

## Appendix D - Disaster Declarations

### A. Declaration of a State of Emergency

The Governor is the Director of Emergency Management in the Commonwealth. As authorized by the *Code of Virginia* § 44-146.17, the Governor “shall take such action as is necessary for the adequate promotion and coordination of state local emergency services activities relating to the safety and welfare of the Commonwealth in time of natural or man-made disasters”. By Executive Order the Governor may declare a state of emergency to exist for all or part of the Commonwealth when a threat or actual event has the potential to impact people, infrastructure, or private or public property. As authorized by the *Code of Virginia* §44-146.17:1, the Executive Order has the force and effect of law. A ‘state of emergency’ declaration is one of the executive directives the Governor must take before requesting federal assistance under the *Stafford Act*.

Before requesting assistance from the Commonwealth, local officials declare an emergency to exist in their jurisdiction. Even the threat of disaster, such as an approaching hurricane, can generate local and state declarations. These actions permit governmental agencies to mobilize resources, conduct disaster preparedness, response, recovery and mitigation activities as assigned in their plans, and authorize expenditures to cover disaster activities.

### B. Presidential Declaration

Under provisions of the *Stafford Act*, as defined by 44 CFR 206, the Governor may request two types of presidential declarations for disaster assistance: Emergency or Major Disaster. They are defined as follows:

- An emergency declaration is for “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 United States.”
- A major disaster declaration is for “a major disaster categorized as a 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 United States, which in the determination of the president, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the *Stafford Act* to supplement the efforts and available resources of the state, affected local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”

An Emergency Declaration is designed to provide federal disaster assistance to meet a specific emergency need or to implement emergency protective measures, which is more limited in scope in contrast to a Major Disaster Declaration. The Commonwealth may also submit an emergency declaration request in advance of an event’s impact that threatens such destruction as could result in a major disaster. However, in the case of a Pre-Disaster Emergency Declaration request, the Commonwealth must comply with criteria defined in FEMA Policy (FP) 010-4 in addition to the requirements set forth in 44 CFR 206. Consistent with 44 CFR 206, pre-disaster emergency declarations are not intended to preempt the authorities of other federal agencies and FEMA will consider the availability of assistance from other federal agencies to meet the needs of the Commonwealth in evaluating this request.

A Major Disaster Declaration makes a broad range of federal disaster assistance programs available to the impacted area that are designed to assist disaster victims, businesses and public entities in the recovery process. Some of these programs require a non-federal cost share. Individual Assistance provides aid to individuals, families and businesses whose property has been damaged or destroyed, and whose losses are not covered by insurance, using federal, state, and local resources following a disaster incident. Public Assistance provides supplemental financial assistance to states, local governments and selected private non-profit organizations for debris removal, emergency protective measures and permanent restoration of infrastructure. Hazard Mitigation provides funding support for the development and implementation of plans and projects to reduce disaster losses, protect life and property from future damages, and enhance overall community resiliency.

As part of the disaster declaration process, a Joint Preliminary Damage Assessment (PDA) is requested by the state and conducted in the localities affected to assist in determining whether a request is appropriate, as well as to develop the necessary information to support the request and validate that the impacts exceed state and local resources. The Joint PDA team is comprised of local, state and federal representatives. The findings from the Joint Preliminary Damage Assessment assist in determining what disaster assistance and associated programs should be requested and activated under the *Stafford Act*, as well as made available from other federal programs and resources. The Joint PDA also identifies any unmet needs that may require immediate attention. Upon receiving the request, FEMA reviews and evaluates the request and supporting documentation at the regional and national levels, and develops and submits a recommendation to the President based on their findings.

A federal declaration can be received for Individual Assistance or Public Assistance individually, or for both. The federal code (44 CFR 206), along with additional guidance provided by FEMA provides the information and format required in the Governor's request for assistance. The Governor must indicate that appropriate executive actions have been taken to include the direct execution of the authorities specified in the *Code of Virginia* and the *COVEOP*. This includes declaring a state of emergency to exist in the Commonwealth and implementing the plans and procedures authorized in the *Code of Virginia* §44-146.18:B(4). The Governor also needs to furnish information on the nature and amount of state and local resources that have been or will be committed to alleviate the results of the disaster, provide an estimate of the amount and severity of damage and the impact on the private and public sector, and provide an estimate of the type and amount of assistance needed under the *Stafford Act*. The Governor must certify that, for the current disaster, state and local government obligations and expenditures (of which state commitments are a significant proportion) will comply with all applicable cost-sharing requirements. In addition, the name of the State Coordinating Officer for the event is named in the Governor's letter of request.