Chapter 7: Emergency Work Eligibility

PA provides assistance for two types of emergency work following a presidential declaration which are crucial to disaster response and recovery efforts. Financial assistance and technical support are available to ensure the efficient and effective execution of debris removal and emergency protective measures. The goal is to minimize the negative impacts of disasters and promote a swift recovery for affected communities. Proper implementation of these components is essential for communities to regain stability, ensure public safety, and restore essential services following a disaster.

XI. Eligibility Considerations for Emergency Work

FEMA is authorized to provide PA funding for emergency work,[237] including category A: debris removal and category B: emergency protective measures. This chapter includes PA policy for emergency work, which is work that must be done immediately to:

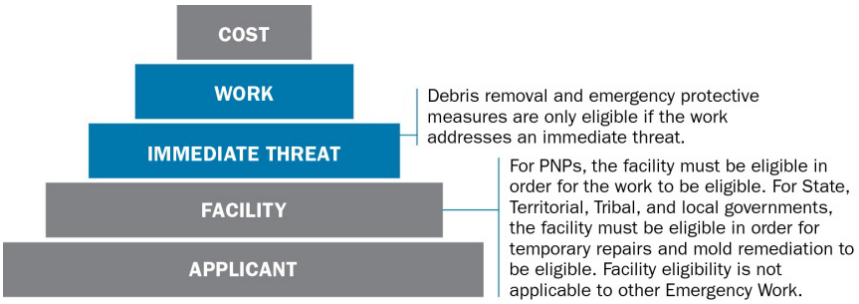


Figure 9. Emergency Work Eligibility

- Save lives;
- Protect public health and safety;
- Protect improved property;[238] or
- Eliminate[239] or lessen an immediate threat of additional impacts and damage.[240]

"Immediate threat" is defined as the threat of additional damage or destruction from an incident that can reasonably be expected to occur within five years of the declared incident.[241]

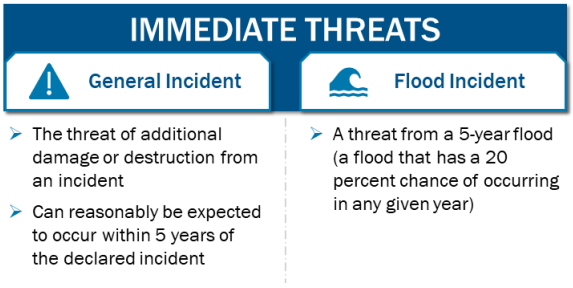


Figure 10. Immediate Threats

The declared incident must have caused the immediate threat to exist. However, the threat itself can be from any type of incident; it is not limited to the type of incident that caused the initial impact or threat. For example, post-fire rainfall may trigger debris flows in an area affected by a presidentially declared wildfire and may pose an immediate threat to life, public health and safety, or improved property. Therefore, under a wildfire declaration, emergency work to

[237] 44 Code of Federal Regulations (C.F.R.) § 206.201(b).
[238] 44 C.F.R. § 206.221(d)
[239] While the regulatory definition of the term "emergency work" includes the term "avert," the regulatory language used for the specific eligibility criteria for debris removal and emergency protective measures includes the term "eliminate," not "avert."
[240] In addition to addressing immediate threats to life, health and safety, and improved property, debris removal may be authorized to ensure economic recovery of the affected community.
[241] 44 C.F.R. § 206.221(c).

address an immediate threat of additional damage or destruction from a rain event that could reasonably be expected to occur within five years could be eligible.

Example: Emergency Work

Tornadic winds damage an eligible facility's roof. The applicant can be reimbursed for emergency work, which is usually work that is temporary in nature. If the legally responsible PA applicant demonstrates that the condition of the roof is such that another incident would cause it to collapse, causing an immediate threat to life, public health and safety, or improved public or private property, FEMA provides funding to temporarily stabilize and make temporary repairs to the roof as a category B emergency work emergency protective measure until the applicant can make more lasting repairs to their facility; reference Emergency Repair or Stabilization in this chapter.

The deadline to complete emergency work is six months from the declaration date unless the recipient or FEMA authorizes an extension.[242] Although federal regulations allow six months to complete emergency work, FEMA considers the urgency with which applicants proceed with work when evaluating eligibility. Applicants should not delay when taking actions to address threats to life, public health and safety, and improved property.

To be eligible, work must be the legal responsibility of an eligible applicant.[243] Emergency response is a governmental function. As a result, for private nonprofit (PNP) applicants, eligible emergency work is generally limited to that associated with an eligible PNP facility as follows:

- Debris removal from the facility property; and,
- Emergency protective measures to prevent damage to the facility and its contents.

In limited circumstances, other types of emergency work for PNPs is eligible when essential components of a facility are urgently needed to save lives or protect public health and safety. If a PNP provides emergency services at the request of, certified by, and documented in a written agreement or contract between the legally responsible government entity, FEMA provides PA funding through that government entity as the eligible applicant.

For state, local, Tribal Nation, and territorial (SLTT) applicants, evaluating facility eligibility is not necessary for most emergency work. For these applicants, eligibility of emergency work is primarily based on the evaluation of an immediate threat and the legal authority to perform the work. Applicants must submit the following to support work eligibility:

[242] 44 C.F.R. §§ 206.204(c) and (d).
[243] 44 C.F.R. § 206.223(a)(3).

Table 20. Required Documentation and Information for Work Eligibility

For Small Projects	For Large Projects[244]
▪ Detailed description of work performed; and, ▪ Applicants can certify to the following requirements to support eligibility in lieu of providing documentation to support that: ○ The work is as a result of immediate threat; ○ Activities are required as a result of the declared incident; ○ Work is located on improved property and in a declared area; and, ○ The applicant is legally responsible for conducting the work.	▪ Detailed description of work performed; ▪ Description of immediate threat; and, ▪ Records demonstrating presence of immediate threat (e.g., technical reports, safety inspector reports, photographs), if an immediate threat is not apparent based on the descriptions provided.

XII. Debris Removal (Category A)

Debris removal activities, such as clearance, removal, recycling, and disposal are eligible under category A if the removal is in the public interest, based on whether the work is necessary to:

- Eliminate immediate threats to life, public and safety; or
- Eliminate immediate threats of significant damage to improved[245] public or private property; or
- Ensure economic recovery of the affected community to the benefit of the community-at-large;[246] or
- Reduce or limit the risk to life and property by removing substantially damaged structures and associated ancillary facilities as needed to convert property acquired using Hazard Mitigation Grant Program (HMGP) funds for uses compatible with open space, recreation, or wetlands management practices. Such removal must be completed within two years of the declaration date unless extended by the Assistant Administrator of the Recovery Directorate at FEMA Headquarters.[247]

Debris includes, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, white goods, and vehicle and vessel wreckage. Snow-related activities including road clearing are not considered debris operations, as snow is not considered a form of debris.

[244] FEMA utilizes an attribute-based sampling approach, following the *GAO Financial Audit Manual*, for verifying supporting documentation for PA projects; therefore, FEMA may select a representative sample rather than reviewing all documentation. For more information, refer to: *Public Assistance Sampling Procedure*.
[245] 44 C.F.R. § 206.221(d).
[246] This condition is generally restricted to debris removal from large commercial areas when a significant percentage of the commercial sector of a community is impacted and coordinated debris removal is necessary to expedite restoration of the economic viability of the affected community.
[247] Stafford Act § 407; 42 United States Code (U.S.C.) § 5173; 44 C.F.R. § 206.224(a).

For a PNP applicant, eligible debris removal is limited to that associated with an eligible facility, including debris on the property of the eligible facility.

Terminology

Federal-aid roads are highways on the federal-aid highway system and all other public roads not classified as local roads or rural minor collectors. The federal-aid highway system means the National Highway System and the Dwight D. Eisenhower National System of Interstate and Defense Highways (the Interstate System).

Debris left by the declared incident on improved public property and public rights-of-way (ROWs), including federal-aid roads, is eligible for removal. If state, local, Tribal Nation, or territorial (SLTT) governments authorize residents to move incident-related debris from residential, non-commercial properties to public ROWs, the removal of this debris is also eligible. However, commercial debris placed on the ROW is not eligible. FEMA provides Public Assistance (PA) funding to cover the removal of debris from ROWs for a limited period.

Applicants must monitor contracted debris removal operations and document work and costs that may be eligible for reimbursement through the PA Program. Monitoring debris removal operations requires observation and documentation of all work from the point of debris collection to the final disposal.

Table 21. Required Documentation and Information for Debris Removal and Disposal

For Small Projects	For Large Projects[248]

▪ Estimated or actual debris quantities removed, reduced, disposed, and recycled by type;
  ○ If debris removal is contracted, documentation to substantiate monitoring was conducted.
▪ Location of temporary debris staging and reduction sites (TDSRs) and permanent or final disposal sites;
▪ Type of disposal site (e.g., municipal, private, or commercial);
  ○ If commercial, name of vendor.
▪ Copies of permits and authorization for reduction and disposal sites;
	▪ Estimated or actual debris quantities removed, reduced, disposed, and recycled by type;
	▪ Load tickets;
	▪ Photographs of debris impacts;
	▪ If debris removal is contracted:
	  ○ Proof of monitoring; and
	  ○ Tower logs.
	▪ Location of temporary debris staging and reduction sites (TDSRs) and permanent or final disposal sites;
	▪ Type of disposal site (e.g., municipal, private, or commercial);
	  ○ If commercial, name of vendor.

[248] FEMA utilizes an attribute-based sampling approach, following the *GAO Financial Audit Manual*, for verifying supporting documentation for PA projects; therefore, FEMA may select a representative sample rather than reviewing all documentation. For more information, refer to: *Public Assistance Sampling Procedure*.

For Small Projects	For Large Projects[248]
▪ Documentation to substantiate debris is not pre-existing for waterway debris removal; ▪ Documentation to substantiate coordination with other regulatory or federal agencies; and, ▪ If removing vegetative debris in an invasive species quarantine area: ○ Name of quarantine area; ○ Method of disposal; and ○ Confirmation that the debris was disposed of according to quarantine requirements.	▪ Copies of permits and authorization for reduction and disposal sites; ▪ Documentation to substantiate debris is not pre-existing for waterway debris removal; ▪ If removing vegetative debris in an invasive species quarantine area: ○ Name of quarantine area; ○ Method of disposal; and ○ Confirmation that the debris was disposed of according to quarantine requirements. ▪ Documentation to substantiate coordination with other regulatory or federal agencies; and, ▪ If removing hazardous trees, limbs and stumps, documentation supporting the specifics of the immediate threat with the location and photos.

To support removal of hazardous trees, limbs, and stumps FEMA requires that applicants retain documentation supporting the specifics of the immediate threat with the location and photograph or video documentation. However, for small projects, this doesn't have to be provided with the project when submitted. As will all project documentation, the information should be retained and can be requested.

Removal of debris placed on the public ROWs from commercial properties is ineligible unless FEMA provides an exception for very limited, extraordinary circumstances (see Debris Removal from Private Commercial Property in this chapter). Additionally, removal of materials related to the construction, repair, or renovation of either private non-commercial or commercial structures is ineligible.

Removal and disposal of pollutants and hazardous substances are generally eligible under category B; however, they may be eligible as category A debris removal when conducted as part of the overall debris operations. Otherwise, removal of hazardous materials is category B work in accordance with the Hazardous Materials section in this chapter.

Debris removal from the following is ineligible:

- Federally maintained navigable channels and waterways (usually under the authority of the U.S. Coast Guard (USCG) or USACE[249]);

[249] The U.S. Army Corps of Engineers (USACE) has primary responsibility for the removal of debris from federally-maintained navigable channels and waterways. Section 202 of the Water Resources Development Act of 1976 (PL 94-587) authorizes USACE to remove debris from federally-maintained commercial harbors and water areas immediately adjacent thereto. Sections 15, 19 and 20 of the River and Harbor Act of 1899, as amended, authorize USACE to remove sunken vessels or other obstructions from navigable waterways under emergency conditions. A navigable waterway is one that has been authorized by Congress and which USACE operates and maintains for general (including commercial and recreational) navigation. USACE's policy is to oversee removal of

- Agricultural land; and
- Natural, unimproved land, such as heavily wooded areas and unused areas.[250]

Removing debris to restore the pre-disaster capacity of engineered facilities is eligible as permanent work if the applicant can substantiate the pre-disaster capacity and maintenance of that facility as described under Restoring the Capacity of Channels, Basins, and Reservoirs in Chapter 8.

Removal and disposal of pollutants and hazardous substances are eligible either as category A debris removal when conducted as part of the overall debris operations or as category B work in accordance with the Hazardous Materials section in this chapter.

A. Hazardous Limbs, Trees, and Stumps

Eligible vegetative debris includes tree limbs, branches, stumps, or trees that are still in place, but damaged to the extent they pose an immediate threat to life, public health and safety, or significant damage to improved property. These items are ineligible if the hazard existed prior to the incident, or if the item is in a natural area and does not extend over or otherwise threaten improved property or public-use areas, such as trails, sidewalks, or playgrounds.

Contractors typically charge debris removal based on a unit price for volume (cubic yards) or weight (tons). A hazardous tree or stump may be collected individually. When these items are collected individually, contractors often charge a price per tree or stump based on its size. FEMA encourages applicants to procure branch or limb removal from trees on a one-time charge per tree basis as opposed to a unit price per limb or branch to facilitate more cost-effective operations. FEMA has specific eligibility criteria and information or documentation requirements for funding these items.

Terminology

Hazardous tree - A hazardous tree is a standing tree that presents a hazard to the public due to conditions such as, but not limited to, deterioration or physical damage to the root system, trunk, stem or limbs, and the direction and lean of the tree per 43 U.S. Code § 1772.

Bracing a tree is eligible as category B work. FEMA encourages applicants to work with a registered professional forester, an individual with a Tree Risk Assessment Qualification (TRAQ), or a certified arborist to perform hazard tree assessments to determine those trees that can be saved by bracing without causing a public health and safety concern.

Pruning, maintenance, trimming, and landscaping are ineligible.

sunken vessels by an identifiable owner, operator or lessee if the sunken vessel is in or likely to be moved into a federal navigation channel. USACE will remove a vessel using its emergency authorities only if the owner, operator or lessee cannot be identified or they cannot affect removal in a timely and safe manner.

