

Public Assistance



FEMA

- ❖ Public Assistance Overview
- ❖ PDA Process
- ❖ Next Step
- ❖ Pre-Disaster Considerations

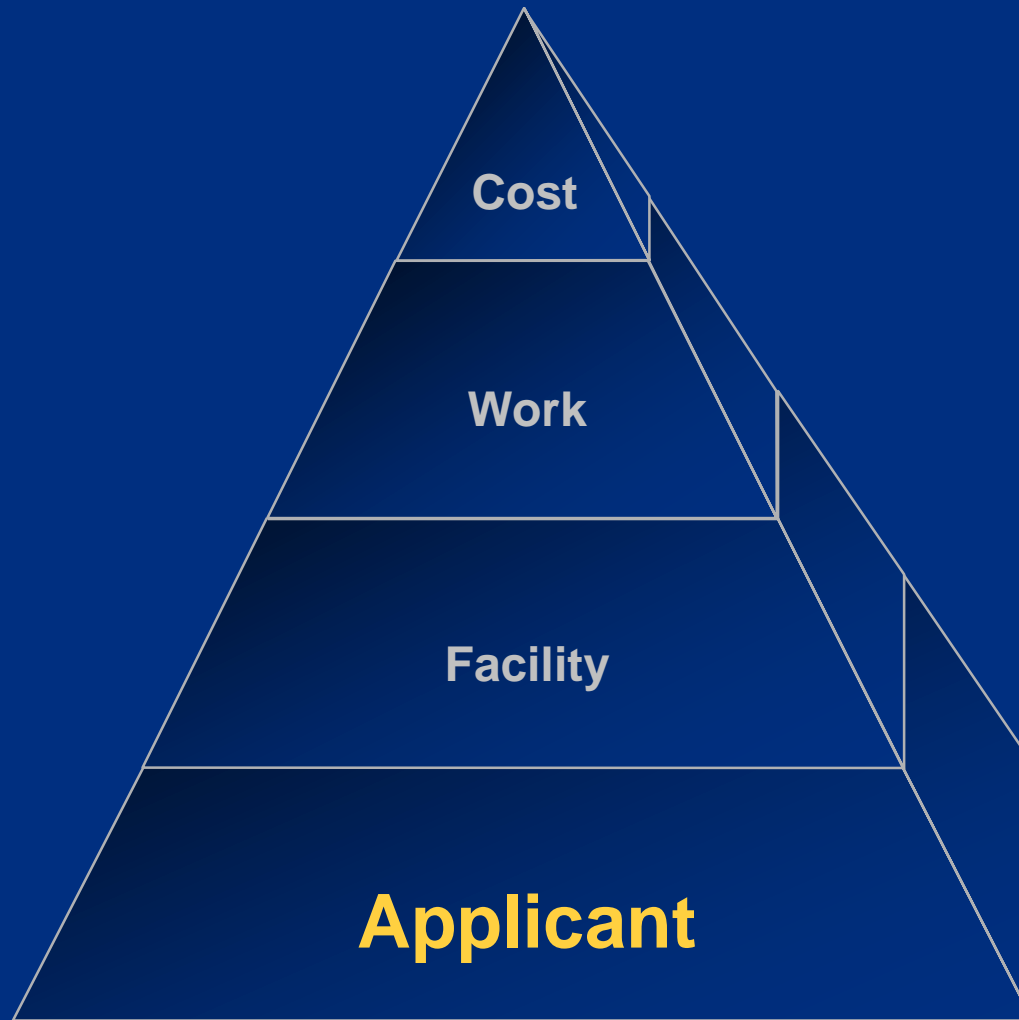
Public Assistance Funding

- ❖ Public Assistance funding is intended to supplement the costs an Applicant will incur when recovering from a disaster.
- ❖ The federal share of eligible costs will be awarded to the Recipient for disbursement to the Subrecipient(s).
 - ❖ A **Recipient** is a State or Tribal government that is responsible for administering Public Assistance grants.
 - ❖ A **Subrecipient** is an eligible applicant that receives a Public Assistance grant as reimbursement for performing eligible disaster work.
- ❖ A minimum cost share of 75% federal and 25% non-federal designated by the Stafford Act.
- ❖ Extremely large, catastrophic events may warrant increasing the Federal cost share to 90% when an overwhelming financial impact has been demonstrated. For 2019 - must meet or exceed \$146 per capita in actual obligated damage
 - ❖ 100% is Federal share is possible for limited scopes of work and for limited periods of time



