

CHAPTER 14

EMERGENCY AND DISASTER DECLARATION PROCESS

Background: The process to request state and/or federal assistance after a disaster or emergency is initiated when the local governing body or Governor submits a formal request to the appropriate state or federal office.

Assistance: Program and financial assistance will vary depending on:

- ◆ the type of declaration or proclamation declared,
- ◆ whether the situation constitutes an emergency or a disaster, and
- ◆ the assistance required.

Topics: This chapter has four sections:

Error! Bookmar k not defined.S ECTION	TOPIC	PAGE
1	Types of Declarations	14-2
2	Local Emergency Declaration	14-6
3	State of Emergency Proclamation	14-8
4	Presidential Declaration of a Major Disaster or Emergency	14-10

For more information: For more detailed information on the declaration process, consult these documents and contact the Office of Emergency Services, Disaster Assistance Branch, for assistance. OES will be able to advise you of any changes to the procedures or requirements.

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1: TYPES OF DECLARATIONS¹

Background: The table below shows the declaration or proclamation necessary to activate state and federal assistance programs.

Type of Declaration	Who Declares	When	Assistance Available
Local Emergency Declaration (with OES Director's Concurrence)	<ul style="list-style-type: none"> • City Council • Board of Supervisors • Person Authorized by ordinance 	Within 10 days of event but must be renewed every 14 days	State assistance under NDAA * for permanent restoration of public real property
OES Director's Concurrence of Local Emergency Declaration			<p>The Director's Concurrence <u>may</u> later be issued by the Director of OES, authorizing State disaster assistance for permanent restoration of public real property only, for declared local governments in accordance with NDAA.</p> <p>However, the Director does not always concur with a Local Emergency Declaration. Therefore NDAA is not always available with a local declaration.</p>
Governor's State of Emergency Proclamation	Governor		State assistance under NDAA for emergency response costs and permanent restoration assistance
Presidential Declaration of a Federal Major Disaster or Emergency	President	<p>Within 30 days of incident occurrence for Major Disaster Declaration</p> <p>Within 5 days of incident</p>	<p>State assistance under NDAA for matching fund assistance for cost sharing required under federal public assistance programs</p> <p>Federal assistance under Federal Response Plan</p>

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Type of Declaration	Who Declares	When	Assistance Available
		occurrence for Emergency Declaration	

***NDAA** - Natural Disaster Assistance Act. Provides financial aid to local agencies to assist in the permanent restoration of real property, other than facilities used solely for recreational purposes, when such real property has been damaged or destroyed by a natural disaster.

Local responsibilities:

In the event of a disaster or local emergency, the primary responsibility for responding to, recovering from, and mitigating against the effects of disaster rests with local government.

State and/or federal assistance will be provided **only** when the effects of the emergency are beyond the capability of local resources to mitigate effectively.

Steps to take:

The following four steps are required when a local jurisdiction requests a Governor's Proclamation or a Presidential Declaration.

STEP	ACTION	PAGE
1	reconnaissance	14-4
2	development of situation reports	14-4
3	requesting mutual aid	14-5
4	determine type of state and/or federal assistance needed	14-5

Note that these steps above are not **required** for declaring a local emergency. A local jurisdiction can declare a local emergency whenever it needs the special powers authorized by its ordinances.

STEP 1: RECONNAISSANCE

During the reconnaissance stage, local government must assess the situation; location, extent, and nature of damage.

This information is important for determining the urgency and requirements for deployment of emergency equipment and personnel.

STEP 2: SITUATION REPORTS

Local government will prepare an initial Situation Report , which is a description of the occurrence and nature and extent of the damage.

Basis for damage assessment: The Situation Report allows state OES to coordinate information and data from various affected areas to determine what action(s) may be necessary. It also provides the basis for damage assessment.

The Situation Report, compiled from reconnaissance information, should be sent to OES Region Office within **4 hours of occurrence**. Reports should be updated whenever significant new information is available, but not less than 24 hours after the initial report.

STEP 3: MUTUAL AID

The first response is of necessity by local government. If it is determined that the emergency is beyond the capability of local forces, mutual aid, as provided under the Master Mutual Aid Agreement, may then be requested

The Master Mutual Aid Agreement allows local agencies to request voluntary, supplemental assistance from adjoining neighboring jurisdictions.

Request procedure: Mutual aid requests should first be addressed to adjoining cities, then from city to county, and from county to state. **Requests for additional aid must be made by the county to the OES Region.**

The OES Regional Manager may request aid from other counties and from state agencies within the Mutual Aid Region.

