

Public Assistance Program and Policy Guide

Version 5.0 *Amended, Effective January 6, 2025*

(FP 104-009-2)

FEMA

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PAPPG Version 5.0 has been amended to reflect the issuance of Executive Orders on and after January 20, 2025. Amendments are reflected in the following: Chapters 4, 6, 8, 10, Appendices A, B, C, D, G, & the removal of the option for an independent expert panel cost estimate review for projects with a federal cost share greater than $5 million.

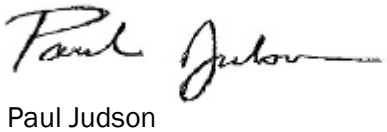
Foreword

On behalf of the Federal Emergency Management Agency (FEMA), I am pleased to issue the fifth edition (Version 5.0 Amended) of the "Public Assistance Program and Policy Guide" (PAPPG). This version applies to incidents declared on or after January 6, 2025 and supersedes Version 4.[1] As with prior versions, FEMA has archived previous editions for reference, and Version 5.0 Amended serves as the comprehensive, consolidated resource for Public Assistance (PA) Program policies throughout the disaster recovery lifecycle.

The PAPPG provides a robust and streamlined guide for evaluating eligibility under the PA Program. It consolidates relevant policies into a single document, while also referencing external FEMA policies and resources to support stakeholders involved in the implementation of each recovery step. The release of Version 5.0 Amended reflects FEMA's continued commitment to improving access to the PA Program, reducing the documentation burden on our customers, and promoting fair and timely recovery efforts. By integrating cost-effective hazard mitigation measures, Version 5.0 also helps facilitate resilient rebuilding in communities affected by disasters.

Significant updates in this edition include policy changes related to Tribal Nations, resilience and mitigation, and adjustments based on Title 2 Code of Federal Regulations (C.F.R.) updates that took effect on October 1, 2024. FEMA will continue to prioritize further updates to PA guidance to ensure continued alignment with emerging needs in disaster recovery and Administration priorities.

We are confident that Version 5.0 Amended of the PAPPG will further enhance the effectiveness, accessibility, and resilience of the PA Program as it supports the recovery of communities across the nation. We look forward to your feedback to help inform the next version. All recommendations for the PAPPG can be sent to FEMA-Recovery-PA-Policy@fema.dhs.gov.



Paul Judson
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Recovery Directorate

[1] For previous editions of the PAPPG, refer to: Archives: FEMA Public Assistance Policy | FEMA.gov.

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Summary of Changes

This PAPPG version incorporates the following changes:

Table 1. List of Changes and Clarifications Grouped by General Topic

Topic	Highlighted V5 Improvements
Tribal Nations	▪ To support the protection of tribal significant artifacts, culturally sensitive landscapes and sites, cultural resources, and human remains; clarified that FEMA will not require photos, site maps, and specific location details (such as GPS coordinates) for locations where these cultural artifacts are located; ▪ Clarified that FEMA will accept a Tribal Nation's certified damage assessment, scope of work for restoration, and estimated costs for traditional tribal residences or tribal ceremonial buildings; ▪ Clarified that for locations where only tribal members are allowed, site inspections by FEMA staff are not permitted; ▪ Clarified that mutual aid agreements or memoranda of understanding are available resources for Tribal Nations and provided guidance on reimbursement when there is no pre-existing written agreement; and, ▪ Clarified that if a Tribal Nation received funding from the Bureau of Indian Affairs or Federal Highway Administration for construction or maintenance of tribal roads, those roads are still eligible for FEMA PA funding under a presidentially declared disaster.
Resilience	▪ Included language about resilience considerations throughout; ▪ Clarified that PA mitigation measures can be implemented for all hazards, not just the hazard that caused the damage; ▪ Added information and reference to the benefit-cost analysis (BCA) Toolkit; ▪ Increased opportunities to mitigate improved projects involving facility replacement or relocation; and, ▪ Expanded Appendix J to include additional measures, with two measures focused on wildfire ▪
Simplification	▪ As a result of stakeholder feedback, removed non-regulatory processes for inclusion in other PA guidance; ▪ Where possible, removed "may" and "should," and replaced with "must" to clarify requirements; and, ▪ Redefined acronyms at the beginning of each chapter and reduced acronym use.