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Public Assistance Eligibility Pyramid



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Eligible Applicants

- Federally Recognized Native American Tribal Governments and Tribal Organizations
- State Government
- County Government
- City / Town / Village
- Other political subdivisions of the Tribe / State
- Certain Private Non-Profit Organizations



Public Assistance Eligibility Pyramid



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Facility Eligibility

A **Facility** is any owned building, equipment, or an improved and maintained natural feature.

Land used for only agricultural purposes are not eligible facilities.

To be eligible, the facility must:

- Be the legal responsibility of an eligible applicant
- Have been in active use at the time of the disaster
- Be damaged as a result of the declared disaster
- Be located in the designated disaster area



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Facility Eligibility

Culturally Significant Facilities

- May be eligible under Category G
- Culturally or spiritually significant sites, i.e. pow wow grounds, museums, camp grounds
- Agriculture and Livestock

Public Assistance Eligibility Pyramid



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What is Eligible Work?

To be eligible, the work must be:

- The direct result of the disaster
- Be located within the designated disaster area
- Be the legal responsibility of an eligible applicant
- **And not funded by another federal agency**



Categories of Work



Emergency Work

- A. Debris Removal
- B. Emergency Protective Measures

Permanent Work

- C. Roads and Bridge Systems
- D. Water Control Facilities
- E. Public Buildings / Equipment
- F. Public Utilities
- G. Other (Parks, Recreation, etc.)



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Emergency Work

Category A – Debris Removal



Debris removal is eligible when it:

- eliminates an immediate threat to life, public health and safety;
- eliminates an immediate threat of significant damage to improved property;
- ensures economic recovery of the community and provides a benefit for the community-at-large



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Category A: Debris Removal

Types of debris:

- Trees and woody debris
- Building components or contents
- Sand, mud, silt, gravel
- Hazardous materials



Removal from:

- Public roads within right-of-way
- Private property if items at curb
- Engineered channels
- Private property in limited circumstances
- In order to eliminate a threat to life and safety



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Emergency Work

Category B – Emergency Protective Measures



Emergency Protective Measures are actions taken by a community:

- before, during, and following a disaster to save lives, protect public health, and safety, and/or
- eliminate immediate threat of significant damage to improved public and private property through cost effective measures.



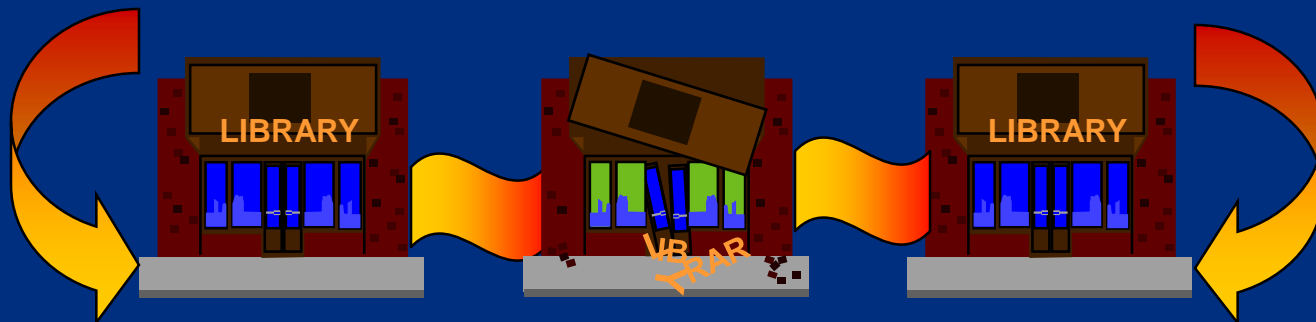
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Permanent Work

