"> • Hazard Mitigation Grant Program (HMGP) is not available under an EM declaration 	<ul style="list-style-type: none"> • HMGP - Section 404 available.



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FIRE MANAGEMENT ASSISTANCE GRANT PROGRAM

General

- The Fire Management Assistance Grant Program (FMAGP) is authorized under Section 420 of the Robert T. Stafford Disaster Relief and Emergency Act, 42 U.S.C. 5187, as amended by the Disaster Mitigation Act of 2000.
- FMAGP allows for the “mitigation, management, and control” of fires burning on publicly or privately owned forest or grasslands which threaten such destruction as would constitute a major disaster.
- FMAGP allows for the provision of assistance under Section 403, Essential Assistance of the Stafford Act (also considered to be Public Assistance Category B (Emergency Work)).
- FMAGP allows States, Indian tribal governments and local governments to apply to the grant recipient as a subrecipient.

Declaration Process

Declarations operate on a 24-hour real-time basis and are frequently conducted over the telephone with written follow-up. The declarations process is as follows:

- The Governor of a State (or the Governor’s Authorized Representative) submits a request for a fire management assistance declaration to the Regional Administrator or designee while the fire is burning uncontrolled;
- Regional Administrator or designee gathers State’s information and calls upon a designated Principal Advisor (a professional forester) for a fire threat assessment;
- The Regional Administrator approves or denies a State’s request based on the following:
 - The conditions that existed at the time of State’s request;
 - Whether or not the fire or fire complex threatens such destruction as would constitute a major disaster.
- The Regional Administrator uses four criteria to evaluate the threat posed by a fire or a fire complex:
 - Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;
 - Availability of State and local firefighting resources;
 - High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System; and
 - Potential major economic impact.
- After rendering a determination, the Regional Administrator notifies the State.

Eligibility

Eligible costs include:

- Costs for equipment and supplies (less insurance proceeds);
- Costs for emergency work (evacuations and sheltering, police barricading and traffic control, arson investigation);
- Costs for State emergency operations center (when used as a Unified Command Center);
- Costs for the pre-positioning of Federal, out-of-State, and international resources for up to 21 days;
- Cost of personal comfort and safety items for firefighter health and safety;
- Costs for field camps and meals in lieu of per diem;
- Costs for mobilization and demobilization costs;
- Costs for the temporary repair of damage cause by firefighting activities;
- Costs for the mitigation, management, and control of declared fires burning on co-mingled Federal land, when such costs are not reimbursable by another Federal agency.

Appeals

- A State may submit a one-time appeal if a declaration request is denied. The process is found in Chapter 44 §204.26. In addition, a Subrecipient, or Recipient may appeal any decision made by FEMA related to the FMAG Program. The procedures are found in Chapter 44 §204.54.

Grants Management

Fire Cost Threshold

- Before a grant award to the State under a FMAGP declaration is approved, the State's Application for Federal Assistance (SF 424) must demonstrate that total eligible costs for the declared fire meet or exceed either the individual fire cost threshold, which is applied to each and every fire, or the cumulative fire cost threshold, which recognizes numerous smaller fires burning throughout a State.
 - The individual fire cost threshold for a State is the greater of the following:
 - \$100,000; or
 - Five percent x \$1.55*¹ x the State population.
 - The cumulative fire cost threshold for a State is the greater of the following:
 - \$500,000; or
 - Three times the five percent x \$1.55* x the State population.
- Under the cumulative fire cost threshold, assistance will only be provided for the declared fire responsible for meeting or exceeding the cumulative fire cost threshold and any future declared fires for that calendar year.

Cost Share

- 75 percent Federal cost share is available for all fire management assistance grants.

¹*\$1.55 is the FY 2021 statewide per capita indicator. It is adjusted annually for inflation using the Consumer Price Index for All Urban Consumers published annually by the Department of Labor.

Disaster Declaration Process and Federal Disaster Assistance

This paper explains the declaration process and provides an overview of the assistance available.

State, local, tribal and territorial governments share the responsibility for protecting their citizens from disasters, and for helping them to recover when a disaster strikes. In some cases, a disaster is beyond the capabilities of the state, local, tribal and territorial governments to respond.

In 1988, the Robert T. Stafford *Disaster Relief and Emergency Assistance Act*, 42 U.S.C. §§ 5121-5207, was enacted to support state, territory, tribal, and local governments and their citizens when disasters overwhelm them. This law, as amended, establishes a process for requesting and obtaining a Presidential disaster declaration, defines the type and scope of assistance available from the Federal Government, and sets the conditions for obtaining that assistance. The Federal Emergency Management Agency (FEMA), part of the Department of Homeland Security, is tasked with coordinating the response.

The Disaster Declaration Process

The Stafford Act (§401) requires: “All requests for a declaration by the President that a major disaster exists shall be made by the Governor of the affected State or Tribal Chief Executive of the affected Indian tribal government.” A state also includes the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. The Marshall Islands and the Federated States of Micronesia are also eligible to request a declaration and receive assistance under the Compact of Free Association. The Governor or Tribal Chief Executive’s request is made through the FEMA Regional Office. Federal, state, local, tribal and territorial officials conduct a joint Preliminary Damage Assessment (PDA) to estimate the extent of the disaster and its impact on individuals and public facilities. The PDA team is comprised of personnel from FEMA, the state’s emergency management agency, territorial, tribal, county, and local government officials and the U.S. Small Business Administration. The team’s work begins with reviewing the types of damage or emergency costs incurred by the units of government, and the impact to critical facilities, such as public utilities, individuals’ homes and businesses. This assessment includes the number damaged, the number of people displaced, and the threat to health and safety caused by the storm event. Additional data from other local voluntary agencies may also be reviewed. During the assessment, the team will collect estimates of the expenses and damages. This information is included in the Governor or Tribal Chief Executive’s request to show that the disaster is of such severity and magnitude that effective response is beyond the combined capabilities of the state, local, tribal and territorial governments and that Federal disaster assistance is necessary. Normally, the PDA is completed prior to the submission of the Governor or Tribal Chief Executive’s request. However, per 44 Code of Federal Regulations §§ 206.33(d) and 206.36(d), the requirement for a joint PDA may be waived for those incidents of such unusual severity and magnitude that formal



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field damage assessments are not required to establish the need for supplemental federal assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). When a severe or catastrophic event occurs, the Governor or Tribal Chief Executive’s request may be submitted prior to the PDA. The Governor or Tribal Chief Executive must still make the request.