Topic	Highlighted V5 Improvements
Documentation and Requirements	▪ Clarified documentation and information requirements for small projects and large projects; ▪ Reduced documentation and information requirements for small projects; ▪ Incorporated PA's sampling procedures; ▪ Clarified that maintenance records are not always required to substantiate damage; ▪ Included more options for documentation to support legal responsibility; and, ▪ Removed requirement for pre-approval prior to completing private property debris removal.
Added Content	▪ Incorporated Validated as You Go (VAYGo) content and resources; ▪ Added subsection titled "Telecommunications Equipment Purchase;" ▪ Added "self-insurance or self-insured retention" to list of insurance types; and, ▪ Included insurance commitment opportunities which benefit applicants experiencing subsequent disasters.
Clarifications	▪ Clarified road damage from damage caused by submerged and inundated as distinct types of damage; ▪ Clarified that snow assistance is not authorized for emergency declarations; and, ▪ Conveyed FEMA's support to report suspicious activities as well as who and how to report.
Private Non-Profit (PNP)	▪ Consolidated private non-profit information into one section; ▪ Explained for-profit entities' ineligibility; and, ▪ Clarified that Houses of Worship and faith-based organizations are considered private nonprofit organizations.
Sheltering	▪ Removed pre-approval requirement for non-congregate sheltering activities in traditional settings (i.e., hotels/motels, dormitories, etc.); ▪ Removed childcare services as a standalone emergency protective measure and is now only eligible when associated with emergency sheltering; and, ▪ Expanded emergency sheltering eligibility to include survivors' "household pets, service animals, assistance animals" and removed requirement for pet owners to be sheltered for pet sheltering to be eligible.

Topic	Highlighted V5 Improvements
Environmental and Historic Preservation (EHP)	▪ Explained and provided examples of projects that have potential to impact EHP resources; ▪ Provided guidance on navigating the EHP compliance process; ▪ Clarified documentation requirements for streamlined EHP reviews and complex EHP reviews; ▪ Provided EHP considerations by category of work; and, ▪ Provided examples of project types that may have impacts to natural and cultural resources.
Statutory and Regulatory Updates	▪ Incorporated the revision to 2 C.F.R. Part 200 which integrates Office of Management and Budget (OMB)'s policy priorities and strives to reduce agency and recipient burden; ▪ Updated guidance from the Payment Integrity Information Act, which supersedes the Improper Payments Elimination and Recovery Improvement Act; and, ▪ Added compliance with EO 14148, Initial Recissions of Harmful Executive Orders and Actions

Policy and Guidance Documents Incorporated and Superseded

- *Building Code and Floodplain Management Administration and Enforcement* (FEMA Policy 204-079-01)
- "Combining Wildfires Under a Major Disaster Declaration" Memo (August 21, 2021)
- *Consensus-Based Codes, Specifications, and Standards for Public Assistance* (FEMA Recovery Interim Policy 104-009-11 Version 2)
- "Emergency NCS" Memo (June 28, 2022)
- *Mission Assignments* (FEMA Policy 104-010-3)
- *Public Assistance Appeals and Arbitration* (FEMA Policy 104-22-0001)
- *Public Assistance Guidance on Inundated and Submerged Roads* (FEMA Policy 104-009-13)
- *Public Assistance Simplified Procedures* (FEMA Policy 104-23-001)
- "Recovery Program Enhancements to Support Tribal Nations" Memo (November 22, 2023)
- "Simplifying the PA Management Costs" Memo (March 01, 2023)
- "Simplifying the PA Program 1" Memo (March 28, 2022)
- "Simplifying the PA Program 2" Memo (September 6, 2022)
- "Wildfire Policy Guidance" Memo (October 17, 2022)
- *Tribal Declarations Interim Guidance* (FP 104-009025-001)

(For a list of guidance documents summarized and referenced, please see the Appendix A: References and Resources list.)

Introduction

I. Document Scope, Purpose, and Use

The Federal Emergency Management Agency's (FEMA's) "Public Assistance Program Policy Guide" (PAPPG) contains consolidated Public Assistance (PA) Program policies and procedural requirements for the entire program delivery life cycle. The PAPPG provides comprehensive PA policy to use when evaluating eligibility. The PAPPG references and provides links to other FEMA policies and documents such as standard operating procedures and fact sheets that provide guidance for those involved with implementing each of the various steps.

Based on extensive feedback from internal and external stakeholders, this version of the PAPPG no longer includes content focused on FEMA's internal processes. Instead, a new companion document for FEMA staff known as the "Public Assistance Program Delivery Guide"[2] provides an overview of how FEMA implements the PA Program.

II. Applicability

FEMA applies Version 5 of the PAPPG to incidents declared on or after January 6, 2025. Individuals who have responsibilities managing, implementing, or relating to the PA Program should refer to the PAPPG for PA policy and regulatory procedural requirements.

III. Document Management and Maintenance

FEMA generally publishes proposed PA policy language for public comment prior to publishing in the PAPPG.[3] When the policy is deemed economically significant,[4] FEMA generally publishes it in the Federal Register. Additionally, FEMA is committed to strengthening its nation-to-nation relationship and will consult with tribal officials on actions that have tribal implications.[5] FEMA conducts a comprehensive review of this publication no less than every three years. All recommendations for the PAPPG should be sent to FEMA-Recovery-PA-Policy@fema.dhs.gov.

