OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

MAURA T. HEALEY
GOVERNOR

KIMBERLEY DRISCOLL
LIEUTENANT GOVERNOR

March 11, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
Washington, D.C. 20500

Through: Lori Ehrlich
Regional Administrator
Federal Emergency Management Agency, Region 1
220 Binney Street
Cambridge, MA 02142

Dear Mr. President:

Thank you for your careful consideration of our request for a major disaster declaration due to the severe storms and flooding that impacted Massachusetts communities from September 11-13, 2023. We were extremely disappointed that our request was denied. Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C.§§5121-5207 (Stafford Act), as implemented by 44 CFR § 206.36 and 44 CFR § 206.46(a), I respectfully submit this letter as a formal appeal of the denial (February 11, 2024).

These storms were devastating for our communities. I saw the impacts firsthand – homes and businesses were destroyed, roadways and bridges were inaccessible, and some residents had to be evacuated. Six months later, they are still rebuilding. The state has done all that we can to support their recovery, but the needs far outpace our available resources.

We have been appreciative of FEMA's partnership throughout this process. However, we are concerned that FEMA's assessment of our request failed to include certain identified costs. We have provided a summary below for your reconsideration.

Our communities must know that both their state and federal governments understand the severe challenges and stress they are facing, and that we are here to help. Their recovery is particularly daunting given the knowledge that the next severe storm could be around the corner, as we continue to see the escalating impacts of climate change.

I urge you to please reconsider our request and help us deliver the relief that Massachusetts cities and towns desperately need.

Public Assistance

The rainfall experienced between September 11-13, 2023, resulted in extraordinary concentrations of damages that justify Federal assistance. The extensive damage was so concentrated across Worcester and Hampden Counties that it warrants further consideration. Though FEMA's Final PDA matrix did not exceed the Statewide indicator, the resulting product did not provide clarity on whether specific identified costs were included in the total, or for costs that were rejected, why they were deemed ineligible. I have identified costs that were either excluded or may have been excluded that further demonstrate the concentrated, localized impacts on communities in these counties. Due to the uncertainty in the Joint PDA process, MEMA did not formally accept the Final PDA Matrix results at the end of the process.

City of Springfield

The City of Springfield experienced a catastrophic water main break attributed to the failure of a culvert and subsequent erosion related to the rainfall experienced on the evening of September 11, 2023. The City provided substantial information to the FEMA PDA team, including attestations regarding the exigent nature of repairs at multiple sites to alleviate the threat to public health and safety caused by the water service disruption. Despite this documentation, the FEMA PDA team made eligibility determinations during the PDA that ultimately excluded a portion of the necessary repair and debris removal costs from the PDA validation, contrary to the opinions of the City's engineers and subject matter experts. I request that these costs be re-evaluated based on the emergency/exigent nature of the work that was necessary to restore public water service to the City of Springfield and restore infrastructure to pre-disaster condition.

The following materials are requested to be reconsidered:

- The City of Springfield Department of Public Works submitted a 57-page document, in support of their Initial Damage Assessment (IDA) estimates, that contained a description of damages, an explanation of procurement, and a complete project repair scope over multiple locations related to the water main break and culvert failures.
- The City of Springfield confirmed that sites #2, #3, #4, and #5 were one project during the PDA upon request from FEMA.

  "With regards to restoration cost, the City has always combined together the costs of the repair for the culvert replacement and the repairs at Locations #2, #3, #4, and #5 as one project. In order to access the area, regardless of the individual location, vegetative removal, access matting, etc., were required and overlap for each of the location. As the project was initiated, the consultants and contractors provided the City with estimates for the proposed work as follows. Firm Cost VHB (Engineering Assistance) $70,000 Northern Tree $841,802.60 Northern

Construction $4,421,575.00 Total $5,333,377.60" (Response to FEMA email requests 10-25-23).
    - The City of Springfield also provided multiple pictures to FEMA upon request.
    - Extensive site information was requested by FEMA even though a Joint in-person PDA was completed at the site of the damage and all damages were viewed.
- Site #6-Renaissance School Catch Basin and Culvert/Outlet.
    - Upon FEMA's request, the City of Springfield provided a full description of damage, pictures and full itemized cost estimate totaling $622,376.00.
- Site #8-Roy Street/Mildred Avenue Outlets, Site #10-In-Line Abbe Brook Culvert Stream Reconstruction.
    - Upon FEMA's request, the City of Springfield provided a full description of damage, pictures and itemized cost estimate for Sites #8 and #10 totaling $1,221,579.50.