As part of the request and a prerequisite to assistance under the Stafford Act, the Governor or Tribal Chief Executive must take appropriate action under state or tribal law and direct the execution of the state or tribal emergency plan. The Governor or Tribal Chief Executive shall furnish information on the nature and amount of state and local or Indian tribal government resources that have been or will be committed to alleviating the results of the disaster, provide an estimate of the amount and severity of damage and the impact on the private and public sector, and provide an estimate of the type and amount of assistance needed under the Stafford Act. In addition, the Governor or Tribal Chief Executive will need to certify that, for the current disaster, state and local or Indian tribal government obligations and expenditures will comply with all applicable cost-sharing requirements.

Federal disaster law restricts the use of arithmetic formulas or other objective standards as the sole basis for determining the need for federal supplemental aid. As a result, FEMA assesses a number of factors to determine the severity, magnitude, and impact of a disaster event. Primary Factors Considered Include:

Public Assistance Factors	Individual Assistance Factors
<ul style="list-style-type: none"> • Estimated cost of the assistance; 	<ul style="list-style-type: none"> • State Fiscal Capacity and Resource Availability;
<ul style="list-style-type: none"> • Localized impacts; 	<ul style="list-style-type: none"> • Uninsured Home and Personal Property Losses;
<ul style="list-style-type: none"> • Insurance coverage in force; 	<ul style="list-style-type: none"> • Disaster Impacted Population Profile;
<ul style="list-style-type: none"> • Hazard mitigation; 	<ul style="list-style-type: none"> • Impact to Community Infrastructure;
<ul style="list-style-type: none"> • Recent multiple disasters; and 	<ul style="list-style-type: none"> • Casualties; and
<ul style="list-style-type: none"> • Programs of other Federal assistance. 	<ul style="list-style-type: none"> • Disaster Related Unemployment.

Based on the Governor or Tribal Chief Executive’s request, the President may declare that a major disaster or emergency exists, thus activating an array of Federal programs to assist in the response and recovery effort.

Federal Disaster Assistance

Not all programs, however, are activated for every disaster. The determination of which programs are activated is based on the needs found during damage assessment and any subsequent information that may be discovered.

FEMA disaster assistance falls into three general categories:

- **Individual Assistance** – aid to individuals and households;
- **Public Assistance** – aid to public (and certain private non-profit) entities for certain emergency services and the repair or replacement of disaster-damaged facilities;

- **Hazard Mitigation Assistance** – funding for measures designed to reduce future losses to public and private property.

Some declarations will provide only individual assistance or only public assistance. Hazard mitigation opportunities are assessed in most situations. A summary of each of these programs follows. Because program complexities require lengthy explanations, the discussion that follows is simply an overview.

Individual Assistance

INDIVIDUALS AND HOUSEHOLDS PROGRAM

The Individuals and Households Program (IHP) provides up to \$36,000 (FY 2021) for financial assistance for Housing Assistance and \$36,000 (FY 2021) for Other Needs Assistance financial help to those who have necessary expenses and serious needs if they are unable to meet the needs through other means. In addition, FEMA may provide Direct Assistance to individuals or households who, because of a lack of available resources, are unable to make use of financial temporary housing assistance. When a disaster occurs, IHP provides grant money and services to people in the declared area whose property has been damaged or destroyed and whose losses are underinsured or not covered by insurance. In every case, the disaster survivor must register for assistance and establish eligibility. Disaster survivors may call FEMA toll-free at 800-621-3362 (TTY: 800-462-7585) to register for assistance or check their application status. Those who use a relay service such as a videophone, InnoCaption or CapTel should update FEMA with their specific number assigned to that service. Applicants may also register on-line at www.disasterassistance.gov. FEMA (or the providing agency) will verify eligibility and need before assistance is offered.

WHAT TYPES OF ASSISTANCE ARE PROVIDED?

The IHP has two provisions: Housing Assistance and Other Needs Assistance. The IHP - Housing Assistance (HA) (including Temporary Housing, Repair, Replacement, and Semi-Permanent or Permanent Housing Construction) assures that people whose homes are damaged by a disaster have a safe place to live. The IHP - Other Needs Assistance (ONA) (including personal property and other items) provides financial assistance to individuals and households who have other disaster-related necessary expenses or serious needs. These programs are designed to provide funds for expenses that are underinsured or not covered by insurance. They are available only to homeowners and renters who are United States citizens, non-citizen nationals, or qualified aliens affected by the disaster. The following is a list of the types of assistance available through this program and what each provides.

Housing Assistance (HA)

- **Temporary Housing** - homeowners and renters receive funds to rent a different place to live or may be eligible to receive direct assistance when rental properties are not available.
- **Repair** - homeowners receive grants to repair damage from the disaster that is not covered by insurance. The goal is to make the damaged home safe and sanitary.
- **Replacement** - homeowners receive limited funds to replace their destroyed home.

- **Semi-Permanent or Permanent Housing Construction** - This type of assistance occurs only in insular areas or remote locations specified by FEMA, where no other type of housing assistance is possible.

Other Needs Assistance (ONA)

Applicants receive grants for necessary and serious needs caused by the disaster. This includes personal property, transportation, funeral, medical, dental, moving and storage, and other expenses that FEMA approves. The homeowner or renter may need to apply for an SBA loan before receiving assistance.

SMALL BUSINESS ADMINISTRATION: DISASTER LOANS

The U.S. Small Business Administration (SBA) can make federally subsidized loans to repair or replace homes, personal property, or businesses that sustained damages not covered by insurance. The SBA can provide three types of disaster loans to qualified homeowners, renters and businesses:

1. Home disaster loans to homeowners and renters to repair or replace disaster-related damages to home or personal property,
2. Business physical disaster loans to business owners to repair or replace disaster-damaged property, including inventory, and supplies; and
3. Economic injury disaster loans, which provide capital to small businesses and small agricultural cooperatives to assist them through the disaster recovery period.