Mutual Aid becomes mandatory under a Governor's State of Emergency proclamation.

STEP 4: LOCAL EMERGENCY DECLARATION

Should the situation be beyond the capabilities of the jurisdiction to respond, the jurisdiction would then declare a local emergency and request assistance from the operational area and/or the state.

For more information: Refer to Chapter 7 for additional information on mutual aid. That chapter also includes information on the Emergency Managers Mutual Aid (EMMA) program administered by OES.

2: LOCAL EMERGENCY DECLARATION²

Declaring a local emergency:

If a local government determines that effects of the emergency are beyond the capability of local resources to mitigate effectively, the next step is to issue a declaration of local emergency. This section describes the process for declaring a local emergency and the conditions for doing so.

Source:

OES, Disaster Assistance Branch, Federal and State Public Assistance Program, Subgrantee Briefing

Authority:

Government Code Sections 8630-8634.

By whom:

City Council
Board of Supervisors
Person Authorized by local ordinance

When:

Local Declaration must be made **within 10 days of occurrence** for jurisdictions to qualify for assistance provided under State Natural Disaster Assistance Act **and renewed every 14 days.**

Purpose:

For a specific situation, such as flood, fire, storm, earthquake, epidemic, drought, sudden and severe energy shortage, or other similar condition;

- ◆ when there exists a condition of **extreme peril** to the safety of persons and property; and,

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- ◆ when conditions are beyond the effective response capability of local government.

Information to include:

A Local Emergency Declaration should include information pertaining to:

- ◆ type of disaster
- ◆ date(s) of occurrence, and
- ◆ area(s) affected.

Request for State assistance (financial):

Following the declaration of a local emergency, the concurrence local governing body may:

- ◆ request the Director of the State OES to concur in their declaration of a local emergency and
- ◆ to provide assistance under the California Natural Disaster Assistance Act (NDAA).

Resolution to include:

The resolution adopted by the governing body to request concurrence in a local emergency should indicate the following:

- ◆ the nature and date of the emergency, and
- ◆ the person designated to receive, process, and coordinate all aid.

Required:

To assist the State OES Director in evaluating the situation, and in making a decision on whether or not to concur in the local emergency, the following is required:

- ◆ Local Emergency Declaration
- ◆ Initial Damage Estimate

Other considerations:

- ◆ Provide copies to OES Region and OES Headquarters.
- ◆ The local governing board must review the need for continuing the local emergency declaration at least every 14 days.
- ◆ Termination should be proclaimed at the earliest possible date.

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Benefits³: It is in the best interests of each jurisdiction to declare a local emergency, rather than wait to be included in the county's declaration. In this way, the jurisdiction is authorized to use its additional powers as listed below:

- ◆ activate additional powers and authorities as authorized by its ordinances;
- ◆ extend liability coverage;
- ◆ expand the mutual aid system; and
- ◆ required to receive state and/or federal assistance.

3: STATE OF EMERGENCY PROCLAMATION⁴

Required: Local Emergency Declaration

State assistance: When a disaster threatens or occurs, local authorities take immediate steps to evacuate citizens, alleviate suffering, and protect life and property.

If additional help is needed, the Governor may direct execution of the State's emergency plan, use State Police or the National Guard, or commit other State resources as the situation demands.

When to request: A jurisdiction should **request** the Governor to proclaim a state of emergency within 30 days of the incident (20 days if want federal assistance) when the governing body of a city, county, or city and county determine that:

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E r r o	Emergency conditions are beyond the control of the services, personnel, equipment, and facilities of any single county, city, or city and county, and
2	Emergency conditions require the combined forces of a mutual aid region or regions to combat.

When Governor may proclaim:

The Governor may proclaim a state of emergency when:

- ◆ The conditions described above exist, **and either**
- ◆ Governor is requested to do so by governing authority of a jurisdiction (through Local Emergency Declaration), or
- ◆ Governor finds that the local authority is inadequate to cope with the emergency.

Information to include:

Request for a state of emergency proclamation should include:

- ◆ Copy of Local Emergency Declaration
- ◆ Initial Damage Estimate
- ◆ Why State Assistance is Needed

4: PRESIDENTIAL DECLARATION OF A FEDERAL MAJOR DISASTER OR EMERGENCY⁵

Source: The following information is excerpted from *A Guide to Federal Aid in Disasters, FEMA, 4/95*.

