



Private Property and Commercial Debris Removal Process

DR-4663-KY

Agenda

- Define PPDR
- Types of PPDR
- PPDR Eligibility Requirements
- PPDR Request
- Commercial Property Request
- Demolition (Private and Commercially Structures)





Define PPDR

When debris on private property is so widespread that it threatens public health and safety or the economic recovery of a community, FEMA may provide PA funding for debris removal from private property.



FEMA



Debris Removal from Private Residential Property

- Debris removal from residential property is usually not in the public interest because the debris does not typically present an immediate health and safety threat to the general public
- If the incident generates debris quantities and/or types of debris on residential property that is so widespread or of such magnitude that it creates an immediate threat to public health and safety, debris removal may be in the public interest



FEMA



Debris Removal from Private Roads

- Roads that are not owned or operated by or otherwise the legal responsibility of a Federal, State, or Local entity
- If the public has unrestricted access (no locks, gates, or guards) and frequently uses the private road, then removal and disposal of the debris, including debris placed at the curbside by residents, is in the public interest



FEMA



PPDR Requirements

Legal Responsibility & Indemnification

- FEMA accepts a written statement from an authorized Applicant official that:
 - Certifies the Applicant has legal authority and responsibility to remove debris from private property;
 - Cites all applicable sources of authority (law, ordinance, code, contract, etc.); and
 - Indemnifies the United States for any claim arising from the debris removal.



FEMA



PPDR Requirements

Public Interest

- ❑ The determination must be made by the State, Territorial, Tribal, county, or municipal government's public health authority or other public entity that has legal authority to make a determination that disaster-generated debris on private property constitutes an immediate threat to life, public health, or safety, or to the economic recovery of the community at large.
- ❑ Specific legal requirements for declaring the existence of a threat to public health and safety



FEMA



PPDR Requirements

To determine if removal of debris from private residential property is in the public interest, the Applicant must demonstrate the immediate threat to public health and safety:

- ❑ Whether the debris is located in open areas accessible to the public;
- ❑ Volume and height of debris;
- ❑ Number of houses and blocks with large volume of debris; and
- ❑ Amount of the public population affected.



FEMA



Request of PPDR

- ❑ Applicants must provide a written request through the Commonwealth to FEMA addressing;
 - ❑ Legal authority and Indemnification
 - ❑ Public Interest
 - ❑ Identifying the specific properties or areas of properties where it will be conducting PPDR.
- ❑ With the exception of debris removal from commercial property, the Applicant does not need to wait for FEMA approval to start work.



FEMA



PPDR Approval Process

- Once the request is received, FEMA engages with the Recipient and Applicant to review the request and conduct any site validation/inspections.

- For the Applicant to receive PA funding, FEMA must determine that the work at each property is eligible.

- Once eligibility has been determined, a response to the Applicant's request will be provided by FEMA in conjunction with the Commonwealth





Debris Removal from Commercial Property - Pre-Approval Required

- Removal of debris from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, agricultural property, and trailer parks, is generally not eligible because commercial enterprises are expected to retain insurance that covers debris removal
- As a reminder, in large commercial areas such as shopping centers, industrial, manufacturing facilities and other clearly commercial areas that are easily identified, the debris removal remains the responsibility of the commercial entities, and FEMA will not allow reimbursement for that debris removal



Request for Commercial Debris Removal

- Applicants must provide a written request through the State to FEMA addressing;
 - Legal authority and Indemnification
 - Public Interest
 - Identifying the specific properties or areas of properties where it will be conducting Debris Removal.
 - Cost justification – fencing versus demolition by government
- The Applicant must wait for FEMA approval to start work.
- The Approval Process is the same as for PPDR



Environmental Considerations for Debris Removal

- ❑ PPDR will have no effect or limited effect on natural resources or historic properties if implemented as specified in this guidance. FEMA Environmental and Historic Preservation (EHP) will not need to review the PPDR location prior to the start of debris removal if these general guidelines are adhered to.
 - ❑ Transport and disposal to existing licensed solid waste facilities or landfills, including any temporary and KYDEP pre-approved locations
 - ❑ Physical structures, including those damaged structures, are not affected
 - ❑ Ground disturbance is minimal and in-ground elements are left in place
 - ❑ Limit heavy equipment to existing rights-of-way or hardened surfaces
 - ❑ PPDR is prohibited in federally protected critical habitats for any threatened or endangered species. Is also prohibited from any waterways, lakes, stream, ponds, or other natural features, without prior consultation and approval from FEMA





DEMOLITION

Demolition of Private Structures

- ❑ Emergency demolition of structures located on private property may be eligible when partial or complete collapse is imminent, and that collapse poses an immediate threat to the general public.
- ❑ Clarification of Demolition versus Debris. If more than one wall of a structure is standing and not in immediate danger of collapsing, FEMA considers the removal of that structure to be demolition and not debris removal. Demolition is subject to additional requirements and must comply with FEMA PAPPG (V4) Chapter 7:II.U. *Demolition of Private Structures*



Demolition Of Private Structures

- In some instances, restricting public access to an unsafe structure and the surrounding area, such as securing the area with a fence, is sufficient to alleviate the immediate threat and is more cost-effective than demolition. In these cases, demolition is ineligible.
- If a structure is condemned prior to the incident, emergency protective measures related to that structure are ineligible.



