

PRIVATE PROPERTY DEBRIS REMOVAL

Stafford Act, Sections 403 & 407, and 44 CFR, Section 206.224(b) give FEMA the authority to provide funding to eligible applicants for debris removal from private property.

However, this work is only eligible when:

- ◆ The disaster caused very severe and widespread damage.
- ◆ Removal is necessary to eliminate an immediate threat to life, public health and safety or to improve public or private property, or to ensure the economic recovery of the affected community to the benefit of the community-at-large.
- ◆ Debris removal is being performed by an eligible applicant:
 - Municipal or county government
- ◆ Private property owner has provided all insurance information.
- ◆ The debris removal has been approved by FEMA.
- ◆ All required legal documents are in place.
- ◆ Trees, limbs and stumps, when:
 - They pose a threat to health & public safety or damage to residences.
 - Hazardous trees that are unstable and leaning into public use areas.
 - Hazardous limbs that are still hanging in the tree and threaten a public use area.
 - Stumps when they have been uprooted and are located in area where they pose a safety hazard. Please note the funds for stump removal are extremely limited.
- ◆ Animal carcasses when they pose a threat to health & public safety.

Legal Issues:

- ◆ Hold Harmless Agreement
- ◆ Right-of Entry Agreement
- ◆ Request reviewed by DFO attorney

The Stafford Act, *Section 407(b)* requires that debris removal from private property not take place until the state, tribal or local government has agreed in writing to indemnify FEMA from a claim arising from such removal and obtained unconditional authorization to remove the debris from the property. Because this criterion is specified in the Stafford Act, FEMA does not have the authority to waive this requirement.