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**RECOVERY PLAN - SECTION III  
ANNEX C  
INDIVIDUAL AND PUBLIC  
ASSISTANCE**

**I. PURPOSE**

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This section describes the individual and public assistance programs available to Boulder County/City of Boulder following a disaster situation and outlines the responsibilities and procedures for obtaining this aid.

**II. GENERAL INFORMATION**

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When a disaster or emergency occurs with such severity and magnitude that effective response is beyond the capabilities of the state and the affected local government, a request for a presidential declaration is made. All requests for such a declaration are made by the Governor of the affected state.

The Federal Emergency Management Agency's (FEMA) National Teleregistration Center (NTC) will be used as the primary means of applying for assistance instead of Disaster Assistance Centers. The toll-free line is more efficient and provides "one-stop shopping." The State may also establish recovery centers with local governments to fill in the information gap and to have a physical presence in the impacted area. In this case, the centers will be staffed with representatives from federal, state, county and volunteer agencies.

See the following descriptions of available assistance. These programs are covered in detail in Public Law 93-288 as amended and retitled the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

**III. INDIVIDUAL ASSISTANCE**

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The types of assistance available to individual disaster victims after a Presidential declaration include funds for temporary housing, low-interest loans to repair or replace real and personal property, and grants to meet serious needs and other necessary disaster-related expenses.

The Administrator of the Small Business Administration (SBA) and the Secretary of Agriculture may also independently declare disasters in order to provide loan and grant assistance under their statutory

authorities. Economic injury loans and assistance through SBA as well as from the U.S. Department of Agriculture (USDA) may extend to individuals in contiguous counties.

Homeowners, renters, business owners, and farm and ranch operators may be eligible for assistance from a variety of volunteer, local, state and federal agencies. The needs of individual victims are first addressed by the American Red Cross with further unmet needs from private insurance, loans, housing assistance and grants. Some of which include private donations, and assistance from other volunteer agencies, church groups and charitable organizations.

A disaster declaration may trigger some of the following programs to help meet the needs of individuals and families.

***Small Business Administration (SBA) Disaster Loans***

The Small Business Administration has several loan programs to help homeowners, renters and business owners recover from a disaster when a declaration is made by the President or the SBA. (SBA Declaration can be made without a State or Presidential Declaration.) The criteria that must first be met is 25 homes and businesses with uninsured losses of at least 40%. The three types of loans are:

**C *Home Disaster Loans:*** Loans to homeowners or renters to repair or replace disaster damages to real estate or personal property owned by the victim. Renters are eligible for their personal property losses.

**C *Business Physical Disaster Loans:*** Loans to businesses to repair or replace disaster damages to property owned by the business, including real estate, machinery and equipment, inventory and supplies. Businesses of any size are eligible. Non-profit organizations such as charities, churches, private universities, etc. are also eligible.

**C *Economic Injury Disaster Loans (EIDL):*** Loans for working capital to small businesses and small agricultural cooperatives to assist them through the disaster recovery period. EIDL assistance is available only to applicants unable to obtain this type of assistance from other, non-governmental sources. Loan amounts and terms vary according to the borrower's needs and repayment ability.

Loan Limits:

- C \$200,000 Real Property
- C \$40,000 Personal Property
- C \$1,500,000 Businesses

SBA disaster loans are approved based on an applicant's ability to repay, with most loans set at about 4% for terms of up to 30 years. Collateral is required on loans in excess of \$10,000 and properties located in flood hazard zones are required to have flood insurance.

**Farm Service Agency (FSA)**

The Farm Service Agency of the U.S. Department of Agriculture can provide emergency loans where property loss or economic injury occur due to a natural disaster that affects farming and ranching operations. Emergency loans will be made to qualified applicants who have suffered qualifying physical and/or production losses in a county named by FEMA as eligible for federal assistance or determined a disaster by the Secretary of Agriculture.

