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Executive Office for Administration and Finance
Disaster Relief and Resiliency Fund Eligibility Guidance

Audience: Eligible recipients, including households, businesses, and municipalities.
Lead: Executive Office for Administration and Finance
Purpose: Disaster Relief and Resiliency Fund Activation and Recipient Eligibility

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The Executive Office for Administration and Finance (A&F) is issuing this guidance pursuant to M.G.L. c. 29 §2HHHHHH and 801 CMR 29: Disaster Relief and Resiliency Fund. A&F is issuing this guidance to provide more information about how the Disaster Relief and Resiliency Fund (DRRF) is activated and how funding recipients become eligible.

What is the Disaster Relief and Resiliency Fund?

The DRRF was created to provide emergency disaster relief and alleviate the damage, loss, hardship and suffering caused by a natural or other catastrophic event[1], which may include a circumstance in which a federal disaster declaration has not been made, or to supplement or advance funding related to a federal or state disaster declaration. The DRRF, in addition to providing emergency disaster relief, seeks to prioritize resiliency to prevent damage from future catastrophic events by providing funds to support infrastructure, fill gaps in federal aid, maximize existing relief and recovery programs and incentivize the use of federal programs and insurance as well as address natural disasters.

A&F, in consultation with Massachusetts Emergency Management Agency (MEMA), Office of Climate Innovation and Resilience (OCIR), the Executive Office of Energy and Environmental Affairs (EOEEA), and other relevant state agencies, has developed regulations (801 C.M.R. 29) and this guidance to clarify the process for activating and distributing funds from the DRRF.

How DRRF Activation Works:

Due to limited resources and to maximize the DRRF's impact, for the first two years of administering the DRRF, A&F will prioritize municipalities and other units and instrumentalities of state, local, tribal, or regional government in its eligibility and grant consideration process.

In the event that an Initial Damage Assessment ("IDA") is conducted, the Secretary may activate the DRRF under a standard activation protocol where disaster-related damages exceed a state-established per capital impact threshold across multiple affected municipalities or under emergency circumstances where the DRRF is activated if the Governor declares a State of Emergency related to a catastrophic event. This decision may be informed by considerations such as threats to public safety, public health, or the functioning of essential services.

How is the Per-Capita Damage Threshold Determined?

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[1] As defined in 801 CMR 29.02.

The $4.96 per-capita damage threshold mirrors the Federal Emergency Management Agency's ("FEMA") $4.96 per-capita damage threshold except that, as one of the purposes of the DRRF is to fill in gaps in federal aid, the $4.96 per capita threshold is applied for the DRRF to municipalities rather than the FEMA application of that threshold at the county level with an additional requirement of a statewide damage threshold, as the municipality change makes the threshold much easier to meet and fills gaps when damage does not reach the level required for FEMA aid.

Why Require Multi-Municipal Impact?

The requirement that damage occurs across multiple municipalities for the first DRRF condition to be met seeks to preserve the availability of DRRF funds for future catastrophic events. The criteria were selected to ensure that funding is focused on significant disasters, decisions are based on objective thresholds, there is alignment between the state's response and federal disaster processes already in place, and that minimization of new processes eases the burden on local leaders and eligible recipients of funding from the DRRF.

How Municipalities and Other Units and Instrumentalities of State, Local, Tribal, or Regional Government Become Eligible:

While "other units and instrumentalities of state government" are considered eligible recipients, they will not be prioritized relative to the need of other potential recipients given other available avenues for receiving state and federal funding. This rationale does not apply to local, tribal, or regional governments.

When multiple entities indicate to MEMA that they have experienced damage, MEMA supports communities in their identification of rough costs through their IDA process. If IDAs received from multiple municipalities exceed the $4.96 per-capita threshold, but below the threshold for a potential federal declaration request, separate from MEMA's IDA process, MEMA will lead a Preliminary Damage Assessment ("PDA") process, where MEMA will validate the estimated costs and apply a cost reasonableness determination in consultation with other state agencies. Once MEMA's PDA validates that municipalities meet the threshold and one of the listed second conditions also applies, those qualifying municipalities will be deemed eligible to receive DRRF funds by A&F.