For many individuals the SBA disaster loan program is the primary form of disaster assistance.

DISASTER UNEMPLOYMENT ASSISTANCE

The Disaster Unemployment Assistance (DUA) program is funded by FEMA and administered by the U.S. Department of Labor. DUA provides unemployment benefits and re-employment services to eligible individuals who have become unemployed because of major disasters. DUA benefits are generally paid up to 26 weeks beginning with the first week following the date the major disaster began and ending with the 26th week following the date the major disaster is declared by the President, as long as the individual's unemployment continues to be a direct result of the major disaster. These benefits are made available to individuals not covered by other unemployment compensation programs, such as self-employed, farmers, migrant and seasonal workers, and those who have insufficient quarters to qualify for other unemployment compensation.

All unemployed individuals must register with the state Workforce Agency in the declared state by phone, internet, or in person at local claims offices to determine their eligibility for the DUA program.

DISASTER LEGAL SERVICES

Pursuant to 42 USC §5182 of the Stafford Act, whenever the President declares a major disaster, FEMA, through a Memorandum of Agreement with the Young Lawyers Division of the American Bar Association, provides free legal assistance to disaster survivors. Legal advice is limited to cases that will not produce a fee (i.e., these attorneys work without payment). A legal service hotline toll-free number may also be available as a means for individuals to

contact the volunteer lawyers for assistance with legal questions and concerns. Cases that may generate a fee are turned over to the local lawyer referral service. The assistance that participating lawyers provide typically includes:

- Assistance with insurance claims (life, medical, property, etc.);
- Assistance with home repair contracts;
- Counseling on landlord/tenant problems;
- Assisting in consumer protection, remedies, and procedures and
- Replacement of wills and other important legal documents destroyed in a major disaster

Disaster legal services are provided to low-income individuals, who, prior to or because of the disaster, are unable to secure legal services adequate to meet their needs as a consequence of a major disaster.

CRISIS COUNSELING ASSISTANCE AND TRAINING PROGRAM

The Crisis Counseling Assistance and Training Program (CCP) is designed to provide supplemental funding to states for short-term crisis counseling services to people affected in Presidentially declared disasters. Supplemental funding for crisis counseling is available to the state through two grant programs: the Immediate Services Program, which provides funds for up to 60 days of services immediately following a disaster declaration; and the Regular Services Program, which provides funds for up to nine months following a major Presidential disaster declaration designated for Individual Assistance and CCP. A state may request either or both types of funding. The following services are offered under the CCP grant program:

- Individual Crisis Counseling - One-time contacts to help survivors understand their reactions, improve coping strategies, review their options, and connect with other individuals and agencies that may assist them.
- Basic Supportive or Educational Contact - General support and information on resources and services available to disaster survivors.
- Group Crisis Counseling - Group sessions led by trained crisis counselors who offer skills to help survivors cope with their situations and reactions.
- Public Education - Information and education about typical reactions, helpful coping strategies, and available disaster-related resources.
- Community Networking and Support - Relationship building with community resource organizations, faith-based groups, and local agencies.

To be eligible for crisis counseling services funded by the program, the person must be a resident of the designated area or must have been located in the area at the time the disaster occurred.

DISASTER CASE MANAGEMENT

The Disaster Case Management (DCM) program supplements a state, local, tribal, or territorial (SLTT) government's capacity to provide support services to survivors after a disaster. There are two DCM programs: Immediate Disaster Case Management and Disaster Case Management.

The Immediate Disaster Case Management (IDCM) program is a FEMA-managed program that provides short-term, limited services to address immediate disaster-caused unmet needs and refers disaster survivors to available resources. Implementation of IDCM typically begins within 14-30 days of the declaration date. IDCM will not exceed 180 days and is not a federal award. It is implemented, administered, and overseen by FEMA, in coordination with SLTT governments.

Disaster Case Management (DCM) is a FEMA-funded federal award to SLTTs or qualified private organizations to implement a supplemental DCM program to supply services to survivors with long-term, disaster-caused unmet needs. The DCM federal award application must be submitted within 90 days from the date of the IA designation on the Presidential disaster declaration, and the period of performance shall not exceed 24 months from the date of the IA designation.

INTERNAL REVENUE SERVICE SPECIAL TAX CONSIDERATION

Taxpayers who have sustained a casualty loss from a declared disaster may deduct that loss on the federal income tax return for the year in which the casualty actually occurred, or elect to deduct the loss on the tax return for the preceding tax year. The taxpayer may choose which of those two tax years provides the better tax advantage. The National Disaster Relief Act provides the following tax benefits:

- Allows all taxpayers, not just those who itemize, to claim the casualty loss deduction regardless of the taxpayer's adjusted gross income level.
- Increases the amount by which all individual taxpayers must reduce their personal casualty losses from each casualty from \$100 to \$500 for taxable years beginning after Dec. 31, 2008. The reduction amount returns to \$100 for taxable years beginning after Dec. 31, 2009.
- Removes the requirement that the net casualty loss deduction be allowed only if the casualty loss exceeds 10% of the taxpayer's adjusted gross income.
- Provides a five-year net operating loss (NOL) carryback for qualified natural disaster losses.
- Waives certain mortgage revenue bond requirements for affected taxpayers and allows the bond proceeds to be used for rebuilding.

The IRS may also expedite refunds due to taxpayers in a federally declared disaster area. An expedited refund can be a relatively quick source of cash, does not need to be repaid, and does not need an Individual Assistance declaration. It is available to any taxpayer in a federally declared disaster area.

PUBLIC ASSISTANCE

The Public Assistance Program provides supplemental Federal disaster grant assistance for the repair, replacement, or restoration of disaster-damaged, publicly owned facilities, and the facilities of certain Private Non-Profit (PNP) organizations, following a Presidentially declared disaster or emergency. Eligible applicants include the states, U.S. territories, local governments, Federally-recognized Indian tribal governments, and certain PNP organizations. Eligible PNP facilities generally include medical, custodial care, educational, emergency (fire, police and EMS), utilities, and irrigation facilities, as well as other PNP facilities that provide essential social services to the general public. PNPs that provide “critical services” (power, water – including water provided by an irrigation organization or facility, sewer, wastewater treatment, communications, educational facilities and emergency medical care) may apply directly to FEMA for a disaster assistance. For emergency work, PNPs with facilities that provide noncritical, essential social services may apply directly to FEMA for assistance. However, for permanent work, noncritical PNPs must also apply for a Small Business Administration (SBA) Loan. If the PNP is declined for an SBA loan or the loan does not cover all eligible damages, PA funding may be eligible to cover those costs.

