Hazard Mitigation Assistance Unified Guidance

Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, Flood Mitigation Assistance Program, Repetitive Flood Claims Program, Severe Repetitive Loss Program

June 1, 2010

FEMA

Federal Emergency Management Agency
Department of Homeland Security
500 C Street, S.W.
Washington, DC 20472

Titles of Opportunities:

- Hazard Mitigation Grant Program (HMGP)
- Pre-Disaster Mitigation (PDM)
- Flood Mitigation Assistance (FMA)
- Repetitive Flood Claims (RFC)
- Severe Repetitive Loss (SRL)

Funding Opportunity Numbers:

The Catalog of Federal Domestic Assistance (CFDA) numbers for the five Hazard Mitigation Assistance programs are:

- 97.039 Hazard Mitigation Grant Program (HMGP)
- 97.047 Pre-Disaster Mitigation (PDM)
- 97.029 Flood Mitigation Assistance (FMA)
- 97.092 Repetitive Flood Claims (RFC)
- 97.110 Severe Repetitive Loss (SRL)

Federal Agency Name: U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)

Announcement Type: Initial

Dates: Completed applications for PDM, FMA, RFC, and SRL must be submitted to FEMA no later than 3:00:00 p.m. Eastern Time December 3, 2010.

Submittal deadlines for applications for HMGP funding are set by the date of the Presidential major disaster declaration.

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PART I. FUNDING OPPORTUNITY DESCRIPTION

Part I of the Hazard Mitigation Assistance (HMA) Unified Guidance introduces the five HMA programs and outlines the organization of the document.

The U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA) HMA programs present a critical opportunity to reduce the risk to individuals and property from natural hazards while simultaneously reducing reliance on Federal disaster funds.

Hazard mitigation is any sustained action taken to reduce or eliminate long-term risk to people and property from natural hazards and their effects. This definition distinguishes actions that have a long-term impact from those that are more closely associated with immediate preparedness, response, and recovery activities. Hazard mitigation is the only phase of emergency management specifically dedicated to breaking the cycle of damage, reconstruction, and repeated damage. As such, States, Territories, Indian Tribal governments, and communities are encouraged to take advantage of funding provided by HMA programs in both the pre- and post-disaster timeframes.

Together, these programs provide significant opportunities to reduce or eliminate potential losses to State, Tribal, and local assets through hazard mitigation planning and project grant funding. Each HMA program was authorized by separate legislative action, and as such, each program differs slightly in scope and intent.

The Hazard Mitigation Grant Program (HMGP) may provide funds to States, Territories, Indian Tribal governments, local governments, and eligible private non-profits (PNPs) following a Presidential major disaster declaration. The Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), Repetitive Flood Claims (RFC), and Severe Repetitive Loss Pilot (SRL) programs may provide funds annually to States, Territories, Indian Tribal governments, and local governments. While the statutory origins of the programs differ, all share the common goal of reducing the risk of loss of life and property due to natural hazards.

This guidance applies to HMGP funds available for disasters declared on or after June 1, 2010. In addition, this guidance is applicable to the Fiscal Year 2011 (FY11) cycle of the PDM, FMA, RFC, and SRL programs. The guidance in this document is subject to change based on new laws or regulations enacted after June 1, 2010.

The “Applicant” for HMA programs is the State, Territory, or Indian Tribal government applying to FEMA. The Applicant is responsible for soliciting subapplications from eligible subapplicants, assisting in the preparation of them, and submitting them to FEMA in priority order. HMA grant funds are awarded to Applicants. When funding is awarded, the Applicant then becomes the “Grantee” and is accountable for the use of the funds, responsible for administering the grant, and responsible for complying with program requirements and other applicable Federal, State, Territorial, and Tribal laws and regulations. As the Grantee, the Applicant is also responsible for financial management of the program and overseeing all approved projects. In general, the “subapplicant” is the State-level agency, Indian Tribal government, local government, or other eligible entity that submits a subapplication for FEMA assistance to the Applicant. If HMA funding is awarded, the subapplicant becomes the

"subgrantee" and is responsible for managing the subgrant and complying with program requirements and other applicable Federal, State, Territorial, Tribal, and local laws and regulations. An Indian Tribal government may participate as either the Applicant/Grantee or the subapplicant/subgrantee (see Part III A). For **HMGP**, "subapplicant" has the same meaning given to the term "Applicant" in the HMGP regulations at Title 44 of the Code of Federal Regulations (CFR) Section 206.431.