IV. Public Assistance Program Overview

The mission of FEMA's PA Program is to provide assistance to state, local, Tribal Nation, and territorial (SLTT) governments and certain types of private nonprofit (PNP) organizations so that communities can quickly respond to and recover from major disasters or emergencies. Through the PA Program, FEMA provides supplemental federal grant assistance for debris removal, emergency protective measures, and the restoration of disaster-damaged, publicly owned facilities, and specific facilities of certain PNP organizations. The PA Program also encourages protection of these damaged facilities from future incidents by providing

[2] For more information, refer to: *Public Assistance Program Delivery Guide*.
[3] Stafford Act § 325; 42 United States Code (U.S.C.) § 5165c.
[4] EO 12866, Regulatory Planning and Review.
[5] FEMA Tribal Consultation Policy FEMA Policy #101-002-02.

assistance for hazard mitigation measures and code compliance. FEMA provides this assistance based on the authority granted in statutes, executive orders (EOs), regulations, and policies.

Along with the PAPPG, there are many resources that help navigate the PA Program. References, including EOs, policies, regulations, and laws are available in the Appendix A: References and Resources. The Public Assistance Resource Library[6] contains general program guidance that focuses on restoring communities affected by major disasters or emergencies. The "Public Assistance Program Delivery Guide"[7] also contains additional process information and context for the PA Program; while its primary audience is FEMA staff, SLTT partners may find it a useful resource. Lastly, definitions for terms used throughout this document can be found in Appendix C. Terms and Definitions.

V. Authorities

FEMA provides assistance based on authorities defined in statutes and regulations. These authorities specify requirements that must be met by both FEMA and the communities it serves.

A. Statutes

Statutes are federal laws passed by the U.S. Congress and signed by the president. All PA Program assistance must comply with all applicable statutes. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 et seq. authorizes FEMA to provide assistance under the PA Program.

1. STAFFORD ACT

Stafford Act sections that apply to the assistance FEMA provides under the PA Program include:

- Title I – Findings, Declarations and Definitions
- Title III – Major Disaster and Emergency Assistance Administration
  - Sec. 308. Nondiscrimination in Disaster Assistance
  - Sec. 311. Insurance
  - Sec. 312. Duplication of Benefits
  - Sec. 316. Protection of Environment
  - Sec. 323. Minimum Standards for Public and Private Structures
  - Sec. 324. Management Costs
- Title IV – Major Disaster Assistance Programs (applies to Major Disaster Declarations)
  - Sec. 403. Essential Assistance
  - Sec. 406. Repair, Restoration, and Replacement of Damaged Facilities
  - Sec. 407. Debris Removal

[6] For more information, refer to: Public Assistance Resource Library | FEMA.gov.
[7] For more information, refer to: *Public Assistance Program Delivery Guide*.

- Sec. 422. Simplified Procedures
- Sec. 428. Public Assistance Program Alternative Procedures

- Title V – Emergency Assistance Programs (applies to Emergency Declarations)
  - Sec. 502. Federal Emergency Assistance
- Title VII – Miscellaneous
  - Sec. 705. Disaster Grant Closeout Procedures

2. OTHER STATUTES

- Americans with Disabilities Act of 1990
- Sections 504 and 508 of the Rehabilitation Act of 1973
- Civil Rights Act of 1964
- Federally Recognized Tribe List Act of 1994
- Environmental and Historic Preservation Acts
- Payment Integrity Information Act of 2019
- Executive Order 13175, Consultation and Coordination with Indian Tribal Governments
-
- Presidential Memorandum of November 5, 2009, Tribal Consultation
- Federally Recognized Tribe List Act of 1994
- Fair Labor Standards Act

B. Regulations

Regulations[8] are federal rules with the force and effect of law that implement a statute based on a federal agency's interpretation of that statute.[9] FEMA and any entity receiving PA assistance must comply with all applicable federal regulations.[10]

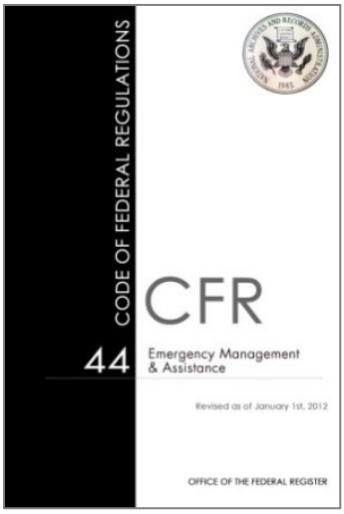


Figure 1. 44 C.F.R.

1. TITLE 44 OF THE CODE OF FEDERAL REGULATIONS

FEMA published PA Program rules in the following parts of Title 44 of the Code of Federal Regulations (C.F.R.), Emergency Management and Assistance:[11]

- Part 206 Subpart G, Public Assistance Project Administration;
- Part 206 Subpart H, Public Assistance Eligibility; and
- Part 206 Subpart I, Public Assistance Insurance Requirements.

[8] For the electronic version for the C.F.R., refer to: eCFR.
[9] Stafford Act § 321; 42 U.S.C. § 5164.
[10] 44 C.F.R. § 206.200(b).
[11] Stafford Act § 325; 42 U.S.C. § 5165c; 44 C.F.R. § 1.4.

