

Proposed Resolution on Federal Assistance Eligibility Based on Cross-Jurisdictional Boundaries

Issue: Considerations need to be provided when determining if a County receives Federal Disaster Assistance in instances in which the disaster occurs across state lines, impacting multiple counties during a localized event.

Proposed Policy: The National Association of Counties (NACo) recognizes that localized disasters can impact neighboring counties divided by a State line. NACo also recognizes that no inter-state language is included in the Stafford Act or Federal regulation providing consideration in granting federal resources or support to counties fairly during a localized disaster event in which one County receives assistance, and the other equally impacted does not.

NACo recommends a federal study be completed on potential disparities in resources and support when one state is provided federal assistance, and a neighboring County that is responding to the same emergency does not. Based on the result of the study, language shall be included where appropriate, accommodating this consideration and ensuring equal support. One potential focus point is in relation to per capita impact indicator and project thresholds for FEMA Individual Assistance (IA) and Public Assistance (PA) for those neighboring Counties divided by a State line.

Background: During the Summer of 2017, Lake County, IL was impacted by record flooding on all its rivers, streams, and lakes. Similarly, counties in Wisconsin were also impacted by the same flooding directly upstream of Lake County, and in western parts of the State. The State of Illinois requested assistance for our residents from the federal government because FEMA has a program to provide such aid, while the State does not. Should the disaster have been considered collectively, regardless of a State border, it may have been clear that additional assistance was necessary that each individual State was unable to provide.

In 2020, the Illinois State Water Survey revised the observed heavy rainfall amounts for Lake County up to 45% higher than previous values. The large increase reflects current climate conditions and increasing regional trends. Future climate models for Cook, DuPage, Lake and Will Counties indicate that extreme rainfall amounts will continue to increase for the mid- and late-21st century scenarios. As flooding disasters appear to only be intensifying with increased predicted rainfalls, regulations need to be in place to ensure the federal government is considering declaration requests from multiple angles.

Fiscal/Rural/Urban Impact: This policy change would ensure fairness and equivalent support to neighboring Counties responding to the same localized disaster.

Sponsor(s): Mary Ross Cunningham, Vice-Chair, Lake County Board, Lake County, Ill.