As soon as practicable after the declaration, the state, assisted by FEMA, conducts the Applicant Briefings for state, tribal, local and PNP officials to inform them of the assistance available and how to apply for it. A Request for Public Assistance must be filed with the state within 30 days after the area is designated eligible for assistance. Following the Applicant’s Briefing, a Recovery Scoping Meeting is conducted with each Applicant where damages will be discussed, needs assessed, and a plan of action put in place. A combined Federal/state/tribal/local team proceeds with Project Formulation, which is the process of documenting the eligible work and costs associated with an applicant's claimed disaster-related impacts for both emergency work and permanent work. The team prepares a Project Worksheet (PW) for each project.

Projects fall into the following categories:

- Category A: Debris removal
- Category B: Emergency protective measures
- Category C: Road systems and bridges
- Category D: Water control facilities
- Category E: Public buildings and contents
- Category F: Public utilities
- Category G: Parks, recreational, and other

For insurable structures within special flood hazard areas (SFHA), primarily buildings, assistance from FEMA is reduced by the amount of insurance settlement that could have been obtained under a standard NFIP policy. For structures located outside of a SFHA, FEMA will reduce the amount of eligible assistance by any available insurance proceeds. The Applicant must also obtain and maintain insurance on damaged insurable facilities, in the amount of the eligible damage for the hazard that caused the damage, as a condition of receiving PA funding.

FEMA reviews and approves the PWs and obligates the Federal share of the costs (which cannot be less than 75%) to the state. The state then disburses funds to local applicants. Once a declaration has been made, a tribal government may request to serve as its own Recipient for Public Assistance.

Projects falling below a certain threshold are considered 'small.' For Fiscal Year 2021, that threshold is \$132,800. For small projects, payment of the Federal share of the estimate is made upon approval of the project and no further accounting to FEMA is required. For large projects, payment is made on the basis of actual costs determined after the project is completed; although interim payments may be made as necessary. Once FEMA obligates funds to the state, further management of the assistance, including disbursement to Subrecipients is the responsibility of the state. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

HAZARD MITIGATION

Hazard Mitigation refers to sustained measures enacted to reduce or eliminate long-term risk to people and property from natural hazards and their effects. In the long term, mitigation measures reduce personal loss, save lives, and reduce the cost to the nation of responding to and recovering from disasters.

Two sections of the Stafford Act, §404 and §406, authorize hazard mitigation funds when a Federal disaster has been declared. In each case, the Federal government can provide up to 75% of the cost, with some restrictions.

Through the Hazard Mitigation Grant Program (HMGP), authorized by §404 of the Act, communities can apply for mitigation funds through the state. The state, as grantee, is responsible for notifying potential applicants of the availability of funding, defining a project selection process, ranking and prioritizing projects, and forwarding projects to FEMA for funding. The applicant or subgrantee carries out approved projects. The state, local government or homeowner must provide a 25% match, which can be fashioned from a combination of cash and in-kind sources. Federal funding from other sources cannot be used for the 25% non-federal share with one exception. Funding provided to states under the Community Development Block Grant program from the Department of Housing and Urban Development can be used for the non-federal share.

Total Federal funding under HMGP is based on a sliding scale of the estimated grants for individual assistance programs and public assistance projects. Section 322 of the Disaster Mitigation Act of 2000 emphasizes the importance of planning in reducing disaster losses. States were required to develop a State Mitigation Plan that provided a summary of the hazards facing them, an assessment of the risks and vulnerabilities to those hazards, and a strategy for reducing those impacts. These plans were required by May 1, 2005 as a condition of non-emergency assistance under the Stafford Act, and must be reviewed and updated every three years.

States may choose to develop an Enhanced State Mitigation Plan in order to receive an increased amount of up to 20% for Hazard Mitigation Grant Program funding. By November 1, 2004, local jurisdictions also were required to develop mitigation plans in order to be eligible for project grant funding under the Hazard Mitigation Grant Program. In addition, states may use a set-aside of up to 5% of the total HMGP funds available for mitigation measures at their discretion. To be eligible, a set-aside project must be identified in a state's hazard mitigation plan and fulfill the goal of the HMGP, that is, to reduce or prevent future damage to property or prevent loss of life or injury.

Eligible mitigation measures under the HMGP include acquisition or relocation of property located in high-hazard areas; elevation of flood prone structures; seismic rehabilitation of existing structures; strengthening of existing structures against wildfire; dry flood proofing activities that bring a structure into compliance with minimum NFIP

requirements and state or local code. Up to 7% of the HMGP funds may be used to develop state and/or local mitigation plans.

All HMGP projects, including set-aside projects, must comply with the National Environmental Policy Act and all relevant Executive Orders. HMGP grants cannot be given for acquisition, elevation, or construction purposes if the site is located in a designated Special Flood Hazard Area (SFHA) and the community is not participating in the NFIP.

Funding under §406 that is used for the repair or replacement of damaged public facilities or infrastructure may be used to upgrade the facilities to meet current codes and standards. It is possible for mitigation measures to be eligible for funding under both the HMGP and §406 programs; however, if the proposed measure is funded through §406, the project is not eligible for funds under the HMGP as well.

