

TAB C – Federal Declaration Process

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Introduction This Tab outlines the criteria and steps that take place following a incident in order to obtain the federal financial assistance that is coordinated by the Ohio EMA. The declaration criteria for a Presidential disaster declaration (FEMA) differs from that of an SBA Agency-Only declaration. However, damage assessment is required prior to requesting assistance from either agency.

IA Declaration Criteria for a MAJOR Presidential Disaster Declaration (FEMA) The declaration criteria are outlined in 44 Code of Federal (CFR) Part 206.48. (*Effective June 1, 2019*)

- *State Fiscal Capacity and Resource Availability – includes Total Taxable Resources (TTR), Gross Domestic Product (GDP), and per capita personal income by local area.
- *Uninsured home and personal property losses – includes number of homes impacted and degree of damage; and concentration of damage.
- Disaster impacted population profile – percentage of population for whom poverty status is determined, percentage age 65 and older, percentage with a disability; etc; and pre-disaster unemployment rate.
- Impact to community infrastructure – lifesaving and life-sustaining services; essential community services to include schools, social services programs and providers, child care and eldercare.
- Casualties – number of missing, injured and deceased due to the disaster.
- Disaster related unemployment

**principal factors*

PA Declaration Criteria for a MAJOR Presidential Disaster Declaration (FEMA) The declaration criteria are outlined in 44 Code of Federal (CFR) Part 206.48.

- Estimated cost of assistance – changes every federal fiscal year. For FFY 2021 the county-wide per capita is \$3.89 and statewide per capita is \$1.55. To determine minimum threshold, multiply the county per capita by the county population (2010 census) and the statewide per capita by the State population (2010 census). Therefore, **for federal fiscal year 2021, disaster estimate must exceed \$17.8 million**

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Statewide.

- Localized impacts – extraordinary concentration of damage even though Statewide per capita is not met.
- Insurance – amount and type.
- Hazard Mitigation – mitigation measures that contributed to reduction of disaster damage.
- Recent multiple disasters – disasters that have been addressed by federal, State and local government over the previous 12 months.
- Programs of other federal assistance – applicability of programs such as an US Department of Transportation Federal Highway Administration declaration or the Natural Resources Conservation Service Emergency Watershed Program.

Governor’s Request Letter/Certification for Presidential Disaster Declaration (FEMA)

Ohio EMA prepares the Governor’s request letter to the President, which explains the circumstances of the incident, its impacts, the incident period and the State, local and voluntary organizations’ response actions.

The letter requests the Individual and/or Public Assistance programs for qualifying counties within the State. The Hazard Mitigation Grant Program is also requested, generally for all counties in the Ohio.

Only the governor may request an emergency or major disaster declaration.

The request must be submitted to the President through the FEMA Regional Administrator to ensure prompt action and acknowledgment.

The governor’s request must be submitted within 30 days of the incident in order to be considered. The request must contain certain certifications:

- Confirmation the governor has taken appropriate action under State law and has implemented the State emergency plan. **Note that a local or gubernatorial declaration is not required to request supplemental federal assistance;**
- The situation is of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments;
- That federal assistance under the Stafford Act is necessary to supplement the efforts and available resources of the State, local governments, disaster relief organizations, and compensation by insurance for disaster related losses;
- Provide an estimate of the amount and severity of damages and losses, stating the impact on the public and private sector;
- Describe the extent and nature of State and local resources which have been or will be used to alleviate conditions of the disaster, and stating specifically those activities for which no federal funding will be requested;

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- Preliminary estimates of the types and amount of supplementary federal disaster assistance needed; and
- Certification by the governor that State and local government obligations and expenditures for the current disaster will comply with all applicable cost sharing requirements of the Stafford Act.

Approval of an EMERGENCY Presidential Disaster Declaration (FEMA)

Limited to **immediate and short-term assistance**, essential to save lives, protect public health and safety and property. An emergency declaration can provide grant assistance and/or direct federal assistance. Grant assistance is grants to potential applicants through the PA Program. Direct federal assistance is that provided by other federal agencies (with or without reimbursement from FEMA) to provide technical or physical resources related to emergency protective measures. Assistance is limited to \$5 million.

An emergency declaration is limited to:

- Grant assistance or direct federal assistance for emergency work under PA – Debris Removal (Category A) and Emergency Protective Measures (Category B) only.
- Individual Assistance (IA) Programs can include the Individuals and Households Program (IHP – discussed further in Tab D), Food Commodities (USDA), SBA and some limited assistance under Emergency Support Function (ESF) 6 Mass Care.

Approval of a MAJOR Presidential Disaster Declaration (FEMA)

If approved, the declaration will designate the counties programs to be administered. The programs can include IA, PA (all categories of work) and the Hazard Mitigation Grant Program (HMGP).

The application period for the programs opens immediately. Additional information is discussed in Tab D – Assistance Programs.

Declaration Denials/Appeals (FEMA)

If the Governor’s request for a declaration is denied, the governor has a one-time appeal option.

Appeals must be submitted within 30 days of the initial denial and should include additional/new justification for a declaration.

SBA Agency-Only Declaration

An SBA agency-only declaration provides low interest loans to homeowners, renters, businesses and private non-profit organizations

SBA Declaration Criteria

The local damage assessment needs to identify, at a minimum, 25 homes, businesses and/or private non-profit organizations with 40% or more uninsured losses.

Examples include:

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- **Homes** - If 25 tenants of one apartment building, which may be owned by one person, each suffer uninsured losses of 40% percent or more of the estimated fair market value of their personal property (furniture, household, appliances), the qualifying declaration loss criteria has been met.
- **Businesses** - If 25 separate businesses are tenants of one building, and each business suffers uninsured losses of 40% percent or more of the estimated fair market value of its property (furniture and fixtures, machinery and equipment, inventory), the qualifying declaration loss criteria has been met.

SBA Survey Process

Should the results of the local damage assessment identify the 25 homes, businesses or private non-profit organizations, Ohio EMA will send staff to the impacted county(s) for a State verification. Should this verification support the minimum of 25, Ohio EMA will request a survey by the Small Business Administration (SBA) to verify the local/State assessment information.

Local teams should provide maps and other materials indicating damages, to include type, amount, and location for the SBA survey.

Governor's Request Letter for SBA Agency-Only Declaration

Should the survey identify the minimum of 25, the governor requests a disaster declaration from SBA. **The governor's request must be submitted within 60 days of the incident in order to be considered.**

SBA Agency-Only Declaration Approval

If the declaration is approved, SBA will open a Disaster Loan Outreach Center (DLOC) within the declared county for individuals, businesses and private non-profit organizations to apply in person for a loan. Potential applicants can also apply via the SBA website.

SBA declarations are by county. Contiguous counties are also declared.