Work Categories C - G

Eligible Permanent Work:

- Must repair, restore or replace disaster-damaged facilities in accordance with regulations
- Must restore to pre-disaster design, capacity and function in accordance with applicable codes and standards
- May include cost effective hazard mitigation measures



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Category C: Roads & Bridges

Typical facilities include:

- Roads
- Bridges
- Culverts/drainage structures
- Associated structures within right-of-way

Ineligible facilities include:

- Federal-Aid and BIA routes unless not funded
- Roads servicing USACE and NRCS levees and dams
- Private roads, including those of homeowners' associations



Category D: Water Control Facilities

Typical facilities include:

- Dams, reservoirs, permitted levees
- Drainage and irrigation channels/facilities
- Sediment basins

Typical ineligible facilities include:

- Flood Control Works (FCW's)



Category E: Buildings & Equipment

Typical facilities include:

- Tribally owned homes, schools, administrative centers, government buildings, etc.
- Building structural components
- Interior systems such as electrical or mechanical work
- Equipment, including vehicles
- Contents including furnishings

Identify facility description:

- Maintenance/ownership responsibility
- Identify construction material (e.g. masonry, steel and glass, brick, wood)
- Indicate the type of damage and dimensions
- Document the specific damage to the facility
 - Broken windows, roof damage, content loss
 - Height of flood water
 - Is the facility or the contents repairable or destroyed?

Category F: Utilities

Typical facilities include:

- Water treatment plants and delivery systems
- Power generation and distribution facilities
- Sewage collection systems
- Communications

Determine Responsibility for Repairs:

- Private utility company
- Rural Electric Cooperative



Category G: Parks, Recreation Facilities and other miscellaneous facilities

Typical facilities include:

- Culturally Significant Sites
- Parks
- Park and Playground equipment
- Swimming pools
- Sports fields

Identify facility description:

- Specify the type of facility that has sustained damage and the purpose of the facility
- Maintenance responsibility
- Describe the type of damages and dimensions
- Document the specific damages to the facility
 - Debris or sediment deposits
 - Were the damaged elements destroyed or repairable?
 - Location and pictures



Addition of Mitigation

Permanent work (cat C thru G) projects are eligible for additional funding for work that would mitigate the disaster related damage in future similar events.