Demolition - Conditions for Eligibility

- ❑ Certify that the structures are unsafe and pose an immediate threat to lives or public health and safety;
- ❑ Provide documentation to confirm its legal authority and responsibility to enter private property and demolish privately-owned unsafe structures. This includes:
 - ❑ Citation of the law, ordinance, code, or emergency powers for which it is exercising its legal authority to demolish privately-owned unsafe structures.
 - ❑ The authority cited must be applicable to the structural condition representing the immediate threat and not merely the Applicant's uniform level of services.
- ❑ Confirmation that a legally authorized official of the Applicant has ordered the exercise of public emergency powers or other appropriate authority to enter onto private property
- ❑ Indemnify the Federal Government and its employees, agents, and contractors





Demolition Approval Process

- Once the request is received, FEMA engages with the Recipient and Applicant to review the request and conduct any site validation/inspections.
- FEMA must determine that each property is eligible for demolition
- Before FEMA will provide PA funding, the Applicant must provide confirmation that it satisfied all legal processes and obtained permission requirements from the property owners (rights-of-entry) and agreements to indemnify and hold harmless the Federal Government.
- Additionally, the Applicant must provide documentation to support that it obtained all necessary permits and complied with EHP requirements.
- Once eligibility has been determined by PA, a letter will be prepared sharing FEMA's eligibility determination for each property





Demolition Of Private Structures Eligible Work

If FEMA approves the demolition of private structures, eligible work associated with the demolition includes, but is not limited to:

- Capping wells; Pumping and capping septic tanks;
- Filling open below-grade structures, such as basements and swimming pools;
- Testing for hazardous materials;
- Securing utilities;
- Obtaining permits and licenses;
- Performing title searches.
- Overtime labor directly related to issuing these permits, licenses, and titles for facilities that are eligible for demolition is eligible.



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Demolition-Ineligible Work

- Removal or covering of concrete pads and driveways except for structures in a FEMA-funded buyout program; and
- Removal of slabs or foundations that do not present a health or safety hazard, except for structures in a FEMA-funded buyout program through the Hazard Mitigation Grants Program (HMGP) (the removal of Substantially Damaged structures and associated facilities acquired through HMGP may be eligible as Category A, Debris Removal).



Demolition of Commercially Owned Structures

- ❑ **Demolition of structures owned by commercial enterprises** may include businesses, apartments, condominiums, and mobile homes in commercial trailer parks, are generally ineligible as it is expected that the commercial enterprises retain insurance that cover the cost of demolition.
- ❑ However, in very limited and extraordinary circumstances FEMA may provide an exception. In such cases, the Applicant must meet the requirements detailed in FEMA PAPPG (V4) *Chapter 7: Approval Process*.
 - ❑ Approval must be obtained prior to work beginning.



Duplication of Benefits

- ❑ The Applicant needs to work with private property owners to pursue and recover insurance proceeds and credit FEMA the Federal share of any insurance proceeds received.
- ❑ In some circumstances, FEMA may provide IA assistance to individuals for debris removal; consequently, FEMA PA staff coordinate closely with IA staff to ensure FEMA does not fund the same work under both programs.



PPDR, CDR and Demo Approval Request Process

Step 1:

Authorized Applicant official (County) submit written statement to the State informing them that they want to request PPDR, CDR and/or Demo providing legal responsibility and indemnification

- Statement certifies the applicant has legal authority and responsibility to remove debris from private property
- Statement cites all applicable sources of authority (law, ordinance, code, contract, etc.
- Statement indemnifies the U.S. for any claim arising from debris removal



FEMA

Example of the PPDR Approval Request Letter

APPLICANT PPDR APPROVAL REQUEST LETTER

BELOW IS A SUGGESTED TEMPLATE for FEMA-DR-4630-KY

REQUEST TO CONDUCT PRIVATE PROPERTY DEBRIS REMOVAL

[THROUGHOUT THIS DOCUMENT, PLEASE REMOVE AND REPLACE ALL RED "EXPLANATORY" TEXT AS APPROPRIATE]

[LOCALITY LETTERHEAD WITH ALL CONTACT INFORMATION]

[MONTH XX, 202X]

Mr. John Brogan
Federal Coordinating Officer
Federal Emergency Management Agency
FEMA-DR-4630-KY Joint Field Office
100 Minuteman Parkway
Frankfort, KY 40601-6120

Through:

Michael E. Dossett
Governor's Authorized Representative
FEMA-DR-4630-KY
Kentucky Emergency Management
100 Minuteman Parkway
Frankfort, KY 40601-6120