The City did not receive a detailed explanation of all costs that were excluded from FEMA's final PDA matrix, but was informed that a portion of costs were removed due to FEMA's "procurement concerns." No further explanation or opportunity for additional information was provided to the City.

Massachusetts Department of Transportation

In evaluation of MassDOT cost estimates submitted as part of the PDA, FEMA excluded all work on Federal Highway eligible roads, including emergency work, which is considered an eligible expense under the Public Assistance Program. I request that these emergency work costs be re-evaluated in my request for a declaration for this event. See Enclosure 1.

In direct response to the flooding in the City of Leominster, MassDOT constructed a temporary roadway to provide residential and emergency access following a culvert washout. This work was conducted on a City-owned road at the request of the City of Leominster. FEMA asked for confirmation from the City that they had requested MassDOT's support to do the work. When the Mayor of Leominster provided that confirmation (see Enclosure 2), FEMA ruled the project ineligible for reimbursement because it was a "mutual aid" activity, and MassDOT would have to invoice the City for the costs and the City would have to request the reimbursement. I am concerned about the precedent this may set regarding state agency authority to provide emergency support services to impacted and overwhelmed communities, particularly during a declared local and Gubernatorial State of Emergency. Such precedent is inconsistent with the Massachusetts Civil Defense Act, which provides, in part, "Whenever the governor has proclaimed the existence of such a state of emergency, he may employ every agency and all members of every department and division of the government of the commonwealth to protect the lives and property of its citizens." Chapter 639, section 5(a) of the Acts of 1950 (the "Civil Defense Act"). I request that these costs be re-evaluated in my request for a declaration for this event.

City of Leominster

The City of Leominster provided a list of 56 damaged sites in the PDA process, however, FEMA only provided documented validation for seven (7) of these projects. The City did not receive a comprehensive explanation or documentation of why the remaining 49 projects were not included in the validation process. I request that full consideration be given to all of Leominster's damaged sites and that a project-by-project explanation be provided for why identified sites were removed or deemed ineligible.

Additionally, in the process of performing routine work and additional site inspections (following the Governor's declaration request submittal), the City has identified additional damages attributable to the September flooding. See Enclosure 3 for the City's list of additional damages. Enclosure 3 also includes projects that the City seeks additional clarification regarding status and eligibility determination.

I have attached, Enclosure 4, a letter Mayor Mazzarella has written to me to express the impact on the community and his concerns about the damage assessment process.

Leominster Housing Authority

Leominster Housing Authority costs were not included in the PDA, a portion of which included uninsured damages. I request that these costs be evaluated and included for consideration. The Leominster Housing Authority IDA is included in Enclosure 5.

Individual Assistance

The Commonwealth of Massachusetts has been dealing with a crisis situation since 2020 when the COVID-19 pandemic hit the United States. The unemployment rate rose to 16.9 during COVID-19[1] with the addition of residents needing to spend time away from work to recover with hospitals having hundreds of new hospitalizations per day and over 20,000 people dying.[2] As the Commonwealth and the nation began to recover from the pandemic, residents of Worcester (1.9 GDP) and Bristol (-0.6 GDP) counties saw their recovery lag behind both the state and the nation, which both had a real Gross Domestic Product (GDP) change from the preceding period of 2.1% from 2021 to 2022.[3] This localized resource lag has limited residents' abilities to recover from the September 11-13 flooding. Their recovery options have been further exacerbated by the consumption of state, non-profit, and faith-based resources responding to four (4) other flooding

[1] *Labor Market Information Mass.gov*. Available at: https://lmi.dua.eol.mass.gov/lmi/LaborForceAndUnemployment?_ga=2.213027924.1563315377.1709671939-2089254043.1695733046# (Accessed: 06 March 2024).