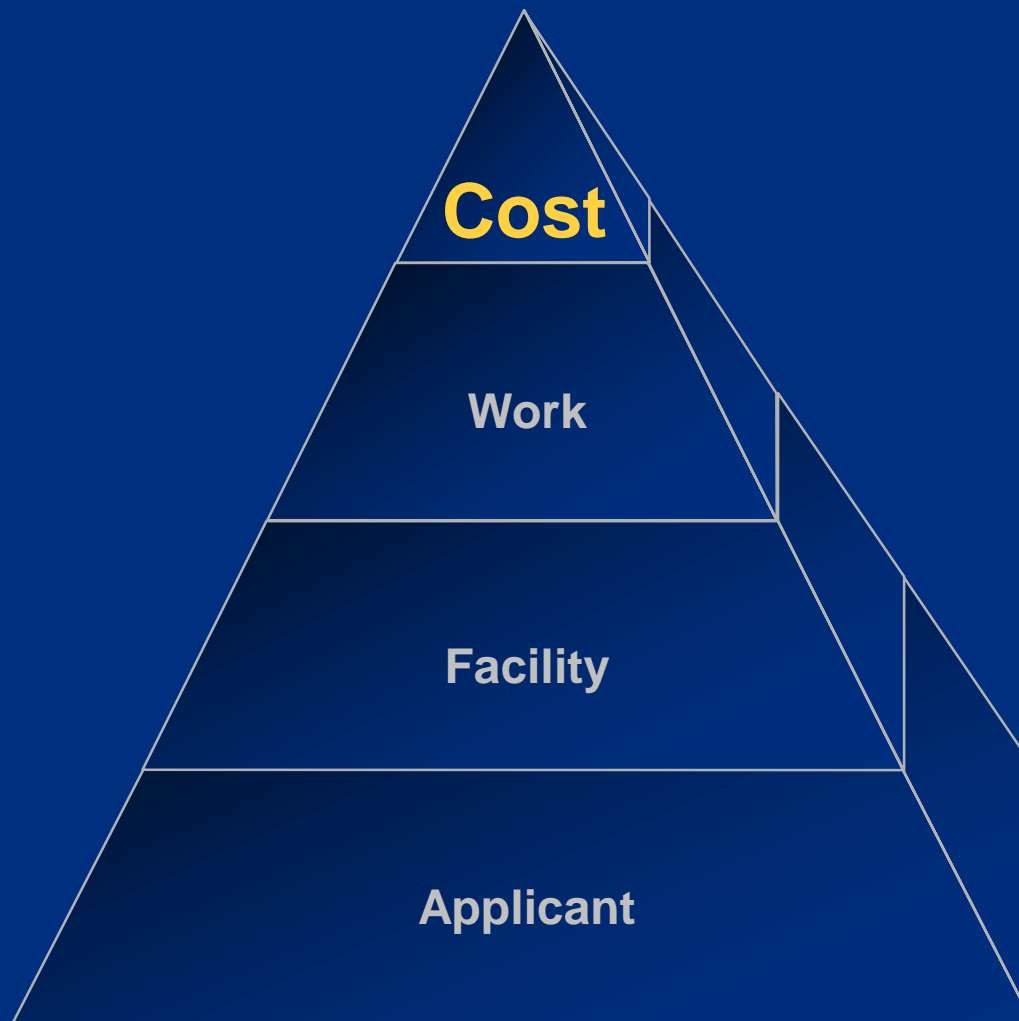
Mitigation can add features or change the construction of the facility, not in the function.

The work needs to be:

- Achievable for location and hazard
- Directly related to the damage of the facility
- Cost effective
- Does not increase risk of damage



Public Assistance Eligibility Pyramid



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Cost Eligibility

To be eligible for reimbursement, costs must:

- Properly Procured – 2 CFR § 200.318 to 200.326
- Be reasonable and necessary to accomplish eligible work
 - Historic documentation for similar work
 - Average costs for similar work in the area
 - Published unit costs from national cost estimating databases
 - FEMA cost codes and equipment rates
- Comply with applicable federal & local, laws & regulations
- Include deductions of insurance proceeds, salvage value, and purchase discounts



Documentation Requirements



- **44 CFR §13.20(b)(2) - Grantees and subgrantees must maintain records that adequately identify the source(s) and application of funds provided for financially assisted activities.**
- **44 CFR §13.20(b)(6) - lists specific source documentation, including cancelled checks, paid bills, payrolls, time and attendance records, contracts, etc., that is acceptable as supporting documentation.**

