MEMORANDUM FOR: Infrastructure Staff

FROM: Richard Cruse
Infrastructure Branch Director
Florida Long-term Recovery Office

SUBJECT: Debris Removal From Private Property

**Purpose:** The purpose of this memorandum is to provide guidance on how the Federal Emergency Management Agency (FEMA) will apply the policy and fact sheet issued by the Recovery Division related to debris removal from private property.

**Issue:** At specific issue associated with the referenced FEMA Recovery Division Fact Sheet is how and when to define and approve debris located in gated communities, private roads, and private property for reimbursement under the FEMA Public Assistance Program. Generally, in order for debris on private property to be made eligible for reimbursement, requirements were that it must be an immediate threat to life, public health and safety, AND an applicant must resolve and presents its legal responsibility to do so. While these requirements have not changed, FEMA’s new guidance helps applicants meet these requirements.

**Guidance:**

1. **Gated Communities and Private Roads** -- The removal of debris from gated communities and private roads 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 AND when an applicant can present that it has the legal responsibility to do so. A local applicant should present its justification that debris from gated communities and private roads should be allowed for reimbursement under the public assistance program using the above criteria via letter to the FEMA Federal Coordinating Officer (FCO) through the State of Florida. The applicant should use local procedures codified in statute, ordinances, or code as appropriate to support their request and meet the above requirements. This request will be evaluated and responded to as soon as possible upon receipt. If this request if approved the following specific implementation guidelines will be in place.
   
   a. Debris from gated communities and areas adjacent to private roads must be placed on the street or private road rights of way. Access to the private properties will not be allowed. Gated communities must allow unlimited access during debris removal operations. A private road will be allowed as eligible provided that there is unrestricted access during the debris removal operations and it is subject to normal public services’ such as school bus and postal vehicle routes. Emergency vehicles will not be considered to meet these criteria.
   
   b. Debris from Mobile Home parks may be considered as eligible provided that access to the park is made by normal public services such as school bus and postal vehicle routes. Emergency vehicles will not be considered to meet these criteria.
i. Debris from demolition of mobile homes “pushed out” to the right of way will not be eligible.

2. **Private Property** -- Debris removal from private property is and remains the responsibility of the property owner. Removal of debris from private property (not to include privately owned commercial properties) may be eligible, however, for reimbursement under the Public Assistance Program when it is required to eliminate or lessen an immediate threat to life, public health and safety at large, or to eliminate immediate threats of significant damage to improved property AND when an applicant can present that it has the legal responsibility to do so. Previously announced FEMA guidance remains basically unchanged with the exception that FEMA may not require applicant to precisely apply their pre-disaster abatement process when a disaster causes a high concentration of debris on private property over a widespread area. A local applicant should present its justification that debris from private property should be allowed for reimbursement under the public assistance program using the above criteria via letter to the FEMA Federal Coordinating Officer (FCO) through the State of Florida. An applicants request for debris removal from private property should be specific in nature and not for “the entire jurisdiction”. Each request will be evaluated and discussed with the applicant on a case by case basis.

   a. Debris resulting from demolition and “push out” of private (including commercial) structures will not be eligible.