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2026 FEMA Public Assistance Program Eligibility and Top Ten Tips to Protect Funding: Baker Donelson

A historic, widespread, and long-lasting winter storm is in progress, bringing destructive ice and heavy snow from the Plains to the Midwest and Northeast. Forecasts indicate dangerous travel conditions for days, and parts of the South are seeing catastrophic ice accumulations with significant power outages and tree damage. On the heels of Winter Storm Fern is another quickly developing major winter event expected to hit the coastal South.

These events, and more, come at a time when there remains significant uncertainty about the current status and future of the Federal Emergency Management Agency (FEMA). As of January 25, FEMA has issued 12 emergency declarations but next steps remain uncertain. Even with the competing priorities and preferences, all seem to agree that the assistance provided by FEMA will be more restrictive going forward. As such, it is more important than ever to be diligent in these early days and do as much as possible to protect eligibility for funding assistance in the event that a federal major disaster declaration is issued.

Snow and Winter Storm Declarations Under FEMA's Public Assistance Program

First, it is important to understand what is likely to be declared and what the corresponding eligibility might include. Historically, FEMA's approval of funding related to snow events has been more limited than other natural disaster events. FEMA's guidance specifically provides that, for eligibility to be considered, the impacted state must request and be issued a major disaster declaration that must include a request for snow assistance as part of that declaration. However, the difficulty in getting such a declaration cannot be over-stated – snow-related activities, including snow removal, de-icing, salting, snow dumps, and sanding of roads and other eligible facilities, is only an eligible emergency protective measure when a winter storm results in record or near-record snowfall.

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