Additional regulations that must be adhered to when receiving funding through the PA Program:

- Part 7 Subpart A, Nondiscrimination in FEMA-Assisted Programs – General
- Part 7 Subpart E, Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from FEMA
- Part 9, Floodplain Management and Protection of Wetlands
- Part 201, Mitigation Planning
- Part 204, Fire Management Assistance Grant (FMAG) Program
- Part 206, Federal Disaster Assistance

2. TITLE 2 OF THE CODE OF FEDERAL REGULATIONS

The Office of Management and Budget published 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards to establish uniform rules for federal awards, including but not limited to:

- Subpart C – Pre-Federal Award Requirements and Contents of Federal Awards
- Subpart E – Cost Principles
- Subpart F – Audit requirements
- Subpart D – Post Federal Award Requirements
- Appendix II - Contract provisions for non-federal entity contract under federal awards, and
- Appendix VI - PA Cost Allocation Plans

3. OTHER C.F.R.

- 7 C.F.R. § 1730.25, Corrective action (Rural Utilities Service [RUS] borrowers only)
- 15 C.F.R. Part 774, The Commerce Control List
- 22 C.F.R. Part 121, The United States Munitions List
- 40 C.F.R. Part 261, Identification and Listing of Hazardous Waste
- 48 C.F.R. Subpart 2.1, Federal Acquisition Regulation

C. Policy

FEMA issues policy to articulate the Agency's intent and direction in applying statutory and regulatory authority to achieve desired outcomes. The purpose of the PAPPG is to define FEMA's PA Program policy and procedural requirements. Separate FEMA policies and guidance documents that apply to the PA Program are referenced in the PAPPG where applicable and listed in the Appendix A: References and Resources section. PA funding must comply with these requirements. Only the Associate Administrator of Recovery at FEMA Headquarters has the authority to modify or waive PA policy.

D. Public Assistance Web-Based Grants System

FEMA uses web-based systems to promote transparency and manage project information. Recipients and applicants use PA Grants Portal[12] to submit documentation and information, review all aspects of Public PA project applications, and track the progress of their applications. FEMA uses PA Grants Manager[13] to review Requests for Public Assistance (RPA), oversee the development and review of project applications, track application progress, and receive necessary information from recipients and applicants.

[12] For more information, refer to: Grants Portal.
[13] For more information, refer to: Grants Manager.

Chapter 1: Declarations and Planning

The Stafford Act authorizes the president to provide federal assistance when the magnitude of an incident or threatened incident exceeds the affected state,[14] local,[15] Tribal Nation,[16] and territorial (SLTT) government capabilities to respond and recover. This chapter explains requirements for damage assessments, declaration requests and FEMA's evaluation criteria, the contents of the declaration, and the initial administrative requirements for a state, Tribal Nation, and territorial (STT) government to receive assistance.

I. Damage Assessments

After an incident causes widespread damage, the STT government conducts an initial damage assessment before requesting a joint Preliminary Damage Assessment (PDA) to confirm the need for federal assistance.[17] When the STT government determines that the incident exceeds its ability to respond, it requests a joint PDA with FEMA. This initial damage assessment should identify affected jurisdictions, damaged infrastructure, and provide preliminary cost estimates for response and recovery efforts. Additionally, the STT collects data to assess the need for federal assistance, including evaluating local resource capacity to support ongoing response and recovery.

During a joint PDA, FEMA, SLTT governments, and certain private nonprofit (PNP) organization officials work together to estimate and document the impact and magnitude of the incident.[18] Accurate and comprehensive PDAs are critical to enabling efficient response and recovery. FEMA's "Preliminary Damage Assessment Guide"[19] provides detailed information to assist staff involved with damage assessments and describes how FEMA utilizes the information when preparing requests for major disaster declarations. For example, applicants must provide insurance policies when requested during a PDA as FEMA only considers costs that would be eligible for reimbursement through the PA Program in its declaration determination. The Regional Administrator consults with the STT to determine if the requirement for a joint PDA may be waived based on the severity and magnitude of the incident.[20]

Terminology

When an entity applies for PA funding, it is an **applicant**. Once an applicant receives funding, it is a **subrecipient**. For simplicity, FEMA uses the term "applicant" throughout this document when referring to the responsible entity for a project rather than making distinctions between an entity as the

[14] Stafford Act § 102(4); 42 U.S.C. § 5122; 44 Code of Federal Regulations (C.F.R.) § 206.2(a)(22).
[15] Stafford Act § 102(8); 42 U.S.C. § 5122; 44 C.F.R. § 206.2(a)(16).
[16] Stafford Act § 102(6); 42 U.S.C. § 5122; 44 C.F.R. § 206.201(h),
[17] 44 C.F.R. § 206.33(a).
[18] 44 C.F.R. § 206.33(b).
[19] For more information, refer to: *Preliminary Damage Assessment Guide*.
[20] 44 C.F.R. § 206.33(d).

applicant, recipient or subrecipient. FEMA uses the terms "recipient" and "subrecipient" when necessary to differentiate between the two entities.