Subject: FEMA-DR-4630-KY Authorization to Conduct Debris Removal from Non-Commercial Private Property in [TOWN/CITY/COUNTY]

Dear Federal Coordinating Officer Brogan

Pursuant to the terms and conditions of the Stafford Act, 42 U.S.C. Section 5121 et seq., FEMA Regulations as published at 44 C.F.R. Sections 206.222 - 206.224, the FEMA *Public Assistance Program and Policy Guide* FP 104-009-2 Version 4, June 1, 2020, and the FEMA *Public Assistance Debris Monitoring Guide*, March 1, 2021, the [TOWN/CITY/COUNTY] hereby requests FEMA approve [IF DFA IS REQUESTED, ADD "AND ARRANGE FOR:"] the removal of debris from private property in [TOWN/CITY/COUNTY] caused by severe storms, straight line winds, and tornadoes on December 10-11, 2021 (hereinafter "the event").

Determination of Public Interest

[TOWN/CITY/COUNTY] has determined that it is in the public interest to have event-caused debris removed from private property in order to [INSERT AS APPROPRIATE: "ELIMINATE IMMEDIATE THREATS TO LIFE, PUBLIC HEALTH AND SAFETY," AND/OR "ELIMINATE THREATS OF SIGNIFICANT DAMAGE TO IMPROVED PROPERTY" AND/OR "ENSURE ECONOMIC RECOVERY OF THE AFFECTED COMMUNITY TO THE BENEFIT OF THE COMMUNITY-AT-LARGE"]. We understand that the final public interest determination will be made by FEMA. [IF DFA IS REQUESTED, ADD: "DUE TO THE SEVERITY AND EXTENT OF THE DAMAGE FROM EVENT, {TOWN/CITY/COUNTY} IS UNABLE TO PERFORM OR CONTRACT TO PERFORM THIS WORK IN A TIMELY MANNER."]

Documentation of Legal Responsibility

In accordance with 44 C.F.R. Section 206.223(a) and Public Assistance Program and Policy Guide FP 104-009-2 V.4, to be eligible for FEMA Public Assistance funding, we understand that the [TOWN/CITY/COUNTY] must have the legal authority and responsibility to perform the work at issue in the public interest which, in this case, involves the removal of tornado-generated debris from private property. As noted above, the damage caused by the event in [TOWN/CITY/COUNTY] was extensive. As a result of [CHOOSE APPROPRIATE: "MY EXECUTIVE ORDER AS {OFFICIAL TITLE} DATED MONTH XX, 202X" OR "A MEETING OF THE {TOWN/CITY/COUNTY COUNCIL/BOARD OF SUPERVISORS/FISCAL COURT/ETC.} ON MONTH XX, 202X"] (Attachment A), the following determinations have been made:

1. Removal of event-caused debris from residential private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by [THE GOVERNOR OR COMMONWEALTH/LOCAL DEPARTMENT OF PUBLIC HEALTH'S] Declaration of a [TITLE, E.G., "DEBRIS-RELATED PUBLIC HEALTH EMERGENCY,"] dated [MONTH XX, 202X] (Attachment B).
2. Under the laws of the Commonwealth of Kentucky, local ordinances and or opinions of the Attorney General [PROVIDE CITATIONS], as attached, [THE TOWN/CITY/COUNTY] has the authority and legal responsibility to enter private property to perform debris removal when it is found to pose an immediate threat to life, public health, and safety. (Attachment C).
3. Based upon "1" and "2" above, [HERE AND THROUGHOUT, INSERT: "I" IF EXECUTIVE ORDER; OR "WE" IF COUNCIL/BOARD/POLICE JURY/ETC.] have determined to exercise these authorities to enter onto private property.
4. [I/WE] certify that [IF USING PARAGRAPH 5, BELOW, INSERT "TO THE EXTENT FEASIBLE,"] before we initiate such debris removal on these private properties, we will have unconditional authorization to do so, either through the use of

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FEMA

Example of the PPDR Approval Request Letter

Rights of Entry with indemnity and prevention of duplication of benefits clauses signed by each property owner or, if that is not possible, through satisfying all the legal processes as provided in our nuisance abatement and/or condemnation ordinances and/or through obtaining all legal permissions to carry out these actions.

5. **[OPTIONAL PARAGRAPH]** There may be circumstances however, where, because of the immediate urgency of the situation, the procedures of obtaining a Right of Entry or pursuing a condemnation proceeding, as set out in paragraph "4" above, may be too time consuming. **[I/WE]** then will act under the auspices of the laws, ordinances and/or opinion from the Commonwealth Attorney General set out in paragraph "2" (Attachment C) relying on the public health Declaration described in paragraph "1" (Attachment B). Together, these confirm the legal basis for the **[TOWN/CITY/COUNTY]** to remove the debris on these private properties utilizing its police power. **[I/WE]** certify that we have a process to regularize and determine which properties will require these extraordinary procedures to protect the public safety. In these urgent circumstances, a reasonable period will be afforded for public notification before private property debris removal will commence.