FEMA REGIONAL OFFICES

Region 1

Connecticut, Maine, Massachusetts, New Hampshire,
Rhode Island, Vermont
Federal Emergency Management Agency
99 High Street, 6th Floor
Boston, MA 02110-2320
(617) 956-7506

Region 2

New Jersey, New York, Puerto Rico, Virgin Islands
Federal Emergency Management Agency
26 Federal Plaza, Room 1337
New York, NY 10278-0002
(212) 680-3600

Region 3

Delaware, District of Columbia, Maryland,
Pennsylvania, Virginia, West Virginia
Federal Emergency Management Agency
One Independence Mall, 6th Floor
615 Chestnut Street
Philadelphia, PA 19106-4404
(215) 931-5608

Region 4

Alabama, Florida, Georgia, Kentucky, Mississippi,
North Carolina, South Carolina, Tennessee
Federal Emergency Management Agency
3005 Chamblee-Tucker Road
Atlanta, GA 30341
(770) 220-5200

Region 5

Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Federal Emergency Management Agency
536 South Clark Street, 6th Floor
Chicago, IL 60605
(312) 408-5500

Region 6

Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Federal Emergency Management Agency
Federal Regional Center
800 N. Loop 288
Denton, TX 76201-3698
(940) 898-5104

Region 7

Iowa, Kansas, Missouri, Nebraska
Federal Emergency Management Agency
9221 Ward Parkway, Suite 300
Kansas City, MO 64114
(816) 283-7061

Region 8

Colorado, Montana, North Dakota, South Dakota,
Utah, Wyoming
Federal Emergency Management Agency
Denver Federal Center Building 710
Box 25267
Denver, CO 80225-0267
(303) 235-4812

Region 9

American Samoa, Arizona, California, Guam, Hawaii,
Nevada, Commonwealth of the Northern Mariana
Islands
Federal Emergency Management Agency
1111 Broadway Suite 1200
Oakland, CA 94607-4052
(510) 627-7100

Region 10

Alaska, Idaho, Oregon, Washington
Federal Emergency Management Agency
130 228th Street, S.W.
Bothell, WA 98021-9796
(425) 487-4600



FEMA

Fact Sheet

Individuals and Households Program

Pursuant to section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (P. L. 93-288, as amended, 42 U.S.C. 5174 et Seq.), FEMA's Individuals and Households Program (IHP) provides financial and direct services to eligible individuals and households affected by a disaster who have uninsured or underinsured necessary expenses and serious needs. IHP is not a substitute for insurance and cannot compensate for all losses caused by a disaster; it is intended to meet the survivor's basic needs and supplement disaster recovery efforts.

IHP Eligibility

These general conditions must be met for an applicant to be eligible to receive IHP Assistance:

- The applicant must be a U.S. citizen, non-citizen national, or qualified alien.
- FEMA must be able to verify the applicant's identity.
- The applicant's insurance, or other forms of disaster assistance received, cannot meet their disaster-caused needs.
- The applicant's necessary expenses and serious needs are directly caused by a declared disaster.

IHP Housing Assistance Provision

FEMA determines the appropriate types of Housing Assistance for which an individual or household may be eligible based on disaster-caused loss, access to life-sustaining services, cost-effectiveness, and other factors. Individuals and households may receive more than one type of Housing Assistance, including a combination of financial assistance and direct services for disaster-caused damage to a disaster survivor's primary residence. Funds awarded for Home Repair and Replacement Assistance count toward an applicant's financial Housing Assistance maximum, which is an annually adjusted amount based on the U.S. Department of Labor's Consumer Price Index.

Financial Housing Assistance - FEMA provides funds paid directly to eligible individuals and households and may include the following types of assistance:

- **Rental Assistance**: To rent alternate housing accommodations while an applicant is displaced from his or her disaster-damaged primary residence. Rental Assistance may be used to rent a house, apartment, manufactured home, recreational vehicle, or other readily fabricated dwelling. Rental Assistance is not subject to a financial maximum award limitation.
- **Lodging Expense Reimbursement**: Reimbursement for hotels, motels, or other short-term lodging while an applicant is displaced from his or her disaster-damaged primary residence. This assistance is not subject to a financial maximum award limitation.
- **Home Repair Assistance**: To help repair an owner-occupied disaster-damaged primary residence, utilities, and residential structure, including privately-owned access routes (i.e. driveways, roads, or bridges) to a safe and sanitary living or functioning condition. Assistance for specific accessibility repairs defined within the Americans with Disabilities Act (ADA) is not counted toward an applicant's financial Housing Assistance maximum.

- Replacement Assistance: To help homeowners replace an owner-occupied primary residence when the residence is destroyed by the disaster.

Direct Housing Assistance - FEMA may provide Direct Housing Assistance when eligible applicants are unable to use Rental Assistance due to a lack of available housing resources. Direct Housing Assistance is not subject to a financial maximum award limitation. The general period of assistance for Direct Housing is 18 months unless extended. Types of Direct Housing Assistance may include:

- Multi-Family Lease and Repair (MLR): This program allows FEMA to enter into lease agreements with owners of multi-family rental properties located in disaster areas and make repairs or improvements to provide temporary housing to eligible applicants.
- Transportable Temporary Housing Units (TTHUs): A readily fabricated dwelling (i.e. a Recreation Vehicle [RV] or a Manufactured Housing Unit [MHU]), purchased or leased by FEMA and provided to eligible applicants for use as temporary housing.
- Direct Lease: Existing ready-for-occupancy residential property leased and, if necessary, modified or improved to provide a reasonable accommodation for an eligible applicant with a disability and others with access and functional needs for use as temporary housing for eligible applicants.
- Permanent Housing Construction (PHC): Home repair and/or construction services provided in insular areas outside the continental United States and other locations where no alternative housing resources are available; and where other types of housing assistance FEMA normally provides, such as Rental Assistance or other forms of direct assistance, are unavailable, infeasible, or not cost-effective.

IHP Other Needs Assistance (ONA) Provision

Applicants may receive financial assistance for other disaster-caused necessary expenses and serious needs. The types of ONA are divided into two categories of assistance that are either dependent or non-dependent on the applicant's ability to secure a U.S. Small Business Administration (SBA) disaster loan. The SBA provides low-interest, long-term loans to help eligible applicants with transportation losses, moving and storage expenses, as well as repair/replacement funds for real and personal property damage caused by the disaster. Financial assistance awarded for ONA counts toward an applicant's financial ONA maximum, which is an annually adjusted amount based on the U.S. Department of Labor's Consumer Price Index.

SBA Dependent Types of ONA – Only applicants who do not qualify for a loan from the SBA, or who were approved for a partial loan, but the amount of the loan was insufficient to meet the applicant's disaster necessary expenses or serious needs, may be eligible for the following types of assistance:

- Personal Property Assistance: To repair or replace essential household items including, but not limited to, furnishings and appliances, and specialized tools and protective clothing required by an employer. Assistance for specific accessibility items defined within the ADA is not counted toward an applicant's financial ONA maximum.
- Transportation Assistance: To repair or replace an eligible vehicle damaged by a disaster and other transportation-related costs.