II. Declaration Request

The governor[21] or tribal chief executive[22] requests a declaration from the president through FEMA.[23] A Tribal Nation may elect to be a recipient[24] or a subrecipient[25] under a state or territorial declaration or request its own declaration as a recipient. A Tribal Nation may seek different types of assistance through Tribal Nation and state declarations; for example, a Tribal Nation may seek PA and the Hazard Mitigation Grant Program (HMGP) through the state, while seeking Individual Assistance (IA) through a tribal declaration. The Tribal Nation, however, cannot receive the same type of assistance (e.g., PA, IA, and HMGP) through both tribal and state declarations for the same incident. This is necessary to ensure that FEMA does not provide duplicative benefits.[26]

For state and territorial declaration requests, the governor must submit the request no later than 30 days after the incident occurs. FEMA extends the deadline if the governor submits a written time extension request within 30 days of the incident, providing reasonable justification for the delay.[27] If the Tribal Nation wishes to be its own recipient, additional guidance for this process is detailed in the Tribal Declarations Interim Guidance.[28] When a severe or catastrophic incident occurs, the governor or tribal chief executive may submit a declaration request prior to completion of the PDA.[29] This process is referred to as an expedited declaration request. In such circumstances, assistance is limited to that which would address immediate needs (lifesaving or life-sustaining items) based on rapid assessments until the PDA is completed.

III. Declaration Evaluation

Generally, FEMA uses PDA information to evaluate the need for assistance under the PA Program as follows:

- For emergency declarations, FEMA evaluates whether available resources and authorities are adequate and whether federal assistance under Section 502 of the Stafford Act is necessary to supplement SLTT efforts to save lives, protect property, and public health and safety, or to lessen or avert the threat of a catastrophe.[30]
- For major disaster declarations, FEMA reviews facility impacts and cost information to ensure the estimated amounts do not include costs for ineligible items, costs covered by insurance, or costs above

[21] Stafford Act § 102(5); 42 U.S.C. § 5122; 44 C.F.R. § 206.2(12). For more information, refer to: Request For Presidential Disaster Declaration | fema.gov.
[22] Stafford Act § 102(12); 42 U.S.C. § 5122. For more information, refer to: How to Request a Federal Disaster Declaration for Tribal Nations | fema.gov.
[23] Stafford Act §§ 401 and 501; 42 U.S.C. §§ 5170 and 5191; 44 C.F.R. §§ 206.35 and 206.36.
[24] 44 C.F.R. § 200.201.
[25] 44 C.F.R. § 200.201.
[26] FEMA-Tribal-Declarations-Interim-Guidance_508_FINAL
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[27] 44 C.F.R. §§ 206.35(a) and 206.36(a).
[28] Stafford Act § 312; 42 U.S.C. § 5155.
[29] 44 C.F.R. § 206.33(d).
[30] 44 C.F.R. § 206.37(c)2.

and beyond what is necessary to restore the facility to pre-disaster design and capacity (e.g., resiliency/mitigation measures), or facilities under authority of another federal agency. FEMA evaluates the estimated cost of assistance and other factors when making a recommendation to the president for whether assistance is warranted.[31] The factors for state and territorial governments differ from Tribal Nation factors. FEMA will only provide authorization for snow assistance under a major disaster declaration when specifically requested. Requests for snow assistance are only eligible for major disaster declarations and must be submitted with a winter storm or snowstorm declaration request. Additional information is available in Appendix K: Snow Declarations.

A. State and Territorial Governments

For state and territorial governments, FEMA's evaluation for a major disaster declaration is based on six primary factors:

- Estimated cost of assistance;
- Localized impacts;
- Existing insurance coverage;
- Previous mitigation efforts;
- Recent multiple disasters; and,
- Other federal agency programs.

FEMA compares the estimated eligible amounts to the established annual per capita indicators. To account for localized impacts when the statewide per capita impact is low, FEMA evaluates whether there are extraordinary concentrations of damage resulting in significantly high per capita impacts at the local government level.

To encourage hazard mitigation, FEMA considers whether SLTT government mitigation measures taken prior to the incident likely reduced the damage impacts, especially if such mitigation averted damage that would have increased the estimated eligible cost above the per capita indicator.

Understanding that the effects of multiple disasters in a confined period of time can affect response and recovery capabilities, FEMA also evaluates the overall impacts of federal and STT declarations that have occurred within the past 12 months and the extent to which the STT government has expended their funds. If there were disasters prior to the 12-month period that still have substantial impacts on SLTT governments, FEMA also considers impacts from these disasters.

