

TITLE 29: EMERGENCY SERVICES, DISASTERS, AND CIVIL DEFENSE
CHAPTER I: EMERGENCY MANAGEMENT AGENCY
SUBCHAPTER d: STATE EMERGENCY RESPONSE

PART 420
PUBLIC DISASTER ASSISTANCE PROGRAM

Section	
420.10	Statutory Authority
420.20	Purpose
420.30	Definitions
420.40	Program Operations
420.50	Applicability/Eligibility
420.60	Funding Options

AUTHORITY: Implementing the Disaster Relief Act of 1974, (42 U.S.C.A. 5121 et seq. (1983) and Section 5(f)(7) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105(f)(7)) and authorized by Section 7(c)(1) of the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1107 (c)(1)).

SOURCE: Adopted and codified at 7 Ill. Reg. 11214; effective August 31, 1983.

Section 420.10 Statutory Authority

This Part is promulgated under the authority of the Disaster Relief Act of 1974, 42 U.S.C.A. 5121 et seq. (1983) and the Illinois Emergency Services and Disaster Agency Act of 1975 (Ill. Rev. Stat. 1981, ch. 127, par. 1105(f)(7) and 1107 (c)(1)).

Section 420.20 Purpose

The purpose of this Part is to establish policy for implementation of a public assistance program intended to supplement the efforts and available resources of State and local governments in disaster relief efforts, as described generally in the Disaster Relief Act of 1974, and specifically at 42 U.S.C.A. 5121, 5122, 5141, 5143, 5146, 5151, 5172, 5173, 5176, and 5189 (1983).

Section 420.30 Definitions

"Advance of funds" means a sum of money provided to a State, local government, or other Federal agency prior to audit and/or final settlement of its claim.

"Applicant" means the State, local government, or eligible private nonprofit facility submitting a project application or request for direct Federal assistance or

on whose behalf the Governor's Authorized Representative takes such action.

"Applicant's agent" means the person designated by the applicant to act on its behalf in transactions with the State and Federal government.

"Damage Survey Report (DSR)" means a report of damages or requirements caused by major disaster or emergency including location, description and estimate of costs to perform required work.

"Eligible private nonprofit facility" means an interested private organization or entity requesting assistance for private nonprofit educational, utility, emergency, medical, and custodial care facilities which may request the State or local government, as the applicant, to submit the project application on its behalf and to provide administrative support, including advances of funds, summary of documentation, and voucher for payment.

"Eligible Cost" means the cost of work performed on projects approved by FEMA.

"Eligible facility" means a damaged building, structure, or system, the repair of which is eligible for Federal financial assistance under 44 CFR 205.73, September 12, 1980.

"Emergency" means any of the various types of natural disasters included in the definition of a "major disaster" which requires Federal emergency assistance to supplement State and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.

"Emergency work" means that work which must be done immediately to save lives and to protect property and public health and safety, or to avert or lessen the threat of a major disaster.

"FEMA" means the Federal Emergency Management Agency.

"Final Inspection" means the examination of the actual work performed under the project, to ensure that all standards have been met in accordance with the approved project application.

"Governor's Authorized Representative (GAR)" means the State official designated by the Governor with the responsibility to coordinate and supervise the State disaster assistance program and to execute on behalf of the State all necessary documents for disaster assistance.

"IESDA" means the Illinois Emergency Services and Disaster Agency.

"Local Government" means any county, city, village, town, district, or other political subdivision of any state, any Indian tribe or authorized tribal organization, or Alaska native village or organization, and includes any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by state or political subdivision thereof. (42 U.S.C.A. 5122 (1983))

"Major Disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance above and beyond emergency services by the Federal Government to supplement the efforts and available resources of states, local governments, and private relief organizations in alleviating the damage, loss, hardship or suffering caused thereby. (42 U.S.C.A. 5122 (1983))

"Memorandum of Understanding" means an agreement between the applicant and the State describing audit procedures and cost-sharing arrangements.

"Permanent work" means the restorative work that must be done, through repairs or replacement, to restore an eligible facility on the basis of its predisaster design in conformity with current applicable codes, specifications and standards.

"Political Subdivision" means any county, city, village, or incorporated town. (Ill. Rev. Stat. 1981, ch. 127, par. 1104(f))

"Project application" means the applicant's formal request for approval of disaster repair and recovery work.

"Standards" means codes, specifications, and standards which were in general use and locally enforced at the time of the major disaster, plus those additional standards or deviations authorized or prescribed by the Associate Director of FEMA as provided at 44 CFR 205.111(q), Aug. 6, 1980.

"State audit" means the examination by the State, after final inspection, of documentation compiled by the applicant in support of its claim for Federal reimbursement of disaster repair and recovery work.

