

The Public Assistance Program

Program Objectives

The objective of the Public Assistance Program is to provide assistance to states, local governments, and selected nonprofit organizations for the alleviation of suffering and hardship resulting from major disasters or emergencies declared by the President. This is a cost share program. The Federal Government provides 75% and the local governmental share is 25% of eligible reimbursable disaster costs. Costs under \$1,000 per project are not eligible.

WHO IS ELIGIBLE

A. State and Local Governments, and Special Districts

- Local Governments

Any county, city, town, district, or other political subdivision of any state and includes any rural community, unincorporated town or village, or other public entity for which an application for assistance is made by a state or political subdivision thereof.

- Other Political Subdivisions

Other state and local political subdivisions may be eligible if they are formed in accordance with state law as a separate entity and having taxing authority. These include, but are not limited to, school districts, irrigation districts, fire districts, and utility districts.

B. Private Nonprofit Organizations

All facilities must provide an essential governmental service and be open to the general public.

1. Educational Institutions

- A. Colleges and universities
- B. Parochial and other private schools

2. Utility

Systems of energy, communication, water supply, sewage collection and treatment, or other similar public service facilities.

3. Emergency

Fire Protection, ambulance, police, rescue and similar emergency services.

4. Medical

Hospital, outpatient facility, rehabilitation facility, or facility for long-term care for mental or physical injury or disease.

5. Custodial Care

Homes for the elderly and similar facilities that provide institutional care for persons who require close supervision, but do not require day-to-day medical care.

6. Other Essential Governmental Service Facilities

Museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities that provide health and safety services of a governmental nature. Health and safety services are essential services that are commonly provided by all local governments and directly affect the health and safety of individuals. Low-income housing, alcohol and drug rehabilitation, programs for battered spouses, transportation to medical facilities, and food programs are examples of health services.

GENERAL WORK ELIGIBILITY

A. An Eligible Item of Work Must

- Be required as the result of a major disaster event,
- Be located within a designated disaster area, and
- Be the legal responsibility of an eligible applicant.

B. Other Federal Agency (OFA) Programs

FEMA will not provide assistance when another federal agency has specific authority to restore facilities damaged by a major disaster.

C. Negligence

No assistance will be provided to an applicant for damages caused by its own negligence. If negligence by another party results in damages, assistance may be provided on the condition that the applicant agrees to cooperate with FEMA in all efforts to recover the costs of such assistance from the negligent party.

D. Restrictions

1. Alternative Use Facilities

If a facility was being used for purposes other than those for which it was designed, restoration will only be eligible to the extent necessary to restore the immediate pre-disaster alternative purpose.

2. Inactive Facilities

Facilities that were not in active use at the time of the disaster are not eligible except in those instances where the facilities were only temporarily inoperative for repairs or remodeling, or where active use by the applicant was firmly established in an approved budget, or where the owner can demonstrate to FEMA's satisfaction an intent to begin use within a reasonable time.

3. Routine maintenance is not eligible.

**CATEGORY A
DEBRIS REMOVAL**

EMERGENCY WORK

A. Public Interest Determination By FEMA

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

B. Private Property Debris Removal

- When in the public interest for an eligible applicant to remove debris:
- On urban, suburban and rural property.
- Including large lots, living, recreational and working areas except areas used for crops and livestock, or unused areas.
- No assistance will be provided to individuals or private organizations for removing debris from their own property except for eligible private nonprofit applicants.
- Right of Entry Agreement must be obtained to indemnify federal, state and local governments against any claim arising from such removal.

CATEGORY B

EMERGENCY PROTECTIVE MEASURES

A. General

- Measures to save lives, to protect public health and safety, and to protect improved property, are eligible. In order to be eligible, emergency protective measures for property must eliminate or lessen immediate threats of significant damage to improved public or private property through measures that are cost-effective.