[2] *Covid-19 raw data - January 7, 2022 - mass.gov*. Available at: https://www.mass.gov/doc/covid-19-raw-data-january-7-2022/download (Accessed: 06 March 2024).

[3] Bureau of Economic Analysis: https://www.bea.gov/news/2023/gross-domestic-product-fourth-quarter-and-year-2022-second-estimate#:~:text=Real%20GDP%20increased%202.1%20percent,in%202021%20(table%201).

events that occurred in the Commonwealth earlier in the year (those events did not reach the level of a federal Disaster Declaration).

Demographic data and population impact

Both Worcester County and Bristol County have relatively moderate CDC Social Vulnerability Index (SVI) scores, but the majority of damage was experienced in areas that are more vulnerable, according to the SVI. The Metropolitan Area Planning Council, the regional planning council for the cities and towns around Boston, indicates that the communities with residential damage have a significantly low Area Median Income. In Leominster, 45% of all households qualify for federal and state affordable housing programs and in Attleboro and North Attleboro 34.8% and 27.4% respectively. In addition to having low to extremely low Area Median Income, many residents in the impacted area are also classified as "cost burdened", they spend more than 30% of their income on housing, or "severely cost burdened", they spend more than 50% of their income on housing. In Leominster, 40% of residents are cost burdened and 18% are severely cost burdened. In Attleboro, 39% are cost burdened and 15% are severely cost burdened. In North Attleboro, 36% of residents are cost burdened and 13% are severely cost burdened.[4] [5] [6]

Comparison to DR-4753-RI for September 10-13 Storm

Providence County, Rhode Island borders both Worcester County and Bristol County and received an IA Declaration for the same September 11 storm. While it is recognized that Rhode Island's Total Taxable Resource (TTR) is significantly smaller than Massachusetts, the demographics of the counties is comparable. Rhode Island's damage assessment showed they had seven (7) more "Destroyed" homes and eight (8) more "Major" damage homes than Massachusetts. But Massachusetts did have 548 more "Minor" damage homes and 299 more Affected homes than Rhode Island. Calculated by FEMA, Massachusetts estimated Individual Household Program costs for the event were significantly higher ($6,691,732) than Rhode Island's cost ($1,635,330) for the same event. Geographically and economically, residents of Bristol County are closely aligned with residents of Providence County. I am concerned that this comparison demonstrates the inequity of applying a statewide economic indicator to localized impact for this event.

---

[4] *Basic Housing Needs Assessment for Attleboro, MA Housing Attleboro MA.* Available at: http://www.housing.ma/attleboro/report (Accessed: 06 March 2024).

[5] *Basic Housing Needs Assessment for North Attleboro, MA Housing North Attleborough MA.* Available at: http://www.housing.ma/north%20attleborough/report (Accessed: 06 March 2024).

[6] *Basic Housing Needs Assessment for Leominster, MA* (no date) *Housing Leominster MA.* Available at: http://www.housing.ma/leominster/report (Accessed: 06 March 2024).

Uniqueness of New England architecture

Many Massachusetts homes have crawl spaces and basements due to the need for the foundation of the home to be far enough underground to be below frost depth. Basements usually hold the mechanical needs of the home such as broilers, hot water heaters and other HVAC systems. Often, homeowners will build out the remaining space to include living spaces such as bedrooms, bathrooms, kitchens and living rooms.