[250] 44 C.F.R. § 206.224(b)).

1. HAZARDOUS LIMB OR BRANCH REMOVAL

Removal of broken limbs or branches that pose an immediate threat is eligible. For example, a broken limb or branch hanging over improved property or public-use areas, such as trails, sidewalks, or playgrounds, poses an immediate threat of falling and causing injury to the public or damage to improved property.

FEMA does not fund removal of broken limbs or branches located on private property unless:

- The limbs or branches extend over the public right-of-way (ROW);
- The limbs or branches pose an immediate threat; and
- The applicant removes the hazard from the public ROW (without entering private property).

Note: Only the minimum cut necessary to remove the hazard is eligible. For example, cutting a branch at the trunk is ineligible if the threat can be eliminated by cutting it at the closest main branch junction.

2. HAZARDOUS TREE REMOVAL

FEMA considers incident-damaged trees to be hazardous and eligible for removal if the tree presents a hazard to the public due to conditions including, but not limited to:

- Deterioration or physical damage to the root system, trunk, stem, or limbs;[251] or
- The direction and lean of the tree per the Occupational Safety and Health Standards.[252]

For hazardous trees that have 50 percent or more of the root-ball exposed, removal of the tree and root-ball and filling the root-ball hole are eligible. For contracted removal of a tree with an exposed root-ball, FEMA will not reimburse two separate unit costs to remove the tree and its root-ball.

For hazardous trees that have less than 50 percent of the root-ball exposed, FEMA only provides PA funding to flush cut the item at ground level and dispose of the cut portion based on volume or weight. Grinding any residual stump after cutting the tree is ineligible.

The removal of hazardous trees that pose an immediate threat to life, public health and safety, or significant damage to improved public or private[253] property, as assessed by the authority having jurisdiction, in coordination with a qualified individual[254] is eligible.

When estimating or calculating costs for tree removal, applicants may utilize a cost per parcel of land approach or a cost per tree. Applicants must clearly state which method they have selected when requesting reimbursement for eligible work. Only those trees that pose an immediate threat to public health and safety

[251] 29 C.F.R. § 1910.266(c).
[252] Forest Health Protection Technical Report Revised: March 2022 (FHP Report # RO-22-01).
[253] Removal from private property subject to the policy language regarding Private Property Debris Removal (PPDR) in this chapter.
[254] According to the International Society of Arboriculture, only a registered professional forester, an individual with a Tree Risk Assessment Qualification (TRAQ), or a certified arborist may perform hazard tree assessment; however, the authority having jurisdiction of the geographic location, will make the determination regarding recognition of individuals qualified to make the determination.

or improved property are eligible under either approach. The applicant must provide sufficient documentation to validate the approach was cost-effective.

3. HAZARDOUS STUMP REMOVAL

For stumps that have 50 percent or more of the root-ball exposed, removal of the stump and filling the root-ball hole are eligible. If grinding a stump in-place is less costly than extraction, grinding the stump in-place is eligible.

Stump removal in areas with known or high potential for archaeological resources requires that FEMA Environmental and Historic Preservation (EHP) further evaluate and consult with the state historic preservation officer (SHPO) and/or tribal historic preservation officer (THPO). If an applicant discovers any potential archeological resources during stump removal, the applicant must immediately stop work and notify FEMA. For highly sensitive areas, such as cemeteries or Tribal Nation lands, FEMA will determine if a qualified monitor[255] is required.

i. Contracted Stump Removal

FEMA only reimburses contracted costs charged on a per-stump basis if extraction is required as part of the removal. Applicants need to ensure the price for stump removal includes extraction, transport, disposal, and filling the root-ball hole.

For stumps that have less than 50 percent of the root-ball exposed, FEMA only provides PA funding to flush cut the item at ground level and dispose of the cut portion. Grinding any residual stump is ineligible.

For stumps that do not require extraction, FEMA only provides PA funding based on volume or weight as removal of these stumps does not require special equipment.

If an applicant incurs additional costs in picking up stumps that the contractor did not extract, it should present information or documentation to substantiate the costs as reasonable based on the equipment required to perform the work.

ii. Documentation Requirements for Hazardous Limbs, Trees, and Stumps

In addition to the general documentation required for debris removal operations, applicants must provide all of the following documentation to support the eligibility of work to remove tree limbs, branches, stumps, or trees that are still in place:

- Quantity removed;
- Quantity, location, and source of material to fill root-ball holes; and,
- Description of equipment used to perform the work.

[255] A qualified monitor is an individual meeting the Secretary of the Interior's Professional Qualification Standards in archaeology in accordance with Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines | nps.gov.

B. Waterways

Debris removal from waterways that is necessary to eliminate an immediate threat to life, public health and safety, or improved property is eligible. Removal of debris in a waterway that does not meet this criterion is ineligible, even if the debris is deposited by the incident.

Certain federal agencies hold specific authority for debris removal in waterways. For effective coordination and to respect their areas of responsibility, agencies like the EPA and USCG should be consulted before debris removal begins. The EPA and USCG have specific authority over the removal of hazardous materials: the EPA handles hazardous material removal in most inland water areas, while the USCG is responsible for coastal waters, navigable lakes, and rivers outside of inland zones. Debris removal from waterways usually requires coordination with the U.S. Army Corps of Engineers (USACE) for the use of a nationwide permit and with the National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) to ensure compliance with Section 7 of the Endangered Species Act (ESA).

1. NAVIGABLE WATERWAYS

If an applicant has the legal responsibility to maintain a navigable waterway, removal and disposal of incident-related debris that obstructs the passage of vessels is eligible. Debris removal is eligible to a maximum depth of 2 feet below the low-tide draft of the largest vessel that utilized the waterway prior to the incident. Any debris below this zone is ineligible unless it is necessary to remove debris extending upward into an eligible zone.

If a tree is still rooted to an embankment and is floating or submerged, the cost to cut the tree at the water's edge is eligible.

Debris removal from federally maintained navigable waterways is ineligible. The USCG and the USACE have specific authorities for removal of hazardous substances, vessels, and other obstructions from federally maintained navigable waterways.[256]

2. NON-NAVIGABLE WATERWAYS, INCLUDING FLOOD CONTROL WORKS AND NATURAL WATERWAYS

Debris deposited by the incident may obstruct a natural waterway that is not improved or maintained or a constructed channel, including flood control works. In these cases, removal of the debris from the channel is eligible if the debris poses an immediate threat to improved facilities/properties, such as when the debris:

- Obstructs, or could obstruct, intake structures;
- Could cause damage to structures, such as bridges and culverts; or
- Is causing, or could cause, flooding to improved public or private property during the occurrence of a flood that has a 20 percent chance of occurring in any given year (5-year flood).

Removal of the obstruction may be eligible in streams where debris removal might also be eligible under the Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program (EWP)[257]. Each

[256] For more information, refer to: Mission Assignments (FP 104-010-3) | fema.gov.
[257] For more information, refer to: Emergency Watershed Protection | Natural Resources Conservation Service | usda.gov.

agency has different program eligibility requirements; therefore, FEMA, the recipient, and the applicant need to coordinate with NRCS prior to conducting work to maximize funding and ensure there is no duplication of benefits.

Debris removal from flood control works that were installed under the specific authority of NRCS and Public Law 83-566 (The Watershed & Flood Prevention Operations Program (WFPO), or Section 216 of Public Law 81-516, 33, U.S. Section 701b-1. is ineligible for PA funding, even if NRCS does not have sufficient funding or does not provide assistance.

Flood control works under the specific authority of NRCS are those that are part of the WFPO Program under PL 83-566WFPO Program.[258]

For flood control works that are eligible for the USACE Rehabilitation and Inspection Program (RIP),[259] debris removal is eligible for PA funding. USACE does not reimburse applicants for debris removal but conducts this activity when necessary.

3. IDENTIFYING DEBRIS IMPACT LOCATIONS

Applicants are responsible for identifying debris deposited by the incident that poses an immediate threat. Random surveys to look for debris, including surveys performed using side scan sonar, are ineligible. Satellite imagery or waterway soundings/bathymetric surveys showing the waterway pre-and post-disaster can substantiate that debris was deposited by the incident and was not pre-existing. If an applicant identifies an area of debris impacts and demonstrates the need for a survey to identify a specific immediate threat, PA funding for the survey in that location, including the use of side scan sonar, is eligible.

C. Privately-Owned Vehicles and Vessels on Public Property

Removal of privately-owned vehicles and vessels from public property is eligible if all of the following conditions are met:

- The vehicle or vessel blocks access to a public-use area;
- The vehicle or vessel is abandoned;
- The applicant follows applicable SLTT government ordinances or laws for private vehicle or vessel removal; and,
- The applicant documents the handling of the vehicle or vessel.

Applicants need to provide documentation to support it met these criteria.

A limited timeframe for vehicle and vessel storage is eligible if it is necessary to remove the item prior to being able to identify the owner. If the owner is identified, the applicant should work with private property owners to pursue and recover storage and removal costs and credit FEMA the federal share of any funds received.

[258] For more information, refer to: Watershed and Flood Prevention Operations (WFPO) Program | Natural Resources Conservation Service | usda.gov.
[259] For more information, refer to: Rehabilitation and Inspection Program | USACE.army.mil.

D. Disposal

FEMA provides PA funding for various costs related to disposing of debris. Applicants should dispose of debris in an efficient and cost-effective manner.

Vegetative debris is bulky and can consume a significant volume of landfill space. To minimize the use of landfill space, FEMA encourages applicants to reduce the volume of vegetative debris. Costs to reduce vegetative debris using methods, such as mulching, grinding, or burning are eligible. Reducing and/or recycling debris has financial and environmental advantages.

When removing sand, disposal of sand spoils on a public beach is eligible as part of the debris removal project when it is the most cost-effective method of disposal.

Certain types of construction and demolition debris are reusable or recyclable. Applicants should conserve landfill space by separating materials for reuse or recycling.

1. RECYCLING REVENUE

If an applicant receives revenue from recycling debris, FEMA reduces PA funding by the amount of revenue received. Applicants may deduct costs for administering and marketing the sale of the salvageable materials from the fair market value.

If a contract allows the contractor to take possession of salvageable material and benefit from its sale to lower bid prices, there is no salvage value to be recovered at the end of the project. Therefore, the applicant has no further obligation to FEMA.

2. TEMPORARY STAGING SITES

Establishing and operating a temporary staging site necessary for debris separation and reduction is eligible. The cost to lease property is eligible. Additionally, if the terms of the lease require that an applicant restore the leased property back to its condition prior to the applicant's use, the costs related to that restoration are also eligible as part of the category A project. If leased, applicants must provide the lease agreement.

3. HAND-LOADED TRUCKS AND TRAILERS

FEMA has determined that, for vegetative debris, hand-loaded trucks and trailers achieve approximately half the compaction level of mechanically loaded trucks and trailers. Therefore, FEMA only provides PA funding for 50 percent of the debris monitor's observed capacity of hand-loaded trucks and trailers carrying vegetative debris.

Similarly, trucks without solid tailgates cannot be compacted to full capacity. Therefore, FEMA only funds up to a maximum of 85 percent of the certified capacity for trucks without solid tailgates and would apply a 15 percent reduction to the total debris quantity.

Applicants must document the types and total quantity of hand-loaded debris, and the types and total quantity of debris hauled in trucks without solid tailgates and provide this information to FEMA to ensure appropriate reductions are taken for this debris.

4. LANDFILLS AND TIPPING FEES

Landfill tipping fees usually include fixed and variable costs, along with special taxes or fees assessed by the jurisdiction in which the landfill is located. Eligible tipping fee costs are limited to the variable and fixed costs that are directly related to landfill operations, such as recycling tax.

Eligible fixed costs for tipping fees include:

- Equipment;
- Construction;
- Permits;
- Landfill closure;
- Post-closure activities; and,
- Amortized costs for facilities that support the landfill.

Eligible variable costs for tipping fees include:

- Labor;
- Supplies;
- Maintenance; and,
- Operation of utilities.

The components of tipping fees that are not directly related to landfill operations, such as special taxes or fees related to other government services or public infrastructure, are ineligible as part of the tipping fee. When providing PA funding for tipping fees, FEMA removes any ineligible components.

Applicants may use a significant portion of the available capacity of a landfill to dispose of incident-related debris. Although FEMA provides PA funding for tipping fees, it cannot provide PA funding for the value of the loss of landfill capacity due to incident-related debris.

E. Monitoring Contracted Debris Removal Operations

Applicants must monitor all contracted debris removal operations to ensure that the quantities and work claimed are accurate and eligible. This includes documenting debris quantities by types, quantities reduced, reduction methods, and pickup and disposal locations.

Applicants may use force account resources (including temporary hires), contractors, or a combination of these for monitoring. It is not necessary, or cost-effective, to have professional engineers or other certified professionals perform debris monitoring duties. FEMA considers costs unreasonable when associated with the use of staff that are more highly qualified than necessary for the associated work. If an applicant uses staff with professional qualifications to conduct debris monitoring, it must document the reason it needed staff with those higher qualifications.

FEMA provides training to an applicant's force account debris monitors (including its temporary hires) upon request.

Eligible activities associated with debris monitoring include, but are not limited to:

- Field supervisory oversight;
- Monitoring contracted debris removal at both the loading and disposal sites;
- Compiling documentation, such as load tickets and monitor reports, to substantiate eligible debris; and,
- Training debris monitors on debris removal operations, monitoring responsibilities and documentation processes, and FEMA debris eligibility criteria.

The "Public Assistance Debris Monitoring Guide"[260] provides in depth guidance for monitoring debris removal operations, including eligibility, roles, resources, and activities.

F. Private Property Debris Removal

Debris removal from private property (e.g., privately-owned roads, privately-owned non-commercial property, or commercial property) is the responsibility of the property owner and is usually ineligible under the PA Program. In limited circumstances, based on the severity of the impact of an incident and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, FEMA may determine that private property debris removal (PPDR) is eligible under the PA Program. In such cases, FEMA works with the SLTT governments to designate specific areas where PPDR, including private waterways, is eligible. The debris removal must be in the public interest, not merely benefiting an individual or a limited group of individuals. Figure 11. Debris on Public Property is an example of the level of debris impacts that may warrant FEMA assistance for PPDR.



