



ACACIA LODGE No. 16 A.F. & A.M.
CHARTERED DECEMBER 11, 1877 MASONIC DISTRICT No. 4.
WWW.ACACIA16.ORG 703-830-9036
7135 MAIN STREET CLIFTON VIRGINIA 20124
STATED MEETING: FIRST THURSDAY OF THE MONTH @ 7:30PM

September 26, 2006

Nealia A. Dabney
Public Assistance Officer
Virginia Department of Emergency Management
Joint Disaster Field Office
4800 Cox Road
Glen Allen, VA 23060

Re: Application for Disaster Assistance

Dear Ms. Dabney:

I have received your electronic message, dated September 8, 2006, by which we were informed that we would not be eligible for disaster assistance for several reasons. Specifically, you stated that, “[i]n assessing eligibility of a community center, the building must be specifically designated and established as a community center. As a general rule, a facility that was not founded as a community center would not be an eligible community center.” We respectfully disagree and hereby appeal that portion of FEMA’s determination. Neither the Stafford Act, which establishes the definition of a “private nonprofit,” nor any FEMA regulation that clarifies eligibility for assistance, requires that a community center be constructed initially for that purpose. The building that is the subject of our assistance application is more than 100 years old, was built and used initially as a mill on Pope’s Head Creek, and was moved to its current location in the early 1900s. The building has been used as a public meeting center continuously since that time, including use by the Acacia Masonic Lodge, government of the Town of Clifton, the Clifton Boy Scouts, the Clifton Lions Club and other community organizations. Adaptive reuse is a well accepted concept, especially when of such long standing. The logical extension of your position would disqualify from disaster assistance eligibility any historic



**ACACIA LODGE NO. 16 A.F. & A.M.
CHARTERED DECEMBER 11, 1877 MASONIC DISTRICT NO. 4.
WWW.ACACIA16.ORG 703-830-9036
7135 MAIN STREET CLIFTON VIRGINIA 20124
STATED MEETING: FIRST THURSDAY OF THE MONTH @ 7:30PM**

structure that has been preserved and used for a purpose different from its original one, including the U.S. Vice President's residence and the Town Hall of the Town of Clifton. I will be happy to supply letters confirming continuous public use, which I submitted to FEMA previously as part of our application.

You also stated that the applicant's "Charter specifies that the organization was primarily established as a Lodge for the members of Ancient, Free and Accepted Masons of Virginia. You also are correct the title holder of the deed to the property is a lodge of the Ancient, Free and Accepted Masons of Virginia, but that is not determinative of the use of the applicant's building, which is principally a community center for meetings. The tax exempt status by the Internal Revenue Service, designates the Lodge under Domestic Fraternal Societies (501)(c)(10)." You are correct that the Lodge satisfies one of the standards of eligibility set forth in Code of Federal Regulations Section 206.221(f)(1) in that it is an organization having "[a]n effective ruling letter from the U.S. Internal Revenue Service, granting tax exemption under sections 501(c)." The applicant qualifies with these eligibility requirements.

You further stated that the applicant's building must be used "primarily for an eligible purpose cited in RR Policy # 9521.3 Private Nonprofit (PNP) Eligibility. Eligible PNP facilities are educational facilities (requiring accreditation) utilities, irrigation, emergency, medical, custodial care and facilities that provide essential governmental services to the general public. The Lodge does not own or operate a facility that falls into any of these categories; therefore, they are not eligible for Public Assistance as a PNP." We respectfully disagree. The applicant provides essential governmental-type services to the general public by making the building available to the government of the Town of Clifton, the Clifton Boy Scouts, the Clifton Lions Club and other community organizations, and by providing a photographic museum of persons of historical interest to the



**ACACIA LODGE No. 16 A.F. & A.M.
CHARTERED DECEMBER 11, 1877 MASONIC DISTRICT No. 4.
WWW.ACACIA16.ORG 703-830-9036
7135 MAIN STREET CLIFTON VIRGINIA 20124
STATED MEETING: FIRST THURSDAY OF THE MONTH @ 7:30PM**

Clifton community. The applicant further provides governmental-type services by being one of the supporting facilities named by the United States Department of the Interior in its designation of the Town of Clifton as a National Historical District.

Based on the foregoing, the applicant complies with the standards for receiving disaster relief, and appeals any determination by FEMA to the contrary. Please inform us of the next step in this process.

Sincerely:

William J. Baumbach II

William J. Baumbach II, Building Committee Chairman.
2380 Mountain Road. Haymarket, Virginia 20169
703-323-1939-Home 703-932-9763-Cell 703-323-1939-Fax
Email: William@Baumbach.com

cc: Mayor, Town of Clifton
Hon. Scott Call
Governor Tim Kaine
Congressman Tom Davis
Delegate Tim Hugo
Senator Jay O'Brien