

Texas Severe Storms and Flooding – Denial of Appeal

Denied on October 23, 2008

On August 22, 2008, Governor Rick Perry requested a major disaster declaration due to severe storms and flooding beginning on August 18, 2008, and continuing. The Governor had requested a declaration for Individual Assistance and Public Assistance for two counties and Hazard Mitigation for all counties. The Governor further requested direct Federal assistance. On September 24, 2008, the request was denied. The Governor appealed the denial on October 2, 2008. During the period of August 21-22, 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, 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 October 23, 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:³ 892
 - Destroyed - 13
 - Major Damage - 136
 - Minor Damage - 341
 - Affected - 402
- Percentage of insured residences:⁴ (3%)
- Percentage of low income households:⁵ (86%)
- Percentage of elderly households:⁶ -
- Total Individual Assistance cost estimate: \$5,170,515

Public Assistance

- Primary Impact: Roadways
- Total Public Assistance cost estimate: \$1,306,940
- Statewide per capita impact:⁷ \$0.06
- Statewide per capita impact indicator:⁸ \$1.31
- Countywide per capita impact: Starr County (\$19.78)
Wichita County (\$1.88)
- Countywide per capita impact indicator:⁹ \$3.28

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 FY09, *Federal Register*, October 1, 2008.

⁹ Countywide Per Capita Impact Indicator for FY09, *Federal Register*, October 1, 2008.