Figure 11. Debris on Public Property

1. PPDR ELIGIBILITY DETERMINATION PROCESS

Pre-approval from FEMA is not required for applicants to begin PPDR work (including on privately-owned roads, privately-owned non-commercial, and commercial property). However, applicants must notify FEMA that PPDR is being conducted and identify the type of property on which the PPDR is being conducted (e.g., privately-owned roads, privately-owned non-commercial, or commercial property) so FEMA can ensure notifications are made to the necessary FEMA components, (including EHP), and federal partners. Given the limited eligibility of and the additional requirements related to PPDR on both non-commercial and commercial property, although not required, applicants are encouraged to obtain preliminary approval for the activity from FEMA prior to starting work.

For FEMA to evaluate eligibility of PPDR funding requests, applicants must submit written documentation to FEMA identifying the specific properties or areas of properties where PPDR activities occurred. Before FEMA will provide PA funding, the applicant must provide confirmation that it satisfied all legal processes, described below and obtained permission requirements from the property owners (rights-of-entry)

[260] For more information, refer to: *Public Assistance Debris Monitoring Guide*.

agreements to indemnify and hold harmless the Federal government. Additionally, the applicant must provide documentation to support that it obtained all necessary permits and complied with EHP requirements. FEMA only approves PA funding for PPDR if an applicant demonstrates all the following with sufficient documentation:

Table 22. Required Documentation and Information for PPDR

For Small and Large Projects
▪ Written documentation identifying the specific properties or areas of properties where PPDR occurred; ▪ A written statement from an authorized applicant official that: ○ Certifies the applicant has legal authority and responsibility to remove debris from private property; ○ Cites all applicable sources of authority (law, ordinance, code, contract, etc.); and, ○ Indemnifies the federal government for any claim arising from the debris removal. ▪ Documentation to show the work is eligible for PA funding.

These requirements are in addition to the guidance regarding debris-related documentation under Table 21. Required Documentation and Information for Debris Removal and Disposal.

i. Public Interest

Applicants must demonstrate that the PPDR was in the public interest.[261] This includes:

- The basis for the assertion that removing the debris from the private property locations requested was in the public interest. The assertion must be made by the state, Tribal Nation, territorial, county, or municipal government's public health authority or other public entity that has legal authority to assert that disaster-generated debris on private property constitutes an immediate threat to life, public health, or safety, or to the economic recovery of the community at large.
- The established, specific legal requirements for declaring the existence of a threat to public health and safety.

Terminology

Public entity - An organization formed for a public purpose whose direction and funding are provided by one or more political subdivisions of the state.

FEMA evaluates the submission to determine if PPDR is in the public interest for any properties or area of properties for which an applicant has requested funding for debris removal. When evaluating PPDR funding requests, FEMA considers if the incident generated debris in quantities and/or types on non-commercial or commercial private property that is so widespread or of such magnitude that it creates a threat to public health, safety, or improved property. FEMA also considers factors, such as the percentage of homes

[261] Stafford Act § 407; 42 U.S.C. § 5173; 44 C.F.R. § 206.224(b).

destroyed in the community or census designated area, community density, watershed exposure, the fire hazard severity zone (FHSZ) of the area, and the cost of hazardous debris removal.

2. DEBRIS REMOVAL FROM PRIVATE ROADS

Private roads are those that are not owned by, or operated by, or otherwise the legal responsibility of a public entity, such as orphan roads, roads in gated communities, or homeowners' association roads.

If the public has unrestricted access (e.g., no locks, gates, or guards) and frequently uses the private road, then removal and disposal of the debris is demonstrably in the public interest. This work includes debris placed at the curbside by residents. The applicant is generally not required to submit additional documentation demonstrating the debris removal is in the public interest.

If the public has restricted road access (e.g., behind locks, gates, or guards) or the private roads are unrestricted but rarely used by the public, then the applicant must demonstrate that such debris removal is in the public interest. FEMA has the authority to determine whether such debris removal is eligible.

Debris removal from private roads does not include debris on private driveways or parking lots. Debris clearance (e.g., push or cut and toss) for emergency access is eligible as category B work if it meets the criteria under the Emergency Access section in this chapter.

3. DEBRIS REMOVAL FROM PRIVATE NON-COMMERCIAL PROPERTY

Debris removal from private non-commercial property is usually not in the public interest because the debris does not typically represent an immediate threat to public health and safety.[262] If the incident generates debris quantities and/or types of debris on non-commercial property that is so widespread or of such magnitude that it creates an immediate threat to public health and safety, debris removal may be in the public interest. To determine if removal of debris from private residential property is in the public interest, FEMA evaluates the public health determination, and will consider:

- Whether the debris is located in open areas accessible to the public (e.g., in a yard with no fence or barrier next to a public sidewalk), located in maintained areas, or creating a health and safety hazard, such as a rodent infestation;
- Volume of debris;
- Height of debris;
- Number of houses and blocks with large volumes of debris; and,
- Amount of the public population affected.

4. DEBRIS REMOVAL FROM PRIVATE COMMERCIAL PROPERTY

Debris removal from commercial property is typically ineligible, as commercial businesses are expected to have insurance covering this. Applicants are advised to obtain written pre-approval from FEMA for any debris removal from commercial properties before starting work.

[262] 44 C.F.R. § 206.224.

In rare and exceptional cases, such as when critical facilities are involved, restoration costs for damaged infrastructure in a small area are exceptionally high, or debris is heavily concentrated, the FEMA Regional Administrator may grant an exception. In these cases, applicants must meet the stated requirements.

Commercial property owners are not allowed to move or place debris from their properties onto public rights-of-way. Debris on public rights-of-way from the incident itself is eligible for removal, but debris deliberately moved there from commercial properties is not eligible.

5. DUPLICATION OF BENEFITS IN PRIVATE PROPERTY DEBRIS REMOVAL

Applicants must work with private property owners to pursue and recover insurance proceeds and credit FEMA the federal share of any insurance proceeds received.[263] In some circumstances, FEMA may provide Individual Assistance (IA) to individuals for debris removal; consequently, FEMA PA staff coordinates closely with IA staff to ensure FEMA does not fund the same work under both programs.

XIII. Emergency Protective Measures (Category B)

Emergency protective measures conducted before, during, and after an incident are eligible if the measures:

- Eliminate or lessen immediate threats to lives, public health or safety; or
- Eliminate or lessen immediate threats of significant additional damage to improved public or private property in a cost-effective manner.[264]

FEMA may require certification by federal or SLTT government officials that a threat exists, including:

- Identification and evaluation of the threat; and
- Recommendations of the work necessary to cope with the threat.[265]

A. Saving Lives and Protecting Public Health and Safety

Emergency protective measures save lives or protect public health and safety. Eligible emergency protective measures include, but are not limited to:

- Transporting and pre-positioning equipment and other resources for response;
- Flood fighting;
- Emergency Operations Center (EOC);
- Provision of emergency access;
- Provision of supplies and commodities;
- Medical care and transport;
- Evacuation and sheltering, including that provided by another state or Tribal Nation;
- Childcare services provided in support of emergency sheltering;

[263] Stafford Act § 312; 42 U.S.C. § 5155.
[264] 44 C.F.R. § 206.225(a)(3).
[265] 44 C.F.R. § 206.225(a)(2).

- Building safety inspections;
- Animal carcass removal;[266]
- Demolition of structures;[267]
- Debris clearance and removal;[268]
- Search and rescue to locate survivors, household pets, and service animals requiring assistance;
- Firefighting;
- Security, such as barricades, fencing, or law enforcement;
- Use or lease of temporary generators for facilities that provide essential community services;
- Dissemination of information to the public in an accessible and effective manner to provide warnings and guidance about health and safety hazards using various strategies, such as flyers, public service announcements, or newspaper campaigns;
- Searching to locate and recover human remains;
- Storage and interment of unidentified human remains; and,
- Mass mortuary services.[269]

The following are eligible under limited circumstances based on specific criteria described in each of the referenced sections:

- Increased costs related to operating a facility or providing a service as a result of the incident because of an increased demand for the services the facility provides;[270]
- Mosquito abatement;[271]
- Temporary relocation of essential services;[272] and,
- Snow-related activities[273] when specifically authorized in the declaration.

B. Protecting Improved Property

Eligible emergency protective measures to protect improved property include, but are not limited to:

- Constructing emergency berms or temporary levees to provide protection from floodwaters or landslides;
- Emergency repairs necessary to prevent further damage, such as covering a damaged roof to prevent infiltration of rainwater;
- Buttressing, shoring, or bracing facilities to stabilize them or prevent collapse;

[266] FEMA funds the removal of animal carcasses as category A if the removal is part of the applicant's overall debris disposal operation as opposed to a separate and distinct emergency protective measure operation under category B.
[267] FEMA usually reimburses demolition of a public structure as part of the permanent work project to replace the facility.
[268] Stafford Act 403(a)(3)(A).
[269] FEMA provides PA assistance for mass casualty management, including mass mortuary services, as part of recovery from an incident generating a large number of casualties. However, PA does not cover individual burial or funeral services. FEMA's Individual Assistance (IA) Funeral Assistance Program, if activated, may provide limited assistance to individuals and households.
[270] For more information, refer to Increased Operating Costs in Chapter 6.
[271] For more information, refer to Mosquito Abatement in this chapter.
[272] For more information, refer to Temporary Relocation of Essential Services in this chapter.
[273] For more information, refer to Snow-Related Activities in this chapter and Appendix K: Snow Declarations.

- Emergency slope stabilization to eliminate a threat of significant additional damage to improved public or private property;[274]
- Mold remediation to prevent further damage to the facility and its contents, such as removal of water damaged building materials;
- Removal and storage of contents from eligible facilities for the purpose of minimizing additional damage;
- Extracting water and clearing mud, silt, or other accumulated debris from eligible facilities if the work is conducted expeditiously for the purpose of addressing an immediate threat;[275] and,
- Taking actions to save the lives of animals that are eligible for replacement.[276]

C. Emergency Protective Measures on Private Property

In limited circumstances, FEMA may determine that emergency protective measures conducted on private property are eligible under the PA Program if:

- The immediate threat is widespread, affecting numerous homes and businesses such that it is a threat to the health and safety of the general public;
- The applicant has legal authority to perform the work; and,
- The applicant obtained rights-of-entry and agreements to indemnify and hold harmless the federal government.

Situations where this may occur are generally limited to:

- Demolition of unsafe private structures that endanger the public;[277]
- Animal carcasses removal;
- Installation of fiber-reinforced sheeting to cover damaged roofs, commonly referred to as Operation Blue Roof[278] (direct federal assistance only);
- Provision of emergency access;[279]
- Pumping of septic tanks or decontamination of wells causing a pollution threat;[280]
- Building safety inspections);[281] and,
- Stabilizing a slope.[282]

Upon submittal of its claim, an applicant must include the following support documentation for the work to be eligible:

- A detailed explanation documenting the applicant's legal authority and responsibility to enter private property;
- The basis for the determination that a threat exists to the general public; and,

[274] 44 C.F.R. § 206.225(a)(3).
[275] If the work is only necessary to restore the facility, it is permanent work, not emergency work.
[276] For more information, refer to Animals in Chapter 8.
[277] For more information, refer to Demolition of Private Structures in this chapter.
[278] For more information, refer to Operation Blue Roof (DFA Only) in this chapter.
[279] For more information, refer to Emergency Access in this chapter.
[280] For more information, refer to Hazardous Materials in this chapter.
[281] For more information, refer to Safety Inspections in this chapter.
[282] For more information, refer to Slope Stabilization in this chapter.

- Copies of the rights-of-entry and agreements to indemnify and hold harmless the federal government.

If the above criteria are not met, the private property owner may be eligible for assistance under FEMA's Individual Assistance (IA) Program. FEMA PA and IA staff will coordinate closely to ensure FEMA does not fund the same work under both programs.

D. Emergency Protective Measures Conducted by Private Nonprofit Organizations

For eligible PNPs, emergency protective measures are generally limited to activities associated with preventing damage to an eligible facility and its contents.

Emergency services are the responsibility of SLTT governments. Therefore, PNPs are generally not legally responsible for those services and FEMA does not provide PA funding to PNPs for the costs associated with providing those services. However, when a PNP provides emergency services at the request of, and certified (e.g. in a written agreement or contract) by, the legally responsible SLTT government entity, FEMA provides PA funding through that government entity as the eligible applicant. These services include:

- Fire and rescue activities;
- Animal control;
- Emergency ambulance service for evacuation;
- 211 call services, if tracked and related to eligible work; and,
- Other similarly urgent governmental services.

PNPs that own or operate a medical or custodial care facility are eligible for direct reimbursement of costs related to patient evacuation. In limited circumstances, FEMA may also reimburse a PNP directly when essential components of a facility are urgently needed to save lives or protect health and safety, such as an emergency room of a PNP hospital or a PNP sewage or water treatment plant.

FEMA reimburses a PNP volunteer fire department directly as an eligible applicant, if:

- The PNP volunteer fire department operates based on an established agreement with an SLTT government; and,
- The agreement certifies the PNP volunteer fire department is legally authorized to provide emergency services in areas of coverage specifically designated by the SLTT government.

E. Pre-Positioning Resources

Costs related to pre-positioning of resources, specifically equipment and supplies, for the declared incident are eligible if the resources are used in the performance of eligible emergency work. For more information regarding pre-positioning of labor, see Applicant (Force Account) Labor in Chapter 6.

Additionally, costs related to pre-positioning equipment and supplies outside of the declared area are eligible when related to conducting search and rescue, evacuation, sheltering, or providing emergency medical care during the evacuation period (such as ambulances and buses) provided the resources were ultimately used for the declared area.

F. Increased Operating Costs

Applicants may incur increased costs related to operating a facility or providing a service as a result of the incident because of an increased demand for the services the facility provides.

These additional costs are only eligible if:

- The services are specifically related to eligible emergency actions to save lives or protect public health and safety or improved property in response to the declared incident;
- The costs are for a limited timeframe based on the emergency or exigency of the circumstances; and,
- The applicant tracks and documents the additional costs.