Loan assistance is intended to help restore productive operations as soon as possible so that farmers and ranchers can obtain credit from private sources. Farms and ranches in counties contiguous to designated counties may also qualify for loan assistance.

- C The loan limit is up to 80% of actual production loss or 100% of the actual physical loss, with a maximum of \$500,000.
- C The interest rate is set by the Secretary of Agriculture. The current rate is 3.75%.
- C Loan applications can be made up to eight months after the disaster.

Low-interest loans are available to applicants based on eligibility. Funds can be used to:

- C Restore or replace damaged property,
- C Pay all or part of production costs associated with the disaster year and/or the year, following the disaster,
- C Pay delinquent installments,
- C Pay essential family living expenses,
- C Construct, buy or improve essential buildings,
- C Purchase essential machinery, equipment and livestock,

- C Reorganize the farming operation and,
- C Refinance debts.

**Other Agricultural Assistance**

The Emergency Watershed Protection (EWP) program provides financial and technical assistance in an emergency to:

- C Help protect lives and property threatened by natural disasters such as flood, hurricanes, tornadoes, and wildfires. The program is administered by the USDA's Natural Resources Conservation Service (NRCS), which provides technical and financial assistance to preserve life and property threatened by excessive erosion and flooding.
- C Provide funding to project sponsors for clearing debris from clogged waterways, restoring vegetation and stabilizing river banks.

The Natural Resources Conservation Service provides up to 75% of funds and the remaining 25% is provided by the community or a local sponsor.

**Individual and Family Grants**

The Individual and Family Grant program is a Federal/State cost-shared program authorized by Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288.

- C Administered by the state and funded 75% by FEMA, and 25% by the state.
- C Each individual or family may receive up to \$13,600 in each major disaster.
- C Provides funds for necessary expenses and serious needs of disaster victims which cannot be met through other forms of disaster assistance or insurance.
- C Eligible categories include: real and personal property, medical, dental, funeral, and transportation costs.
- C Recipients who live in flood hazard areas and receive assistance as the result of flood damages to their home and/or personal property will be provided flood insurance coverage for three years under the National Flood Insurance Program group flood insurance policy. The three-year coverage is at no cost to the grantee, but must be maintained thereafter by the owner.

### ***Cora Brown Fund***

Cora C. Brown of Kansas City, Missouri left a portion of her estate to the federal government for the purpose of establishing a special fund to assist victims whose disaster-related needs would not be met by governmental or other relief agencies. Eligible applicants must reside in a county that has been declared a disaster area by the President for individual assistance. The average award amount is \$2,500. Potential recipients are identified by FEMA, in cooperation with local volunteer agencies.

### ***Temporary Housing***

The FEMA Housing Program is administered and funded through FEMA and types of assistance are:

- C Lodging Expenses Reimbursement: Short-term lodging such as hotel rooms.
- C Emergency Minimal Repair Assistance: Help for repairs needed to make your home safely habitable, as determined by a FEMA inspection. (Maximum grant limit of \$10,000 per household.)
- C Temporary Rental Assistance: Based on fair market rents in your area for you to rent a place for your pre-disaster household to live, for a limited time. (Rental assistance up to three months for homeowners and two months for renters.)

### ***Disaster Unemployment Assistance***

The Disaster Unemployment Assistance (DUA) program is administered by the Colorado Department of Labor and Employment and is funded by FEMA.

- C It provides direct weekly benefit payments to individuals who are out of work as a result of a disaster. Included are self-employed workers, farmers and other victims who may not be covered by regular unemployment insurance programs.
- C The State also provides re-employment services.
- C The benefit period begins with the week (as defined in State law) following the disaster incident or date thereafter that the individual became unemployed, and can extend up to 26 weeks after the date of declaration or until the individual becomes re-employed, whichever is earlier.

### ***American Red Cross***

The Red Cross is an independent voluntary organization and its services are coordinated with government agencies to make certain that assistance

to victims is readily available. They work in cooperation with other volunteer, civic and church organizations. Assistance available includes:

- C Food, clothing and shelter,
- C Medical assistance, and
- C Food and beverages for emergency response personnel.

