What’s New ??
2016 Annual KAMM Conference
August 25, 2016
Requesting Disaster Declarations
Requesting Disaster Declarations

FEMA Consideration of Declaration Requests:

1. Cost of assistance
2. Localized impacts
3. Insurance coverage
4. HAZARD MITIGATION
5. Recent multiple disasters
6. Alternate Federal assistance programs
Requesting Disaster Declarations

Cost of Assistance

Public Assistance threshold:

County Threshold must be met

County Population X $3.57

i.e. 20,000 citizens = $71,400

State Threshold must be met

State Population X $1.41

4,339,367 x $1.41 = $6,118,507
Requesting Disaster Declarations

Cost of Assistance

Individuals and Households Assistance:
There is no set threshold
There must be a concentration of uninsured damages classified as major or destroyed
Socioeconomic indicators are considered
Repetitive disaster impacts increase potential
Requesting Disaster Declarations

Capacity to Recovery

MUST prove that event is beyond the capacity of state and local government to recover to pre-disaster conditions

What is the fiscal capacity for recovery?

Detail Response and Recovery Efforts

Who did what where?

Identify efforts of government, volunteers, and private sector

Identify gaps
Requesting Disaster Declarations

Increased Emphasis on Hazard Mitigation

1. How did previous mitigation measures reduce the event’s impact?

2. What mitigation measures could have lessened the event’s impact?
Increased Emphasis on 44 § CFR 206.48 (a)(4)

“When we review a Governor's request for major disaster assistance under the Stafford Act, these are the primary factors in making a recommendation to the President whether assistance is warranted. We consider other relevant information as well.”
Increased Emphasis on 44 § CFR 206.48 (a)(4)

(4) Hazard mitigation. To recognize and encourage mitigation, we consider the extent to which State and local government measures contributed to the reduction of disaster damages for the disaster under consideration. For example, if a State can demonstrate in its disaster request that a Statewide building code or other mitigation measures are likely to have reduced the damages from a particular disaster, we consider 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.
Increased Emphasis on § CFR 206.48 (a)(4)

What Has Been Done to Mitigate Damages?

An evaluation of mitigation actions

Statewide building code
Locally adopted and enforced building codes
Public outreach
Mitigation planning
Mitigation projects
1. What Losses Were Avoided?

State and Local Actions

- Building Codes – did buildings withstand the event because of hazard-specific code requirements
- Public Outreach – were citizens self-sufficient because they planned for disaster events
- Mitigation Planning – were communities better prepared because of identification of hazards and associated risks
- Mitigation Project Funding Participation – has the state mitigation program lessened disaster impact
2. Avoided Losses Due to Local Mitigation

Every event should be recorded and analyzed. Avoided losses should be calculated for implemented mitigation measures. Potential project avoidance should be calculated. After significant events, affected counties are required to complete an impact statement/survey for inclusion in the Governor’s declaration request.
Avoided Losses Due to Local Mitigation

Impact Survey Questions:

25. Has your county implemented any programs, projects, or codes that reduced or mitigated the damage impact of this event; such as adoption of building codes, drainage projects, installation of siren or call down systems?

Please describe what, when, and how it lessened the impact on this event.
2. Avoided Losses Due to Local Mitigation

Impact Survey Questions:

26. Are there mitigation projects or efforts that, if implemented, could lessen the impact of future similar events?

Please describe what and how it could have lessened the impact of this event.
Calculating Loss Avoidance is not an Exact Science.

Calculation Considerations

- Types of past and future mitigation projects
- Type of event
- Impact area
- Value of infrastructure, businesses, and residences protected by previous mitigation
- Value of damages to non-mitigated infrastructures, businesses, and residences
Identifying Loss Avoidance

Types of past mitigation measures

What mitigation projects are in place?

- 404 FEMA projects
- 406 FEMA PA projects
- Measures not funded by FEMA, USACE, NRCS, DLG, Div. of Forestry

How did the projects lessen impact of the event?

What is the value of the avoided losses/damages?
Identifying Potential Loss Avoidance

Types of needed mitigation measures

What type mitigation is needed?

- 404 FEMA projects (pending MAFs)
- 406 FEMA PA projects (newly damaged elements)
- Measures not funded by FEMA – USACE, NRCS, DLG, Div. of Forestry

How could the projects have lessen impact of the event?

What could be the future value of avoided damages?
Proposed Guidance Changes
(FEMA-2016-007)
Minimum Standards Requirements
Proposed Guidance Changes (FEMA-2016-007)
Minimum Standards Requirements

If a building is located in a hazard-prone area – to be eligible for repair, replacement, or construction regardless of the type of incident that caused the damage:

- Hazard-resistant standards of the International Building Code MUST be used, even if not locally adopted
Proposed Guidance Changes (FEMA-2016-007)
Mitigating Winds and Tornadoes
Minimum Standards Requirements Applicable to:

- Schools
- 911 call centers
- EOCs
- Police Stations
- Ambulance Stations
- Fire and Rescue Stations

If in areas where tornado shelter design wind speeds are 250 mph or greater; applicant must:

- Incorporate a storm shelter or safe room
- Shelter/Room must meet IBC requirements
Proposed Guidance Changes (FEMA-2016-007)
Mitigating Potential for Seismic Damage
Minimum Standards Requirements Applicable to:

For all buildings in seismic areas, the applicant must incorporate:

