



FEMA

October 16, 2024

MEMORANDUM FOR: Robert D. Samaan
Regional Administrator
FEMA Region IV

ATTENTION: John Brogan
Federal Coordinating Officer
FEMA-4828-DR-FL/FEMA-4834-DR-FL

FROM: William C. Hagmaier
Assistant Administrator
Recovery Directorate

SUBJECT: Hurricanes Helene and Milton Rapid Debris Removal and Demolition in
Florida (FEMA-4828-DR-FL/FEMA-4834-DR-FL)

This memorandum provides disaster specific guidance for rapid debris removal and demolition for Hurricanes Helene and Milton in Florida (FEMA-4828-DR-FL/FEMA-4834-DR-FEMA). This guidance provides policy waivers under the Public Assistance (PA) Program to support the rapid removal of debris and completion of demolitions in these incidents. The processes and considerations described in this memo are applicable to the most heavily damaged, high impact counties as determined by FEMA in coordination with the State and intended to streamline certain debris and demolition requirements to support the rapid response and accelerate recovery efforts.

The memo acknowledges that Hurricanes Helene and Milton caused widespread impacts leading to catastrophic damage and debris where the aftermath of the storm has deposited debris widely on public, commercial and private residential property in the high impact counties. FEMA will utilize geospatial data and other damage assessment tools to identify high impact counties that have suffered extensive and catastrophic damage that may benefit from rapid debris and demolition approvals. FEMA will determine these counties at the request of and with input from the State/Recipient. Pursuant to the request and to support rapid and efficient recovery in heavily impacted areas in Florida, I am approving policy waivers as specified below.

FEMA has also determined debris removal on commercial property is in the public interest, as required under Section 407 of the Robert T. Stafford Disaster Relief and Emergency Act (Stafford Act). Additional information regarding the current policies relevant to debris and demolition and the waivers provided through this memorandum may be found below:

- Hand-loaded trucks and trailers used for removal and disposal of vegetative debris.
- Debris removal and disposal during the initial pass as necessary to ensure emergency access on private roads under Category B.
- Prior approval of incident-related commercial debris placed on the right-of-way (ROW).¹
- Demolition of disaster-damaged structures located on private property when partial or complete collapse is imminent, and that collapse poses an immediate threat to the general public, including demolition on mobile home/RV parks.
- Removal of slabs and foundations.²
- Prior approval of a one-time placement on the ROW of debris from gated communities (roads behind locks or gates, or guarded roads) or private roads that are unrestricted but rarely used by the public.
- Prior approval for “self-help” residential demolition debris placed on the ROW.
- The specific requirement that a vessel or vehicle must be deemed “abandoned” if state law allows for an emergency exception is waived.

Hand-Loaded Trucks and Trailers (Category A)

The FEMA Guidance: Debris Removal (Category A) issued Oct. 10, 2024, regarding hand-loaded truck and trailers states: FEMA has determined that, for vegetative debris, hand-loaded trucks and trailers achieve approximately half the compaction level of mechanically loaded trucks and trailers. Therefore, FEMA only provides PA funding for 50 percent of the debris monitor’s observed capacity of hand-loaded trucks and trailers carrying vegetative debris. Similarly, trucks without solid tailgates cannot be compacted to full capacity. Therefore, FEMA only funds up to a maximum of 85% of the certified capacity for trucks without solid tailgates and would apply a 15% reduction to the total debris quantity. The applicant must document the types and total quantity of hand-loaded debris, and the types and total quantity of debris hauled in trucks without solid tailgates and provide this information to FEMA to ensure appropriate reductions are taken for this debris.

