

**Hurricanes Katrina and Rita
FEMA-DR-1603/1607-LA
Information Sheet #015**

**USE, DAMAGE AND LOSS FROM SEIZURE AND/OR USE BY
OTHERS**

During and following Hurricanes Katrina and Rita, many entities eligible for FEMA Public Assistance (PA) experienced damage or loss of property by both known and unknown individuals. In some cases, entities eligible for FEMA PA seized property for use in performing FEMA-eligible emergency work. In other cases, the damage or loss was due to illegal activities that took place while mandatory evacuation was in force. Some of these damages or losses may be eligible for assistance under the PA program. FEMA's intent is to assist in correcting damage and loss sustained during FEMA-eligible work. The following information provides direction in determining the eligibility of costs for such damage and loss.

Because the emergency response to Hurricane Katrina required certain eligible PA applicants (the users) to seize property to perform eligible emergency work, costs to the users for use, damage or loss to such property may be eligible for FEMA PA assistance if the users had legal authority to seize the property and the users do not have insurance coverage for such costs. Ineligible owners (private individuals or entities) of the seized property are *not* required to utilize any insurance coverage they had in order to reduce or eliminate the responsibility of the users to repair or make restitution.

An otherwise potentially eligible PA applicant (i.e., public entity or eligible private nonprofit organization) whose facility was damaged during emergency operations has the option of applying directly to FEMA for assistance after it has taken reasonable measures to recover repair costs from the user.

Project Worksheets (PWs) for repair or replacement of equipment damaged during FEMA-eligible emergency work should be prepared as Category B. In determining the reimbursable amount for a PA applicant's use of a third party's property, FEMA will consider actual costs, FEMA Equipment Rates, and/or other reasonable estimating methods. FEMA Recovery Policy 9525.8, "Damage to Applicant-Owned Equipment" also provides guidance on eligible costs for damage caused to equipment during emergency response operations.

Damage During National Guard Use

In some situations, the National Guard was responsible for causing damage or loss to property during their operations. Claims for such damage or loss are to be directed to Craig Jenkins,

Chief – Claims Division Area, at (337) 531-2001 or 406 Radio Road, Fort Polk, LA 71459.
Damage or loss that occurred as a result of the National Guard's use is not eligible for FEMA PA assistance.

* * *

Because this document is not exhaustive, either in topics or in detail, information should be verified with FEMA Public Assistance Program officials before becoming the basis for decision making.