As mentioned in our Declaration request letter, Massachusetts has sustained unusually high levels of rainfall throughout the summer and into the fall of 2023. Not only was the soil saturation exceptionally high but flash flooding is more likely in urban and poorly drained areas due to the prevalence of pavement, which prevents rain absorption and leads to more runoff. Foundations can incur cracks that are often non-structural and harmless. During heavy or frequent rains, these cracks can begin to take in water. Ground water can penetrate basements when the ground water table is high. In many homes, water came through windows and bulkhead doors. These different types of flooding, experienced during the September 11 storms, are not visible from street view. It would not be common to see a waterline from the outside of the home and you would only know if the space was finished with reports from the homeowner. The PDA process is designed for areas with riverine and standing water flooding that produces a consistent external waterline, which is not present in the type of flooding experienced during the September 11 storms. I am concerned that the PDA team did not enter any homes during the process and therefore, were unable to successfully assess residential impact.

This type of "New England" basement flooding causes extensive heating, electrical, and HVAC equipment damage. Which is not evident from external assessment and if left unrepaired may lead to additional long-term issues such as frozen or burst pipes. It is not safe to live in a home in New England in Fall/Winter without heating elements.

There is some ambiguity in Damage Assessment guidance. The FEMA Damage Assessment Operations Manual states, "For the purpose of recording flood or sewer back up damage, a finished basement is defined as one which contains any of the following essential rooms: Occupied bedrooms, bathrooms, kitchen and/or living room. During the assessment process, the level of damage will be recorded using the same depth of water level measurements shown for flood assessment contained within Major and Minor". The PDA Pocket Guide states, "Any waterline in a finished basement" is Minor. The IA PDA Matrix, another guidance document provided by FEMA, does not provide guidance on finished basements. 93 residents reported more than 18+ inches of water in a finished basement that were categorized in the FEMA PDA as Affected or Minor. It appears that these 93 homes were categorized based on the "Any waterline in a finished basement" guidance and not by the Damage Assessment Manual. Since the PDA teams did not go into any homes (nor did FEMA advise communities that residents should be available), we can conclude that there was no further inspection of these residences.

To further demonstrate this concern, the City of Leominster, to support the appeal process, sent out a request for information to their residents to inquire if there were any additional information on damages not identified in the original IDA. They received 11 responses, all of which were

from residents who were providing further information for the IDA response. Of the 11 responses, 10 of them are part of the 93 residents who reported 18+ inches of water in a finished basement but were originally classified as Minor. See Enclosure 6 for more information.

Request for Reconsideration

I urge you to take into account the unprecedented and severe localized impacts of this event on our communities. Given the unique and historic nature of this event and its impact on the Commonwealth, the requested assistance is both reasonable and necessary for a successful recovery for our communities and residents.

The greatest remaining unmet recovery need associated with this severe storm and flooding is financial assistance to help avoid economic shock to communities, businesses, and families. Without federal assistance, the ability of the communities to recover in a timely manner and avoid long-term economic damage is severely hindered.

I respectfully ask you to reconsider your decision and provide this crucial support to Massachusetts. I thank you for the support that FEMA has provided to Massachusetts to date and for your consideration of this appeal request.

If you have any questions about this request, please contact MEMA Director Dawn Brantley at 508-820-2010 or Dawn.Brantley@mass.gov.

Sincerely,

Maura T. Healey
Governor, Commonwealth of Massachusetts

Enclosures:

- Enclosure 1 – MassDOT Emergency Relief (ER) Program Sites Statewide (MassDOT and Municipal Sites)
- Enclosure 2 – Letter from City of Leominster (December 5, 2023) affirming that MassDOT conducted emergency temporary work at the request of the City
- Enclosure 3 – City of Leominster compiled list (March 5, 2024) of newly identified damage sites and sites that the city is concerned were not assessed or is seeking clarity on why they were deemed ineligible
- Enclosure 4 – Letter from the City of Leominster (March 5, 2024) to the Governor, voicing concerns about the denial (includes City of Leominster Exhibits A – H)
- Enclosure 5 – Initial Damage Assessment Report for Leominster Housing Authority
- Enclosure 6 – Results of City of Leominster post-denial resident impact request (11 sites)