Policy Waiver: Recognizing the magnitude of debris operations in the State, for high impact counties, FEMA is approving a policy waiver under Category A that **FEMA reimbursement for vegetative debris in hand-loaded trucks and trailers will be increased to 90% of certified capacity.** Additionally, FEMA is approving a policy waiver under Category A that **FEMA reimbursement for vegetative debris in trucks without solid tailgates will be increased to 90% of certified capacity.**

Private Property Debris Removal (Category A)

Private property debris removal (PPDR), to include debris removal from privately-owned residential or commercially owned private property, is the responsibility of the property owner and is usually ineligible under the PA Program. In limited circumstances, based on the severity of the impact of an incident and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, FEMA may determine that debris removal from private property is eligible under Category A of the PA Program. The debris removal must be in the

¹ This only applies to commercial demolition receiving prior approval, or when prior approval was waived by this memorandum.

² Only a licensed engineer or architect or an individual that the jurisdiction authorized to make such decisions.

public interest, not merely benefiting an individual or a limited group of individuals. As stated in the Wildfire Policy Guidance memo (applicable to all hazards) the Applicant does not need to wait for FEMA approval prior to starting work to remove debris from privately-owned or commercial property. However, for the Applicant to receive PA funding, FEMA must determine that the PPDR work at the property is eligible.

Policy Waiver: For high impact counties, FEMA is approving a policy waiver for the PPDR requirement that FEMA must inspect each property and determine that the PPDR work at each property is eligible. This includes recognition that the removal of storm-generated debris including vessels, vehicles, containers, and drums on residential property and mobile home parks is in the public interest.

PPDR – Private Roads with Restricted Access (Category B)

Under current policy, debris clearance for emergency access may be eligible as Category B work if it meets the criteria in Public Assistance Program and Policy Guide (PAPPG) Version 4 Chapter 7:II.J. *Emergency Access*. Debris clearance is the clearance of debris to allow passage only. It does not include hauling or disposing of the debris. Debris clearance is often referred to as “cut and toss” or “push.” Debris removal includes hauling and disposing of debris at a temporary or final disposal site.

There are times when the incident causes damage or debris blockage to access routes to an essential community service, or to a community with survivors. Clearance of debris from private roads including orphan roads, roads in gated communities, homeowners’ association roads, etc. is in the public interest if the debris impairs emergency access by local emergency responders, ambulances, fire, and police. Eligible work is limited to that necessary for roads to remain passable but *might* include removal and disposal during the initial pass as necessary to ensure emergency access. The Applicant must complete all necessary legal processes or obtains rights-of-entry and agreements to indemnify and hold harmless the Federal Government. The Applicant is not required to submit documentation demonstrating that debris clearance is in the public interest. Any additional debris removal and disposal is Category A and funded based on the criteria in PAPPG Version 4 Chapter 7:I. *Debris Removal (Category A)*. Emergency repairs to privately-owned roads, including those within gated communities, are eligible only when all the following conditions are met:

- There is no other access point;
- Repair of the damage economically eliminates the need for temporary housing; and
- The Applicant completes all legal processes and obtains rights-of-entry and agreements to indemnify and hold harmless the Federal Government.

Upon submittal of its claim, the Applicant must include documentation supporting that it met the conditions above for the work to be eligible.

Policy Waiver: For high impact counties, FEMA is approving a policy waiver under Category B that FEMA will include PPDR and disposal during the initial pass as necessary to ensure emergency access. This waiver is in addition to the already eligible debris clearance for emergency access.

Policy Waiver: For high impact counties, FEMA is approving a policy waiver that FEMA will allow an initial pass for debris removal placed on the ROW for gated communities (roads behind locks,

gates, or guards) or private roads that are unrestricted but rarely used by the public. **One Right of Entry will be required for each gated community.**

Demolition of Private Structures (Category B)

Under current policy, 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.³ The determination that a structure is destroyed and/or in immediate danger of collapsing must be made by the authority having jurisdiction in coordination with a qualified individual.⁴ For destroyed privately-owned residential and commercial structures, FEMA currently considers the removal of that structure to be demolition and not debris removal.