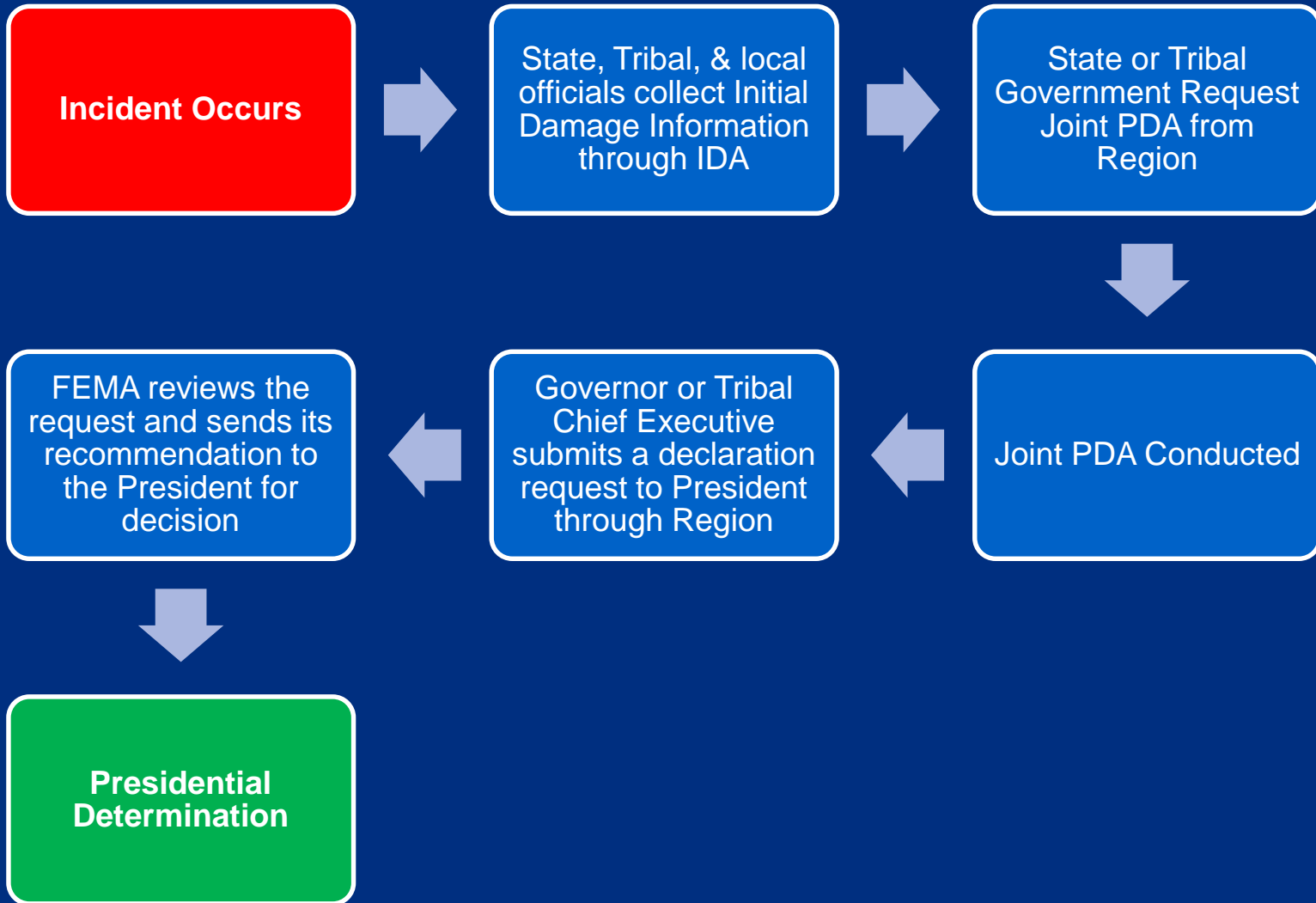


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Documentation Requirements

- Describes the "who, what, when, where, why, and how much" for each item of disaster recovery work.
- Need a financial and record keeping system in place that can be used to track these elements.
- Good documentation facilitates the project formulation, validation, approval, funding, and closeout processes.
- All of the documentation pertaining to a project should be filed with the corresponding PW and maintained by the applicant as the permanent record of the project.
- These records become the basis for verification of the accuracy of project cost estimates during validation of small projects, reconciliation of costs for large projects, and audits.