Increased operating costs that are eligible for a limited time, include but are not limited to, costs for:

- Water testing and treatment, including supplies, in the immediate aftermath of the incident to counter a specific threat; and,
- Fuel for increased use of pumps (e.g., pumping station) which may include electricity utility fees for pumps operated by electric motors. Eligibility is subject to policy regarding applicant-owned and purchased equipment (see Chapter 6: Cost Eligibility).

Increased operating costs that are ineligible, even for a limited time, include but are not limited to, costs for:

- Patient care, except as noted under Emergency Medical Care in this chapter;
- Administrative activities;
- Provision of food, except as noted under Supplies and Commodities and Meals in this chapter;
- Costs related to staff that were retained to work additional hours, but did not perform eligible emergency work (e.g., staff working additional shifts due to other staff's inability to get to work);
- Obtaining electrical power from an alternate source;
- Obtaining water from an alternate source;
- School make-up days, including contracted costs for bus service for make-up days;
- Provision of school bus service including fuel or mileage for transporting students from alternate locations or to alternate schools or temporary facilities; and,
- Modification or construction of a new landfill to add landfill capacity.

For PNPs, operating costs are generally ineligible even if the services are emergency services, unless the PNP performs an emergency service at the request of and certified by the legally responsible government entity. In such case, FEMA provides PA funding through that government entity as the eligible applicant.

G. Emergency Public Transportation and Communication (DFA Only)

An SLTT government may provide emergency communication services and public transportation when existing systems are damaged to the extent vital functions of community life or incident response are disrupted. The costs of these services are ineligible for reimbursement. However, FEMA may provide short-

term DFA for these services.[283] Transportation costs for the purpose of evacuation are eligible for reimbursement as described under Evacuation and Sheltering in this chapter.

H. Flood Fighting

Flood fighting activities may include, but are not limited to, sandbagging, dewatering behind a levee by breaching or pumping, or increasing the height of a levee. These activities are eligible if necessary to reduce an immediate threat to life, public health and safety, or improved property. These activities are eligible even if they are associated with a facility that is eligible for the USACE RIP, as USACE cannot reimburse applicants for flood fighting.

The repair of deliberate breaches made by the applicant to accomplish dewatering is eligible as part of the emergency work project.

Dewatering agricultural and natural areas behind levees and other water control structures is ineligible.

I. Emergency Operations Centers

An applicant may use its EOC to direct and coordinate resources and response activities for a period of time. Response activities conducted at EOCs are eligible provided they are associated with eligible work. Costs associated with operating the EOC[284] are also eligible, including, but not limited to:

- Increased utility costs;
- Costs to lease a facility;
- Supply costs; and,
- Meal costs, as described under Meals in this chapter.

J. Emergency Access

There are times when the declared incident causes damage or debris blockage to access routes to an essential community service, or to a community with survivors. If the extent of damage or blockage makes these areas cut off or isolated, work related to providing access is eligible. This includes clearing debris from or conducting emergency repairs to an access facility, such as a road or bridge. Eligible work is limited to what is necessary for the access to remain passable. Any debris removal or additional debris clearance is category A and funded based on the criteria under Debris Removal (Category A) in this chapter.

Private roads are those that are not owned or operated by or otherwise the legal responsibility of a local, county, tribal, territorial, state, or federal entity. Emergency road clearance includes pushing or clearing debris from private roads, including orphan roads, roads in gated communities, homeowners' association roads, etc. Debris clearance must be in the public interest and is eligible if the debris impairs emergency access by local emergency responders, ambulances, fire, and police. For example, downed trees may be cut and moved off the roadway. Eligible work is limited to that necessary for roads to remain passable but might

[283] Stafford Act §§ 418 and 419; 42 U.S.C. §§ 5185 and 5186; 44 C.F.R. § 206.225(c) and (d).
[284] Additional information regarding the function and requirements of an EOC may be accessed at: NIMS Components - Guidance and Tools | fema.gov.

include removal and disposal during the initial pass as necessary to ensure emergency access. Applicants are not required to submit documentation demonstrating that debris clearance is in the public interest.

Applicants must complete all necessary legal processes or obtain rights-of-entry and agreements to indemnify and hold harmless the federal government.

Emergency repairs to privately-owned roads, including those within gated communities, are eligible only when all of the following conditions are met:

- There is no other access point;
- Repair of the damage economically eliminates the need for temporary housing and sheltering; and,
- The applicant completes all legal processes and obtains rights-of-entry and agreements to indemnify and hold harmless the federal government.

K. Hazardous Materials

Removal and disposal of pollutants and hazardous substances are eligible. Eligible activities include:

- Separation of hazardous materials from other debris;
- Specialized procedures for handling and disposing of hazardous materials;
- Control or stabilization of the hazardous materials;
- Pumping water contaminated with the hazardous materials; and,
- Clean-up and disposal of the hazardous materials.

Short-term testing for contaminants in water, air, or soil necessary to ensure elimination of the immediate threat is eligible; however, testing for the purpose of long-term cleanup actions is ineligible.

Applicants must comply with federal and SLTT government environmental requirements for handling hazardous materials. Before handling or disposing of hazardous materials, applicants should contact the appropriate federal or SLTT agency to obtain required permits, notify proper agencies of hazardous materials storage, and coordinate the creation of any required facility specific emergency response plans for spills, safety, and proper handling. Additionally, appropriate certified hazardous waste specialists should handle, capture, recycle, reuse, or dispose of hazardous materials. When providing PA funding for work involving the handling of hazardous materials, FEMA must ensure compliance with the Resource Conservation and Recovery Act (RCRA).[285]

Additionally, the Comprehensive Environmental Response Compensation and Liability Act (CERCLA)[286] authorizes the federal government to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Under CERCLA and the Clean Water Act (CWA),[287] EPA and the USCG have the authority to respond to actual or potential discharges of oil, hazardous substances, pollutants, and contaminants that may present an imminent and substantial danger to public

[285] For more information, refer to: Resource Conservation and Recovery Act | epa.gov.
[286] For more information, refer to: Comprehensive Environmental Response, Compensation, and Liability Act and Federal Facilities | epa.gov.
[287] For more information, refer to: Clean Water Act | epa.gov.

health or welfare. EPA has responsibility for responses in the inland zone and the USCG has responsibility for responses in the coastal zone.[288] Response actions may include containment, stabilization, decontamination, collection (e.g., orphan tanks, drums), and disposal.

Terminology

Inland zone is the environment inland of the coastal zone, excluding the Great Lakes and specified ports and harbors on inland rivers. Precise boundaries are identified in federal regional contingency plans.

L. Supplies and Commodities

Costs related to applicants purchasing supplies or using their own stock to perform emergency work are eligible and reimbursed in accordance with the Supplies section in Chapter 6. Examples include, but are not limited to, safety equipment, personal protective equipment, radios, power tools, sand, and tarps.

Purchasing and packaging lifesaving and life-sustaining supplies and commodities and providing them to the impacted community are eligible. Examples of such commodities include, but are not limited to, food, water, ice, personal hygiene items, cots, blankets, tarps, plastic sheeting for roof damage, and generators, as well as food, water, bowls, and containment for household pets and service animals. The cost of delivering these same commodities to unsheltered residents in communities where conditions constitute a level of severity such that these items are not easily accessible for purchase is also eligible. Provision of mass care, emergency feeding operations by SLTT or PNP organizations are eligible in the context of distributing supplies and commodities. This includes food and water for household pets.



Figure 12. Distribution of Supplies

The cost of leasing distribution and storage space for the commodities is also eligible. Supplies and equipment purchased to provide emergency protective measures may be subject to disposition requirements in accordance with the Disposition of Equipment and Supplies section in Chapter 6.

M. Meals

Applicants often provide meals for emergency workers. Provision of meals, including beverages and meal supplies, for employees and volunteers engaged in eligible emergency work, including those at EOCs, is eligible provided the individuals are not receiving per diem and one of the following circumstances apply:

[288] For more information, refer to: *FEMA POLICY: Mission Assignments FEMA Policy #104-010-3*.

- Meals are required based on a labor policy or written agreement that meets the requirements under Chapter 6: Cost Eligibility;
- Conditions constitute a level of severity that requires employees to work abnormal, extended work hours without a reasonable amount of time to provide for their own meals; or
- Food or water is not reasonably available for employees to purchase.

FEMA only reimburses the cost of meals that are brought to the work location and purchased in a cost-effective and reasonable manner, such as bulk meals. FEMA does not reimburse costs related to group outings at restaurants or individual meals. FEMA reimburses meal costs as part of a contract in accordance with the contract terms provided it meets the requirements under Procurement and Contracting Requirements in Chapter 6.

N. Emergency Medical Care

When the emergency medical delivery system within a declared area is destroyed, severely compromised, or overwhelmed, FEMA funds extraordinary costs associated with operating emergency rooms and with providing temporary facilities for emergency medical care of survivors. Costs associated with emergency medical care should be customary for the emergency medical services provided. Costs are eligible for up to 30 days from the declaration date unless the applicant obtains FEMA approval for any time extension, which should include a detailed justification for the continued need and an analysis of options for providing care, including the costs for each option. The Assistant Administrator for the Recovery Directorate at FEMA Headquarters has the authority to approve this policy exception.

Eligible emergency medical care includes, but is not limited to:

- Triage and medically necessary tests and diagnosis;
- Treatment, stabilization, and monitoring;
- Patient assessment and provision of first aid;
- A one-time 30-day supply of prescriptions for acute conditions or to replace maintenance prescriptions;
- Vaccinations for survivors and emergency workers to prevent outbreaks of infectious and communicable diseases;
- Durable medical equipment;
- Consumable medical supplies;
- Temporary facilities, such as tents or portable buildings for treatment of survivors;
- Leased or purchased equipment for use in temporary medical care facilities;
- Security for temporary medical care facilities; and,
- Use of ambulances for distributing immunizations and setting up mobile medical units.

Terminology

The following types of equipment and supplies are intended for the treatment of an illness or injury, to prevent a patient's further deterioration, or for the functional needs support of persons living with disabilities.

Durable medical equipment is reusable medical equipment including, but not limited to:

- Oxygen equipment;
- Wheelchairs;
- Walkers;
- Hospital beds; and,
- Crutches,

Consumable medical supplies are medical supplies generally for one-time use only, including, but not limited to:

- Medications (may include Naloxone [Narcan]);
- Diapers;
- Adult incontinence briefs; and,
- Bandages.

FEMA determines the reasonableness of these costs based on Medicare's cost-to-charge ratio.

FEMA does not provide PA funding for these costs if underwritten by private insurance, Medicare, Medicaid, a pre-existing private payment agreement or otherwise covered by another funding source.[289] Applicants must take reasonable steps to provide documentation on a patient-by-patient basis verifying that insurance coverage or any other source funding, including private insurance, Medicaid, or Medicare, has been pursued and does not exist for the costs associated with emergency medical care and emergency medical evacuations.

Terminology

Cost-to-charge ratio - A ratio established by Medicare to estimate a medical service provider's actual cost in relation to its charges.

Ineligible costs include:

- Medical care costs incurred once a survivor is admitted to a medical facility on an inpatient basis;

[289] Stafford Act § 312; 42 U.S.C. § 5155.

- Medical care costs incurred beyond immediate emergency medical care, such as those associated with follow-up treatment or long-term medical treatment; and,
- Administrative costs associated with the treatment of survivors.

O. Evacuation and Sheltering

1. EVACUATION

Transportation to evacuate (and subsequently return) survivors, household pets,[290] service animals,[291] assistance animals,[292] luggage, and durable medical equipment is eligible. This includes emergency medical transportation and evacuation. The mode of transportation should be customary and appropriate for the work required. Evacuation of exhibition or agricultural/livestock animals and reptiles, except turtles, is not eligible.



Terminology

Household pets are domesticated animals that:

- Are traditionally kept in the home for pleasure rather than for commercial purposes;
- Can be transported through commercial carriers; and,
- Can be housed in temporary facilities.

Examples are dogs, cats, birds, rabbits, rodents, and turtles.

Household pets do not include reptiles (except turtles), amphibians, fish, insects, arachnids, farm animals (including horses), or animals kept for racing purposes.

Under the Americans with Disabilities Act (ADA), a **service animal** is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

Assistance animals are animals that work, provide assistance, or perform tasks for the benefit of a person with a disability, or provide emotional support that alleviates identified symptoms or effects of a person's disability. Although dogs are the most common type of assistance animal, other animals can also be assistance animals.

Eligible activities include, but are not limited to:

[290] The definition of household pets was developed by PA for the purpose of determining eligibility of work and costs under the PA grant program and does not impose restrictions on what animals a jurisdiction may choose to evacuate and/or shelter.
[291] Service animals are defined by the Department of Justice (DOJ) and more information may be accessed at ADA 2010 Revised Requirements: Service Animals; "In addition to the provisions about service dogs, the Department's ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities."
[292] The definition for assistance animals was developed based on information from U.S. Department of Housing and Urban Development (HUD).

- Transferring patients from inoperable, compromised, or overwhelmed eligible medical or custodial care facilities to another medical facility or to an appropriate shelter facility;
- Transferring patients back to original medical or custodial care facility, when appropriate;
- Transporting survivors, including sheltered survivors, who require emergency medical care to and from the nearest existing or temporary medical care facility equipped to adequately treat the medical emergency. Transport may include emergency air, sea, or ground ambulance services if necessary;
- Use of equipment, such as buses, trucks, or other vehicles (including accessible vehicles) to provide one-time transportation to evacuate survivors and their household pets and service and assistance animals to evacuation facilities or emergency shelters from pre-established pick-up locations. This includes standby time for drivers and contracted equipment while waiting to transport survivors;
- Paratransit transportation services, such as vans, minibuses, and buses (including accessible vehicles) to transport senior citizens, individuals with disabilities (including mobility disabilities) or access and functional needs, individuals in nursing homes and assisted-living facilities, and homebound individuals impacted by the incident;
- Tracking of evacuees, household pets, service animals, luggage, and durable medical equipment. This includes the use of animal microchips GPS tags, and other electronic means for the purpose of tracking and reunification of evacuated animals;
- Provision of food and hydration during transport;
- Provision of emergency medical care during transport, including emergency medical personnel and supply costs;
- Stabilization of individuals injured during evacuation; and,
- Preparation necessary in advance of an incident for evacuations in threatened areas including mobilization of ambulances and other transport equipment.