• Seismic-resistant design
• Applicable IBC seismic-resistant construction standards
Proposed Guidance Changes  (FEMA-2016-007)
Mitigating Wind Damage
Minimum Standards Requirements Applicable to:

For Kentucky, all buildings must incorporate:
- Wind-resistant design
- Applicable IBC wind-resistant construction standards
Proposed Guidance Changes (FEMA-2016-007)
Mitigating Flood Damage
Minimum Standards Requirements Applicable to:

For all buildings in mapped flood-prone areas, must incorporate:

- Flood-resistant design
- Applicable IBC flood-resistant construction standards
Proposed Guidance Changes (FEMA-2016-003) Proposed Disaster Deductible
Number of Declarations

- 2004-2011: 500
- 1996-2003: 400
- 1988-1995: 300
Proposed Guidance Changes (FEMA-2016-003)
Proposed Disaster Deductible

Will require a predetermined level of financial or other ‘commitment’ before FEMA will provide assistance under the Public Assistance Program.
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

FEMA contends:

• All assistance is, or should be, ‘supplemental’
• Every recipient has some measurable capacity to independently respond
• A predetermined deductible will represent the applicants capability to recover
• Deductible must be met before any project would be considered eligible
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

FEMA contends Recipients (states) will:

- set aside funding specifically for disaster response and recovery
- increase disaster planning
- increase mitigation planning
- invest in mitigation projects
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

FEMA contends a deductible will increase:

- Nation’s resiliency
- Self-sufficiency of States
- Self-sufficiency of local governments
- Support for citizens during and after disasters

and, therefore FEMA contends a deductible will decrease the negative effects of a disaster on citizens.
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Purpose:
Incentivize Recipients (States) to make meaningful improvements to:

1. Disaster planning
2. Fiscal capacity for disaster response
3. Fiscal capacity for disaster recovery
4. Fiscal capacity for risk mitigation
5. Effective use of taxpayer dollars
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Potential Earning of Deductible ‘Credit’

Proactive pre-event actions such as:

1. Adopting enhanced building codes
2. Establishing a disaster relief fund
3. Maintaining a disaster relief fund
4. Establishing a self insurance plan
5. Adopting measures that reduce the recipient’s risk of disaster damage
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Results of Deductible Requirement

1. Increase stakeholder investment
2. Increase stakeholder participation in recovery
3. Increase stakeholder participation in building for future risk
4. Strengthening of the nation’s resilience
5. Reducing the cost of disaster – long term
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Result of Deductible Requirement

6. Incentivize increased planning
7. Incentivize adoption of mitigation activities
8. Development of broad scale, risk-informed mitigation strategies
9. Develop and fund state-funded special programs for emergency management, individual assistance
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Determining Disaster ‘Risk’?

1. Past declaration activity
2. Past FEMA levels of relief
3. Climate data – including future risk
4. State budgetary commitment to mitigation
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Satisfying the Deductible? The Great Unknown

1. Should subrecipient actions be considered?
2. What about activities of private nonprofits?
3. Will costs of states of emergency for which declarations are not sought or received be considered?
4. How long is the life of a deductible?
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Deductible Premise/Foundation

1. Disaster assistance is supplemental in nature
2. Every recipient has some measurable capacity to independently respond
3. Assistance will not be provided until recipient (state) demonstrates that the deductible has been satisfied

(Deductible levels or the calculation methodology has not been determined)
Proposed Guidance Changes (FEMA-2016-003)

Proposed Disaster Deductible

Deductible Satisfaction – What will that look like?

1. Through completion of FEMA-eligible projects entirely without Federal funding until deductible is met

2. Providing deductible credit for Recipient activities such as building code adoption which reduces risk; providing assistance for events that are not declared funding disaster funds and self-insurance
Counter Proposal to Deductible Approach
Counter Proposal to Deductible Approach

Yearly Allocation to Each State

Based on a 10 year average of the Disaster Relief Fund

$2.1 billion would be split amount all states
States would receive a three-year award
States would manage their incidents as they see fit
Counter Proposal to Deductible Approach

Yearly Allocation to Each State
Allocation would be calculated by using:
1. Population
2. Number of disaster
3. Total taxable revenue (TTF)
4. Disaster assistance received from 2010-2016
Counter Proposal to Deductible Approach

Yearly Allocation to Each State
Allocation would be calculated by using:
1. Population
2. Number of disaster
3. Total taxable revenue (TTF)
4. Disaster assistance received from 2010-2016
Counter Proposal to Deductible Approach

Yearly Allocation to Each State

Allocation approach would result in a 48% savings to the Disaster Relief fund
Counter Proposal to Deductible Approach

Yearly Allocation to Each State

What if there is not enough allocation? State and local governments will not have to reallocate funds from other programs to fully recover.
Counter Proposal to Deductible Approach

Yearly Allocation to Each State

What if there is surplus allocation?

Can be used for eligible Stafford Act activities, such has Hazard Mitigation.
Counter Proposal to Deductible Approach

Yearly Allocation to Each State

Proposed funding level for Kentucky is:

$34,026,479.21

What would that have looked like starting in 2010 ???
Actual vs. Proposed Allocation Method


- Actual Received
- Proposed Allotment

$90,000,000
$80,000,000
$70,000,000
$60,000,000
$50,000,000
$40,000,000
$30,000,000
$20,000,000
$10,000,000
$-
WINTER IS COMING

The only thing certain at this point is that declaration funding, as we know it, will soon be a thing of the past.

What is very unsure is what impact mitigation funding will realize.