- **Moving and Storage Assistance:** To relocate and store personal essential household goods from the damaged primary residence to prevent further disaster damage, such as ongoing repairs, and returning the property to the applicant's primary residence.

Non-SBA Dependent Types of ONA – May be awarded regardless of the applicant's SBA disaster loan status and may include:

- **Funeral Assistance:** Assistance is available to eligible individuals and households who incur or will incur expenses related to a death or disinterment attributed directly or indirectly to a declared emergency or major disaster.
- **Medical and Dental Assistance** To assist with medical or dental expenses caused by a disaster, which may include injury, illness, loss of prescribed medication and equipment, insurance co-payments, or loss/injury to a service animal.
- **Child Care Assistance:** A one-time payment, covering up to eight cumulative weeks of child care expenses, for a household's increased financial burden to care for children aged 13 and under; and/or children up to age 21 with a disability who need assistance with activities with daily living as defined by federal law.
- **Miscellaneous or Other Items Assistance:** To reimburse for eligible items purchased or rented after a disaster incident to assist with an applicant's disaster recovery, such as gaining access to the property or assisting with cleaning efforts. Eligible items are identified by the state, territorial, or tribal government and may include items such as a chainsaw or dehumidifier.

IHP Limitations and Requirements

Flood Insurance Requirement: Applicants whose homes are located in a Special Flood Hazard Area and who receive assistance for home repair, replacement, permanent housing construction, and/or personal property as a result of a flood-caused disaster must obtain and maintain flood insurance as a condition of receiving future disaster assistance for a flood event.

Payment of Assistance: Financial assistance is provided to disaster survivors by a U.S. Treasury check or through an electronic funds transfer into the recipient's bank account.

Proper Use of Assistance: Failure to use assistance appropriately may result in ineligibility for additional assistance, and the applicant may be required to return the misused funds.

Taxation of Assistance: FEMA's assistance is not taxable and is not counted as income or a resource when determining eligibility for income assistance or income-tested benefit programs such as Social Security benefits or disability income.

Documentation: Applicants may need to provide documentation to help FEMA evaluate their eligibility, such as documents pertaining to proof of occupancy, ownership, income loss, and/or information concerning an applicant's housing situation prior to the disaster.

Duration of Assistance: Assistance is limited to 18 months following the date of the disaster declaration and may be extended due to extraordinary circumstances.

Appeal Rights: Applicants who disagree with FEMA's determination of eligibility, the form, or the amount of assistance provided, have the right to appeal within 60 days of the date on the award or denial letter from FEMA. For more information on appealing, contact the FEMA Disaster Helpline at 800- 621-3362 (TTY: 800-462-7585). Those who use a relay service such as a videophone, InnoCaption or CapTel should update FEMA with their specific number assigned to that service.

FEMA's Mission: Helping people before, during, and after disasters.

October 2020



Individual Assistance Program

When a state, territorial, or tribal government (STTL) determines an incident exceeds their capability to respond, the Governor or Tribal Chief Executive may request a declaration from the President through FEMA. The President may provide federal assistance when the magnitude or threat of an incident exceeds the affected state, territorial, tribal, or local government's capability to respond or recover. For FEMA to provide supplemental federal assistance, the President must declare that an emergency or major disaster exists.

The Individual Assistance mission ensures disaster survivors have timely access to a full range of authorized programs and services to maximize recovery through partnered coordination of STTL governments, as well as other federal agencies, non-governmental organizations and the private sector.

Individual Assistance Programs

FEMA assists individuals and households through the coordination and delivery of Individual Assistance programs including:

- **Mass Care and Emergency Assistance (MC/EA):** Mass Care is composed of seven services known as activities: sheltering; feeding; distribution of emergency supplies; support for individuals with disabilities and others with access and functional needs; reunification services for adults and children; support for household pets, service, and assistance animals; and mass evacuee support. In addition to the seven aforementioned activities, MC/EA also supports the National Mass Care Exercise (NMCE) training program and offers partnerships through the following programs: Blue Roof Program and Transitional Sheltering Assistance (TSA).
- **Crisis Counseling Assistance and Training Program (CCP):** CCP provides eligible STTLs governments, and non-governmental organizations with supplemental funding to assist disaster-impacted individuals and communities in recovering from the major disasters through the provision of community-based outreach and psycho-educational services. The goal is to aid survivors in recovering from the adverse reactions to disasters and to begin to rebuild their lives.
- **Disaster Unemployment Assistance (DUA):** DUA provides unemployment benefits and re-employment assistance services to eligible survivors affected by a Presidentially-declared major disaster. These services are under the responsibility of the U.S. Department of Labor and administered by the state, territorial, tribal, and local government emergency management officials of the affected area(s). DUA is only available to those eligible survivors who are not eligible for regular state unemployment insurance (UI).
- **Disaster Legal Services (DLS):** DLS provides legal aid to survivors affected by a Presidentially-declared major disaster through an agreement with the Young Lawyers Division (YLD) of the American Bar Association. DLS is put into effect during Presidentially-declared disasters and is available to survivors who qualify as low-income.

- **Disaster Case Management (DCM):** DCM is a time-limited process that promotes partnership between a case manager and a disaster survivor in order to assess and address a survivor's verified disaster-caused unmet needs through a disaster recovery plan. This disaster recovery plan includes resources, decision-making priorities, providing guidance and tools to assist disaster survivors.
- **Individuals and Households Program (IHP):** IHP Assistance provides financial assistance and direct services to eligible individuals and households who have uninsured or underinsured necessary expenses and serious needs. IHP Assistance is not a substitute for insurance and cannot compensate for all losses caused by a disaster; it is intended to meet basic needs and supplement disaster recovery efforts. IHP Assistance is not considered income or a resource when determining eligibility for welfare, income assistance, or income-tested benefit programs that the federal government funds, such as Social Security benefits or disability income. IHP Assistance is also exempt from garnishment or seizure, but this exception does not apply to FEMA recovering assistance received in error or fraud.