6. **[I/WE]** will not remove titled personal property such as cars, trucks or boats under this authorization. In addition, we will not remove any debris under this authorization generated by any new construction/reconstruction activities, any debris from commercial properties and will not perform any demolition.

7. **[I/WE]** understand that we must also consider Federal, Commonwealth, and local laws that relate to the effects debris removal, temporary and final disposal activities can have on historic properties, floodplains, wetlands, endangered and threatened species, critical wildlife habitats, soils, prime farmland, water and air quality, tribal, low-income and minority populations and other cultural resources. We understand that before debris removal can be approved, FEMA must ensure that the scope of work is compliant with Federal and Commonwealth laws, regulations and Executive Orders. FEMA's Office of Environmental Planning and Historic Preservation (EHP) will need to coordinate with all applicable agencies prior to approving debris removal activities.

8. The subject private properties in the following areas are the subject of this debris removal approval request: **[SPECIFY THE NEIGHBORHOODS AND STREETS. THE MORE SPECIFIC, THE FASTER THE FEMA PUBLIC ASSISTANCE DEBRIS TASK FORCE TEAM CAN INSPECT AND MAKE A PUBLIC INTEREST DETERMINATION AS TO ELIGIBILITY].**

Indemnification

As required by section 407(b) of the Stafford Act (42 U.S.C. § 5173(b)), the **[TOWN/CITY/COUNTY]** hereby agrees that it shall indemnify and hold harmless the Federal Government and its employees, agents, contractors, and subcontractors from any claims arising from debris removal. The **[TOWN/CITY/COUNTY]** hereby acknowledges that in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be

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liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Stafford Act.

Duplication of Benefits

To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155), the **[TOWN/CITY/COUNTY]** will obtain from the owner of the subject private property, any, and all information and documentation relating to insurance coverage, proceeds and settlements and provide this to the **[SPECIFY APPROPRIATE COMMONWEALTH OR LOCAL EMERGENCY MANAGEMENT AGENCY].**

Proper Procurement

The **[TOWN/CITY/COUNTY]** affirms that any contract entered into for debris removal will comply with the requirements of 2 C.F.R. Part 200 and understands that a failure to comply with any required federal, state and local laws, regulations and permits necessary for lawful performance of debris removal could jeopardize FEMA funding.

Contact

The **[TOWN/CITY/COUNTY/PARISH]** point of contact for this request for PPDR authorization is **[NAME]** who may be contacted at **[PHONE NUMBER AND EMAIL ADDRESS]** if you require additional information.

Affirmation of Authority

By affixing my signature hereto, I represent that I am duly authorized as **[TITLE THAT GIVES AUTHORITY IN INDIVIDUAL CAPACITY OR ON BEHALF OF THE TOWN/CITY/COUNTY COUNCIL/FISCAL COURT]** to make this request.

Sincerely,

S/
[APPLICANT'S AUTHORIZED REPRESENTATIVE]

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Example of the Demo Approval Request Letter

DEMOLITION REQUEST TEMPLATE

FEMA-DR-4630-KY

SUGGESTED ELEMENTS FOR APPLICANT LETTER

PRE-APPROVAL REQUEST: DEMOLITION OF PRIVATELY OWNED RESIDENTIAL STRUCTURES AND RESULTING DEBRIS REMOVAL WHEN USING PRIVATE CONTRACTOR, FORCE ACCOUNT, OR DIRECT FEDERAL ASSISTANCE

[THROUGHOUT THIS DOCUMENT, PLEASE REMOVE ALL RED "EXPLANATORY" TEXT AND REPLACE AS APPROPRIATE]

BEGIN LETTER WITH:
[APPLICANT LETTERHEAD WITH ALL CONTACT INFORMATION]

[DATE]

John Brogan
Federal Coordination Officer
Federal Emergency Management Agency
FEMA-DR-4630-KY Joint Field Office
100 Minuteman Parkway
Frankfort, KY 40601-6120

Through:

Michael E. Dossett
Governor's Authorized Representative
FEMA-DR-4630-KY
Kentucky Emergency Management
100 Minuteman Parkway
Frankfort, KY 40601-6120

Subject: FEMA-DR-4630-KY, Request to Conduct Demolition of Private Residential Structures and Removal of Resulting Demolition Debris in [TOWN/CITY/COUNTY]

Dear Federal Coordinating Officer Brogan:

As a result of severe storms, straight line winds, and tornadoes on December 10-11, 2021 (hereinafter "the event"), numerous privately-owned residential structures were irreversibly damaged and made unsafe. Therefore, pursuant to Section 403(a)(3)(E) of the Stafford Act, 42 U.S.C. 5170b, FEMA Regulations as published at 44 C.F.R. 206.225, and the FEMA *Public Assistance Program and Policy Guide* FP 104-009-2, June 1, 2020, the [TOWN/CITY/COUNTY] hereby requests FEMA approve [IF DFA IS REQUESTED, ADD "AND ARRANGE FOR"] the demolition of certain privately-owned unsafe residential structures within [TOWN/CITY/COUNTY] which pose an immediate threat to life, public health, and safety in order that reimbursement can occur. The [TOWN/CITY/COUNTY] also requests approval for the subsequent removal of demolition debris and any eligible required post-demolition activity necessary to assure a safe site.