### ***Salvation Army***

The Salvation Army, like the Red Cross, is not a government agency, but a humanitarian organization that provides disaster services regardless of the availability of government assistance. Some of the services they provide include:

- C Food, and water,
- C Counseling and medical assistance and advice, and
- C Food, water and other care needed for emergency response personnel.

### ***Mennonite Disaster Services***

The major contribution of Mennonite Disaster Service to most disaster situations is to supply volunteer personnel for cleanup, repair, and rebuilding operations. The organization will not provide resources for housing materials, anticipating that these will come from other sources. Assistance from other agencies for food and housing for volunteers is welcomed. Fees for services provided will not be required.

### ***Social Security Administration***

- C Assist disaster victims by helping to expedite the delivery of Social Security payments delayed by the disaster, especially for recipients who have been displaced by the disaster and no longer reside at their former address.
- C The local office can also assist victims in applying for Social Security disability and survivor benefits.

### ***Internal Revenue Service***

- C Allows certain casualty losses to be deducted on Federal income tax returns for the year of the loss or through an immediate amendment to the previous year's return. A guide on tax relief for disaster casualty losses is available from the Internal Revenue Service.
- C Assist disaster victims who have an estimated tax installment due.

### **Legal Services**

- C The Young Lawyers Division (YLD) of the American Bar Association, through an agreement with FEMA, provides free legal advice for low-income individuals regarding cases that will not produce a fee.
- C Cases that may generate a fee are turned over to the local lawyer referral service.

### **Veteran's Benefits**

- C The state office of the Department of Veteran's Affairs is available to offer guidance to disaster victims for obtaining death benefits, pensions, insurance settlements and adjustments to home mortgages for veterans.

### **Insurance Assistance**

- C Advice to persons on insurance requirements, claims, and problems with settlements can be obtained from the State Insurance Division.
- C Information and assistance from the Federal Emergency Management Agency National Flood Insurance Program.

### **Consumer Protection**

Information available on avoiding home repair fraud or scams from Consumer Protection within the State of Colorado or the Better Business Bureau to help determine qualification of construction contractors.

### **Crisis Counseling**

- C Counseling to help relieve any grieving, stress, or mental health problems caused or aggravated by the disaster or its aftermath.
- C Short term services provided by FEMA as supplemental funds granted to state and local mental health agencies are only available to eligible survivors of Presidentially declared major disasters.
- C Crisis counseling services are also offered by the American Red Cross, the Salvation Army, other voluntary agencies, as well as churches and synagogues.
- C Additional mental health information may be found on the U.S. department of Health and Human

Services, Center for Mental Health Services website at [www.mentalhealth.org](http://www.mentalhealth.org).

## **IV. PUBLIC ASSISTANCE**

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FEMA's Public Assistance program provides for reimbursement for emergency work that is necessary to save lives, and protect improved property. Technical assistance is also available. Grants are provided on a cost-share basis: 75% Federal and 25% state and local.

In order for a disaster expenditure to be considered part of an eligible public assistance application, it must meet the following criteria:

- C The damage must be a direct result of an incident for which there is a Presidentially declared disaster.
- C The damage must be within the federally designated disaster area.
- C The damage must have occurred within the designated incident period.
- C Eligible damage at a designated worksite must total \$1,000 or higher.
- C The damaged infrastructure must be owned by and/or be the legal responsibility of an eligible applicant.
- C The damage and work to be performed must not be eligible for reimbursement under the authority of another federal program.
- C Assistance is supplemental to any insurance proceeds received.

### **Eligible applicants:**

- C State and local governments,
- C Other political subdivisions,
- C Indian Tribes,
- C Private, non-profit organizations owning and operating schools, utilities, fire departments and other emergency facilities, medical facilities or custodial care facilities,
- C Rural communities, or unincorporated towns and villages, and
- C Any other public organization formed for a public

purpose, and whose direction and funding are provided by a political subdivision(s).

