

Alabama Severe Storms, Tornadoes, Straight-Line Winds, and Flooding – Denial of Appeal

Appeal Denied on March 24, 2008

On February 8, 2008, Governor Bob Riley requested a major disaster declaration due to severe storms, tornadoes, straight-line winds, and flooding during the period of February 5-6, 2008. The Governor had initially requested a declaration for Individual Assistance and debris removal and emergency protective measures (Categories A and B) under the Public Assistance program, including direct Federal assistance, for four counties and Hazard Mitigation for all counties. On February 15, 2008, the request was denied. The Governor appealed the denial on February 29, 2008, and requested Individual Assistance for one county and Hazard Mitigation for all counties. On February 7, 2008, and on March 7, 2008, joint Federal, State, and local Preliminary Damage Assessments (PDAs) were conducted in the requested counties and are summarized below. PDAs estimate damages immediately after an event and are considered, along with several other factors, are considered in determining whether a disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments, and that Federal assistance is necessary.¹

On March 24, 2008, the Governor’s appeal for a major disaster declaration was denied based on the determination that the damage was not of such severity and magnitude as to be beyond the combined capabilities of the State, affected local governments, and voluntary agencies.²

Summary of Damage Assessment Information Used in Determining Whether to Declare a Major Disaster

Individual Assistance

- Total Number of Residences Impacted:³ 97
 - Destroyed - 41
 - Major Damage - 16
 - Minor Damage - 16
 - Affected - 24

- Percentage of insured residences:⁴ (53%)
- Percentage of low income households:⁵ (12%)
- Percentage of elderly households:⁶ (15%)

- Total Individual Assistance cost estimate: \$760,476

Public Assistance - (*Not requested in appeal*)

- Primary Impact: -
- Total Public Assistance cost estimate: -
- Statewide per capita impact:⁷ -
- Statewide per capita impact indicator:⁸ \$1.24
- Countywide per capita impact: -
- Countywide per capita impact indicator:⁹ \$3.11

¹ The preliminary damage assessment (PDA) process is a mechanism used to determine the impact and magnitude of damage and resulting needs of individuals, businesses, public sector, and community as a whole. Information collected is used by the State as a basis for the Governor's request for a major disaster or emergency declaration, and by the President in determining a response to the Governor's request (44 CFR § 206.33).

² When a Governor's request for major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act) is under review, a number of primary factors are considered to determine whether assistance is warranted. These factors are outlined in FEMA's regulations (44 CFR § 206.48). The President has ultimate discretion and decision making authority to declare major disasters and emergencies under the Stafford Act (42 U.S.C. § 5170 and § 5191).

³ Degree of damage to impacted residences:

- Destroyed – total loss of structure, structure is not economically feasible to repair, or complete failure to major structural components (e.g., collapse of basement walls/foundation, walls, or roof);
- Major Damage – substantial failure to structural elements of residence (e.g., walls, floors, foundation), or damage that will take more than 30 days to repair;
- Minor Damage – home is damaged and uninhabitable, but may be made habitable in short period of time with repairs; and
- Affected – some damage to the structure and contents, but still habitable.

⁴ By law, Federal disaster assistance cannot duplicate insurance coverage (44 CFR § 206.48(b)(5)).

⁵ The presence of special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance (44 CFR § 206.48(b)(3)).

⁶ Ibid (44 CFR § 206.48(b)(3)).

⁷ Based on State population in the 2000 Census.

⁸ Statewide Per Capita Impact Indicator for FY08, *Federal Register*, October 1, 2007.

⁹ Countywide Per Capita Impact Indicator for FY08, *Federal Register*, October 1, 2007.