Determination of Public Interest

The [TOWN/CITY/COUNTY] has determined it is in the public interest to demolish and remove demolition debris from certain unsafe privately-owned residential structures damaged as a result of the above-referenced event in order [INSERT: "TO ELIMINATE IMMEDIATE THREATS TO LIFE, PUBLIC HEALTH AND SAFETY," AND/OR "TO ELIMINATE THREATS OF SIGNIFICANT DAMAGE TO IMPROVED PROPERTY"]. We have determined that such protection of the public cannot be met by any lesser remedy such as perimeter fencing. We understand that the final public interest determination necessary to entitle [TOWN/CITY/COUNTY] to reimbursement will be made by FEMA. [IF DFA IS REQUESTED, ADD: "DUE TO THE SEVERITY AND EXTENT OF THE DAMAGE FROM EVENT, {TOWN/CITY/COUNTY} IS UNABLE TO PERFORM OR CONTRACT TO PERFORM THIS WORK IN A TIMELY MANNER."]

Documentation of Legal Responsibility

In accordance with the above-mentioned FEMA law, regulations and policy, in order to be eligible for FEMA Public Assistance funding we understand that the [TOWN/CITY/COUNTY] must have the legal responsibility to perform the work at issue. The work at issue includes entering private property to demolish privately-owned residential structures made unsafe by the December 10-11 severe storms, straight line winds, and tornadoes, removing demolition debris and completing any associated post-demolition work that is required. As noted above, the damage caused by the event was extensive. Therefore, as a result of [CHOOSE APPROPRIATE: "MY EXECUTIVE ORDER AS (OFFICIAL TITLE) DATED MONTH XX, 202_" OR "A MEETING OF THE (TOWN/CITY/COUNTY COUNCIL/BOARD OF SUPERVISORS/FISCAL COURT/ETC.) ON MONTH XX, 202_"] (Attachment A), the following determinations have been made:

1. Demolition of privately owned residential structures made unsafe by event, subsequent removal of demolition debris and associated required post-demolition work, is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by [THE GOVERNOR'S AND/OR COMMONWEALTH/LOCAL DEPARTMENT OF PUBLIC HEALTH'S, LOCAL BUILDING DEPARTMENT'S] Declaration of a "Public Health and Safety Emergency Related to Event Damaged Structures," dated [MONTH XX, 202_] (Attachment B).
2. Under the laws of the Commonwealth of Kentucky and [THE TOWN/CITY/COUNTY, INCLUDING BUT NOT LIMITED TO {PROVIDE CITATIONS}], as attached, [THE TOWN/CITY/COUNTY] has the authority and legal responsibility to enter private property to perform emergency demolition of unsafe structures, when found to pose an immediate threat to life, public health, and safety and such a circumstance is individually and properly certified by the [TOWN/CITY/COUNTY CONDEMNATION AUTHORITY] (Attachment C).
3. Based upon "1." and "2." above, the [HERE AND THROUGHOUT, INSERT: "I" IF EXECUTIVE ORDER; OR "WE" IF COUNCIL/FISCAL COURT/ETC.] have determined to exercise these authorities to enter onto private property to abate the declared public health and safety emergency by demolishing unsafe privately-owned residential structures, undertaking associated required post-demolition work including removing demolition debris from the private property.
4. [I/WE] certify that before the [THE TOWN/CITY/COUNTY] initiates emergency demolition of unsafe, privately owned structures pursuant to the above specified authorities, the [THE TOWN/CITY/COUNTY] shall have satisfied all the legal procedures relating to such actions by using the [THE TOWN/CITY/COUNTY'S] legal process for emergency demolition, which includes a determination and formal certification by the [SPECIFY: TOWN/CITY/COUNTY CONDEMNATION AUTHORITY] that the structure is in imminent danger of collapse and that the

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Example of the Demo Approval Request Letter

exigency of the situation is such that any delay may cause further danger to the public health and safety.