**Eligible emergency work:**

- C Debris removal,
- C Search and rescue,
- C Protective measures to eliminate or reduce immediate threats to the public and,
- C Demolition of unsafe structures.

**Eligible permanent work:**

- C Roads and bridges,
- C Water control facilities,
- C Buildings including their contents and systems,
- C Utilities (water treatment plants, wastewater treatment plants, power generation facilities) and,
- C Public parks, recreational facilities including playgrounds, and swimming pools.

Public Assistance grants are provided to **restore damaged facilities to their pre-disaster condition and design, subject to applicable local codes, standards and specifications.** Applicants may improve facilities using funds from other sources, as long as the pre-disaster function is maintained, or may construct an alternate project by taking a 10% reduction of the federal share of eligible costs. Insurance recoveries and proceeds from salvage are deducted from approved project costs. Improved or alternate projects must be approved by FEMA and an Environmental Assessment may be required.

**Community Disaster Loans**

- C Eligible Applicants: Local governments **only.**
- C Assistance: Loans not to exceed 25% of the annual operating budget to any local government which has suffered a substantial loss of tax and other revenue as a result of a major disaster, and has demonstrated a need for financial assistance in order to perform its governmental functions.
- C Repayment of all or any part of such a loan shall be canceled if revenues are insufficient to meet the operating budget of the local government during the three full fiscal years following the major disaster.

**Other Federal Agency Programs**

FEMA Public Assistance funds are generally not available for individual projects that another federal agency has the statutory authority to fund. FEMA may request another federal agency to review a project and to determine if the work is eligible under its authority. In addition to FEMA, principal infrastructure programs at the federal level are administered by the Army Corps of Engineers, Department of Agriculture (Natural Resources Conservation Service) the Federal Highway Administration and the Department of Education.

**U.S. Army Corps of Engineers**

The Corps of Engineers provides direct assistance of eligible applicants, rather than reimbursement of locally-incurred costs.

The Corps of Engineers has authority for:

- C Conducting advance flood preparation measures,
- C Flood fighting and rescue operations, and
- C The repair and restoration of damaged flood control works that are locally owned and operated.

Some common reasons for the Corps of Engineers denying assistance are:

- C The facility is not considered a "flood-control" structure,
- C The work is determined to be within the local entity's maintenance responsibility, or
- C The "functional capacity of the facility has not been diminished.

FEMA will consider funding those projects that are determined to be ineligible by the Corps of Engineers due to the first reason cited above.

**U.S. Department of Agriculture - Natural Resources Conservation Service**

The Natural Resources Conservation Service has overlapping authorities with the Corps of Engineers for the repair and restoration of flood control works. Therefore, the two agencies have a Memorandum of Understanding providing guidance for dividing responsibilities when a disaster occurs. Basically, the Corps of Engineers authority covers construction for flood control purposes, and the Natural Resources Conservation Service authority covers construction to

prevent erosion or damage from erosion.

Examples of potentially eligible projects include:

- C Emergency repairs to levees,
- C Channel clearance, and
- C Construction of flood and streambank protection projects.

The Natural Resources Conservation Service and the Corps of Engineers review requests from local and state government for repair assistance, and report eligibility decision to FEMA. Ineligible projects may then be considered under the Stafford Act.

#### **Federal Highway Administration**

The Federal Highway Administration Emergency Relief program may be independently activated by the Secretary of Transportation in order to make permanent repairs to roads and highways on the federal-aid system.

The program however, is not automatically triggered by a Presidential declaration and usually is not available to supplement Stafford Act assistance. Local and state highway departments can identify roads that are part of the federal-aid system. FEMA may assist with debris clearance and emergency repairs only for these facilities.