Declaration Process



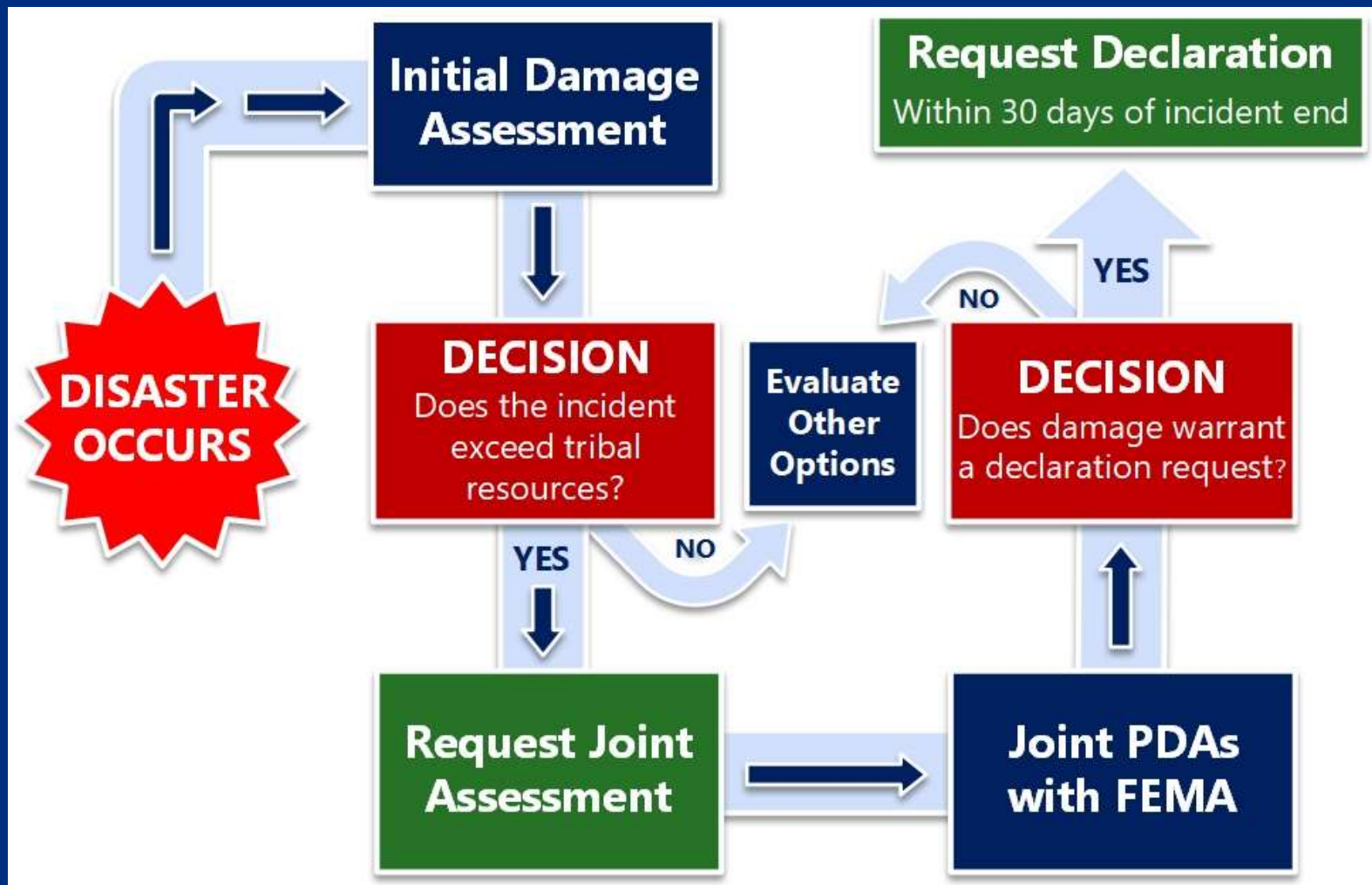
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PDA Process



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Damage Assessment Timeline



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Initial Damage Assessment (IDA)

- Tribes should conduct initial damage assessments before they request Joint PDAs from FEMA. IDAs are important for the following reasons:
 - Help identify damage that needs to be validated by FEMA
 - Help identify resource gaps and where additional assistance is required
 - Inform the strategy for Joint PDAs with FEMA
 - Time to identify who has legal responsibility for damage
- At any point in the IDA process, tribes can request technical assistance from FEMA to support the damage assessment process.