B. Tribal Nations

FEMA will consider a declaration request from a federally recognized Tribal Nation if the estimated PA-eligible damage or costs meet or exceed the threshold for the minimum damage amount[32] per the Tribal Declarations Interim Guidance. FEMA evaluates Tribal Nation requests for a major disaster declaration based on the following factors:

- Types and amounts of damage;

[31] 44 C.F.R. § 206.48(a).
[32] For more information, refer to: Tribal Declarations Interim Guidance | fema.gov.

- Economic impact of the incident;
- Tribal Nation resources;
- Demographics;
- 24-month disaster history;
- Previous mitigation efforts;
- Other federal agency programs.
- Insurance;
- Unique conditions that affect Tribal Nations; and,
- Other relevant information.

The Tribal Declarations Interim Guidance[33] is a comprehensive resource for Tribal Nations on Stafford Act declarations, disaster assistance, and related requirements, including the criteria FEMA will use to evaluate declaration requests. Tribal Nations may request—at no cost—technical assistance. At any time prior to, during, and after a Tribal Declaration request, Tribal Nations may request from the FEMA the deployment of a Tribal Liaison Officer (TLNO), when available, to provide direct, onsite technical assistance. See Tribal Declarations Interim Guidance[34] for available resources and guidance on requesting technical assistance.

IV. Declaration Determinations

For FEMA to provide assistance, the president must declare that an emergency or major disaster exists.[35] The declaration establishes the:

- Type of incident;
- Incident period;
- Designated areas;
- Types of assistance;
- Federal cost share; and,
- Federal coordinating officer (FCO).

A. Incident Type

The declaration designates the type of incident (e.g., hurricane, wildfire, or earthquake). For emergency declarations, an incident is any instance determined by the president that warrants supplemental emergency assistance to save lives, protect property, and public health and safety, or to lessen or avert the threat of a catastrophe.[36] For major disaster declarations, an incident is any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought) or, regardless of cause, any fire, flood, or explosion.[37]

[33] *Ibid.*
[34] Ibid.
[35] For more information, refer to: Disaster Information | fema.gov.
[36] Stafford Act § 102(1); 42 U.S.C. § 5122; 44 C.F.R. §§ 206.2(a)(9) and 206.35.
[37] Stafford Act § 102(2); 42 U.S.C. § 5122; 44 C.F.R. § 206.2(a)(17).

Major disaster declarations may include a combination of incident types, such as severe storms and landslides.

B. Incident Period

The declaration designates the incident period. The incident period is the span of time during which the federally declared incident occurred.[38] This period varies in duration, depending on the incident. The declaration includes an incident start date and typically includes an end date to the incident period. In some cases, the end date may be designated as "continuing."

C. Designated Areas

The declaration specifies which areas (e.g., county, parish, city, or tribe) are eligible to receive federal assistance, referred to as the "declared area."[39] FEMA may add additional areas after the initial designation. To request an addition, the governor or the governor's authorized representative (GAR)[40], or for Tribal Nation declarations, the tribal chief executive or tribal authorized representative (TAR), must submit the request within 30 days of the declaration date or the end of the incident period, whichever is later. FEMA will extend the deadline if the governor or GAR or, for tribal declarations, the tribal chief executive or TAR submits a written extension request within the 30-day window, providing justification for the delay.[41]

D. Types of Assistance

The declaration designates the types of federal assistance authorized.[42] The types of assistance authorized differs between emergency and major disaster declarations and may vary among declared areas. For emergency declarations, the president may authorize limited immediate and short-term assistance essential to save lives, protect property, and public health and safety, or to lessen or avert the threat of catastrophe.[43] For major disaster declarations, the president may authorize Individual Assistance (IA), Hazard Mitigation Programs, and PA. Through IA's Individuals and Households Program (IHP), FEMA provides assistance to eligible individuals and households. FEMA provides risk management resources to identify, assess, and prioritize possible risk reduction and minimize potential loss of life and property from future disasters through its Hazard Mitigation Grant Program (HMGP).

FEMA Regional Administrators[44] have the authority to issue Fire Management Assistance Grant (FMAG) declarations for wildfires that threaten to cause such destruction that would constitute a major disaster.[45] The FMAG Program is separate and distinct from the PA Program. The "Fire Management Assistance Grant

[38] 44 C.F.R. § 206.32(f).
[39] 44 C.F.R. §§ 206.2(a)(6) and 206.40(b).
[40] 44 C.F.R. §§ 206.2(a)(13) and 206.41(d).
[41] 44 C.F.R. § 206.40(c-d).
[42] 44 C.F.R. § 206.40(a).
[43] 44 C.F.R. § 206.63.
[44] 44 C.F.R. § 206.2(a)(21).
[45] Stafford Act § 420; 42 U.S.C. § 5187; 44 C.F.R. § 204.

Program and Policy Guide"[46] describes the declaration criteria, eligibility, and procedures of the FMAG program.