Individual Assistance Service Delivery Channels

FEMA offers disaster survivors multiple options to access Individual Assistance. Survivors may receive information and services through:

- **Internet or Smartphone Application:** Disaster survivors may apply for IHP Assistance or check their application status on-line at www.disasterassistance.gov. Disaster survivors may also access FEMA via smartphone by downloading the application from www.fema.gov or through their mobile provider's application store.
- **FEMA Toll-Free Helpline:** Disaster survivors may call FEMA toll-free at 800-621-3362 (TTY: 800-462-7585) to register for assistance or check their application status. Those who use a relay service such as a videophone, InnoCaption or CapTel should update FEMA with their specific number assigned to that service.
- **Disaster Recovery Centers (DRCs):** Disaster survivors may apply for assistance in person at DRCs in or near their communities. DRCs are usually opened quickly after a disaster for a limited period of time. They are accessible and equipped to accommodate disaster survivors who need disability-related communication aids. FEMA staff can assist with completing registrations or checking their application status. FEMA coordinates with the state, territorial, tribal, or local government to establish DRC locations.
- **Disaster Survivor Assistance (DSA) Teams:** FEMA may send staff into the affected communities to help disaster survivors apply for IHP assistance. FEMA may also coordinate with the state, territorial, tribal, or local government to send staff into emergency shelters to assist survivors. FEMA staff are equipped with computers or similar devices to assist survivors with registering for IHP Assistance or provide them referrals to other resources.

Because FEMA's programs are not designed to make a survivor whole, we encourage a whole community approach to disaster recovery by engaging the full capacity of non-governmental

organizations and the private sector, including businesses, faith-based and disability organizations, and the general public, in conjunction with the participation of state, territorial, tribal, or local government, as well as other federal agency partners.

FEMA's Mission: Helping people before, during, and after disasters.

October 2020



FEMA

Fact Sheet

Online & Mobile Resources for Congressional Offices

The Federal Emergency Management Agency (FEMA) has developed a series of online and mobile resources Congressional offices can use to learn about the Agency's mission and programs, and to inform their constituents about how to be prepared for all types of disasters. These resources include online resources such as disaster-specific webpages, disaster registration information, and social media resources, such as FEMA's blog and Facebook pages, as well as a variety of Twitter accounts that provide updates on emergency management issues from around the country.

As always, Congressional offices can reach out to FEMA's Office of External Affairs, Congressional and Intergovernmental Affairs Division if they have questions or need additional information about the Agency's mission or programs:

Phone: 202-646-4500

Email: FEMA-Congressional-Affairs@fema.dhs.gov

WEBSITES

- FEMA's Main Website: www.fema.gov
- The Ready Campaign's Main Website: www.ready.gov
- Federal Disaster Assistance Programs and Registration: www.DisasterAssistance.gov
- Flood Insurance Information and Resources: www.floodsmart.gov
- Coronavirus (COVID-19) Response: www.fema.gov/coronavirus
- Disaster-Specific Information (including statistics) Pages: www.fema.gov/disasters
- Get Assistance After A Disaster: www.fema.gov/get-assistance-after-disaster
- Congressional Testimony and Speeches: www.fema.gov/testimony-and-speeches
- News Releases: www.fema.gov/about/news-multimedia/press-releases
- FEMA Media Library (pictures, videos, and podcasts): www.fema.gov/about/news-multimedia
- The FEMA Blog: www.fema.gov/blog
- FEMA Job Postings: www.fema.gov/careers
- Reports & Data: www.fema.gov/about/reports-and-data
 - Disaster Relief Fund: Monthly Reports: www.fema.gov/about/reports-and-data/disaster-relief-fund-monthly-reports

SOCIAL MEDIA

A comprehensive list of official FEMA social media accounts can be found at www.fema.gov/social-media.

- FEMA Twitter Accounts: twitter.com/fema/lists/fema-accounts
- FEMA Facebook: facebook.com/fema
- Ready Facebook: facebook.com/readygov
- Ready Twitter: twitter.com/readygov
- FEMA Instagram: instagram.com/fema
- FEMA YouTube: youtube.com/fema
- FEMA LinkedIn: linkedin.com/company/fema
- Local Emergency Management Twitter Accounts: twitter.com/fema/lists/local-em
- State Emergency Management Twitter Accounts: twitter.com/fema/lists/state-em-agencies

MOBILE RESOURCES

- FEMA mobile app: www.fema.gov/about/news-multimedia/app
- FEMA text messages: www.fema.gov/about/news-multimedia/text-messages

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FEMA's Mission: Helping people before, during, and after disasters.

October 2020



Public Assistance

Overview

Public Assistance (PA) is FEMA's largest grant program providing funds to assist communities responding to and recovering from major disasters or emergencies declared by the President. The program provides funding for emergency assistance to save lives and protect property, and assists with funding for permanently restoring community infrastructure affected by a federally declared incident.

Eligible Applicants

Eligible applicants include states, federally recognized tribal governments (including Alaska Native villages and organizations so long as they are not privately owned), U.S. territories, local governments, and certain private non-profit (PNP) organizations.

PNPs must have "an effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954, or satisfactory evidence from the State that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under State law."¹ Additionally, for a PNP operated facility to be eligible, the PNP must demonstrate the facility provides a critical service or provides a non-critical, but essential government service and is open to the general public. A facility that provides a critical service is defined as one used for an educational, utility, emergency, or medical purpose.²

Project Categories

FEMA processes PA grant funding according to the type of work the applicant undertakes. Eligible work must be required as a result of the declared incident, be located in the designated area, be the legal responsibility of the applicant, and be undertaken at a reasonable cost.

Eligible work is classified into the following categories:

Emergency Work

Category A: Debris removal

Category B: Emergency protective measures

Permanent Work

Category C: Roads and bridges

Category D: Water control facilities

Category E: Public buildings and contents

Category F: Public utilities

Category G: Parks, recreational, and other facilities

Federal funding guidelines for each of these categories are listed in the *Public Assistance Program and Policy Guide*, which is located online [at fema.gov/public-assistance-policy-and-guidance](https://www.fema.gov/public-assistance-policy-and-guidance).

