FEMA

# Fact Sheet

## DISASTER DECLARATION CRITERIA

FEMA considers a combination of factors when evaluating a Governor's request for a major disaster declaration and in making a recommendation to the President for final determination on the declaration of a major disaster or emergency. These factors include issues which revolve around the specific needs of different communities, including those States with small populations or unique circumstances. The different needs of all States are carefully considered through the declaration process, irrespective of the size of the State's population and FEMA does not use an arithmetical formula as a sole determining factor.

FEMA regulations outline the factors the Agency considers when evaluating a Governor's request for Federal assistance. While these factors include assessments of damage and impact, the Stafford Act prohibits the denial of assistance solely on the basis of arithmetic formulas or sliding scales based on income or population (Section 320). FEMA's declaration regulations do not make a distinction or apply different criteria for States based on different categories of population size. For Public Assistance, however, FEMA does review analysis of the impact of a disaster based on a per capita estimation of eligible costs. The same per capita factor is applied to all States and territories regardless of overall size of the population. There is no per capita indicator established as a factor for the consideration of Individual Assistance.

### Public Assistance

FEMA's Public Assistance (PA) program provides supplemental assistance to State, local and tribal governments, as well as certain private non-profit organizations, for emergency measures to protect public health and safety and for the repair and restoration of facilities damaged in major disasters. FEMA considers multiple factors when making a recommendation to the President regarding the provision of PA under a Presidential disaster declaration. As outlined in FEMA regulations, these factors include:

1. **Estimated cost of the assistance.** FEMA evaluates the estimated cost of Federal and non-Federal public assistance against the statewide population to give some measure of the per capita impact within the State. FEMA uses a per capita amount as an indicator that the disaster is of such size and magnitude that it might warrant Federal assistance, and adjusts this figure annually, based on the Consumer Price Index. For Fiscal Year 2021, the State per capita amount is $1.55. FEMA has also established a county per capita amount of $3.89.

2. **Localized impacts.** FEMA evaluates the impact of the disaster at the county and local government levels, as well as at the American Indian and Alaskan Native Tribal Government levels, because, at times, there are extraordinary concentrations of damages that might warrant Federal assistance even if the statewide per capita is not met. This is particularly true where critical facilities (such as major roadways, bridges, public buildings, etc.) are affected or where localized per capita impacts are extremely high. For example, localized damages

may be in the tens or even hundreds of dollars per capita, even though the overall statewide per capita impact is low.

3. **Insurance coverage in force.** FEMA considers the amount of insurance coverage that is in force or should have been in force as required by law and regulation at the time of the disaster, and reduces the amount of anticipated assistance by that amount.

4. **Hazard mitigation.** To recognize and encourage mitigation, FEMA considers the extent to which State and local government measures contributed to the reduction of disaster damages. For example, if a State can demonstrate in its disaster request that State-wide building codes or other mitigation measures are likely to have reduced the damages from a particular disaster, FEMA considers that in the evaluation of the request. This could be especially significant in those disasters where, because of mitigation, the estimated public assistance damages fell below the per capita indicator.

5. **Recent multiple disasters.** FEMA also considers the disaster history within the last twelve-month period to better evaluate the overall impact on the State or locality. FEMA considers declarations under the Stafford Act as well as declarations by the Governor and the extent to which the State has spent its own funds.

6. **Programs of other Federal assistance.** FEMA also considers programs of other Federal agencies (U.S. Army Corps of Engineers, Federal Highway Administration, etc.) because at times their assistance programs more appropriately meet the needs created by the disaster.

## Individual Assistance

Through Individual Assistance (IA) programs, FEMA provides assistance to individuals and households who have suffered losses and have outstanding needs as the result of a major disaster. These programs can provide eligible disaster survivors with assistance for home repairs, temporary housing, and other outstanding needs such as medical, dental and funeral expenses resulting from the disaster. Other IA programs include crisis counseling and disaster unemployment assistance.

FEMA considers multiple factors when making a recommendation to the President regarding the provision of IA under a Presidential disaster declaration. State fiscal capacity (44 C.F.R. 206.48(b)(1)(i)) and uninsured home and personal property losses (44 C.F.R. 206.48(b)(2)) are the principal factors that FEMA considers when evaluating the need for supplemental Federal assistance under the Individuals and Households Program, but FEMA will always consider all relevant information submitted as part of a declaration request. As outlined in FEMA regulations, these factors include:

1. **State fiscal capacity and resource availability.** FEMA will evaluate the availability of State resources, and where appropriate, any extraordinary circumstances that contributed to the absence of sufficient resources. Fiscal capacity is a State's potential ability to raise revenue from its own sources to respond to and recover from a disaster. FEMA evaluates the availability of resources from State, Tribal, and local governments as well as non-governmental organizations and the private sector.

Federal disaster assistance under the Stafford Act is intended to be supplemental in nature, and is not a replacement for State emergency relief programs, services, and funds.

**2. Uninsured home and personal property losses.** Uninsured home and personal property losses may suggest a need for supplemental Federal assistance.

**3. Disaster Impacted Population Profile.** The demographics of a disaster impacted population may identify additional needs that require a more robust community response and delay a community's ability to recover from a disaster.

**4. Impact to Community Infrastructure.** The impacts to a community's infrastructure may adversely affect a population's ability to safely and securely reside within the community. Critical infrastructure taken into account includes impacts to life-saving and life-sustaining services, essential community services and transportation infrastructure and utilities.

**5. Casualties.** The number of individuals who are missing, injured, or deceased due to a disaster may indicate a heightened need for supplemental Federal disaster assistance.

**6. Disaster Related Unemployment.** The number of disaster survivors who lost work or became unemployed due to a disaster and who do not qualify for standard unemployment insurance may indicate a heightened need for supplemental Federal assistance. This usually includes the self-employed, service industry workers, and seasonal workers such as those employed in tourism, fishing, or agriculture industries.

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*October 2020*