Policy Waiver: For the purposes of demolition, in high impact counties FEMA will accept determinations that a structure is destroyed and/or in immediate danger of collapsing made by the authority having jurisdiction in coordination with a qualified individual, Further, **if that authority determines that a structure is destroyed and/or in immediate danger of collapsing is made, FEMA will consider slabs and foundations to be integral structural components and that the removal of slabs and foundations may be considered eligible.**⁵

Policy Waiver: For catastrophically damaged areas, **FEMA is approving a policy waiver for prior approval for emergency demolition of structures located on private property when partial or complete collapse is imminent, and that collapse poses an immediate threat to the general public.**⁶ Demolition of other commercial enterprises, such as businesses, apartments, condominiums, and mobile home parks/RV parks, however, are subject to preapproval requirements.

Right of Way Debris Removal (Category A or B)

Under current policy, removal of commercial debris placed on the ROW and residential demolition debris is generally ineligible without prior approval.

Policy Waiver: For high impact counties, **FEMA is approving a policy waiver for prior approval of incident-related commercial debris beyond the initial pass placed on the ROW.** This applies to commercial demolition debris receiving prior approval for demolition, or when prior approval was waived by this memorandum. Commercial enterprises excluded from this waiver include hotels, apartment complexes, condominiums, marinas, boat storage facilities, and large commercial/industrial areas.

Policy Waiver: For high impact counties, **FEMA is approving a policy waiver for prior approval for “self-help” (i.e., when homeowners and/or voluntary agencies (on behalf of homeowners) demolish their destroyed homes and push that debris to ROW) residential demolition debris placed on the ROW.**

³ PAPPG Version 4 Chapter 7:II.U *Demolition of Private Structures (Category B)*.

⁴ Only a licensed engineer or architect or an individual that the jurisdiction authorized to make such decisions.

⁵ The qualified individual is determined by the authority having jurisdiction.

⁶ Only a licensed engineer or architect or an individual that the jurisdiction authorized to make such decisions.

Removal of Privately-Owned Vehicles and Vessels (Category A)

Removal of privately-owned vehicles and vessels from public property is eligible under current policy if all the following conditions are met:

- The vehicle or vessel blocks access to a public-use area;⁷
- The vehicle or vessel is abandoned;
- The Applicant follows applicable state, local, territorial, and tribal (SLTT) government ordinances or laws for private vehicle or vessel removal; and,
- The Applicant documents the handling (i.e., the removal, storage, and/or disposal) of the vehicle or vessel.

FEMA may provide funding for vehicle and vessel storage for a limited timeframe, within the authorized period of performance for emergency work, if it is necessary to remove the item prior to being able to identify the owner. If the owner is identified, the Applicant should work with private property owners to pursue and recover storage and removal costs and credit FEMA the Federal share of any funds received.

Policy Waiver: For high impact counties, FEMA is approving a policy waiver for the specific requirement that the vessel must be deemed “abandoned” if state law allows for an emergency exception.

Conditions and Criteria

Applicants must still have either properly executed rights-of-entry or documentation that establishes the legal authority to enter commercial and/or private property, with agreement(s) to indemnify and hold harmless the Federal government and execute any of the actions described in this memo.

Pursuant to Section 312 of the Stafford Act, FEMA is prohibited from providing financial assistance where such assistance would duplicate funding available from another program, insurance, or any other source for the same purpose. The applicant should work with the property owner to pursue and recover insurance proceeds and credit FEMA the Federal share of any insurance proceeds recovered.

If you have any questions, please have your staff contact Robert M. Pesapane, Public Assistance Division Director, Robert.Pesapane@fema.dhs.gov.

⁷ Public use area includes readily accessible areas of federal, state, local, tribal, or territorial land open to the public, including public beaches, but excludes fields isolated marshes, and mangrove communities and other similar areas. In the case of federally owned or managed land, the waivers in this memo do not override another federal agency’s specific authority to manage debris on lands under their control.