E. Federal Cost Share

The assistance FEMA provides through its PA Program is subject to a federal cost share, which means that FEMA provides funding for a portion of the project and the recipient or applicant is responsible for the remaining portion.[47] The federal cost share ensures local interest and involvement through financial participation. The federal cost share is not less than 75 percent of the eligible costs.[48] FEMA recommends an increase up to 90 percent if actual federal obligations, excluding administrative costs, meet or exceed a qualifying threshold.[49] For debris removal and emergency protective measures specifically, the federal cost share may be increased in certain circumstances, and for limited periods of time, if warranted.[50] See Increased Federal Cost Share for a Limited Timeframe in Chapter 6 for details on how FEMA applies the increased federal cost share.

Applicants may only apply other federal award funds toward the PA non-federal cost share if the other federal agency has specific statutory authority allowing its funds to be used to meet cost-share requirements.[51] For example, the U.S. Department of Housing and Urban Development's (HUD's) Community Development Block Grant (CDBG) Program may be used toward the non-federal cost share on PA projects if certain requirements are met.[52] FEMA applies the federal cost share at the project level. Therefore, any other agency's federal funds must be applied at the project level and cannot be used across multiple projects (except for permanent work alternative procedure projects as described in Appendix G: Alternative Procedures for Permanent Work). Further, if an applicant uses funds from another federal agency to meet the non-federal cost share, it must meet all requirements of the other agency as well as all PA Program requirements. Applicants cannot apply PA funds toward the non-federal cost share of other federal agency awards.

F. Declaration-Related Appeals

For states and territories, if FEMA denies a declaration, types of assistance, or areas, the governor may submit an appeal through the Regional Administrator. The appeal and any justification or additional information must be submitted within 30 days of the denial letter date. If additional time is needed to submit a declaration-related appeal, a time extension request citing the reason for delay must be submitted within 30 days of the denial letter.

[46] For more information, refer to: Fire Management Assistance Grants | fema.gov.
[47] 44 C.F.R. § 206.203(b).
[48] Stafford Act §§ 403(b), 406(b), 407(d), and 503(a); 42 U.S.C. §§ 5170b, 5172, 5173, 5193; 44 C.F.R. §§ 206.47(a) and 206.65.
[49] 44 C.F.R. § 206.47(b).
[50] 44 C.F.R. § 206.47(d).
[51] Stafford Act § 312; 42 U.S.C. § 5155; 2 C.F.R. § 200.306(b)(5).
[52] For more information, refer to: *FEMA-HUD CDBG-DR Flexible Match Implementation Guide*.

For Tribal Nations, if certain types of assistance or certain areas requested to be authorized in the declaration are denied, the tribal chief executive may submit an appeal per the Tribal Declarations Interim Guidance.

The governor or tribal chief executive, GAR, or TAR may appeal, or request time extensions to appeal, a denial of the types of assistance or areas. However, only the governor or tribal chief executive may appeal, or request a time extension to appeal, a declaration denial. FEMA's Assistant Administrator for the Recovery Directorate at FEMA Headquarters approves time extensions when there is a justified reason for the delay.[53]

G. Recipient Administrative Requirements

There are several administrative requirements recipients must fulfill before FEMA obligates funds, detailed in the following sections.

FEMA provides funding to cover administrative costs related to managing grants and offers technical assistance at no extra cost to support recipients' success. For new recipients, the "FEMA New Recipients of Disaster Grants Guide"[54] provides additional information.

H. Application for Federal Assistance

The declared state, Tribal Nation, or territory must complete and submit the following Standard Forms (SFs)[55] before FEMA provides assistance:

- "Application for Federal Assistance" (SF-424);
- "Budget Information for Non-Construction Programs" (SF-424A);
- "Assurances for Non-Construction Programs" (SF-424B);
- "Budget Information for Construction Programs" (SF-424C); and,
- "Assurances for Construction Programs" (SF-424D).

The SF-424 includes the period of performance (POP) for the PA award (referred to as the prime award). The prime award POP begins on the first day of the incident period and initially extends four years from the declaration date.

I. FEMA-State/Tribal Nation Agreement

After every declaration, FEMA and the applicable STT government enter into a FEMA-state agreement (FSA) or FEMA-Tribal Nation agreement (FTA) that defines the understanding, commitments, and conditions under which FEMA provides assistance. FEMA and the governor or tribal chief executive must sign this agreement before FEMA provides assistance. If necessary, because of exigent circumstances, FEMA may authorize essential emergency services or housing assistance under the Individuals and Households Program while the agreement is in process for signature.[56]

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[53] 44 C.F.R. § 206.46.
[54] For more information, refer to: *FEMA New Recipients of Disaster Grants Guide*.
[55] 44 C.F.R. § 206.202(e). The SF-424 forms are available at: SF-424 Forms.
[56] 44 C.F.R. § 206.44(a).

