



Common Interest Community Eligibility (DRRA 1230a)

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental assistance to States, Tribes, Territories, and local governmental entities, as well as certain private nonprofit (PNP) organizations (hereinafter referred to as applicants). FEMA's *Public Assistance Program and Policy Guide* (PAPPG) (<http://www.fema.gov/public-assistance-policy-and-guidance>) provides comprehensive information regarding assistance that FEMA can provide and the requirements which applicants must follow in order to receive the assistance. The purpose of this Fact Sheet is to provide key information specific to the eligibility of Common Interest Community applicants. For purposes of the PA Program, a Common Interest Community is the same as a PNP Property Owner Association (POA).

Background

On October 5, 2018, the President signed the *Disaster Recovery Reform Act* (DRRA) of 2018 into law as part of the *Federal Aviation Administration Reauthorization Act* of 2018.

DRRA Section 1230(a) states, "The Administrator shall provide guidance to a common interest community that provides essential services of a governmental nature on actions that a common interest community may take in order to be eligible to receive reimbursement from a grantee that receives funds from the Agency for certain activities performed after an event that results in a major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (42 U.S.C. 5170)."

Request for Public Assistance

Following a major disaster declaration, the State, Territorial, or Tribal government will host an Applicants' Briefing for the declared counties. At that meeting, the process for applying for FEMA assistance will be more thoroughly explained. The applicant will be required to submit a Request for Public Assistance (RPA) to FEMA through the State, Territorial, or Tribal government. The applicant has 30 days from the date of declaration to submit the RPA. For more information on submitting an RPA, applicants should contact their State (or applicable) emergency management agency and refer to the [PAPPG](#).

Applicant Eligibility

To be determined as an eligible PNP applicant for PA, the POA must:

- Show that it has a current ruling letter from the U.S. Internal Revenue Service granting tax exemption under sections 501(c), (d), or (e) of the Internal Revenue Code of 1954; or documentation from the State substantiating it is a non-revenue producing, nonprofit entity organized or doing business under State law, and
- Own or operate an eligible facility as defined by the Stafford Act¹.

The most likely type of facility a POA might own or operate that would be eligible for PA funding is a PNP

¹ Stafford Act, as Amended § 406(a)(1)(B), 42 United States Code (U.S.C.) § 5172(a)(1)(B)

utility² or emergency³ facility. Utility and Emergency facilities provide critical services, and as such, a POA may apply directly to FEMA for assistance. POAs that own or operate facilities such as roads and recreational facilities are not eligible PA Program applicants, as these are not eligible PNP facilities.

Emergency Work Eligibility

FEMA is authorized to provide PA funding for Emergency Work, work that must be done immediately to: save lives; protect public health and safety; protect improved property; or eliminate or lessen an immediate threat of additional damage. Eligible Emergency Work is limited to that associated with an eligible facility.

1. Debris removal from the eligible PNP facility property is eligible. Debris includes, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, and vehicle and vessel wreckage.

Private Property Debris Removal (PPDR) is generally not eligible for reimbursement under the PA Program. However, when debris on private property is so widespread that it threatens public health and safety or the economic recovery of a community, FEMA may authorize PA funding. Only State, Territorial, Tribal, or Local governments are eligible applicants for PPDR funding. FEMA works with the State, Territorial, Tribal, and local governments to designate specific areas where debris removal from private property will occur, including identification of gated or ungated communities and orphaned roads (which are not eligible for assistance) and commercial properties.⁴

2. Emergency protective measures are generally limited to activities associated with preventing damage to an eligible PNP facility and its contents including, but not limited to:
 - emergency repairs necessary to prevent further damage (such as covering a damaged roof to prevent infiltration of rainwater)
 - bracing facilities to stabilize them or prevent collapse
 - emergency flood resistance measures (e.g., sandbagging)
 - mold remediation to address the immediate threat of additional damage
 - removal and storage of contents from eligible facilities for the purpose of minimizing additional damage.

For more information on Emergency Work eligibility, see the [PAPPG](#), Chapter 2, Section VI.

² Utility – Communications transmission and switching, and distribution of telecommunications traffic, electric power generation, transmission, and distribution, irrigation to provide water for drinking water supply, fire suppression, or electricity generation, sewer and wastewater collection, transmission, and treatment, water treatment, transmission, and distribution by a water company supplying municipal water.

³ Emergency – Ambulance, Fire protection, Rescue

⁴ Removal of debris from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, and trailer parks, is generally ineligible because commercial enterprises are expected to retain insurance that covers debris removal.

Permanent Work Eligibility

Permanent Work is work required to restore a facility to its pre-disaster design (size and capacity) and function in accordance with applicable codes and standards. FEMA is authorized to provide funding for eligible facilities that have been damaged in a declared major disaster.

For a POA, eligible PNP facilities would typically be either emergency services or utilities.

For more information on Permanent Work and the types of facilities in each category of work, see the [PAPPG](#), Chapter 2, Section VII.