

TITLE 290 DEPARTMENT OF HOMELAND SECURITY

NOTE: Under P.L.22-2005, SECTION 60, the name of the State Emergency Management Agency is changed to the Department of Homeland Security, effective April 15, 2005.

ARTICLE 1. GENERAL PROVISIONS

Rule 1. Eligibility; Application Procedures

290 IAC 1-1-1 Definitions

Authority: IC 10-4-1-29

Affected: IC 10-14-1-4; IC 10-14-3

Sec. 1. (a) The definitions in this section apply throughout this rule.

(b) "Applicant" means any county, city, or town whose executive submits an application for a grant pursuant to IC 10-4-1-29 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003.]*

(c) "Applicant's agent" means the person who is authorized by the governing body executive to act on behalf of the applicant in administering grants.

(d) "Damage assessment" means a comprehensive assessment of all public damages to include verifiable estimates of repair or replacement costs.

(e) "Department" means the state emergency management agency.

(f) "Director" has the meaning as set forth in IC 10-4-1-3.5 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-14-1-4.]*

(g) "Disaster" has the meaning as set forth in IC 10-4-1-3(3) *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-14-3-1.]*

(h) "Emergency management director" means the individual as described in IC 10-4-1-10(f) or IC 10-4-1-10(h) *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-14-3-17.]*

(i) "Emergency management program" means a program as described by IC 10-4-1-9 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-14-3-16.]* and IC 10-4-1-10 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-14-3-17.]* (Department of Homeland Security; 290 IAC 1-1-1; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1608; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA)

290 IAC 1-1-2 Application procedures

Authority: IC 10-4-1-29

Affected: IC 4-21.5-3-5; IC 4-21.5-3-7

Sec. 2. (a) Eligible local government applicants suffering disaster damages shall apply for a state disaster relief fund grant as follows:

(1) Meet the eligibility requirements as set forth in section 3 of this rule.

(2) Complete the State Disaster Relief Fund Grant Application Form provided by the department with the following information:

(A) The name and title of the person who will act as the applicant's agent.

(B) A description of the damages and verifiable repair costs by category, as set forth in section 5 of this rule.

(C) The physical address of the applicant.

(D) The mailing address of the applicant.

(E) The office phone number of the applicant.

(F) The amount and scope of insurance coverage held by the applicant.

(G) Identify any costs of services and/or refunds that were or will be provided at no cost or recouped such as expected or actual insurance settlements and donations of services and/or materials.

(H) A signed statement by the applicant's executive that the damaged public facility is the responsibility of the applicant.

(3) Submit the application to the director of the department within thirty (30) days following the governor's declaration of the state of disaster emergency or within thirty (30) days following the federal government's denial of the governor's request for federal disaster assistance, whichever is later.

(b) Applications will be reviewed and acted upon by the department. Applicants will be notified of the decision of the department within fifteen (15) working days of receipt of a properly completed application.

(c) The decision granting or denying, in whole or in part, the application for a state disaster relief grant shall be issued by the department in accordance with the requirements of Indiana Code 4-21.5-3-5. If a petition for review is subsequently granted under IC 4-21.5-3-7, the department shall conduct the resulting administrative proceeding.

(d) State disaster relief fund grants will be made in the following manner:

(1) Grant amounts will be determined in accordance with the formulae specified in IC 10-4-1-29 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003.]* and the provisions of this rule.

(2) A warrant will be issued to the applicant identified on the grant application within thirty (30) days of grant approval.

(Department of Homeland Security; 290 IAC 1-1-2; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA)

290 IAC 1-1-3 Eligibility requirements

Authority: IC 10-4-1-29

Affected: IC 10-14-3-29

Sec. 3. Applicants must comply with the requirements of IC 10-4-1-29 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003.]* and meet all of the following eligibility requirements for the state disaster relief fund:

(1) Maintain an emergency management program or be incorporated into a county emergency management program that is established before the disaster.

(2) Maintain a current applicable emergency operations plan, which shall have been implemented in a timely manner at the beginning of the disaster.

(3) Declare a state of local disaster emergency in accordance with IC 10-4-1-23 *[IC 10-4 was repealed by P.L.2-2003, SECTION 102, effective July 1, 2003. See IC 10-14-3-29.]* and have expediently transmitted a copy of the declaration to the department.

(4) Verify the commitment of local resources by means of a signed statement by the applicant's executive.

(5) Conduct a local damage assessment, including verifiable repair costs, transmitting the results to the department through the county emergency management director in a timely manner.

(Department of Homeland Security; 290 IAC 1-1-3; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA)

290 IAC 1-1-4 Inspection and returned funds

Authority: IC 10-4-1-29

Affected: IC 10-4-1

Sec. 4. (a) Inspections of the projects funded by the disaster relief fund may be made by a representative of the department at any time. Audits of contracts, force account work, and receipts may be conducted for a period of up to three (3) years to verify grant-approved use of grant funds.

(b) Grant funds found by the director to have been spent in a manner inconsistent with the specific purpose for which the applicant originally applied:

(1) shall be refunded by the applicant and returned to the disaster relief fund; and

(2) the department may, in addition to the amount of the inappropriately spent grant funds, seek reimbursement for all costs associated with the collection of the improperly expended grant funds.

(Department of Homeland Security; 290 IAC 1-1-4; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA)

290 IAC 1-1-5 Available categories

Authority: IC 10-4-1-29

Affected: IC 10-4-1

Sec. 5. (a) State disaster relief fund assistance is available for the repair, restoration, or actions relating to the following

categories of damages owned by, maintained by, or operated by or on behalf of an eligible applicant:

- (1) For debris removal, wind generated materials, mud, and/or woody materials resulting from flooding, deposited within the public right-of-way.
- (2) For transportation systems, roads, streets, highways, bridges, or other public way and their necessary appurtenances.
- (3) For publically-owned [*sic.*, *publicly-owned*] buildings and structures.
- (4) For water control facilities, dams, levees, dikes, ditches, and other drainage and/or flood control devices.
- (5) For recreation facilities, parks and recreation facilities.
- (6) For public utilities:
 - (A) sanitary sewer systems, storm sewers, lift stations, or wastewater treatment facilities; and
 - (B) water treatment, water storage, or water distribution facilities.
- (7) For other improvements or infrastructure owned by or operated by or on behalf of an eligible applicant.

(b) Any costs relating to snow removal are not eligible. (*Department of Homeland Security; 290 IAC 1-1-5; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1609; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA*)

290 IAC 1-1-6 Duplication of benefits prohibited

Authority: IC 10-4-1-29

Affected: IC 10-4-1

Sec. 6. Any damage costs recouped or services and/or materials provided at no cost, such as any insurance settlements and donations of services or materials, will be considered in the evaluation of an application to ensure that a grant from the fund is not duplicating benefits received from other sources. The following are examples of benefits that must be identified on the application form:

- (1) Insurance settlements.
- (2) Donations of services or materials.

(*Department of Homeland Security; 290 IAC 1-1-6; filed Jan 25, 2001, 11:15 a.m.: 24 IR 1610; readopted filed Sep 25, 2007, 9:07 a.m.: 20071010-IR-290070492RFA*)

*