5. [THE TOWN/CITY/COUNTY] understands that to qualify for FEMA reimbursement, it must have unconditional authorization to enter private property. {OPTIONAL: [SUBJECT TO NUMBER 6 BELOW]} We will obtain a Right of Entry signed by the property owner and lien holders that allows unconditional access for the purpose of carrying out demolition.
6. [OPTIONAL] There may be circumstances where the procedures of obtaining a Right of Entry, as set out in paragraph "5." above, are too time consuming because of the immediate threats to life, public health and safety. In such circumstances, we will act under other emergency powers including but not limited to [TOWN/CITY/COUNTY EMERGENCY ORDINANCE [CITE] OR POLICE POWERS ACCORDED THE TOWN/CITY/COUNTY BY COMMONWEALTH OF KY ATTORNEY GENERAL'S OPINION OR OTHER AUTHORITY{CITE}] (Attachment C).
7. [I/WE] understand that we must also consider Federal, Commonwealth, and local laws that relate to the effects demolition activities can have on historic properties, floodplains, wetlands, endangered and threatened species, critical wildlife habitats, soils, prime farmland, water and air quality, tribal, low-income and minority populations and other cultural resources. We understand that before demolition can be approved, FEMA must ensure that the scope of work is compliant with Federal and Commonwealth laws, regulations and Executive Orders. FEMA's Office of Environmental Planning and Historic Preservation (EHP) will need to coordinate with applicable agencies prior to approving the demolition application in order to carry out this necessity successfully.
8. An initial list of the non-commercial, privately-owned residential structures for which the [TOWN/CITY/COUNTY] is requesting demolition is attached (Attachment D). This list will be updated when additional structures are identified, and FEMA and the Commonwealth will be notified.

Indemnification

As required by section 407(b) of the Stafford Act (42 U.S.C. § 5173(b)), the [TOWN/CITY/COUNTY] hereby agrees that it shall indemnify and hold harmless the Federal Government and its respective employees, agents, contractors, and subcontractors from any claims arising from demolition and subsequent removal of demolition debris. We hereby acknowledges that in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.

Duplication of Benefits

To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155), the [TOWN/CITY/COUNTY] will obtain from the subject private property owners information and documentation relating to insurance coverage, proceeds and settlements and provide this to Kentucky Emergency Management.

Proper Procurement

The [TOWN/CITY/COUNTY] affirms that any contract entered into for demolition and debris removal will comply with the requirements of 2 C.F.R. § 200.318-200.336 and understands that a failure to comply with any required federal, state and local laws, regulations and permits necessary for lawful performance of

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demolition/debris removal could jeopardize FEMA funding.

Point of Contact

The [TOWN/CITY/COUNTY] point of contact for this request is [NAME] who may be contacted at [PHONE NUMBER AND/OR EMAIL ADDRESS] if you require additional information.

Affirmation of Authority

By affixing my signature hereto, I represent that I am duly authorized as [TITLE THAT GIVES AUTHORITY IN INDIVIDUAL CAPACITY OR ON BEHALF OF TOWN/CITY/COUNTY COUNCIL/FISCAL COURT] to make this request.

Sincerely,

S/

[TOWN/CITY/COUNTY AUTHORIZED REPRESENTATIVE]

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FEMA



PPDR, CDR and Demo Approval Request Process

Step 2:

State will review the written request and if in agreement, the State will forward a letter of concurrence to the FEMA Debris Task Force Lead



FEMA

Example of the State Concurrence Letter



KENTUCKY EMERGENCY MANAGEMENT

Andy Beshear
Governor

Department of Military Affairs
100 Minuteman Parkway
Frankfort, KY 40601-6168

Michael E. Dossett
Director

February 21, 2022

John Brogan
Federal Emergency Management Agency Federal Coordinating Officer
FEMA-DR-4630-KY Joint Field Office
657 Chamberlain Avenue
Frankfort, KY 40601

Subject: Request for Authorization to Conduct Debris Removal from Rights of Way of
Private Roads in [REDACTED]

Dear Federal Coordinating Officer Brogan:

Pursuant to the terms and conditions of the Stafford Act, 42 U.S.C. Section 4121 35 seq., Federal Emergency Management Agency (FEMA) regulations published at 44 CFR Sections 206.222 – 206.244, the FEMA *Public Assistance Program and Policy Guide* FP 104-009-2 Version 4, June 1, 2020, and the *FEMA Public Assistance Debris Monitoring Guide*, March 1, 2021, [REDACTED] by its February 11, 2022, letter to you, has requested FEMA approval for the removal of debris from certain private road rights of way (ROWs) in [REDACTED]. Said debris is a result of the severe storms, straight line winds, and tornadoes of December 10 - 11, 2021.

[REDACTED] attests that it is in the public interest to have the event-caused debris removed from the certain private roads ROWs, and that removal of this debris is necessary to eliminate immediate threats to public health and safety, eliminate threats of significant damage to improved property and ensure economic recovery of the county and to the benefit of the community at large.

The county's request documents the legal responsibilities and authorities of the county. Marshall County has identified its limitations and furthermore certifies that it indemnifies the Federal Government and its employees, agents, contractors, and subcontractors from any claims arising from debris removal.

The Commonwealth concurs with [REDACTED] and urges FEMA to approve its request to remove debris from certain private roads ROWs. Thank you for your consideration of this matter.

Sincerely,


Michael E. Dossett
Governor's Authorized Representative

Cc: Jeremy Slinker
Stephanie Robey
Jim Gray
Travis Mayo



FEMA

PPDR, CDR and Demo Approval Request Process

Step 3:

IBD and Debris Task Force Lead confirm that the request packet contains all the necessary documents needed in order to move to the next phase. Debris Task Force Lead will forward the packet to Environmental and Historic Preservation (EHP) for review.