Figure 13. Staging Area with Ambulances

Contracts for staging ambulance services must be part of the state, territorial, Tribal Nation, or regional evacuation plan. Costs of staging ambulances are eligible even if the incident does not impact the area normally served by those ambulances. PA funding for activating, staging, and using ambulance services ends when any of the following occurs:

- FEMA and the state, Tribal Nation, or territory determines that the incident did not impact the area where it staged ambulances;
- Evacuation and return of medical patients and individuals with disabilities or access and functional needs is complete; or
- The immediate threat caused by the incident has been eliminated or lessened and the demand for services has returned to normal operation levels.

FEMA does not provide funding for costs related to:

- Ambulance services that are covered by private insurance, Medicare, Medicaid, or a pre-existing private payment agreement;[293] and,

[293] Stafford Act § 312, 42 U.S.C. § 5155.

- Self-evacuee transportation.

2. SHELTERING

FEMA provides PA funding to SLTT government applicants for costs related to emergency sheltering for survivors, and their household pets,[294] service animals,[295] and assistance animals. Although SLTT governments may contract with other sheltering providers for such services, FEMA only provides PA funding directly to the SLTT government as it is legally responsible for the work.

Emergency sheltering is meant to provide disaster survivors with safe, sanitary, and secure shelter during emergencies in facilities that are intended to provide temporary refuge for all members of the community, including children and adults requiring functional needs' support services. Typically, emergency sheltering is congregate. Congregate sheltering may provide overnight accommodation operating 24/hours a day or operate during limited hours to provide relief from extreme temperature weather events and provide shelter as either a cooling or warming center.

i. Congregate Sheltering

Congregate shelter funding includes reimbursement for eligible costs related to the shelter facility, shelter staff, shelter supplies and commodities, and shelter services. These eligible costs for congregate sheltering are based on the type of shelter and the specific needs of the sheltered survivors.

Eligible costs for congregate sheltering are covered in more detail within the following subsections. If any of the items listed are donated, including labor, applicants may offset the non-federal cost share of their eligible emergency work projects in accordance with Donated Resources in Chapter 6. Eligible costs are only reimbursed for the time the facility is actively used to shelter disaster victims.

Congregate sheltering costs not listed in the four groupings below may be eligible for reimbursement on an incident specific basis. Applicants should consult FEMA PA staff for guidance if items not listed below need to be considered for eligibility.

a. Congregate Shelter Facility Costs

Eligible congregate shelter facility costs include:

- Facility lease or rent, including space for food preparation;
- Utilities, such as power, water, telephone, and internet service;
- Minor facility modifications if necessary to make the facility:
  - Habitable,

[294] The definition of household pets was developed by PA for the purpose of determining eligibility of work and costs under the PA grant program and does not impose restrictions on what animals a jurisdiction may choose to evacuate and/or shelter.
[295] Service animals are defined by the Department of Justice (DOJ), and more information may be accessed at ADA 2010 Revised Requirements: Service Animals; "In addition to the provisions about service dogs, the Department's ADA regulations have a separate provision about miniature horses that have been individually trained to do work or perform tasks for people with disabilities."

- Compliant with the Americans with Disabilities Act (ADA),[296]
- Functional to support ancillary services, such as a childcare facility; or
- Functional as a household pet shelter;

- Restoration to return the facility to its condition prior to use;[297]
- Generator costs; and,
- Secure storage space for medical supplies.

If an eligible SLTT government applicant owns or leases the shelter facility, and a volunteer agency operates the shelter, the facility costs described above are eligible. However, the labor costs for the volunteer agency's workers are ineligible (except as a donated resource in accordance with the criteria under Donated Resources in Chapter 6).

b. Congregate Shelter Staff Costs

Eligible shelter staff costs for congregate facilities include:

- Medical staff;
- Personal assistance service staff;
- Veterinary and animal care staff;
- Public information officer;
- Social workers (for crisis intervention/psychological first aid, and/or possibly to support transition out of the shelter for acute care);
- Food service workers;
- Custodial and facilities staff; and,
- National Guard personnel.[298]

c. Congregate Shelter Supplies and Commodities

Eligible items are those needed for, and used directly on, the declared incident and are reasonable in both cost and need. Eligible supplies and commodities for congregate shelters include:

- Hot and cold meals, snacks, beverages, and related supplies for survivors;
- Cooking and serving supplies;
- Food, water, and bowls for household pets and service and assistance animals;
- Durable medical equipment;
- Consumable medical supplies;
- Medication for animal decontamination and parasite control;
- Infant formula, breast feeding/chest feeding support items, baby food, and diapers;

[296] The applicant should ensure that the facility is in compliance with the ADA standards.
[297] If more than cleaning and minor repairs to the building are needed, applicants should consult FEMA regarding work eligibility.
[298] For more information, refer to the National Guard section in Chapter 6.

- Refrigerators, microwaves, and crock pots;
- Cots, cribs, linens, blankets, pillows, tables, and chairs;
- Crates, cages, leashes, and animal transport carriers;
- Personal hygiene kits with items, such as shampoo, soap, toothpaste, a toothbrush, towels, and washcloths;
- Animal cleaning tables and supplies;
- Televisions or radios (one per 50 sheltered survivors);
- Basic cable service;
- Computers (one per 25 shelterees);
- Internet service, including wi-fi;
- Washers and dryers (one of each per 50 shelterees); and,
- Toys and books.

d. Congregate Shelter Services

Shelter services are only eligible for the time the facility is actively used to shelter survivors. Eligible shelter services for congregate facilities include:

- Shelter management;
- Supervision of paid and volunteer staff;
- Cleaning the shelter, linens, and animal crates;
- Shelter safety and security;
- Use of equipment, such as ambulances, buses, trucks, or other vehicles, to provide sheltering support;
- Phone banks and Internet access for survivors;
- Care for survivors with disabilities or access and functional needs, including the provision of the following personal assistance services:
    - Grooming, eating/feeding, walking, bathing, toileting, dressing, and undressing;
    - Transferring (e.g., movement between a cot and wheelchair or wheelchair to restroom facilities);
    - Maintaining health and safety, including serving as accessible cooling or warming center;
    - Assisting with self-administering medications; and
    - Communicating or accessing programs and services (e.g., translation and interpretation services for individuals with limited English proficiency or accessible communication services for individuals with disabilities).
- Emergency medical, crisis intervention/psychological first aid, and veterinary services for sheltered survivors, household pets, and service and assistance animals, including:
    - Emergency and immediate life stabilizing care, including necessary prescriptions (not to exceed a 30-day supply);
    - Triage, medically necessary tests, diagnosis, treatment, stabilization, and monitoring;
    - Patient assessment;

- Provision of first aid, health information, and referral to acute care facilities as necessary;
- Care for evacuees with chronic conditions;
- Administering vaccinations to sheltered survivors and workers for transmissible or contagious diseases, including, but not limited to, tetanus and hepatitis;
- Administering vaccinations to household pets, and service and assistance animals, for transmissible or contagious diseases, including, but not limited to, Bordetella (kennel cough). The vaccinations need to be effective while the animal is in the shelter;
- Provision of durable medical equipment (DME) and consumable medical supplies (CMS) to support shelter residents;[299]
- Provision of crisis intervention/psychological first aid in support of emotional distress, and referral to other behavioral health and substance use health care services and facilities outside the congregate shelter environment as necessary; and,
- Medical waste disposal.

- Outpatient costs for sheltered survivors requiring emergency life-sustaining treatment not available at the shelter for the period of time that a survivor is housed in the shelter. Eligible outpatient services are limited to:
  - Physician services in a hospital outpatient department, urgent care center, or physician's office;
  - Related outpatient hospital services and supplies, including X-rays, laboratory and pathology services, and machine diagnostic tests; and,
  - Local professional transport services to and from the nearest hospital equipped to adequately treat the emergency.
- Sheltering self-evacuees (self-evacuee transportation costs are ineligible); and,
- Costs paid to the American Red Cross (ARC) or other non-governmental organizations (NGOs) to operate shelters under a written agreement. Costs that ARC or other NGOs incur under their own organizational mission (i.e., independent of any federal or SLTT request) are ineligible for reimbursement.

Note: Transportation of shelter residents to and from (other than for the medical purpose referenced above) the shelter is not an eligible sheltering activity. Additionally, costs incurred in the provision of disaster case management and/or mental/behavioral health services are ineligible unless the mental/behavioral health services are provided as an accommodation to survivors with disabilities, services in the NCS environment beyond "crisis intervention/psychological first aid" would require referral or transfer to a medical facility for treatment of an acute condition.

ii. Non-Congregate Sheltering

FEMA may reimburse costs related to emergency sheltering provided in non-congregate environments under limited and exigent circumstances. Non-congregate sheltering does not require pre-approval when conducted in traditionally operated facilities limited to hotels, motels, dormitories, and retreat camps, which offer an increased level of privacy over congregate sheltering. NCS activity in any other facility (e.g., recreation vehicles, including travel trailers; condominiums; short-term rentals, including Airbnb; ships)

[299] Reference the list of DME & CMS located under Emergency Medical Care in this chapter.

requires FEMA pre-approval by the Assistant Administrator for the Recovery Directorate at FEMA Headquarters.

Applicants are required to notify FEMA Headquarters and their Regional Administrator, through the recipient, within five days of initiating NCS operations for a declared incident. If sheltering is conducted prior to a federal declaration, then the notification requirement applies as five days post declaration.



Examples: Exigent Circumstances where NCS may be Considered

NCS will be considered for approval in limited, exigent circumstances, such as when congregate shelter facilities are:

- Not available due to the nature of the incident (e.g., identified shelter facilities were damaged by the incident);
- Insufficient to meet the need for sheltering; or,
- No longer available for use if owners of facilities used as congregate shelters require their return to their routine purpose or use, resulting in cessation of shelter operations.

When providing NCS, as a condition of assistance, recipients and applicants must comply with all statutes, regulations, and EOs, including those that require impartial and fair delivery of FEMA funding to all communities. FEMA monitors compliance with these laws when granting assistance. Failure to adhere to these laws may result in the termination of or refusal to grant or continue providing federal financial assistance.

a. Requests for Non-Congregate Sheltering

Applicants must submit written requests for work and costs related to NCS in non-traditionally operated facilities (e.g., recreation vehicles, including travel trailers; condominiums; short-term rentals, including Airbnb; ships) through the recipient and obtain FEMA approval prior to sheltering survivors. At a minimum, an applicant should include the following information in its request:

- Justification for the necessity of non-congregate sheltering;
- Whether the state, Tribal Nation, or territorial government has requested the Transitional Sheltering Assistance (TSA) from FEMA's Individual Assistance (IA) Program;[300]
- The type of non-congregate sheltering available and which type the applicant intends to use;
- An analysis of the available options with the associated costs of each option; and
- The timeframe requested (i.e., date of activation and length of time projected for NCS operations).

[300] FEMA's Transitional Sheltering Assistance provides short-term sheltering for survivors transitioning from emergency shelters to temporary or permanent housing solutions. Additional information is available in FEMA's *Individual Assistance Program and Policy Guide*.

While selecting the location of NCS facilities, applicants are encouraged to consider community demographics to ensure all populations have ready access to sheltering.

To establish and conduct NCS in non-traditional facilities, such as recreational vehicles (RVs), applicants must request this specifically. Such requests must be approved by the Assistant Administrator for the Recovery Directorate at FEMA Headquarters. NCS provided in any setting other than traditional facilities (i.e., hotels/motels, dormitories, and retreat camps) will be subject to additional disaster-specific requirements and guidance issued by FEMA.

FEMA limits any NCS approval to that which is reasonable and necessary to address the needs of the incident. FEMA determines the eligible costs based on the contractual agreement, including reimbursement for repairing damage if it is the applicant's legal responsibility based on the facility use agreement or lodging services contract.

If FEMA approves the request, recipients must provide sufficient data and documentation to establish eligibility (including the need for NCS resulting from the disaster, reasonableness, and costs).

b. Eligible Costs for Non-Congregate Sheltering

NCS costs are based on a per night, per room amount. Unlike congregate sheltering, funding for NCS does not include separate reimbursement for facility, staff, service, or supply costs. Costs for items or services associated with NCS are eligible if included within the NCS per night, per room charges.

Generally, feeding support and shelter support services are limited to the initial 30 days of NCS operations. These support services are only eligible for a longer period of time when routine access to food, other essential supplies and commodities, and support services are disrupted by the disaster incident, and clearly documented when an applicant seeks reimbursement.

Limited funding for casework in support of disaster survivor's transition to temporary or long-term housing options may be eligible.

If applicants are uncertain whether specific NCS-related costs would be considered eligible, they are encouraged to seek guidance from FEMA PA regional staff before incurring such costs.

c. Ineligible Costs for Non-Congregate Sheltering

Ineligible costs include:

- Costs associated with ancillary services (e.g., room service, pay-per-view movies, parking fees, or other costs for *à la carte* amenities);
- Costs related to reserving rooms or deploying facilities (e.g., RVs as NCS) that go unoccupied by an identified, displaced disaster survivor individual or household requiring sheltering assistance;
- Costs related to any expense beyond a traditional per night, per room charge when providing NCS via hotel, motel, dormitory, or retreat camp (this includes damages to the facility by the disaster survivors); and
- Costs incurred in the provision of disaster case management and/or mental/behavioral health services.

d. Survivor Insurance and Non-Congregate Sheltering

Survivors being sheltered in NCS facilities may have homeowner's insurance coverage. Such coverage does not constitute a duplication of benefits even if the individual's or household's insurance includes additional living expenses or loss of use coverage for their home. This is based on NCS being an emergency protective measure to protect the health and safety of the public at large, as opposed to being a benefit directly to an individual or household. Further, homeowners' insurance policies typically include additional living expenses as an expense that overall insurance proceeds may cover, as opposed to a specific line item dedicated to that specific expense.

e. Time Extensions for Non-Congregate Sheltering

When applicants anticipate that the need for NCS will exceed the approved time period, they must obtain FEMA approval for any time extensions. These time extensions are granted in 30-day increments. NCS conducted for more than 30 days is subject to the criteria in the NCS Work Eligibility Requirements section below.