Requirements: In order for the President to declare a federal major disaster or emergency, the Governor of the requesting state must submit the following:

- ◆ Local Emergency Declaration
- ◆ State of Emergency Proclamation

The Governor's written request for federal assistance must also include⁶:

1. Certification of implementation of the State Emergency Plan.
2. Description of how the disaster caused needs beyond State/local capabilities.
3. A description of State/local resources already committed.
4. Preliminary estimates of supplementary Federal assistance needed.
5. Certification of compliance with cost-sharing requirements of the Stafford Act.

Basis for request: The situation is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments, and

Federal assistance under the Stafford Act is necessary to supplement the efforts and available resources of the state, affected local governments, disaster relief organizations, and compensation by insurance.

Definitions: For the purposes of a Presidential Declaration of a Major Disaster or Emergency, the following definitions apply:

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Error! Bookmark not defined.Major disaster	A major disaster is defined as "any natural catastrophe (including any hurricane, tornado, storm, high water, wind driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the U.S. which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby."
Emergency	An emergency is defined as "any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the U.S."

Contents: Following are the major parts of the Presidential Declaration process:

Section	Topic	Page
A	Process to Request a Federal Major Disaster or Emergency	14-12
B	FEMA Processing	14-14
C	Request for Emergency Declaration	14-15
D	The Declaration and Initial Operations	14-16
E	FEMA-State Agreement	14-17

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A: PROCESS TO REQUEST A FEDERAL MAJOR DISASTER OR EMERGENCY⁷

Steps to take: If the Governor is considering asking the President to declare a major disaster or an emergency, State disaster and emergency officials, in coordination with other state and local officials should:

Step	Action ⁸
1	Request a FEMA/OES Joint Preliminary Damage Assessment (PDA) to verify the extent of private and public damage.
2	Estimate the types and extent of Federal disaster assistance required.
3	Consult with FEMA Regional Director on eligibility for Federal disaster assistance.
4	Advise the FEMA Regional Director if the Governor requests or intends to request a declaration by the President.

Request must include: The Governor's request for a Presidential declaration of a major disaster or emergency must include the following information:

Topic	Required Information
State Emergency Plan	Certification of implementation of the State Emergency Plan
Damages and losses	Estimate of amount and severity of damages and losses stating the impact on public and private sectors, and describing how the disaster caused needs beyond State/local capabilities.
State resources committed	Information describing the nature and amount of state and local government resources committed, stating specifically those activities for which no federal funding will be requested.
Estimates of assistance needed	Preliminary estimates of the types and amounts of supplementary federal assistance needed, as provided under the Stafford Act (Summarized PDA results).
Cost sharing	Certification by 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, or

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Topic	Required Information
	constitute the expenditure of a reasonable amount of funds for alleviating disaster damages, losses, and suffering.

Exception to application requirements:

- ◆ For catastrophes of unusual severity and magnitude when field damage assessments not necessary to determine the requirements are for supplemental federal assistance.
- ◆ Governor may submit abbreviated expedited request.

Deadlines:

The following deadlines apply to the Governor's request for federal assistance following a major disaster or emergency.

NOTE: Local requests for state and federal assistance must be submitted to the Governor so his staff has enough time to prepare the State's (Governor's) request for federal assistance before the statutory deadlines.

Error! Bookmark not defined. Request for Major Disaster Declaration	must be made within 30 days of incident occurrence
Request for Emergency Declaration	must be submitted within 5 days of the incident occurrence

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B: FEMA PROCESSING⁹

Steps FEMA take: The following table highlights the steps that FEMA takes after receiving a Governor's request for a Presidential declaration of a major disaster or emergency:

STEP	ACTION
1	The State's completed request, addressed to the President, is sent via the FEMA Regional Director.
2	Regional Analysis prepared from Preliminary Damage Assessment data, information is submitted as part of state request, and consultations among state, federal, and local officials.
3	The Regional Director evaluates the damage and requirements for Federal assistance and makes a recommendation to the FEMA Associate Director (Washington D.C.).
4	The FEMA Director will review Governor's request and Regional Analysis and formulate a recommendation for forwarding to the President with the Governor's request.

Major disaster declaration:

A **Major Disaster Declaration** recommendation by FEMA Regional Director is based on finding of whether or not situation is beyond capabilities of the state and affected local governments.

FEMA will consider factors such as:

- ◆ amount and type of damages
- ◆ availability of state and local resources
- ◆ the extent and type of insurance in effect
- ◆ recent disaster history
- ◆ past hazard mitigation history, etc.

