

# PUBLICATION

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## Hurricane Ida: Major Disaster Declaration Issued for Louisiana, Recovery Efforts Underway

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Our thoughts remain with our colleagues, clients, and friends impacted by Hurricane Ida as recovery efforts are now underway following this strong Category 4 storm that made landfall on August 29, a date already too familiar for those that lived along the Louisiana and Mississippi coastal region when Hurricane Katrina impacted this same area 16 years ago. At this time, search and rescue efforts, power restoration, and work to address the many impacted health care facilities have priority. However, as soon as they are able, impacted public and non-profit entities must consider the available resources to help defray costs, including insurance and federal disaster assistance programs.

- **Major Disaster Declaration Issued for Louisiana.** On August 29, President Biden approved a [major disaster declaration](#) for the State of Louisiana to supplement state, tribal, and local recovery efforts in the areas impacted by Hurricane Ida beginning on August 26 and continuing. This action makes funds available to eligible applicants through Federal Emergency Management Agency (FEMA)'s Public Assistance and Individual Assistance Programs. Under this declaration, assistance for debris removal and emergency protective measures completed by eligible entities in the declared parishes is authorized for 100% cost share for 30 days. All other eligible Public Assistance program assistance will be at 75% federal cost share. It is anticipated that a major disaster declaration will be issued for the State of Mississippi soon. Previously, President Biden had issued emergency declarations for the States of [Louisiana](#) and [Mississippi](#) to provide federal support for preparations and initial response.
- **Procurement and Grant Conditions Compliance.** State and local governmental entities and private non-profits providing governmental-type services (e.g., utilities, hospitals, educational providers, emergency and custodial care facilities) that are eligible to receive grants through FEMA's Public Assistance grant program for debris removal, emergency costs and restoration of infrastructure must be mindful of applicable federal procurement policies. It is of critical importance that any procurements, standards of conduct and forms of contract for any work that might be reimbursable comply with federal regulations to protect the eligibility of associated funding. If you need assistance in these efforts, our [Disaster Recovery and Government Services Group](#) has developed a Procurement Toolkit and other compliance aids. **If emergency work to date is not fully compliant, it is not too late to take action to protect against disallowance of assistance that would otherwise be eligible.**
- **Document Damages, Work Performed and Costs Incurred.** All entities or persons impacted should document damage (including photographs to the extent possible), work performed (including paid and volunteer assistance) and costs incurred (including copies of all receipts and time logs). These records can support insurance claims and will be required to support claims to FEMA for additional assistance.
- **FEMA Registration.** Impacted individuals and entities that are eligible for assistance should register with FEMA as soon as possible to protect eligibility. Registration also helps to ensure receipt of any updates released regarding response and recovery resources; FEMA assistance availability;

extension of any legal deadlines; tax deadline adjustments; and much more. Individuals may register at [www.disasterassistance.gov](http://www.disasterassistance.gov). Public and not-for-profit entities may register using their previously established FEMA [Grants Portal account](#) or watch for information on how to initiate FEMA Public Assistance program eligibility review.

- **Health Care Service Providers.** On August 30, the Secretary of the Department of Health and Human Services (HHS) declared public health emergencies for the States of Louisiana and Mississippi due to the impact of Hurricane Ida. The declarations, along with waivers Secretary Becerra authorized under the Social Security Act, give HHS Centers for Medicare & Medicaid Services (CMS) beneficiaries and their health care providers and suppliers greater flexibility in meeting emergency health needs in disasters. In declaring the public health emergency and authorizing flexibilities for CMS beneficiaries, Secretary Becerra acted within his authority under the Public Health Service Act and Social Security Act. These actions and flexibilities are retroactive to August 26, 2021, for the State of Louisiana and retroactive to August 28, 2021, for the State of Mississippi.
- **Insurance Coverage Awareness.** Impacted individuals and entities should contact their insurance provider(s) as soon as possible. There are deadlines and procedures that must be followed to protect any reimbursement or payments that might otherwise be owed to them.

For more information, please contact [Wendy Huff Ellard](#) or any member of [Baker Donelson's Disaster Recovery and Government Services Team](#).