Applicants must submit a written time extension request through the recipient to the FEMA Regional Administrator. This request should include a detailed justification for the continued need and a revised analysis of options, including the costs for each option. Applicants should submit time extension requests at least seven calendar days before the expiration date of the currently approved NCS period of performance.

The Regional Administrator has the authority to approve time extensions for traditional and non-traditional NCS for up to 6 months from the date of declaration. All NCS activities beyond the initial 6 months require approval by the Assistant Administrator of Recovery at FEMA Headquarters.

f. NCS Work Eligibility Requirements

If applicants request an extension of NCS activities beyond the initial period of performance, NCS work eligibility will be determined based on the criteria detailed below. For NCS conducted for more than 30 days, recipients and applicants are required to use data regarding the individuals and households sheltered to ensure that only individuals and households with a demonstrated need for continued emergency sheltering remain in NCS facilities.

Only non-congregate sheltering that is provided to individuals and households who align with the following criteria is considered PA eligible work beyond the initial period of performance. To be eligible for NCS beyond the first 30 days, each household must:

- Be in an area (county or parish) designated for both the Individual Assistance (IA) and PA Programs;
- Be registered with IA for disaster assistance;
- Have not requested to withdraw its IA registration;
- Be able to document pre-disaster status as an owner or renter of the primary residence; and
- Have their primary residence determined to be uninhabitable due to incident-caused damage or inaccessible due to the ongoing incident.

Applicants may determine a household's habitability status using IA information, home assessment information, or a habitability assessment process developed by the applicant. Applicants must submit the habitability determination method with the time extension request. Additionally, applicants should maintain information about the basic habitability for each household in NCS during the period for which they are requesting a time extension.

g. Data Collection, Management, and Reporting During NCS Operations

To effectively manage NCS operations and ensure that only individuals and households with a demonstrated need for continued emergency sheltering remain in NCS facilities, applicants are required to collect, compile, and report on information from disaster survivors housed in NCS. Applicants conducting NCS activities must establish and maintain a reporting system that captures the following data elements to ensure eligibility of the work and associated costs:

- FEMA IA Registration ID (if available);
- Head of household first and last name and phone number (mobile or other);
- Number of disaster survivor households and individuals sheltered in NCS by county;
- Damaged dwelling street address, city, state, zip code;
- Pre-incident primary-residence habitability status
- Number of rooms/NCS shelter units occupied by disaster survivors by county;
- Number of rooms
- NCS shelter check in and out date;
- Shelter site identification (number or name); and,
- The counties in which NCS is being conducted.

Applicants should inform individuals and households that the above collected information will be shared with FEMA.

FEMA PA staff will not collect the data on behalf of the recipient or applicant. FEMA expects recipients to ensure applicants are prepared to provide information substantiating eligibility and submit the defined data elements to FEMA on a weekly basis.

Applicants are expected to provide recipients with data reporting the first week of NCS operations and weekly thereafter until the NCS operations have concluded. This reporting supports project management and facilitates the transition of disaster survivors to longer-term housing solutions or out of NCS. Applicants may opt to provide more frequent reporting and should provide an updated report with any time extension requests.

Recipients are required to submit this weekly report information to the FEMA Data Sharing Support Box[301]. FEMA's Recovery Reporting and Analytics Division (RRAD) utilizes these data points and cross-checks them against disaster survivors receiving Individual Assistance to: 1) ensure the continued need for sheltering

[301] The FEMA Data Sharing Support Box can be reached at: fema-recovery-rad-data-sharing-support@fema.dhs.gov.

services; and 2) prevent duplication of benefits between the PA and IA programs. RRAD provides reports based on this information back to recipients, PA, and IA to enable effective management of the NCS population. Aggregated information, excluding personally identifiable information (PII), is also provided to PA senior staff upon request for inclusion as support for NCS projects.

The recipient and applicant must comply with the above described NCS data reporting requirements to determine eligibility and to help prevent fraud, waste, or abuse. FEMA, the applicant, and the recipient (including its contractors) may need to enter into information sharing access agreements (ISAAs) to coordinate data sharing of PII between the recipient, applicant, and FEMA. The recipient, applicant, and their contractors must abide by all terms and conditions of any relevant ISAA or data sharing addendum (DSA) to the FEMA state/Tribal Nation/territory agreement.

3. HOST-STATE OR HOST-TRIBE EVACUATION AND SHELTERING

If the impacted state or Tribal Nation (impact-state or impact-tribe) has evacuation and congregate sheltering needs beyond its ability to address within its jurisdictional area, it may request assistance either from another state or Tribal Nation (host-state or host-tribe) through mutual aid agreements, such as EMAC, or from FEMA. Only congregate sheltering by the host-state/tribe is eligible for PA funding.

Terminology

Impact-state or **impact-tribe** means the state or Tribal Nation for which the president declared an emergency or major disaster and requested FEMA assistance because of a need to evacuate and/or shelter affected individuals outside the state or tribal lands.

Host-state or **host-tribe** means a state or Tribal Nation that by agreement with FEMA provides sheltering or evacuation support to evacuees from an impact-state or impact-tribe.

If the impact-state/tribe requests assistance directly from another state or Tribal Nation, FEMA reimburses costs based on the mutual aid agreement as described under Mutual Aid in Chapter 6. FEMA may also provide PA funding to the host-state/tribe directly, even if the impact-state/tribe already requested assistance directly from that host-state/tribe, provided that:

- The impact-state/tribe requested the assistance;
- The host-state/tribe agrees to accept evacuees based on need—without restriction;
- An authorized official from the host-state/tribe transmits a written agreement to FEMA; and,
- The governor or tribal chief executive of the host-state/tribe signs the FEMA/host-state or FEMA/host-tribe agreement pursuant to the terms and conditions in 44 C.F.R. § 206.44, FEMA-state agreements, to establish the host-state/tribe as the recipient.[302]

If the impact-state/tribe requests assistance from FEMA, FEMA determines whether potential host-states/tribes have sufficient capability to meet some or all of the sheltering and evacuation needs of the

[302] 44 C.F.R. § 206.202(f)(1)(i).

impact-state/tribe. If FEMA determines a host-state/tribe has sufficient capability and the host-state/tribe meets the four conditions described above, FEMA provides PA funding to the host-state/tribe directly.[303]

When FEMA provides PA funding directly to the host-state/tribe, FEMA reimburses 100 percent of the host-state/tribe's eligible costs, including straight-time and benefits of the host-state/tribe's permanent employees[304] so that it does not have any out-of-pocket costs. In these cases, the impact-state/tribe is responsible for the non-federal cost share and must subsequently reimburse FEMA for the non-federal cost share of the eligible costs incurred by the host-state/tribe. The non-federal cost share is based on the category B cost-share amount designated in the declaration. The impact-state/tribe cannot offset its non-federal cost share with the host-state/tribe's volunteer labor.



Figure 14. Evacuees Boarding a Bus

In addition to the other eligible evacuation and sheltering costs described in this chapter, FEMA also reimburses the host-state/tribe for the following:

- Straight-time and benefits of entities' employees that provide assistance under a mutual aid agreement or a contract with the host-state/tribe, such as a local government or PNP;
- Costs to provide the requested shelter capacity, even if the shelter was underused or not used at all;
- Costs related to arrest and incarceration of evacuees who commit unlawful acts in the host-state/tribe congregate shelter, including costs incurred by on-duty law enforcement officers in order to detain, take into custody, or make an arrest (costs of chemical tests, processing, charging, booking, and holding such persons are ineligible costs). Costs to transport a detainee back to the shelter is eligible if the individual was not charged;
- When patients in hospitals in the impact-state/tribe are evacuated, transported, and admitted into hospitals in the host-state/tribe through mission assignment with U.S. Department of Health and Human Services (HHS), and the patients are treated and discharged but require follow-on care while awaiting transport, and shelters are not available, the costs that the host-state/tribe's hospital incurs for hotel rooms during patients' follow-on care until the patients can be transported back to the impact-state/tribe, provided that Medicare, Medicaid, or private insurance does not cover these costs;
- Bus or shuttle transport to pick up evacuees at the airport, train station, or bus terminal when the expected plane, train, or bus is re-routed, canceled, or rescheduled;
- Ambulance costs for hospital-to-hospital transfers, provided it is a transfer within the host-state/tribe;
- When the impact-state/tribe determines that it is safe for re-entry, it coordinates with the host-state/tribe and FEMA to return evacuees, household pets, and service and assistance animals to the impact-state/tribe by air, rail, or bus. Return transportation costs are eligible along with food, water, and security during transport;

[303] 44 C.F.R. § 206.208(c)(3).
[304] 44 C.F.R. § 206.202(f)(1)(ii).

- Return transportation costs for family members of the impact-state/tribe evacuee who were admitted to a hospital after the congregate shelters close;
- When evacuees are discharged from a hospital after all congregate shelters have closed and transportation cannot be arranged for departure on the same day discharged, FEMA reimburses up to 5 nights of hotel lodging while awaiting return transport; and,
- FEMA reimburses a state agency from the impact-state/tribe for transportation costs and related expenses to transport the evacuated decedent's remains and accompanying family members to the impact-state/tribe. The cost of the state/tribe-mandated embalming or cremation of the body prior to return are also eligible.

The host-state/tribe must determine whether any ambulance or medical service costs are covered by a patient's private insurance, Medicare, Medicaid, or a pre-existing private payment agreement as FEMA deducts this amount from the host-state/tribe's eligible cost.

Fees that the host-state/tribe waives for the use of state parks by self-evacuees with recreational vehicles (RVs) are ineligible. Additionally, purchase and distribution of gas cards, bus passes, cash vouchers, debit cards, food vouchers, or direct payments to evacuees are ineligible.

4. CHILDCARE SERVICES

FEMA reimburses SLTT governments for the cost of providing licensed childcare services to support sheltered populations. This includes the cost of the labor, facility, supplies, and commodities. Childcare services can be eligible in support of both congregate and non-congregate sheltering.

Childcare includes services, such as:

- Day care for children; and,
- Before- and after-school care.

Applicants may provide these services within a shelter facility or in a separate facility, as appropriate. FEMA PA and IA staff will coordinate to ensure no duplication with IHP assistance.

P. Infectious Disease Incident

The HHS Centers for Disease Control and Prevention (CDC) has primary authority to enable support and assistance to SLTT governments in response to an infectious disease incident. In response to a Stafford Act declaration request, FEMA will formulate a recommendation based on all available information to include whether emergency protective measures and/or DFA (e.g., personnel, equipment, and supplies) is needed to meet critical emergency protective requirements that are beyond the capability or capacity of the state, Tribal Nation, or territory. However, the president retains sole authority to approve all declaration requests, regardless of any FEMA recommendation.

In the event of an emergency or major disaster declaration, FEMA may provide assistance for the evacuation and movement of persons; movement of supplies; and care, shelter, and other essential needs of affected human populations directly related to the declared incident. Any assistance provided by FEMA in response to an infectious disease incident or pandemic is done in coordination with the CDC. When FEMA engages with and supports work and costs related to a specific infectious disease incident or pandemic, FEMA will issue

disaster-specific guidance (DSG) to identify what emergency protective measures will be considered as necessary and therefore eligible work for the incident.

Q. Mosquito Abatement

Mosquito abatement measures are eligible when an SLTT government public health official validates in writing that a mosquito population poses a specific health threat as discussed further in Appendix F: Mosquito Abatement. FEMA consults with the CDC to determine the eligibility of mosquito abatement activities. FEMA only provides PA funding for the increased cost of mosquito abatement. The eligible costs are calculated by deducting the average mosquito abatement expenses from the most recent three non-disaster years from the disaster-related costs.

R. Safety Inspections

Building department officials typically conduct post-incident safety inspections to determine whether a building has sustained damage that results in a hazardous condition.[305] Post-incident safety inspections to determine whether the facility is safe for entry, occupancy, and lawful use for public and private facilities are eligible; this includes posting appropriate placards (e.g., "red-tagging" a building that is unsafe).

Applicants must clearly substantiate that the purpose of the inspection was for safety and not to assess damage, such as building inspections.

S. Animal Carcasses

Removal and disposal of animal carcasses, including interim processing,[306] is eligible. If the removal and disposal is conducted as part of the overall debris removal efforts, the work may be funded as category A.

FEMA may require certification from the SLTT government health department, HHS, or the U.S. Department of Agriculture (USDA) that a threat to public health and safety exists.

Smaller animal carcasses (e.g., rodents, skunks, or possums) do not usually pose an immediate threat to public health or safety. Removal and disposal of these carcasses is ineligible unless the appropriate public health official determines a threat to public health or safety exists.

FEMA does not provide PA funding when another federal agency has authority to provide assistance for carcass removal and disposal. The NRCS has authority for the removal of animal carcasses if it determines that the measure is eligible as debris removal. The USDA's Farm Service Agency may provide assistance for farmland debris cleanup. EPA and USCG have authority to provide technical assistance and to remove animal carcasses contaminated with oil, hazardous substances, pollutants, or contaminants.[307]

[305] For more information, refer to: *Post-Disaster Building Safety Evaluation Guidance* (FEMA P-2055).
[306] Interim processing may include burning, incinerating, rendering, mounding, composting, or other pre-processing activities.
[307] For more information, refer to: FEMA POLICY: Mission Assignments FEMA Policy #104-010-3.

T. Demolition of Private Structures

Emergency demolition of structures located on private property (e.g., privately-owned non-commercial or commercial property) are eligible when partial or complete collapse is imminent, and that collapse poses an immediate threat to the general public. FEMA accepts determinations that a structure is destroyed and/or in immediate danger of collapsing made by the authority having jurisdiction in coordination with a qualified individual.[308]

In some instances, restricting public access to an unsafe structure and the surrounding area, such as securing the area with a fence, is sufficient to alleviate the immediate threat and is more cost-effective than demolition. In these cases, demolition is ineligible. If a structure is condemned prior to the incident, emergency protective measures related to that structure are ineligible.