Emergency

Declaration:

An **Emergency Declaration** recommendation by the FEMA Regional Director will be based on a report which will indicate whether or not federal emergency assistance is necessary to supplement state and local efforts to save lives, protect property, or avert the threat of a catastrophe.

C: REQUEST FOR EMERGENCY DECLARATION¹⁰

When:

For events that do not qualify under the definition of a major disaster, the Governor may request an emergency declaration to provide assistance to:

- ◆ save lives,
- ◆ protect property,
- ◆ public health and safety, or
- ◆ to lessen or avert the threat of a catastrophe.

Similar procedures:

The procedures for requesting and declaring an emergency are similar to those for major disaster declarations.

Information to include:

As with the request for a major disaster declaration the Governor's request should contain the following specific information:

- ◆ a description of State and local efforts and resources used to alleviate the situation, and
- ◆ a description of the type and extent of Federal aid required.

D: THE DECLARATION AND INITIAL OPERATIONS¹¹

After Presidential declaration:

The Governor, appropriate Members of Congress, and Federal departments or agencies are immediately notified.

The director, FEMA, appoints an appropriate FEMA (or other Federal) official as the Federal Coordinating Officer (FCO).

Concurrently with the President's action, the Associate Director, Resource and Recovery, based on the Governor's request:

- ◆ designates the kinds of assistance to be made available, and
- ◆ the counties or other political subdivisions that are eligible to receive such assistance.

FCO responsibilities:

The Federal Coordinating Officer then takes the following steps:

- ◆ Makes an initial appraisal of types of relief most urgently needed
- ◆ Coordinates all Federal disaster assistance programs
- ◆ Coordinates, with their consent, the efforts of private relief organizations, such as the American Red Cross, Salvation Army, and Mennonite Disaster Service.
- ◆ Establishes a temporary Disaster Field Office (FCO) within the affected area to coordinate the disaster relief and recovery effort.

E: FEMA-STATE AGREEMENT¹²

Content of agreement: After the President's declaration of a major disaster or an emergency, the Governor and the appropriate FEMA Regional Director execute a FEMA-State Agreement.

The Agreement:

- ◆ prescribes the manner in which Federal aid under the Stafford Act is to be made available.
- ◆ lists the areas within the State which are eligible for assistance;
- ◆ stipulates any division of costs among Federal, State, and local governments;
- ◆ specifies the period officially recognized as the duration of the major disaster or emergency; and
- ◆ contains other conditions of assistance.

Amendment of agreement:

If other kinds of assistance are approved on the basis of further information, or additional jurisdictions are designated eligible for assistance, the agreement is amended accordingly.

Federal/state cost share:

The division of costs among Federal, State, and local governments is a negotiable item. The minimum federal share under the Stafford Act is 75%. However, depending on the circumstances, the Federal government may assume a larger percentage of the costs.

Example: For the 1994 Northridge earthquake, the Federal/State share was 90%/10%.

The federal/state share is typically 75%/25%, but this varies depending upon the extent of the disaster as outlined in the FEMA/State Agreement for that declaration. It is based upon the State's ability to pay the cost share.

Example: Sometimes a threshold dollar amount is used. For example, for eligible project costs up to \$100,000, the cost share may be 75%/25%, but after that it may be 90%/10% or 100% reimbursed by FEMA.

REFERENCES

- ◆ Disaster Recovery Public Assistance Applicant Packet for Local Government and Special Districts, Governor's Office of Emergency Services.
- ◆ Overview: Declarations and Assistance," California OES, 1992.
- ◆ A Guide to Federal Aid in Disasters, FEMA 262, 4/95.
- ◆ OES, Disaster Assistance Branch, Federal and State Public Assistance Program, Subgrantee Briefing.

ENDNOTES

1. Overview: Declarations and Assistance, California OES, 1992; A Guide to Federal Aid in Disasters, FEMA 262, 4/95
2. Subgrantee Briefing Package, Federal and State Public Assistance Program, OES Disaster Assistance Branch
3. San Joaquin County Disaster Recovery Manual, 8/95.
4. Ibid.
5. *A Guide to Federal Aid in Disasters, FEMA, 4/95.*
6. Student Manual - Public Assistance Inspector's Course, E-375, FEMA, 11/95, page SM 1-11):
7. Ibid.
8. *A Guide to Federal Aid in Disasters, FEMA, 4/95.*
9. A Guide to Federal Aid in Disasters, FEMA, 4/95.
10. Ibid.
11. Ibid.
12. Ibid.