

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Homeland Security and Emergency Management Agency

Vincent C. Gray
Mayor



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Director

ANNOUNCEMENT

The DC Homeland Security and Emergency Management Agency Hosts Applicant Briefings for August 23, 2011 Earthquake

On Tuesday, November 8, 2011, President Barack Obama approved the District of Columbia's request for a Major Disaster Declaration for Public Assistance due to the impact of the 5.8 magnitude earthquake that occurred on August 23, 2011. To ensure that all eligible applicants are equipped with the information necessary to successfully apply for federal reimbursement, the DC Homeland Security Emergency Management Agency will be conducting two Applicant Briefings. During the briefings, the application process, timelines and project worksheet assembly will be discussed. Applicant eligibility will be discussed in great detail. Additionally, any questions that participants may have will be fully addressed.

(Please review attached Eligibility Guidelines)

LOGISTICS

When:

Briefing I

Thursday, December 8, 2011
2:45 p.m. – 4:00 p.m.

Briefing II

Friday, December 9, 2011
10:45 a.m. – 12:00 p.m.

Where:

DC Homeland Security Emergency Management Agency
2720 Martin Luther King Jr. Avenue, SE
1st Floor Media Room
Washington, DC 20032

Free Parking is available onsite. The facility is within walking distance of the Anacostia Metro Station (on Howard Road SE) on the Green Line. To register for the briefing, click on the link: <https://docs.google.com/spreadsheet/viewform?formkey=dFBMNFRFNjhHQng3MXV2akg0amY3T0E6MQ#gid=0>. For further information concerning this event, please contact Recovery Manager Russell Gardner at 202-481-3051 or by e-mail at Russell.gardner@dc.gov.



Eligibility Guidelines

Eligible Applicants

The Public Assistance (PA) Program is based on statutes, regulations and policies. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) is the underlying document that authorizes the program. Regulations published in Title 44 of the Code of Federal Regulations (44 CFR) Part 206 implement the statute. Policies are written to apply the statute and regulations to specific situations and provide clarification on a range of issues. These authorities govern the eligibility criteria through which FEMA provides funds for public assistance. These criteria have the following four components: **Cost, Work, Facility, and Applicant**

There are four types of eligible applicants for public assistance. If an entity meets the requirements of one of the types, the Applicant may be eligible to receive Federal disaster assistance.

1. **State Government Agencies**

2. **Local Governments and Special Districts**

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

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

3. **Private Non-Profit Organizations**

Private Nonprofit organizations or institutions that own or operate facilities that are open to the general public and that provide certain services otherwise performed by a government agency. These services include:

- *Education*
Colleges and universities
Parochial and other private schools
- *Utility*
Systems of energy, communication, water supply, sewage collection and treatment, or other similar public service facilities.
- *Emergency*
Fire protection, ambulance, rescue, and similar emergency services.
- *Medical*
Hospital, outpatient facility, rehabilitation facility, or facility for long-term care for mental or physical injury or disease.
- *Custodial Care*
Homes for the elderly and similar facilities that provide institutional care for persons who require close supervision, but do not require day-to-day medical care.
- *Other Essential Governmental Services*
Museums, zoos, community centers, libraries, homeless shelters, senior citizen centers, rehabilitation facilities, shelter workshops and facilities that provide health and safety services of a governmental nature. Health and safety services are essential services that are commonly provided by all local governments and directly affect the health and safety of individuals. Low-income housing, alcohol and drug rehabilitation, programs for battered spouses, transportation to medical facilities, and food programs are examples of health services.

4. **Federally recognized Native American Indian Tribes, Alaskan Native Tribal Governments, Alaskan Native village organizations or authorized tribal organizations and Alaskan Native village organizations.** This *does not* include Alaska Native Corporations, which are owned by private individuals.



Eligible Facilities

An eligible facility is any building, works, system, or equipment that is built or manufactured, or any improved and maintained natural feature that is owned by an eligible public or private nonprofit (PNP) applicant with certain exceptions.

To be eligible a facility must:

- Be the responsibility of an eligible applicant.
- Be located in a designated disaster area.
- Not be under the specific authority of another Federal agency.
- Be in active use at the time of the disaster.