1. CONDITIONS OF ELIGIBILITY FOR DEMOLITION

Approval from FEMA prior to demolition work is not required; however, for an applicant to receive PA funding, FEMA must determine that the work is eligible. For demolition to be eligible, applicants must:

- Notify FEMA that demolition of private structures will be conducted and identify the type of property on which the demolition work is being conducted (e.g., privately-owned non-commercial or commercial property) so FEMA can ensure notifications are made to the necessary FEMA components and federal partners;
- Certify that the structures are unsafe and pose an immediate threat to lives or public health and safety as determined by the authority having jurisdiction, in coordination with a qualified individual;
- Provide documentation to confirm its legal authority and responsibility to enter private property and demolish privately-owned unsafe structures, including:
    - Citation of the law, ordinance, code, or emergency powers for which it is exercising its legal authority to demolish privately-owned unsafe structures. The authority cited must be applicable to the structural condition representing the immediate threat and not merely the applicant's uniform level of services.
    - Confirmation that a legally authorized official of the applicant has ordered the exercise of public emergency powers or other appropriate authority to enter onto private property in the declared area in order to demolish privately-owned unsafe structures and remove the resulting debris.
- Indemnify the federal government and its employees, agents, and contractors from any claims arising from the demolition of privately-owned unsafe structures and removal of the resulting debris; and,
- Obtain all necessary permits and comply with all federal and SLTT applicable laws, regulations, and EOs.

Before FEMA will provide PA funding, applicants must provide confirmation that it satisfied all legal processes and obtained permission requirements from the property owners (rights-of-entry) and agreements to indemnify and hold harmless the federal government. Additionally, applicants must provide documentation to support that it obtained all necessary permits and complied with EHP requirements.

[308] Only a licensed engineer or architect or an individual that the jurisdiction authorized can make such decisions.

Given the limited eligibility of and the additional requirements related to demolition of private structures, applicants are encouraged to obtain preliminary approval for the activity from FEMA prior to starting work.

2. COMMERCIALLY OWNED STRUCTURES

Demolition of structures owned by commercial enterprises, including businesses, apartments, condominiums, and mobile homes in commercial trailer parks are generally ineligible as it is expected that the commercial enterprises retain insurance that cover the cost of demolition. In very limited, extraordinary circumstances, the FEMA Regional Administrator may provide an exception. In such cases, applicants must meet the requirements outlined under Private Property Debris Removal (PPDR) in this chapter.

3. ELIGIBLE DEMOLITION WORK

Eligible work associated with the demolition includes, but is not limited to:

- Capping wells;
- Pumping and capping septic tanks;
- Filling open below-grade structures, such as basements and swimming pools;
- Testing for hazardous materials;
- Securing utilities;
- Obtaining permits and licenses; and,
- Performing title searches.

Fees for permits, licenses, and titles issued directly by an applicant are ineligible unless the applicant demonstrates that the fees are above and beyond its normal administrative costs for similar non-disaster demolition work. Overtime labor directly related to issuing these permits, licenses, and titles for facilities that are eligible for demolition is eligible.

The following work is also eligible and may be funded as category A if the removal and disposal is conducted as part of the overall debris removal operations:

- Removing demolition debris, including personal effects; and
- Removing hazardous materials, such as asbestos and household hazardous waste (in accordance with federal and SLTT requirements for handling hazardous materials).

Applicants should work with the property owner to pursue and recover insurance proceeds and credit FEMA the federal share of any insurance proceeds recovered. In some circumstances, the property owner may be eligible for IA funding. FEMA PA and IA staff will coordinate closely to ensure FEMA does not fund the same work under both programs.

Example: Eligibility of Demolition Debris

For demolition, FEMA will accept determinations that a structure is destroyed and/or in immediate danger of collapsing made by the authority having jurisdiction in coordination with a qualified individual. Certain demolition work and costs may be funded as category A if the removal and disposal

is conducted as part of the overall debris removal operations. Demolition is subject to additional requirements and must comply with Demolition of Private Structures in this chapter.

4. INELIGIBLE WORK

Ineligible work associated with the demolition of private structures includes, but is not limited to:

- Removal or covering of concrete pads and driveways except for structures in a FEMA-funded buyout program; and,
- Removal of slabs or foundations that do not present a health or safety hazard, except for structures in a FEMA-funded buyout program through the Hazard Mitigation Grant Program (HMGP).

The placement of debris resulting from demolition of a structure in or on the public right-of-way is ineligible work.

U. Temporary Relocation of Essential Services

If an applicant provides essential community services at a facility that is unsafe, inaccessible, or destroyed as a result of the incident, temporary relocation of these services to another facility is eligible.[309] Essential community services are those services of a governmental nature that are necessary to save lives, protect property and the public, and preserve the proper function and health of the community at large. These services differ from the list of eligible PNP essential social services. FEMA evaluates the criticality of the service and safety of the facility to determine the need for temporary relocation.

1. ELIGIBLE FOR TEMPORARY RELOCATION

Facilities that provide essential community services provided by an eligible applicant are eligible for temporary relocation. These include facilities for education, election and polling, emergency services (including police, fire, and rescue) emergency medical care, homeless and domestic violence shelters, prison, utilities, and other facilities that provide public health and safety services of a governmental nature.

Services provided in administrative and support facilities essential to the provision of the essential community service are also eligible for temporary relocation. These include administration buildings, student housing, hospital and prison laundry and cooking facilities, parking, and storage if items are needed on-site. Athletic, play, and recreational equipment is eligible, within reason.

If an applicant provides the service at a leased, private facility prior to the incident, the service is still eligible to be temporarily relocated.

2. INELIGIBLE FOR TEMPORARY RELOCATION

Facilities that do not provide essential community services are ineligible for temporary relocation. These include facilities and services, such as museums, zoos, community centers, shelter workshops, performing arts centers, recreation and parking, athletic stadiums, houses of worship, housing and residential services, custodial care, assisted living facility, senior citizen centers, alcohol and drug rehabilitation, childcare,

[309] Stafford Act § 403(a)(3)(D); 42 U.S.C. § 5170b.

libraries, research and warehouse facilities, burial, vocational, academic, athletic, political training, and student union buildings.

3. DETERMINING ELIGIBILITY OF TEMPORARY RELOCATION

In addition to all other eligibility requirements that must be met, FEMA determines the eligibility of temporarily relocating services to another facility based on the safety of the damaged facility as follows:

- If the facility can be made usable with the performance of emergency protective measures or minor repairs, a temporary facility is not eligible.
- If the damage is to the extent that it cannot be occupied safely, and restoration cannot be completed without suspending operations of the facility for an unacceptable period of time, then a temporary facility is eligible.
- If the facility is not damaged but lacks a critical utility or operational item, such as potable water, electricity, or road access, and a temporary facility will restore services to the community before the restoration of the disrupted critical utility or operational item at the current site, then a temporary facility is eligible.

The capacity of the temporary facility must not exceed the pre-disaster capacity of the facility that housed the displaced services unless that is the least costly practical option. Applicants must use the temporary facility to provide the eligible service to the same extent and manner as was provided prior to the incident.

Relocation to a site that requires ground disturbance or alteration of an existing property requires EHP review before an applicant implements the action. See Chapter 10: Environmental and Historic Preservation for more information on EHP review and considerations.

FEMA does not require applicants to obtain and maintain insurance for temporary facilities.

If an applicant has a facility that does not meet eligibility requirements for temporary relocation and the facility's damage is to such an extent that the contents are at risk, PA funding for temporary space to store the contents as an emergency protective measure is eligible if the space is:

- Limited to an area necessary to store the contents;
- Used solely for storage; and,
- Not intended for public access, alternate office space, exhibits, or other purposes.

FEMA is not responsible for damage that may occur to contents in temporary storage.

4. LEASE, PURCHASE, OR CONSTRUCT

When deciding whether to rent or purchase space and equipment, applicants should choose the most economical option that meets its needs. Applicants must provide FEMA with a cost analysis,[310] which should include at least three options with cost estimates based on the timeline to restore the original facility. Cost estimates for leasing a facility must account for the entire timeline of the project. Cost estimates must include an itemized list of project costs.[311] FEMA generally reimburses the least costly option of leasing,

[310] 2 C.F.R. § 200.318(d).
[311] For more information, refer to: Cost Estimating Tools | fema.gov.

purchasing, or constructing a temporary facility. However, FEMA also considers whether the least costly option is practical when determining eligibility (e.g., if the least costly option for a temporary school is to lease a building in another county, and the next least costly option is to install modular buildings on the current campus, FEMA reimburses the cost of installing the modular buildings).

If an applicant relocates a service from a facility it owns, the lease costs of a temporary facility are eligible if leasing is the least costly option. If the applicant was leasing the damaged facility and had to temporarily relocate to another leased facility, the increase in rent is eligible.

Purchasing or constructing a temporary facility is eligible if FEMA confirms that it is the least costly option. With exception of modular or manufactured units, the applicant must obtain FEMA approval prior to purchasing or constructing the temporary facility.

5. SAFE ROOMS FOR TEMPORARY SCHOOL FACILITIES

Funding for accessible safe rooms as part of a temporary school facility is if the damaged school contained a safe room or other space that served as a storm shelter and there are no other cost-effective, reasonable alternatives available to address the safety needs of the students and faculty.

If an applicant wishes to seek funding for a safe room as part of a temporary school facility, it must obtain prior approval from FEMA. The request needs to include:

- A description of the safe room or safe space that was used as a storm shelter prior to the incident;
- The population of students and faculty that need access to the safe room;
- Verification that no other cost-effective reasonable alternatives are within proximity that can be used as a safe space for the school population; and,
- An indication that the applicant will have the safe room installed and operational when school resumes and students occupy the temporary classroom space.

If approved, the safe room capacity is based on student population and the number of faculty who are expected to use the temporary school facility. The capacity of the safe room cannot exceed the pre-disaster capacity of the safe room in the damaged school. The safe room should be available no later than the opening day of classes at the temporary facility. The timeframe for providing PA funding for the temporary safe room space coincides with the approved timeframe for providing PA funding for the temporary school facility.

Safe rooms provided as part of a temporary school facility must comply with the requirements of *Safe Rooms for Tornadoes and Hurricanes* (FEMA P-361).[312]

6. TEMPORARY RELOCATION COSTS

Eligible work or costs associated with the provision of temporary facilities include, but are not limited to:

[312] For more information, refer to: *Safe Rooms for Tornadoes and Hurricanes* (FEMA P-361).

- Rental or purchase equipment and furniture necessary to continue the services in the temporary facility if the equipment and furniture was destroyed by the event (FEMA will provide a one-time purchase to replace destroyed equipment and furniture);
- Reasonable alterations of the temporary facility, if required to make the space functional based on the pre-disaster use of the damaged facility;
- Restoration of the temporary facility to its pre-disaster condition when no longer needed;
- Moving expenses to and from the temporary facility;
- Minimal life-safety or other building upgrades required by an applicable code or standard and in effect at the time the temporary facility is purchased or leased (e.g., a "change in use" could trigger the need for such work); and,
- Public outreach and messaging costs necessary to inform the public that the service will temporarily be provided at a different location.

FEMA does not provide PA funding for utility, maintenance, or operating costs in a temporary facility, even if these costs increase.

7. TIME LIMITATIONS

The regulatory time limitation for temporary facilities (emergency work) is 6 months from the declaration date.[313]

Depending on the extent of damage to the facility, applicants may be unable to restore the facility to its pre-disaster design and function within 6 months. 44 C.F.R. provides recipients the authority to extend the deadline for emergency work for up to 6 additional months.[314] However, for temporary facilities, only FEMA has authority to approve any time extensions to the project deadline.

FEMA considers the timeframe necessary to restore the damaged facility when evaluating time extensions for temporary facilities. If an applicant requests funding for a temporary facility and knows at that time that the restoration of the original facility will exceed 6 months, FEMA may approve additional time and funding up to 12 months. If the applicant needs additional time beyond this 12-month deadline, it must submit a written time extension request that includes the status of the restoration work and timeline for completion in accordance with 44 C.F.R. § 206.204(2)(d).

FEMA only approves additional time if the applicant begins construction on the damaged facility within 12 months of the declaration date unless circumstances beyond the control of the applicant prevented starting the construction within this 12-month timeframe.

i. Conditions When Temporary Facility Funding is Limited

a. Improved Project

If FEMA approves an improved project for the permanent repair or restoration of a facility for which it also approved temporary relocation of the essential community services to a temporary facility, the temporary

[313] 44 C.F.R. § 206.204(c)(1).
[314] 44 C.F.R. § 206.204(c)(2)(ii).

facility is only eligible for PA funding for the estimated amount of time necessary to restore the facility to its pre-disaster design and function. If the actual time to restore the facility with the improvements extends beyond this timeframe and causes the applicant to continue its use of the temporary facility, FEMA does not reimburse any cost associated with that continued use. However, FEMA may reimburse costs associated with relocating its services back into the original, damaged facility as part of the approved temporary facility project.

b. Alternate Project

If FEMA approves an alternate project for the permanent repair, restoration, or replacement of a facility for which it also approved temporary relocation of the essential community services to a temporary facility, FEMA does not reimburse any temporary facility costs incurred after the date the applicant requests that alternate project.

c. Alternative Procedures Project

If FEMA approves an alternative procedures project for the permanent repair or restoration of a facility for which it also approved temporary relocation of the essential community services to a temporary facility, continued PA funding for the temporary facility is dependent upon the scope of work (SOW) of the alternative procedures project. Additional information about alternative procedures projects can be found in Appendix G: Alternative Procedures for Permanent Work.

8. DISPOSITION REQUIREMENTS

If an applicant purchased or constructed a temporary facility, it must return to FEMA the federal share of the equity in the facility. Applicants must report the equity to FEMA when the approved deadline has expired or when the facility is no longer needed for the authorized purpose, whichever occurs first.

If FEMA only funded a portion of the cost of the facility, applicants must return to FEMA the federal share of FEMA's proportionate equity in the facility. The amount due to FEMA is computed by applying FEMA's percentage of participation in the cost of the purchase or construction to the fair market value or sale proceeds, taking into consideration reasonable out-of-pocket costs related to the sale.