Initial Damage Assessment Information

- Eligible Applicant(s)
- Damage locations – GPS locations
- Types of damages and dimensions
- Ownership and maintenance records
- Insurance coverage
- Estimated repair cost
- Health impacts
- Economic impacts
- Demographics of affected area



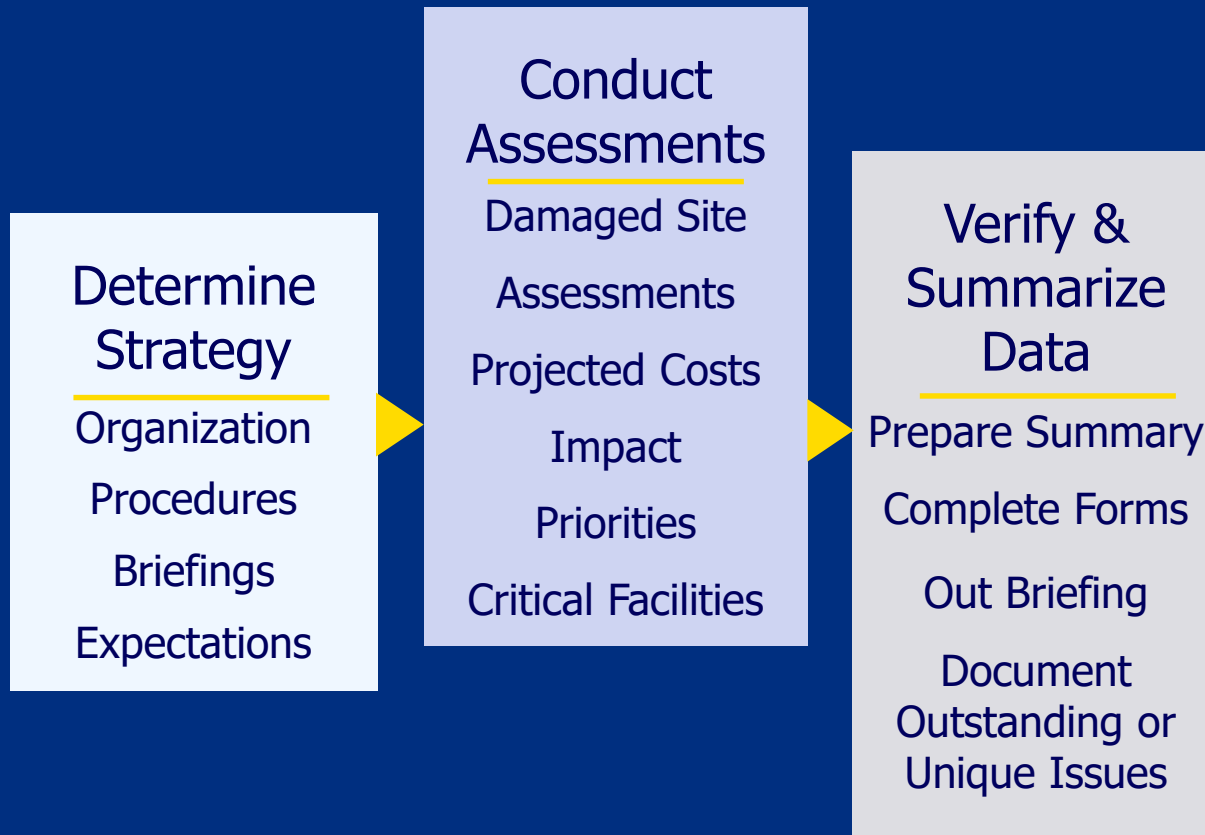
Joint Preliminary Damage Assessment (PDA)



Used to determine the *Impact* and *Magnitude* of damage and the resulting unmet needs of individuals, businesses, the public sector, and the community as a whole.