In evaluating claims on the DRRF, A&F may apply a limited set of predefined multipliers to adjust validated damage estimates. These multipliers are intended to reflect key policy priorities and ensure that funding decisions account for differences in municipal capacity and preparedness.

Multipliers may include:

- Municipal Reserves: To encourage municipalities to build and maintain healthy reserve levels per the recommendations of the Division of Local Services (DLS), to strengthen fiscal preparedness for future emergencies.
- Rural Community Designation: In recognition of structural challenges faced by rural communities, including smaller tax bases and higher infrastructure costs relative to available local revenue.
- Resilience Planning: To incentivize proactive resilience planning and encourage communities to reduce vulnerability to future disasters.

How Households and Businesses Become Eligible:

Eligibility for households and businesses will operate as follows:

- When a municipality is deemed eligible, damaged homes and businesses within that municipality may be eligible for DRRF assistance.
- Eligibility will be based in part on participation in the IDA process conducted by MEMA.
- Participation must occur within 30 days following a catastrophic event, or within any other time frame that MEMA may establish for the IDA process that is consistent with determining eligibility for federal disaster relief programs.

Eligible Uses of the DRRF:

Eligible uses of the DRRF vary by recipient type. However, general requirements shall:

(a) Result directly from the catastrophic event;
(b) Be located within the affected geographic area;
(c) Be the legal responsibility of the eligible recipient;
(d) Not be the result of negligence or failure of the eligible recipient to maintain property or perform specific state-recommended remediation measures;
(e) Address conditions that pose a threat to public safety, health, or the continuity of essential services;
(f) Include practicable resilience measures. The expectation that eligible recipients include practicable resiliency measures shall consider factors including, but not limited to, cost and technological feasibility and does not preclude funding for: (i) activities necessary to address conditions that pose a threat to public safety, health, or the continuity of essential services; (ii) temporary stabilization measures such as temporary housing or rehousing; or (iii) activities directed by the Governor pursuant to a declared State of Emergency under 29.04(b); and
(g) Not duplicate any other sources of assistance.

Municipalities and other units and instrumentalities of state, local, tribal, and regional government: Eligible uses may include measures to protect public health, public safety, and essential community services. When applicable, these eligible uses are aligned with the FEMA Public Assistance Categories, such as debris removal, emergency protective measures, repair of roads and bridges, damage to public buildings, and restoration of public utilities.

Non-profit organizations and businesses: Eligible uses may include emergency stabilization and repairs necessary to secure property or prevent further damage, restoration of utilities and essential services necessary for safety, and repair or reconstruction of damaged operational structures and associated building systems.

Agricultural operations: Eligible uses may include repair or replacement of agricultural infrastructure or farm utility systems, restoration of farmland, and replacement of essential equipment.

Individual households: Eligible uses may include measures to address unsafe or uninhabitable conditions, measures to restore habitability, repair or reconstruction of essential building systems, and the cost of temporary housing or rehousing.

Repairs, reconstruction, or other work supported by assistance from the DRRF shall be conducted in a manner consistent with applicable federal, state, and local laws, regulations, codes, standards, and, if practicable, best management practices that may be identified pursuant to this guidance.

How Can I Rebuild in a Manner That Increases Resiliency to Future Disasters, and How Will I Attest to It?

To assist recipients in identifying resilience measures, this guidance is accompanied by an informational document, called *"Building Back Better: Best Practices for Repairing Damage in a Resilient Manner"* that identifies and consolidates references to resilience-related standards, guidance, and best practices from across the state and federal government and from respected independent experts. See informational document for more information at this link.

To receive grant funding in Massachusetts, recipients must sign standard state contracts. These documents verify the identity of a recipient and allow the state to send them money. Included among these forms will be a document for potential recipients to attest that, where feasible and consistent with applicable laws and standards, repairs or reconstruction funded through the program will incorporate reasonable measures to reduce vulnerability to disasters, including alignment with applicable building codes, hazard mitigation strategies, or other resilience standards, guidelines, or practices identified by relevant state agencies.