Application Process

After a federal declaration, the recipient (i.e. state, tribe, or territory) conducts Applicant Briefings to inform potential applicants (i.e. state, local, tribal, territorial, and PNP officials) of the assistance available and how to apply. Applicants must then file a Request for Public Assistance within 30 days of the date their respective area is designated by the federal declaration.

Following the approved request, FEMA and the applicants will conduct additional meetings to discuss disaster damage and project formulation. Applicants must identify and report damages to FEMA within the 60-day regulatory timeframe. FEMA, the recipient, or the applicant will then prepare project worksheets for eligible work and eligible facilities based on actual or estimated project costs.

Grant Administration

The federal share of assistance will not be less than 75 percent of the eligible cost for emergency measures and permanent restoration. The recipient determines how the non-federal share of 25 percent will be dispersed to its applicants.

Recipients are responsible for managing the funds obligated to them by FEMA, including disbursement to applicants. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance, and compliance with federal laws and regulations.

Large Projects

Projects above a certain amount are considered “large.” The threshold corresponds to the annually adjusted small project maximum.

Alternative Procedures (428): For large permanent work projects using Section 428 PA Alternative Procedures, funding is made on the basis of a fixed-cost estimate agreed upon by the applicant, recipient and FEMA. PA funding is based on the estimated amount to restore the damaged facility to its pre-disaster design and function, including applicable and federally required codes and standards, and any identified eligible hazard mitigation measures. Once agreement on the fixed amount is made, the funding will not be adjusted. Applicants have the flexibility to use the funding to meet the post-disaster recovery needs, and not just build back what they had before. The applicant may also retain any excess funds for use on certain eligible activities.

Standard Procedures (406): For large permanent work projects using the standard Section 406 process, funding is provided on the basis of actual costs as determined after the project is completed. The applicant’s flexibility in use of the funding is limited, and they do not have the ability to retain excess funds.

Small Projects

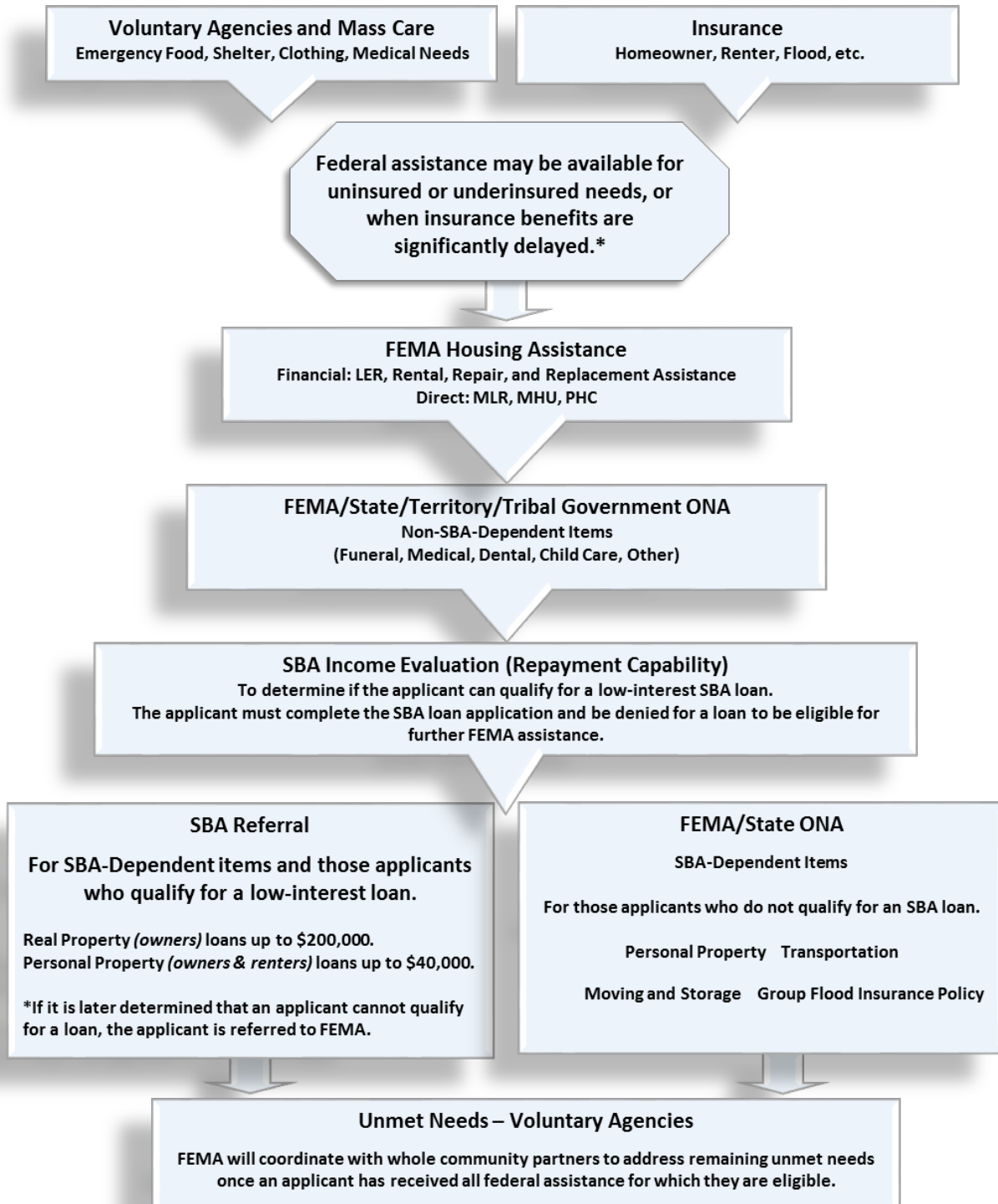
Projects falling below a certain threshold are considered "small." The threshold is adjusted annually for inflation. For Fiscal Year 2022, that threshold is \$139,800. For small projects, final funding is based on the estimate at the time of project approval and certification of project completion is required when the project is done. The minimum amount that can be approved for any Project Worksheet under the PA Program for FY 2022 is \$3,500.

“FEMA’s mission is helping people before, during, and after disasters.”



INDIVIDUALS AND HOUSEHOLDS PROGRAM (IHP)

Disaster Assistance Sequence of Delivery



October 2020