



# THE UNITED STATES CONFERENCE OF MAYORS

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## STAFFORD ACT REFORM TASK FORCE C. Ray Nagin, Mayor of New Orleans, Chair Kevin Johnson, Mayor of Sacramento, Vice Chair

### Key Issues and Changes Considered to Date – October 3, 2009

**Provide for catastrophic disaster designation to speed up funding availability and recovery** – The Stafford Act should incorporate a magnitude of disaster formula for the designation of a “catastrophic disaster” to delineate those disasters of more devastating impact from the existing category of “major disasters.” These events are currently defined in the National Response Framework as “any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions.” A formula should be adopted that quantifies what qualifies for the designation, and it should trigger actions that include:

- Mandating the rapid release of funding
- Providing immediate funding for critical infrastructure repair to include public safety facilities and equipment
- Removing the \$5 million cap on the Community Disaster Loan (CDL) program and allowing loan funds to match revenue loss

**Give local/municipal jurisdictions standing as grantees** – There should be a direct local-federal relationship, particularly in catastrophic disasters. Having to go through states slows down funding, adds unnecessary bureaucracy and impedes recovery. This should be done on a formula basis to set a standard for local governments to be grantees.

**Assure experienced, stable and adequate staffing at FEMA** – One of the greatest challenges in dealing with FEMA’s Public Assistance program is the lack of an adequate number of experienced staff and the frequent turnover among FEMA personnel. Each turnover means months of setbacks as new staff work to become acquainted with projects and issues. These new staff members often reverse the decisions made by their predecessors, which further complicates recovery efforts. The law should require the immediate deployment of management credentialed Tiger Teams following the disaster. These teams should have direct communication with Administration and FEMA headquarters and a complete understanding of recovery operations in addition to response.

**Develop a third party, neutral and timely appeal process to resolve Project Worksheet (PW) disagreements with FEMA** that is separate and takes place before arbitration would be needed – The Stafford Act should provide for a Dispute Resolution process utilizing a neutral third party for reviewing both versions and appeals when damage assessments, cost estimates, scopes of projects or other issues cannot be mutually agreed upon. It should be the right of the applicant to request the use of such a process and receive timely answers in cases of smaller dollar value than the Arbitration Process calls for and before Arbitration is invoked as a final step. This independent panel should be made up of individuals who understand Stafford Act law as well as regulatory program policies.

**Finalize a Disaster Housing Plan** - FEMA has missed deadlines to develop a disaster housing plan that does not rely predominantly on travel trailers and vouchers. Vouchers are of limited use in devastated areas where so much of the local housing stock has been destroyed that people cannot come quickly back

to their communities. Travel trailers have proven to be costly, unsafe in storms, and toxic. Stafford needs to clearly support better ways to provide disaster housing. FEMA should be able to use emergency funding for repair of permanent structures needed for temporary housing, and HUD should be engaged more fully in disaster housing provision.

**Change Hazard Mitigation program requirements to guarantee their effective use** -Hazard Mitigation measures, such as the relocation and elevation of high risk properties, will reduce property damage and decrease the overall cost of future disaster recovery. Current Stafford Act and FEMA regulations require inefficient and time-consuming procedures that delay the process rather than reducing future risk. Streamlined criteria for environmental review; demolition-rebuild programs; cost-effective rather than cost-benefit analysis formulas and a uniform state and federal application methodology would save time and resources. Also, the President should have discretion with Hazard Mitigation as with other disaster program funding to increase federal participation to 100 percent administratively. Under the PA 406 Mitigation Program, the Stafford Act should allow for complete hardening of a facility impacted by the storm, not just the broken element.

**Do not take anticipated insurance deductions from Public Assistance grants up front** – When insurance payments are paid to jurisdictions, those jurisdictions will reimburse the federal government during the close out phase of the grant. This can help prevent delays in funding for rebuilding the damaged public asset.

**Address issues related Individual Assistance and Host Cities** -- Cities are faced with the burden of providing services that are costly and not always reimbursable. Issues which must be addressed include:

- Many people are denied Individual Assistance but still need services.
- The rules for appealing denials are confusing.
- Host cities incur personnel costs and lost revenue for shelter facilities that are not reimbursed 100 percent.

**Facilitate direct reimbursement to cities that provide Mutual Aid and honor certifications and licenses across state lines** – The Stafford Act should be amended to include a mechanism that would allow city-to-city mutual aid agreements to immediately trigger reimbursement and liability protection procedures during major emergencies without having to wait until a formal disaster is declared and assistance is granted through the Emergency Management Assistance compact (EMAC) system. Additionally, since the provision of regional mutual aid will frequently require emergency service professional to perform duties outside the boundaries of their respective states, the Stafford Act should permit state-based professional licenses or certifications to be honored across state lines in the event of a disaster or emergency incident.

**Change Stafford Act policies that impede the recovery of communities** - Key regulations, guidance, and policy documents need to be analyzed and revamped to enhance local emergency management and recovery capability.

#### **DRAFT TIMELINE:**

September 17, 2009 - Conference call with USCM Task Force members

October 1-3, 2009 - Provide Status Report to USCM Leadership Meeting

October – December 2009 – Research, Information Exchange and Conference Calls to develop White Paper & Resolution

January 2010 – Present Resolution to Executive Committee at Winter Meeting