Examples of eligible public facilities include:

- Roads (non-Federal aid)
- Sewage Treatment Plants
- Airports
- Irrigation Channels
- Schools
- Buildings
- Bridges and Culverts
- Utilities

Eligible private non-profit facilities include:

- Educational facilities (classrooms, supplies, and equipment)
- Gas, Water, and Power systems
- Emergency facilities (fire stations and rescue squads)
- Medical facilities (hospitals and outpatient centers)
- Custodial care facilities
- Other Essential government services (to be eligible these PNP facilities must be open to the general public)

Restrictions

1. *Alternative use facilities*
If a facility was being used for purposes other than those for which it was designed, restoration will only be eligible to the extent necessary to restore the immediate pre-disaster alternative purpose.
2. *Inactive facilities*
Facilities that were not in active use at the time of the disaster are not eligible except in those instances where the facilities were only temporarily inoperative for repairs or remodeling, or where active use by the applicant was firmly established in an approved budget, or where the owner can demonstrate to FEMA's satisfaction an intent to begin use within a reasonable time.



Eligible Work

To be eligible for funding, disaster recovery work performed on an eligible facility must:

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

Other federal agency (OFA) programs

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

Negligence

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

Special considerations requirements

Necessary assurances shall be provided to document compliance with special requirements including, but not limited to, floodplain management, environmental assessments, hazard mitigation, protection of wetlands, and insurance.

Categories of Work

Emergency Work

Category A: Debris Removal

Clearance of trees and woody debris; certain building wreckage; damaged/ destroyed building contents; sand, mud, silt, and gravel; vehicles; and other disaster-related material deposited on public and, in very limited cases, private property.

Category B: Emergency Protective Measures

Measures taken before, during, and after a disaster to eliminate/reduce an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures.

Permanent Work

Category C: Roads and Bridges

Repair of roads, bridges, and associated features, such as shoulders, ditches, culverts, lighting, and signs.

Category D: Water Control Facilities

Repair of drainage channels, pumping facilities, and some irrigation facilities. Repair of levees, dams, and flood control channels fall under Category D, but the eligibility of these facilities is restricted.

Category E: Buildings and Equipment

Repair or replacement of buildings, including their contents and systems; heavy equipment; and vehicles.

Category F: Utilities

Repair of water treatment and delivery systems; power generation facilities and distribution facilities; sewage collection and treatment facilities; and communications.

Category G: Parks, Recreational Facilities, and Other Facilities

Repair and restoration of parks, playgrounds, pools, cemeteries, mass transit facilities, and beaches. This category also is used for any work or facility that cannot be characterized adequately by Categories A-F.



Eligible Costs

Generally, costs that can be directly tied to the performance of eligible work are eligible. Such costs must be:

- Reasonable and necessary to accomplish the work;
- Compliant with Federal, State, and local requirements for procurement; and
- Reduced by all applicable credits, such as insurance proceeds and salvage values.

A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In other words, a reasonable cost is a cost that is both fair and equitable for the type of work being performed. For example: If the going rental rate for a backhoe is \$25/hour, it would not be reasonable to charge \$75/hour for a backhoe. Determining reasonableness is particularly important when Federal funds are involved. Considerations should be given to whether the cost is of a type generally recognized as ordinary and necessary for the subject facility and type of work and whether the individuals concerned acted with prudence in conducting work. In addition, normal procedures must not be altered because of the potential for reimbursement from Federal funds.

Reasonable costs can be established through:

- The use of historical documentation for similar work;
- Average costs for similar work in the area;
- Published unit costs from national cost estimating databases; and
- FEMA cost codes.

In performing work, applicants must adhere to all Federal, State, and local procurement requirements. An applicant may not receive funding from two Federal sources to repair disaster damage this is considered a duplication of benefits. Such a duplication of benefits is prohibited by the Stafford Act. A State disaster assistance program is not considered a duplication of Federal funding. Insurance proceeds, donated grants from banks, private organizations, trust funds, and contingency funds must be evaluated individually to determine whether they constitute a duplication of benefits.

The eligible cost criteria referenced above apply to all direct costs, including labor, materials, equipment, and contracts awarded for the performance of eligible work.