#### **Department of Education**

The Department of Education has authority under Public Laws 81-815 and 81-874 to grant assistance for the repair of publicly owned primary and secondary school facilities. Under the policy of deferral to the authority of another Federal agency, FEMA would allow the Department of Education to fund such repairs. However, under an exception to such policy for educational facilities, by mutual agreement between FEMA and the Department of Education, FEMA assumed responsibility for assistance for the repair of **all** facilities owned by local school districts, starting in FFY 1992.

### **V. TERMS AND DEFINITIONS**

A thorough understanding of the terminology and concepts involved in disaster reporting and the process involved in application for assistance is useful. Terms commonly utilized in the application process are as follows:

- C **PL 93-288** - The "Robert T. Stafford Disaster Relief and Emergency Assistance Act" PL-93-288, as

amended.

- C **Governor's Authorized Representative** - The person named by the Governor in a federal state agreement to execute, for the state, all necessary documents for disaster assistance, following the declaration of an emergency or major disaster, including development and management of applications for public assistance.
- C **State Coordinating Officer (SCO)** - The person designated by the Governor to act as his principal assistant in the coordination and supervision of the State Disaster Assistance Program and to act in cooperation with the Federal Coordinating Officer. The SCO serves as the focal point for political subdivisions of the state in obtaining needed federal assistance.
- C **Presidential "Emergency"** - 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.
- C **State "Disaster Emergency"** - The occurrence of imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including, but not limited to fire, flood earthquake, wind, storm, wave action, oil spill, or other water contamination epidemic air contamination, blight, drought, infestation, explosion, civil disturbance, or hostile military or paramilitary action, declared by the Governor of the state.
- C **Presidential "Major Disaster"** - Any hurricane, tornado, storm, flood, high water, wind driven water, tidal wave, tsunami, earthquake, volcano 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 government to supplement the efforts and available resources of state, local governments, and private relief organizations in alleviating the damage, loss, hardship, or suffering caused by a disaster.
- C **"Local Disaster"** - A disaster which affects a political subdivision of the State of Colorado, and which in the judgement of the local authority, requires the activation of the response and recovery aspects of any and all applicable local

and interjurisdictional disaster emergency plans has the effect of implementing local disaster plans. A local disaster declaration shall be continued (or renewed) for a period not to exceed seven days, by or with the consent of the governing board of the political subdivision.

C **Local Government** - Any county, city, village, town, district, or other political subdivision of the state, any Indian tribe, and any rural community or unincorporated town or village or any other public entity for which an application for assistance is made by the state or a political subdivision thereof.

C **Public Facility** - Facilities owned by a State or local government: (1) any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, (2) any non-Federal-aid street, road, or highway, (3) any other public building, structure, or system, including those used for educational, recreational, or cultural purposes, (4) any park.

C **Private Nonprofit Facility** - Private nonprofit educational, utility, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled), other private nonprofit facilities which provide essential services of a governmental nature to the general public, and facilities on Indian reservations as defined by the President.

C **Predisaster Design** - The size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the major disaster occurred if different from the most recent designed capacity.

C **Emergency Work** - Work which must be done immediately to save lives and to protect improved property and public health and safety, or to avert or lessen the threat of a major disaster.

C **Permanent Work** - That restorative work that must be performed through repairs or replacement, to restore an eligible facility on the basis of its predisaster design and current applicable standards.

C **Applicant** - A State agency, local government, or eligible private nonprofit organization, submitting

an application to the Grantee for assistance under the State's grant.

C **Grant** - An award of financial assistance. The grant award shall be based on the total eligible Federal share of all approved projects.

C **Grantee** - The government to which a grant is awarded which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document.

C **Subgrant** An award of financial assistance under a grant by a grantee to an eligible subgrantee.

C **Subgrantee** The government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided.

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***\*\*Some of the information in this document is taken from "Lessons of Recovery" prepared by the Colorado Office of Emergency Management (1999) and FEMA's Public Assistance Guide 286 dated September 1996.***