Documentation included in the Request:

- Addresses of properties needing PPDR, CDR and/or Demo along with GPS coordinates of the properties
- Verification of ownership for each property
- Photos showing immediate threat to public interest
- Right of Entry from homeowner allowing ingress and egress of the property
- Insurance obtained from the owner to prevent DOB



FEMA

Example of Right of Entry

ROE No. _____	PRIVATE CONTRACTOR/FORCE ACCOUNT DEBRIS REMOVAL/DEMOLITION FEMA-4630-DR-KY/3575EM-KY Address: Tax ID Block/Lot: Federal/State/Tribal Landmark [Y/N]: ____
DATE _____	

RIGHT OF ENTRY ("ROE") ONTO PRIVATE PROPERTY FOR DEBRIS REMOVAL AND/OR DEMOLITION DISASTER ASSISTANCE (FEMA-XXXX- DR-KY)

Ownership Interest's Grant of Right of Entry for Debris Removal and/or Demolition Activities

The undersigned hereby certifies he/she/they/ is/are (check):
 _____ Property Owner(s) with authority to grant access to the property at (Address) _____
 _____ The authorized agent of the Property Owner(s) at above address.

The Property Owner(s)/agent authorizes the Town/City/County (name) _____ and the Commonwealth of Kentucky and the United States of America, their respective agents, successors and assigns, contractors and subcontractors (collectively, the "Governments/Contractors") to have the right of access and to enter the property above specified for purposes of performing debris removal as it is a public health and safety threat and/or for demolishing structures local authorities have determined through due process to be unsafe directly because of the declared major disaster, FEMA-4630-DR-KY/3575 EM-KY.

- Governments/Contractors will perform the following work (check):
1. _____ Remove debris from the Property.
 2. _____ Demolish the unsafe and condemned structure on the Property and remove the demolition debris.

If for Demolition: Mortgage and Insurance Adjuster Information

- _____ The Property Owner(s)/agent certifies that no mortgage exists on said property.
 _____ The Property Owner(s)/agent certifies that a mortgage does exist on said property.
 _____ The Property Owner(s)/agent certifies that if insurance exists, an adjuster has inspected the property.

If for Demolition: Other Liens/Encumbrances on the Property

- _____ The Property Owner(s)/agent certifies that no other liens or encumbrances exist on said property.
 _____ The Property Owner(s)/agent certifies that (list type) lien[s] _____ exists on said property.

Government Not Obligated; No Expense Except For Insurance Proceeds

The Property Owner(s)/agent understands that this Right of Entry does not obligate the Governments/Contractors to perform debris removal or demolition. Governments/Contractors will access the property under this ROE if the work has been determined necessary in accordance with Federal, Commonwealth, Tribal or local regulations. The Property Owner(s) will not be charged for the work conducted by Governments/Contractors. However, if the Property Owner(s) receives insurance proceeds or compensation from other sources for debris removal or demolition, the Property Owner's(s') obligation is set out in the section below, entitled "Avoidance of Duplication of Benefits: Reporting Debris Removal/Demolition Money Received."

Government Indemnified and Held Harmless

The Property Owner(s)/agent agrees to indemnify and hold harmless the Governments/Contractors for any damage of any type whatsoever to the above described property or to personal property and fixtures situated thereon, or for bodily injury

or death to persons on the property, and hereby releases, discharges and waives any and all actions, either legal or equitable, which the Property Owner(s) has, or ever might or may have, by reason of any action taken by Governments/Contractors to remove debris or demolish unsafe structures.

Avoidance of Duplication of Benefits: Reporting Debris Removal/Demolition Money Received

Property Owner(s)/agent has an obligation to file an insurance claim if coverage is available. Property Owner(s)/agent understands and acknowledges that receipt of compensation or reimbursement for performance of the aforementioned activities from any source, including the US Small Business Administration, private insurance, an individual and family grant program or any other public or private assistance program could constitute a duplication of benefits prohibited by federal law. If the Property Owner(s)/agent receives any compensation from any source for debris removal or demolition activities on this property, the Property Owner(s)/agent will report it to the Town/City/County/Commonwealth Department of _____ at (address & phone) _____.

Release of Insurance Information

If insured, the Property Owner(s)/agent authorize(s) its insurer, (Company) _____, to release information relating to coverage and payments for debris removal/demolition activities (Claim # _____, Policy # _____) to the Town/City/County/Commonwealth agency identified hereinabove.

Acknowledgment of Prohibition on Fraud, Intentional Misstatements

The Property Owner(s)/agent understands that an individual who fraudulently or willfully misstates any fact in connection with this agreement may be subject to penalties under state and federal law, including civil penalties, imprisonment for not more than five years, or both, as provided under 18 USC § 1001.