Section 420.40 Program Operations

- a) When a disaster threatens or occurs, and it appears that the capabilities of State and local forces may be insufficient to alleviate the resulting damage, loss, hardship, suffering, and to protect life and property, the Governor shall gather all data needed to make an informed decision whether or not a request that the President declare a major disaster or an emergency is justified.
- b) It shall be the responsibility of local officials, in areas affected by a disaster, to cooperate fully and promptly with IESDA in gathering information needed by the Governor to assess the severity of the situation. Local governments should be prepared to provide:
 - 1) Fiscal records of work already completed,
 - 2) Maps of damage sites,
 - 3) Photos of damages,
 - 4) Costs incurred by the community in coping with the disaster, and
 - 5) Any bids or estimates of costs to repair, rebuild and/or recover.
- c) Should the circumstances warrant a request for a presidential declaration, IESDA, in coordination with other State and local officials, shall:
 - 1) Advise the FEMA Regional Office of the State's intention to request a declaration,
 - 2) Consult with the FEMA Regional Director on the availability of Federal disaster assistance,
 - 3) Survey the affected areas, jointly with FEMA regional disaster specialists, to determine the extent of damage, and prepare estimates of the types and extent of Federal disaster assistance required.
- d) The Governor's request shall be based upon his finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments and that Federal assistance is necessary. The request must also contain a certification by the Governor of an expenditure of State and local funds within State and local financial capabilities for disaster relief, and an estimate of the extent and nature of Federal assistance required for each of the affected counties and the State.
- e) In conjunction with the request, the Governor shall implement the Illinois

Comprehensive Disaster Response Plan as provided at Ill. Rev. Stat. 1981, ch. 127, par. 1108(a)(11) which calls for a coordinated response by State agencies who can respond with technical assistance, equipment, and manpower as specified in the Plan.

- f) Should the President declare a major disaster or an emergency, FEMA and IESDA personnel will conduct briefings for local officials to inform them of the types of assistance available and the means by which funds are provided for eligible disaster assistance projects.
- g) Following the briefings, Federal and State engineers shall prepare Damage Survey Reports to document disaster damage and provide FEMA with a recommended scope of work and estimated costs. Such Damage Survey Reports shall be prepared in the presence of the principal executive officer of the affected political subdivision or his designee, and shall be signed by that official at the time of preparation.
- h) Based upon the Damage Survey Reports, a Project Application shall be prepared by FEMA for each eligible project applicant. A copy of the Project Application shall be provided to the applicant by IESDA, which shall act on behalf of the applicant in all subsequent correspondence or communication with FEMA.
- i) Advances of funds against the amount of Federal share approved in the Project Application shall periodically be provided to IESDA by FEMA, which shall deposit such funds in the State Treasury and promptly pay said funds, pursuant to available appropriations, via state warrant to the applicant.
- j) Applicants shall cooperate with IESDA in closeout procedures, which in the case of Small Project Grants, Section 420.60(d), shall include completion of the Small Project Summary and, if necessary, the Alternate Work form. Closeout procedures for Categorical Grants, Section 420.60(a), will include Final Inspections and State audit.
- k) Costs of the State audit shall be shared in the following manner: one-half by the State, and one-half by the project applicant. The applicant must sign a Memorandum of Understanding, describing audit procedures and cost-sharing arrangements, prior to commencement of the State audit.

Section 420.50 Applicability/Eligibility

- a) Application for Assistance
 - 1) A Project Application, accompanied by supporting documentation, must

be submitted by an eligible applicant through IESDA to the FEMA Regional Director for approval.

- 2) The Project Application must be submitted to the FEMA Regional Director within 90 days of the date of the President's declaration of a major disaster or within 30 days of the President's declaration of an emergency.
- b) An applicant for assistance for repair or restoration of damaged public or private nonprofit facilities shall purchase and maintain such insurance as may be available and necessary to protect such facilities against future loss. In addition, the applicant must comply with regulations for hazard mitigation (44 CFR 205 Subpart M, November 8, 1979), environmental protection (44 CFR 10, June 18, 1980), flood plain management (44 CFR 9, September 9, 1980), and flood insurance (44 CFR 205 Subpart K, June 3, 1980) as a condition for receiving Federal disaster assistance.

Section 420.60 Funding Options

- a) Categorical grants shall generally be used as the basis of Federal reimbursement, and must be used for facilities under construction, or for private nonprofit facilities. Under a categorical grant, the work shall be performed as approved in the Project Application and as specified on the DSR's. Reimbursement to the applicant is limited to the actual cost of performing work as previously approved by the FEMA Regional Director in the Project Application. Reimbursement shall not exceed the net eligible cost of restoring a facility, based upon the predisaster design of the facility and on current applicable construction standards.
- b) Grants-in-lieu are a type of categorical grant which may be used to provide a larger, more elaborate, or an equivalent facility that as a minimum replaces the design or capacity of the public facility damaged or destroyed by the disaster. The facility to which the grant-in-lieu is applied must be restored to its predisaster capacity, and must serve the same purpose as the damaged facility.
- c) Flexible funding grants may be used in cases where the estimated cost of permanently repairing, restoring, reconstructing, or replacing all of the applicant's damaged public facilities exceeds \$25,000. The applicant receives a grant equal to 90 percent of the Federal estimate of the permanent work. This grant allows the applicant to choose either to restore the damaged facility or to build new public facilities for other purposes. The applicant must declare the election of flexible funding, through the GAR, to the FEMA Regional Director before the Project Application is approved, as provided at 44 CFR 205.113(b)(2)(ii), August 6, 1980. Flexible funding grants cannot be approved for private nonprofit

facilities.

- d) Small project grants may be used when the Federal estimate of an applicant's eligible costs for restoration of damaged or destroyed facilities, plus debris removal and emergency protective work total less than \$25,000. Small project grants may not be approved for private nonprofit facilities, as provided at 44 CFR 205.113(b)(3)(iii), August 6, 1980.
- e) Federal reimbursement under any of the above funding options shall not exceed 100 percent of the applicant's actual costs, and may be reduced in accordance with Federal restrictions.