PERMANENT RESTORATION OF FACILITIES

A. General Eligibility

- Facilities will be restored on the basis of design of such facilities as they existed immediately prior to the disaster and in conformity with applicable standards.
- Codes and Standards must be in writing and formally adopted prior to project approval, and they must apply uniformly to all similar types of facilities within the jurisdiction.
- Hazard mitigation measures, which are cost-effective, may be required by FEMA. Any requirement for hazard mitigation placed on applicants by FEMA will be eligible. Applicants may and are encouraged to suggest hazard mitigation measures.
- A facility is considered repairable when disaster damages do not exceed 50% of the cost of replacing a facility so that it can perform the function for which it was being used as well as it did immediately prior to the disaster. Conduct a repair versus replacement analysis if repairs to a facility would appear to cost 50% or more of the costs of replacing the facility. For further particulars, see FEMA Public Assistance Guide .

CATEGORY C

ROAD SYSTEMS

A. Repairs and Replacements

The damage must be directly related to the disaster. It cannot be a pre-existing condition nor caused by an event after the official period of incidence. Repairs to structures may be made when the estimated repair cost is less than the estimated replacement cost, unless the structure is damaged greater than 50%. If a structure is damaged to the extent that repairs exceed 50% of the replacement costs funding may be provided to replace the structure. The applicant also may choose to make repairs; however the funding provided will be limited to the cost of replacement.

B. Road Repairs

On gravel roads, the base need not be damaged to be eligible for major gravel replacement. Loss of gravel must be evident. Potholes and rutted surfaces must be shown to be a result of the disaster event.

C. Paving

Loss of paved surface is eligible. An “alligatored” surface is generally a sign of normal deterioration and is not eligible.

D. Standards

Bridge and road standards that have been formally adopted and are in practice, or adopted and placed in effect prior to project approval by the applicant, are eligible. The standards must apply to work accomplished using all sources of funds, and not limited to work receiving state and/or federal aid. A copy of standards and council meeting minutes approving the standards should be maintained in the permanent applicant file.

E. On-System Facilities

Facilities funded by other federal agencies, such as the Federal Highway Administration (FHWA), are not eligible for permanent repair. Debris removal and emergency measures are eligible on federal-aid roads except where the Emergency Relief (ER) program of the FHWA is activated. For further particulars, see FEMA Public Assistance Guide.

F. Scheduled Replacement

Facilities are not eligible if scheduled for replacement within the next 12 months using federal funds.

CATEGORY D

WATER CONTROL FACILITIES

A. Levees and Dams

If the levee or dam meets the definition of a flood control work and thus falls within the authority of the U.S. Army corps of Engineers (USACE) or Natural Resources Conservation Service (NRCS), it is not eligible.

B. Drainage Channels

Restore to pre-flood hydraulic capacity. The USACE or NRCS may be involved in some flood channels; in these cases, drainage channels are not eligible. Manmade channels must show evidence of routine maintenance. Appropriate documentation should be placed in permanent applicant file.

C. Natural Streams

Debris removal from natural streams is not normally eligible for assistance. Only debris that causes a threat to lives, public health and safety, or damage to improved property from a 5-year flood event, is eligible. Work to protect improved property must have a favorable ratio of benefits to costs. Any work in natural streams must also be closely reviewed and monitored to minimize undesirable environmental effects.

D. Seeding and Sodding

Seeding, grass, and sod will be eligible only when necessary to stabilize slopes and minimize sediment runoff. Seeding, grass, and sod will not be eligible for cosmetic purposes.

E. Debris

Disaster-caused debris in catch basins and channels is eligible for removal if no pre-existing condition can be established.

CATEGORY E

PUBLIC BUILDINGS AND EQUIPMENT

A. Restoration

Buildings are to be restored to pre-disaster design capacity in accordance with present codes and standards.

B. Use and Occupancy

The building must have been in active use prior to the disaster. If only part of the building was occupied at the time of the disaster, or if the building was being used for a less demanding function than its original purpose, then replacement will be made at the reduced size, or restoration will be limited to that required to resume the immediate pre-disaster use.

