Overview

FEMA regulations authorize assistance for debris removal from publicly and privately owned lands and waters when it is in the “public interest” and the work is performed by an eligible applicant who has legal responsibility to do so. State and local governments have inherent legal authority over public property, and FEMA has determined that it is in the public interest to remove disaster-related debris from public property, including public rights-of-way. Therefore, reimbursement for these costs is eligible under the Public Assistance Program. FEMA evaluates requests for reimbursement for debris removal from private property, including gated communities, on a case-by-case basis.

Summary

The removal of debris from private property is the responsibility of the property owner. However, the removal of debris from private property may be in the public interest when it is required to eliminate or lessen an immediate threat to life, public health and safety, or to eliminate immediate threats of significant damage to improved property. FEMA uses this standard to evaluate requests for debris removal from private property, including gated communities, on a case-by-case basis.

In addition to meeting one of the above public interest criteria for private property debris removal, an eligible applicant must demonstrate that it has the legal responsibility to remove the debris. Most state and local governments have procedures codified in statute, ordinance or code that provide for the abatement of health and safety nuisances on private property. In addition, state and local governments usually have certain police powers that authorize a variety of actions to protect its citizens from harm.

Normally, applicants must show that it followed the same procedure described in a statute, ordinance or code for removing private property debris during pre- and post-disaster environments in order to be eligible for assistance. FEMA may not require applicants to precisely apply their pre-disaster abatement process when disasters cause a high concentration of debris on private property over a widespread area presenting an immediate health and safety hazard. In cases where the debris is so widespread, applicants must describe the legal basis they use to exercise their authority and legal responsibility to remove debris from private property. Applicants do not have to precisely follow their nuisance abatement or other ordinances that usually require placement of liens on the properties.

Applicants must submit requests for debris removal from private property along with appropriate documentation to the Federal Coordinating Officer for approval.