**Signature(s). Witnesses Required Only if Demolition
Property Owner(s) or Authorized Agent -- Mortgage/Lien Holder(s) if Demolition**

For the considerations and purposes set forth herein, I/we hereby set my/our hand(s) and seal(s) this _____ day of _____, 202_.

Witness 1 _____

Witness 2 _____

Privacy Act Statement: The Property Owner/Owner's Authorized Agent acknowledges that information submitted will be shared with other government agencies, federal and non-federal, and contractors, their subcontractors and employees but solely for purposes of disaster relief management to meet the objectives of this Right of Entry. This form is signed to allow access to perform debris removal and/or demolition operations on the above-mentioned property, to authorize the release of insurance policy/claim information and to assure notification of any lien holder of demolition.

Property Owner(s)/Authorized Agent:

Sign: _____

Print: Property Owner(s)/Authorized Agent:

Current Address and Telephone No.: _____

ALSO, IF DEMOLITION: Lien Holder(s):

Sign _____

Print: Mortgage Holder/Authorized Agent:

Current Address and Telephone No.: _____

Sign _____

Print: Other Lien Holder/Authorized Agent:

Current Address and Telephone No.: _____



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Example of Photos w/ GPS Locations

Road Name	Location Lat	Location Long	Link to Photo	Approx Street
Cardinal	36.93638	-88.23674	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93647	-88.23676	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93607	-88.23672	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93632	-88.23679	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.9369	-88.23673	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93646	-88.23674	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93599	-88.23666	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93565	-88.23652	link	Lakeshore Ct, Gilbertsville, KY 42044
Cardinal	36.93537	-88.23664	link	Lakeshore Ct, Gilbertsville, KY 42044
Elkwood	36.93579	-88.23206	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93583	-88.23212	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93579	-88.23196	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93579	-88.23237	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93573	-88.23228	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93577	-88.23247	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93579	-88.23255	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93584	-88.23295	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.93591	-88.23335	link	Knox Rd, Gilbertsville, KY 42044
Elkwood	36.9359	-88.23339	link	Knox Rd, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93583	-88.23272	link	Knox Rd, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93686	-88.233	link	Knox Rd, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93686	-88.233	link	Knox Rd, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93686	-88.233	link	Knox Rd, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93196	-88.22996	link	Estates Dr, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93205	-88.22801	link	Vista Rd, Gilbertsville, KY, 42044
Unnamed Lane near Knox Ln	36.93212	-88.2284	link	Vista Rd, Gilbertsville, KY, 42044
Unnamed Lane near Knox Ln	36.93209	-88.22884	link	Vista Rd, Gilbertsville, KY, 42044
Unnamed Lane near Knox Ln	36.93207	-88.22903	link	Vista Rd, Gilbertsville, KY, 42044
Unnamed Lane near Knox Ln	36.93198	-88.22967	link	Vista Rd, Gilbertsville, KY, 42044
Unnamed Lane near Knox Ln	36.93196	-88.22991	link	Vista Rd, Gilbertsville, KY, 42044
Unnamed Lane near Knox Ln	36.93196	-88.23034	link	Estates Dr, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93209	-88.23093	link	Estates Dr, Gilbertsville, KY 42044
Unnamed Lane near Knox Ln	36.93205	-88.23094	link	Estates Dr, Gilbertsville, KY 42044



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PPDR, CDR and Demo Approval Request Process

Step 4:

Environmental Planning and Historic Preservation (EHP) reviews the packet, confirms that there are no concerns, and routes it back to the Debris Task Force Lead.



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PPDR, CDR and Demo Approval Request Process

Step 5:

The Debris Task Force Lead forwards the completed packet to OCC for review.



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PPDR, CDR and Demo Approval Request Process

Step 6:

OCC reviews the request,

- If the packet is complete, the IBD and Debris Task Force Lead will complete a second review of the packet.
- If there are areas of concern, then the Debris Task Force Lead and the Applicant's Attorney will be notified.

After the concerns have been addressed, the packet will be returned to OCC for a second review.



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PPDR, CDR and Demo Approval Request Process

Step 7:

After OCC's second review, the completed request packet will be forwarded to the IBD. The IBD will confirm that the request is ready for the next phase, which is the drafting of the approval letter. OCC will be notified.



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PPDR, CDR and Demo Approval Request Process

Step 8:

OCC will draft the approval letter and forward directly to the FCO. The FCO will sign the approval letter and will send the letter to the IBD.



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PPDR, CDR and Demo Approval Request Process

Step 9:

The IBD will forward the signed approval letter to the Debris Task Force Lead and the Debris Task Force Lead will include the approval letter with the completed packet and move the packet to the next phase, which is the Completed Lane Approved PPDR Packet.



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QUESTIONS??

DEBRIS CONTACTS:

- Jessica Mitchell, KYEM, jessica.a.mitchell36.nfg@army.mil, (502) 607-5762
- Ryan Hembree, KYEM, ryan.a.hembree2.nfg@mail.mil, (502) 607-5763



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