44 CFR §206.33

The PDA Process



PDA Operation

Joint PDA field teams are intended to validate
Not Find damage and impact information.

PDA Operations in a Tribal Setting

1. PDA Teams will work with tribal leadership to coordinate all PDA activities.
2. Limit team footprint to essential personnel
3. Damage assessment methods will work toward prioritizing the privacy of tribal members
4. Culturally significant sites or items will be assessed with tribal permission and escort

Joint Team PDA Responsibilities

FEMA	Tribe/State	Eligible Applicant
<ul style="list-style-type: none"> ■ Provide guidance in FEMA eligibility ■ Document Special Considerations ■ Develop PDA assessments ■ Report findings to Fed & Tribe leadership 	<ul style="list-style-type: none"> ■ Submit request for Joint PDA ■ Provide initial damage assessments & situation reports ■ Coordinate and identify damages with potential applicants ■ Schedule site visits; recommend sequence 	<ul style="list-style-type: none"> ■ Identify damages ■ Describe impact ■ Lead team to sites ■ Provide population and budget data ■ Provide insurance information ■ Identify Special Considerations ■ Provide cost information

Primary Evaluation Criteria

The six primary factors considered:

- A. Estimated cost of assistance
- B. Insurance coverage in force
- C. Localized impacts
- D. Hazard mitigation
- E. Recent multiple disasters
- F. Programs of other Federal assistance

Public Assistance (PA) Declaration Criteria Overview

Estimate cost of the *eligible* assistance

Indicator estimates

- For Recipient request – minimum \$250,000 in eligible damages
or
- Statewide/Reservation wide per capita impact of \$1.50 (FY 19)
- Countywide per capita impact of \$3.78 (FY 19)
- Minimum of \$1 million statewide/Reservation wide

Insurance coverage in force

- Consider amount in force
- Reduce damage cost by anticipated proceeds

Localized impacts

- Consider extraordinary concentration of damages
- Consider impact to critical facilities



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44 CFR §206.48

PA PDA - Additional Declaration Factors

Severity of event and resulting damages

- Geographic extent of disaster
- Types of damages and impacted facilities

Impact on critical facilities and essential services

- Damages to critical facilities
- Disruption of essential services

Hazard Mitigation

- Demonstrated mitigation measures

Recent Multiple Disasters

- Past recent disasters – both federally declared and non-declared



Next Steps

After the PDAs are complete and data compiled:

1. Tribal government reviews results of joint PDA and determine if declaration request is needed.
2. To submit as a recipient, Chief Executive submits a declaration request, **within 30 days of the date of the incident**, to the President through the FEMA Regional Administrator.
3. FEMA reviews the request and sends its recommendation to the President.
4. President makes a determination.
5. FEMA notifies the Chief Executive of the President's decision.
 - Appeal determination within 30 days of the date of the denial.

Pre-disaster Considerations

- Review and update policies for your organization
 - procurement, labor, overtime, and insurance policies
- Implement procedures to document all actions and expenses
 - Record detailed timesheets for exempt and non-exempt employees
 - Track donated resources the same as paid
 - Response Costs
- Keep maintenance records, including pre-disaster pictures
- Consider long term goals for the community
- Evaluate economic resources and recovery
- Develop a picture of insurance coverage for damages
- Remember obligations and reimbursements can take a long time receive
- Updating profile in Grants Manager
 - Will need to get setup for access

Questions?

References

Tribal Declaration and Disaster Assistance Resources:

<https://www.fema.gov/about/organization/tribes>

Tribal Declarations Pilot Guidance:

<https://www.fema.gov/disasters/tribal-declarations>

FEMA Public Assistance Program and Policy Guide (PAPPG):

<https://www.fema.gov/assistance/public/policy-guidance-fact-sheets>

2 CFR 200 - Uniform Administrative Requirements, Cost Principles, And Audit Requirements For Federal Awards: https://www.ecfr.gov/cgi-bin/text-idx?node=2:1.1.2.2.1#se2.1.200_1332