

## CHAPTER 10. GUBERNATORIAL DECLARATIONS FOR DISASTER ASSISTANCE

### SUBCHAPTER 11. ADVANCED FINANCIAL LIQUIDITY FOR LOCAL ECONOMIES IMPACTED BY FEDERALLY DECLARED DISASTERS

#### 145:10-11-1. Purpose, authority and applicability

(a) **Purpose.** The Purpose of this Subchapter is to implement procedures for the Oklahoma Department of Emergency Management's (OEM) advancement of funding through the "State Assistance Dedicated for Disaster-impacted Local Economies Revolving Fund" to State governmental subdivisions with funding gaps stemming from Federal Emergency Management Agency (FEMA) declared major disasters or emergencies.

(b) **Authority.** This Subchapter is adopted pursuant to Section 690.10 of Title 63 of the Oklahoma Statutes.

(c) **Applicability.** The rules in this Subchapter apply to any eligible applicant within the State of Oklahoma seeking to use advanced financial liquidity upon the declaration of a federal emergency or disaster.

#### 145:10-11-2. Definitions

The following words and terms, when used in this Subchapter, shall have the following meaning unless the context clearly indicates otherwise:

"Declared county" means a county in the State of Oklahoma that is subject to an ongoing federally declared disaster or emergency.

"Eligible applicant" means all governmental subdivisions that qualify for aid under FEMA's Public Assistance Program that apply for assistance under the "State Assistance Dedicated for Disaster-impacted Local Economies Revolving Fund."

"Federally declared emergency" means the President's declaration of an emergency for any occasion or instance when the President determines federal assistance is needed. Emergency declarations supplement state, local, and tribal government efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.

"Federally declared disaster" means the President's declaration of a major disaster for events such as tornadoes, straight-line winds, severe storms, floods, snowstorms, ice storms, wildfires, or earthquakes that the President determines has caused damage beyond the combined capabilities of state, local, and tribal governments to respond. A major disaster declaration provides a wide range of federal assistance programs for eligible applicants including funds for both emergency and permanent work.

"Federal Emergency Management Agency (FEMA) Hazard Mitigation Assistance" means the United States government provision of federal grants at a 75 percent federal and 25 percent non-federal cost share to eligible applicants for actions taken to prevent or reduce long term risk to life and property from natural hazards.

"Federal Emergency Management Agency (FEMA) Public Assistance" means the United States government provision of federal project funding at a 75 percent federal and 25 percent non-federal cost share to eligible applicants so communities can quickly respond to and recover from major disasters or emergencies.

#### 145:10-11-3. Permissible uses of advanced financial liquidity

Eligible applicants may only use advanced financial liquidity for the following purposes:

(1) Costs allowable for FEMA Public Assistance, including emergency work for emergency protective measures and debris removal, and permanent work including repair or replacement of roads and bridges, repair or replacement of water control facilities, repair or replacement of public buildings and contents, repair or replacement of utility lines or infrastructure, and repair and replacement of parks, recreation, and other facilities; and

(2) Costs allowable for FEMA Hazard Mitigation Assistance, including the Hazard Mitigation Grant Program, Flood Mitigation Assistance, and Building Resilient Infrastructure and Communities.

#### 145:10-11-4. Applications for advanced financial liquidity

(a) All eligible applicants must submit the pertinent application, created and made available by OEM, to be considered for advanced financial liquidity.

(1) A complete application for advanced financial liquidity will demonstrate a basis for financial need, a proposed eligible use of the advance funding, copies the pertinent requests made for federal funding through FEMA's Public Assistance Program or FEMA's Hazard Mitigation Assistance Program, and any other information requested by OEM.

(2) OEM maintains the discretion to deny any application for advanced financial liquidity which is deemed incomplete.

(b) Funding requests per eligible applicant must not surpass 75 percent of the federal cost share estimated for the eligible Public Assistance project or Hazard Mitigation Assistance grant which the applicant applied for.

(c) Funding requests per eligible applicant cannot surpass \$5 million per qualifying event without further justification.

(d) Approval of any application shall remain dependent on the availability of sufficient funds in the State Assistance Dedicated for Disaster-impacted Local Economies Revolving Fund at the time an application is received.

#### 145:10-11-5. Qualifying repayment agreement

(a) Upon approval of an application but prior to any distribution of advancement funds, approved recipients will be required to sign an agreement with the OEM.

(b) Approved recipients must agree to meet and remain compliant with all federal guidelines and requirements set for receiving funding through FEMA Public Assistance or FEMA Hazard Mitigation Assistance.

(c) Approved recipients must agree to pay the 25 percent non-federal share of the project or grant.

(d) Approved recipients must agree to adhere to all federal procurement requirements.

**145:10-11-6. Administration of funding**

(a) The OEM will provide a maximum advance of 75 percent of the estimated amount of eligible FEMA Public Assistance projects and Hazard Mitigation Assistance grants.

(b) The OEM will distribute funds to approved recipients based on project or grant estimates, understanding any amount exceeding the 75 percent federal cost share must be reimbursed by the recipient to the state.

(c) An approved recipient's failure to make timely and complete reimbursement may be considered by OEM when evaluating future applications for advanced financial liquidity.

**145:10-11-7. Repayment**

Repayment of the advanced funding must be done in a manner consistent with the agreement signed by the applicant and OEM.