C. Extensive Damage

If repairs to a facility would cost 50% or more of the cost of replacing the facility to its pre-disaster design, then the facility is eligible for replacement. This is known as the “50% Rule”, and is discussed in detail in the FEMA Public Assistance Guide.

D. Insurance

Check on insurance presently in force. Insurance coverage pays first. Uninsured losses are eligible. If repair costs exceed \$5,000, a general hazard insurance comment will be required equal to the amount of damages. Repair costs for flood damages occurring to buildings and/or contents within the 100-year flood zone will be reduced by the amount that would

have been available from a standard NFIP flood policy whether or not the facility was actually insured.

E. Equipment

Office equipment and furniture should be replaced with used or surplus, if available. Repair if feasible.

F. Supplies

Consumable supplies will be replaced to pre-disaster quantities.

G. Vehicles

Special equipment, such as two-way radios, is eligible. Blue book prices should be used and salvage taken. Check for comprehensive insurance.

H. Grounds

Grounds around buildings may be included with building structure if it is to be handled as a single project, except trees and other plantings, which are not eligible.

I. Cleaning

For buildings with light damage, cleaning and painting is eligible.

J. Worship Facilities

Buildings that are used primarily for worship or religious education purposes are not eligible.

CATEGORY F

PUBLIC FACILITIES

A. Electrical

Restore to pre-disaster condition in the most economical manner. Extra pole structures are sometimes necessary to restore the function when erosion has destroyed stream banks and ground clearance has to be maintained over longer distances.

B. Sewer Collapse

Visual evidence of ground subsidence indicating infiltration into the pipe must be present.

C. TV Inspection

Limited TV inspection is eligible when damage is apparent. Use of TV inspection to search for problems is not eligible.

D. Cleaning

Cleaning of disaster-related debris from sewer lines is eligible only when necessary to restore adequate functioning of the system in specific reaches if no pre-existing condition can be established.

E. Revenues

Loss of revenue is not eligible. Added costs or charges for providing regular utility services are not eligible.

CATEGORY G

PARKS, RECREATIONAL, AND OTHER

A. Grass

Grass, seeding, and sod are eligible only when necessary to stabilize slopes and minimize sediment runoff. Grass, seeding, and sod are not eligible for cosmetic purposes.

B. Trees

Trees and other plantings are not eligible.

C. Damage Estimates

All structure and damage sites within a park may be included as a single project if repair or contract is being handled that way. They can be claimed separately, if desired.

D. Beaches

To be eligible, a beach must have been improved and regularly maintained prior to the disaster. Maintain documentation in permanent applicant file. Permanent restoration of the sand on natural beaches is not eligible. (Also see Emergency Protective Measures.)

COST ELIGIBILITY

FORCE ACCOUNT COST

A. Personnel

Reimbursement of salaries and wages (including regular time, overtime, fringe benefits, and compensatory time) of employees will be paid on eligible disaster permanent work. For emergency work, only overtime of regular employees plus all time of extra hires will be paid.

B. Applicant-Owned Equipment

Reimbursement for equipment used on eligible disaster-related work is based on the FEMA rate schedule or the applicant's established rates, whichever is lower, unless the applicant's rates are considerably lower and the applicant certifies that the rates do not reflect actual costs. A state schedule may be accepted for applicants who have established and used the schedule for normal operations before the disaster, up to \$75 per hour.

C. Materials

Costs of materials and supplies used in eligible disaster-related work are eligible.

CONTRACT COSTS

Reasonable contract costs, including equipment rental, for eligible disaster-related work are eligible.

INSURANCE

- Actual or anticipated insurance recoveries shall be deducted from otherwise eligible costs.
- When insurance is required as a condition of approval for projects amounting to \$5,000 or more, the state must provide FEMA with acceptable assurances that the applicant has obtained and will maintain insurance for the approved damaged facility or piece of equipment.
- No assistance will be provided for any facility for which assistance was previously received unless the insurance was obtained and maintained as required.