J. Payment Management System

FEMA provides PA funding to recipients via the U.S. Department of Health and Human Services (HHS) Payment Management System. Therefore, if an entity is a recipient for the first time, it must request access to the Payment Management System and complete the "Direct Deposit Form" (SF-1199A) to obtain a FEMA-specific account before FEMA can provide funding.[57]

K. Public Assistance Administrative Plan

Recipients must have a FEMA-approved administrative plan[58] that describes how it intends to administer the PA Program before FEMA provides PA funding for any project. At a minimum, the administrative plan must include: [59]

- The agencies responsible for program administration;
- Identification of staffing functions, the source of staff to fill the functions, the management and oversight responsibilities of each function; and
- Procedures for:
  - Notifying potential applicants of the availability of the PA Program;
  - Conducting applicant briefings;
  - Assisting FEMA in determining applicant eligibility;
  - Participating with FEMA in conducting preliminary damage assessments;
  - Participating with FEMA in establishing PA mitigation and insurance requirements;
  - Processing appeals, time extension requests, and other project-related correspondence;
  - Complying with administrative requirements of 2 Code of Federal Regulations (C.F.R.) § 200 and 3002 and 44 C.F.R. § 206;
  - Complying with audit requirements of 2 C.F.R. § 200 and 3002;
  - Processing requests for advances of funds and reimbursement;
  - Determining staffing and budgeting requirements; and,
  - Determining the pass-through funds for management costs provided under 44 C.F.R. § 207.

State and territorial recipients must submit their administrative plan to FEMA annually. Additionally, an amendment is required for each disaster declaration to address the specifics of the new incident. The recipient must incorporate the approved administrative plan into its emergency plan. Tribal Nations submit their PA administrative plan for each declared disaster in which they are a recipient. For further guidance see Tribal Declarations Interim Guidance. [60] Subrecipients do not require PA administrative plans.

[57] The *Payment Management System Access Form* and the SF-1199A are available at: Payment Management Services | psc.gov.
[58] Templates for administrative plans are available at: Public Assistance Project Templates and Forms.
[59] 44 C.F.R. § 206.207(b).
[60] For more information, refer to: Tribal Declarations Interim Guidance | fema.gov.

L. Hazard Mitigation Plan

Hazard mitigation is most effective when implemented under a comprehensive, long-term mitigation plan that considers future conditions. Communities engage in mitigation planning to identify risks and vulnerabilities to develop long-term strategies for protecting people and property from future incidents. Recipients must have a FEMA-approved hazard mitigation plan[61] before FEMA can provide PA funding for any permanent work.[62] A recipient must show in its plan how it intends to reduce risks from natural hazards. Recipients are required to update the plan every 5 years.

M. Recipient-Led Public Assistance

FEMA has found that recovery efforts are most successful when locally executed, state or Tribal Nation managed, and federally supported. Local county or parish officials are best equipped to understand the unique needs of their communities, while Tribal Nations know what is most important to their people and how to effectively guide their recovery. Disaster recovery progresses at different rates for each locality and involving the right mix of local subject matter experts early in the process ensures that environmental, historic, sustainability, and resilience factors are considered from project formulation through implementation.

This approach forms the basis of recipient-led PA operations. While it may not be suitable for widespread disasters that could overwhelm local, state, or Tribal Nation resources, recipient-led PA events offer opportunities to build local capacity and capability while addressing the specific needs of the recovering community.

In recipient-led PA events, recipients can lead any of the following key PA functions in lieu of FEMA:

- Customer service;
- Site inspections; and,
- Scoping and costing.

In addition to any support requested by recipients, FEMA maintains the following responsibilities:

- Oversight of the PA operation;
- Quality control reviews;
- Law, regulation, and EO compliance reviews; and,
- Final eligibility determination and obligation authority.

FEMA and the recipient discuss whether a recipient-led PA operation is appropriate given the recipient's current capacity. These discussions may begin before an incident when the recipient is assessing its capability to lead a future PA operation or after a declaration request. FEMA and the recipient examine the recipient's capacity at the time of the disaster and incident-specific characteristics to determine the feasibility of recipient-led PA. Typically, the best candidates for recipient-led PA are recipients with the following factors:

[61] For more information, refer to: Hazard Mitigation Planning | fema.gov.
[62] 44 C.F.R. § 201.3(c)(1) and (e)(1).

- Recent disaster experience;
- Adequate recipient staff or staff augmentation mechanisms;
- A fiscal accounting system tracks specific projects, withstands audit, and may be used to evaluate appeals; and,
- Established record of meeting deadlines for PA grant management activities.

To opt in to recipient-led PA, the Regional Administrator and the governor or the GAR[63], or for Tribal Nation declarations, the tribal chief executive or TAR must enter into an operational agreement, as an addendum to the FEMA-state agreement (FSA) or FEMA-Tribal Nation agreement (FTA), that delineates roles and responsibilities. After signing, recipients have 72 hours to sign the operational agreement. The Regional Administrator may approve requests to participate in recipient-led PA after the 72 hours at its discretion. The "State-Led Public Assistance Guide"[64] provides additional guidance on the processes, resources, and capabilities required.

[63] 44 C.F.R. §§ 206.2(a)(13) and 206.41(d).
[64] For more information, refer to: *State-led Public Assistance Guide*.