Applicants may either retain the facility or sell it. If the applicant disposes of real property (land or structures) acquired with PA funding and acquires replacement real property using funds from the same PA project, it may use the net proceeds of the sale to offset the cost of the replacement property.

V. Snow-Related Activities

When the president declares an incident as a snowstorm or specifically authorizes snow assistance in a declaration for a severe winter storm, FEMA provides PA funding for impacts related to snow, but the assistance is limited.[315] The request for a major disaster declaration for a winter storm or snowstorm, must

[315] 44 C.F.R. § 206.227.

include a request for snow assistance to be approved in the declaration. See Appendix K: Snow Declarations for detailed information. FEMA does not authorize snow assistance for emergency declarations.

1. LIMITED TIME PERIOD

Snow-related activities are eligible for a continuous 48-hour period to address the most critical emergency needs.[316] Each applicant designates the beginning of its 48-hour period. However, a state or territorial agency that conducts snow-related activities in multiple locations throughout the state or territory, such as a Department of Transportation, may use different 48-hour periods for different locations. Once FEMA approves a project for an applicant's designated 48-hour period, the applicant cannot change its selected period. If an applicant awards a contract for periods greater than the 48-hour period, PA funding is limited to the costs incurred during the designated 48-hour period. The FEMA Assistant Administrator of the Recovery Directorate may extend the eligible period by 24 hours in counties, parishes, or Tribal Nation areas where the snowfall exceeds the historical record snowfall by at least 50 percent. The applicant should submit a written request for the additional 24-hour time extension.

2. ELIGIBLE WORK

Eligible work includes:

- Snow-related activities (for limited time as discussed above):
  - De-icing;
  - Salting;
  - Sanding of roads and other eligible facilities;
  - Snow dumps; and,
  - Snow removal;
- Other emergency protective measures including, but not limited to search and rescue and sheltering conducted during a declared incident that includes snow related activities. These emergency protective measures are not restricted to the 48 hours designated for snow related activities.

Limited snow-related activities necessary to carry out emergency protective measures, such as clearing snow in the immediate area of a downed power line, are eligible outside of the limited time period and in counties declared but not designated for snow assistance.

For severe winter storm declarations that do not specifically authorize snow assistance, FEMA only provides PA funding for limited snow-related activities that are necessary to perform otherwise eligible work. For example, snow removal necessary to repair downed power lines is eligible, while normal snow removal from roads (including salting and sanding) is ineligible.

W. Emergency Repair or Stabilization

Emergency repair or stabilization of an eligible facility is eligible as emergency work if it eliminates or lessens an immediate threat.[317] To be eligible as category B eligible emergency repair or stabilization, work must be

[316] Ibid.
[317] 44 C.F.R. § 206.201(b).

temporary in nature. Emergency repair or stabilization work performed under an exigent circumstance that restores the pre-disaster design and function of the facility in accordance with codes and standards is permanent work,[318] not emergency work, with one exception – work to restore power (see Power Restoration in Chapter 8).

Emergency repair of a facility is ineligible if another federal agency has the specific authority to provide assistance for the facility (even if the repair is temporary),[319] such as for:

- Federal-aid highways – Federal Highway Administration (FHWA);
- Flood control works – U.S. Army Corps of Engineers (USACE); or
- Watershed structures – Natural Resource Conservation Service (NRCS).

For Tribal Nations specifically, although the Bureau of Indian Affairs (BIA) or FHWA may have authority to provide temporary emergency repairs of tribal roads, such roads are eligible for PA funding provided the Tribal Nation does not receive funding from BIA or FHWA for the work.

1. OPERATION BLUE ROOF (DFA ONLY)

Operation Blue Roof provides homeowners with plastic sheeting to cover damaged roofs until arrangements can be made for permanent repairs through contracts administered by USACE. The purpose of Operation Blue Roof is to protect property, reduce temporary housing costs, and allow residents to remain in their homes while recovering from the incident. Therefore, only dwellings that can be safely occupied after blue roof installation are eligible. The costs of these services are ineligible for reimbursement. However, FEMA may provide DFA for these services.[320]

2. SLOPE STABILIZATION

If a landslide or other slope instability is triggered by the incident and poses an immediate threat to life, public health and safety, or improved public or private property, emergency protective measures to stabilize the slope is eligible.

FEMA only provides PA funding for the least costly option necessary to alleviate the threat. FEMA limits eligible stabilization measures to the area of the immediate threat, not the entire slope. Work must be reasonable relative to the size and scope of the area of instability.

If slope instability is triggered by the incident and it is not apparent that the instability creates an unsafe condition that poses an immediate threat, PA funding for post-disaster inspections and limited geotechnical investigations is eligible to determine if an immediate threat exists.

Eligible emergency protective measures include, but are not limited to:

- Emergency drainage measures;
- Emergency ground protection to better stabilize the mass (rip rap, sheeting);

[318] 44 C.F.R. § 206.201(j).
[319] 44 C.F.R. § 206.226(a).
[320] For more information, refer to: *USACE Temporary Roofing Fact Sheet*.

- Partial excavation at the head of a sliding mass to reduce its driving force;
- Backfilling or buttressing at the toe of a sliding mass using measures, such as gabions, rock toes, cribwalls, binwalls, and soldier pile walls; and,
- Installation of barriers to redirect debris flow.

3. MOLD REMEDIATION

The incident may cause facilities to be inundated or exposed to wet and humid weather conditions for extended periods of time. These conditions may cause growth and spreading of mold in structures and on contents, causing threats to public health and increasing the repair cost.

The following remediation activities are eligible as emergency protective measures:

- Wet vacuuming, damp wiping, or vacuuming with high-efficiency particulate air (HEPA) equipment of the interior space;
- Removal of contaminated gypsum board, plaster (or similar wall finishes), carpet or floor finishes, and ceilings or permanent light fixtures; and,
- Cleaning of contaminated heating and ventilation (including ductwork), plumbing, and air conditioning systems or other mechanical equipment.

Applicants may use a variety of mold cleanup methods to remediate mold damage based on the extent of damage and type of damaged material. Appendix H: Mold Remediation provides information for consideration when developing a SOW for mold remediation. Applicants must follow applicable SLTT government guidelines for mold sampling and remediation.

Note: Pre-remediation mold sampling is only eligible when the sampling reveals the presence of mold. Post-remediation sampling is eligible to confirm that remediation is complete.

FEMA only provides PA funding for mold sampling performed by an indoor environmental professional, such as a certified industrial hygienist, certified indoor environmental consultant, or certified microbial consultant. The indoor environmental professional should not be employed by the remediation company to avoid a conflict of interest. FEMA considers technical evaluations performed by licensed professionals when determining the eligibility of mold remediation.

For mold remediation to be eligible, mold must not be a result of poor facility maintenance or failure to take protective measures to prevent the spread of mold in a reasonable time after the incident. If an applicant can document and justify why it did not take measures to prevent further contamination, or why measures taken were insufficient to prevent further damage, mold remediation is eligible. Examples of extenuating circumstances include:

- Disruption of power;
- Facility is underwater;
- Facility is inaccessible;
- Heating, ventilation, and air conditioning (HVAC) equipment is damaged; and,
- Insufficient resources to remediate the entire facility.

FEMA evaluates whether the facility had pre-existing water infiltration conditions when determining whether mold remediation is eligible. For this evaluation, FEMA considers whether there is evidence of pre-existing damage or deferred maintenance, such as:

- Improperly sealed windows or exterior vents;
- Standing water against an exterior wall;
- Poorly maintained drains or gutters with rust or vegetative growth; and,
- Leaking and or water-stained ceiling tiles.

4. EMERGENCY BERMS ON BEACHES

If a natural or engineered beach has eroded to a point where flooding from a storm that has a 20 percent chance of occurring in any given year (5-year storm) could damage improved property, cost-effective emergency protective measures on the beach that protect the improved property against damage from that 5-year storm are eligible.

Eligible measures typically include the construction of emergency sand berms to protect against additional damage from a storm that has a 20 percent chance of occurring in any given year. Emergency sand berms are not intended to permanently restore the beach; they are intended only to provide protection from immediate threats. Applicants may construct emergency berms with sand recovered from the beach or with imported sand. If an applicant constructs the berms with imported sand, FEMA will only provide PA funding if the sand is from a source that meets applicable environmental regulations and one of the following circumstances exists:

- Recoverable quantities are insufficient; or
- SLTT government regulations prohibit placement of the recovered sand.

To show that flooding from a storm that has a 20 percent chance of occurring in any given year could damage improved property, applicants must demonstrate that the still water level plus wave runup elevation for a 5-year storm exceeds the post-incident elevation of the primary dune.

The 5-year still water level (SWL) is equal to the average water surface elevation of the rise in seawater level (surge) resulting from a storm that has a 20 percent chance of occurring in any given year, plus wave setup and the astronomical tide. The 5-year total water level (TWL) is equal to the elevation of the wave runup predicted for a storm that has a 20 percent chance of occurring in any given year plus the SWL. Locations where the elevation of the post-incident profile is less than the TWL are eligible for placement of an emergency berm to protect improved property. See Figure 15. Determining Eligibility of Emergency Berms on Beaches below.

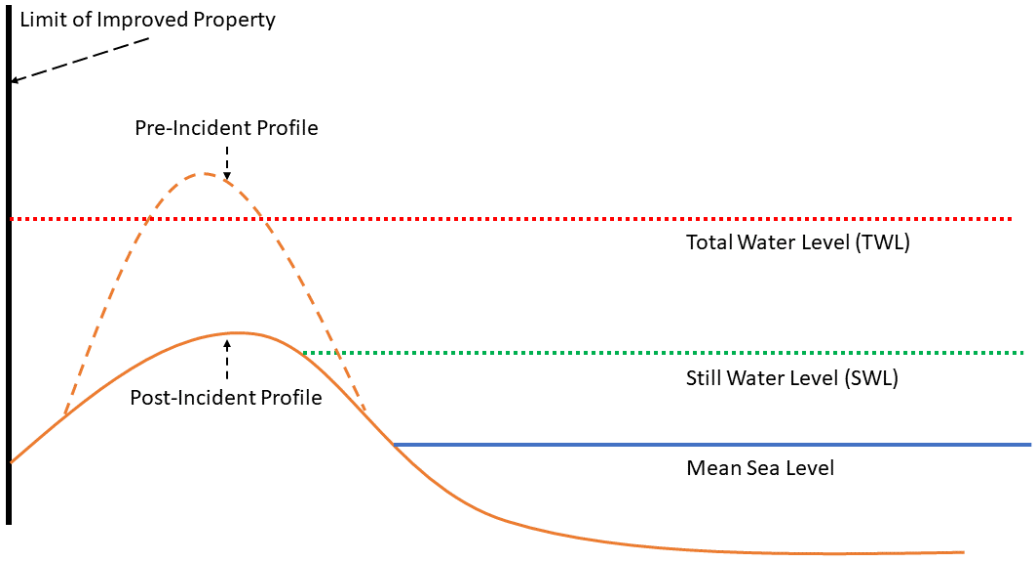


Figure 15. Determining Eligibility of Emergency Berms on Beaches

Based on the average expected erosion for a storm that has a 20 percent chance of occurring in any given year, FEMA only provides PA funding for emergency berms constructed with up to 6 cubic yards per linear foot of sand above the 5-year stillwater level or the berm's pre-incident profile, whichever is less. In some cases, placing sand below the 5-year stillwater level may be necessary to provide a base for berm. The placement of that sand is also eligible as part of the emergency protective measure.

Placement of dune grass on an emergency dune or berm is only eligible if it is required by permit and is an established, enforced, uniform practice that applies to the construction of all emergency berms within an applicant's jurisdiction, regardless of the circumstance. If dune grass is required, the applicant must include the grass placement cost in the dune or berm construction cost when evaluating cost-effectiveness. Any maintenance of the dune grass after the initial installation is ineligible.

For berms located on natural beaches, or improved beaches which do not qualify as category G-eligible facilities, the category B work will not result in a dune eligible under category G in future disasters. If an applicant chooses to construct engineered dunes, the eligible work and costs are limited to that necessary for addressing the immediate threat.

Applying eligible sand volumes to an aggregate total as the result of several disasters, to be used in a work-to-be-completed project, is not allowable for emergency berm sand since category B, by definition, addresses an immediate threat.

X. Elections and Polling Activities

Public Assistance may fund election-related work, as these services are essential to ensuring the continued function of communities. Disasters can damage or destroy the facilities that host these activities or render them unusable due to power outages. These facilities are often located in public buildings, such as schools or community centers, which may also be needed for disaster response and recovery efforts, like sheltering, potentially disrupting election activities.

If disaster-related damage impacts election facilities or voting equipment, Public Assistance is available to support work and costs, subject to cost-sharing requirements.

XIV. Damage Caused During Performance of Emergency Work

Applicants may damage improved property, supplies, or equipment during the performance of eligible emergency response activities or debris removal operations.

The repair of damage to public property, supplies, or equipment is eligible as part of the respective emergency work (category A or B) project[321] if the damage was:

- Due to severe conditions resulting from the incident;
- Unavoidable; and
- Not due to improper or excessive use.

Replacement of damaged trees, shrubs, or other ground cover is ineligible as part of the repair work when damaged during eligible emergency work activities. Reasonable cost standards as outlined in Chapter 6: Cost Eligibility still apply. Crops and agriculture are not eligible for replacement.

For equipment damage, FEMA requires maintenance records to demonstrate that the equipment was regularly maintained and in good operational order prior to the incident, and details regarding when, where, and how the damage occurred.

Repair of damage to private property is only eligible if the above criteria is met and either:

- The property is an easement, and the applicant is legally responsible for repairing the damage it causes to the easement; or
- The applicant leased the property either for sheltering or for a temporary debris staging site, and the lease agreement establishes that the applicant is legally responsible for the repair.

Damage caused by snow-related activities conducted outside of the authorized period, as described under Snow-Related Activities in Chapter 7 is ineligible.

[321] Although the repairs may be permanent work, FEMA includes it on the emergency work project as damage resulting from the emergency work.