A. Authorization and Appropriation

HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (the Stafford Act), Title 42, United States Code (U.S.C.) 5170c. The key purpose of HMGP is to ensure that the opportunity to take critical mitigation measures to reduce the risk of loss of life and property from future disasters is not lost during the reconstruction process following a disaster. HMGP is available, when authorized under a Presidential major disaster declaration, in the areas of the State requested by the Governor. The amount of HMGP funding available to the Applicant is based upon the estimated total Federal assistance to be provided by FEMA for disaster recovery under the Presidential major disaster declaration.

The **PDM** program is authorized by Section 203 of the Stafford Act, 42 U.S.C. 5133. The PDM program is designed to assist States, Territories, Indian Tribal governments, and local communities to implement a sustained pre-disaster natural hazard mitigation program to reduce overall risk to the population and structures from future hazard events, while also reducing reliance on Federal funding from future disasters.

The **FMA** program is authorized by Section 1366 of the National Flood Insurance Act of 1968, as amended (NFIA), 42 U.S.C. 4104c, with the goal of reducing or eliminating claims under the National Flood Insurance Program (NFIP).

The **RFC** program is authorized by Section 1323 of the NFIA, 42 U.S.C. 4030, with the goal of reducing flood damages to individual properties for which one or more claim payments for losses have been made under flood insurance coverage and that will result in the greatest savings to the National Flood Insurance Fund (NFIF) in the shortest period of time.

The **SRL** program is authorized by Section 1361A of the NFIA, 42 U.S.C. 4102a, with the goal of reducing flood damages to residential properties that have experienced severe repetitive losses under flood insurance coverage and that will result in the greatest savings to the NFIF in the shortest period of time.

The NFIF provides the funding for FMA, RFC, and SRL programs. The PDM, FMA, RFC, and SRL programs are subject to the availability of appropriation funding, as well as any program-specific directive or restriction made with respect to such funds. Furthermore, availability of the PDM and SRL programs is subject to anticipated reauthorization of the programs beyond September 30, 2010.

More information about each program can be found on the FEMA HMA Web site at www.fema.gov/government/grant/hma/index.shtm.

B. Additional Program Information

This guidance consolidates the common requirements for all HMA programs and explains the unique elements of the programs in individual sections. Additionally, it provides assistance for Federal, State, Tribal, and local officials on how to apply for HMA funding for a proposed mitigation activity.

The organization of this guidance provides clarity and ease of use by presenting information common to all programs in general order of the grant life cycle. As a result, closely related topics may be presented in different sections of the guidance. This guidance is organized in the following manner:

- Common program elements are presented in Parts I through VII:
  - Part I, Funding Opportunity Description, introduces the HMA programs;
  - Part II, Award Information, provides information about available funding and application deadlines;
  - Part III, Eligibility Information, provides information about eligible Applicants and subapplicants, cost sharing requirements, and other program requirements;
  - Part IV, Application and Submission Information, provides information regarding application development including funding restrictions;
  - Part V, Application Review Information, summarizes the FEMA review and selection process;
  - Part VI, Award Administration Information, highlights grants management requirements from the time an award is made through closeout; and
  - Part VII, FEMA Contacts, provides Regional and State contact information.
- Additional guidance for a specific program or project type is provided in Parts VIII and IX:
  - Part VIII, Additional Program Guidance, provides information that is unique to each program; and
  - Part IX, Additional Project Guidance, provides information specific to property acquisition and structure demolition or relocation, wildfire mitigation, safe room construction, mitigation reconstruction, and structure elevation projects.
- Part X, Appendices, includes acronyms, a glossary, additional resources, and referenced regulations and statutes.

B.1 Programmatic Changes

While many of the specific requirements of each program remain the same, significant revisions to programmatic requirements included in this guidance are:

- Incorporated changes resulting from the Final Rule published on September 16, 2009. This rule amended 44 CFR, Part 201 Mitigation Planning, Part 80 Property Acquisition and Relocation for Open Space, Part 79 Flood Mitigation Grants, and Section 206.432

Federal Disaster Assistance, Subpart N – Hazard Mitigation Grant Program, Federal Grant Assistance;

- A series of on-line tools were developed to assist in application and project development. Web links are noted throughout the document;
- For **PDM**, **FMA**, **RFC**, and **SRL**, awards will be processed through FEMA's Payment and Reporting System (PARS);
- For **PDM**, **FMA**, **RFC**, and **SRL**, upon the award or final approval of the first subgrant, Applicants will receive 25 percent of their anticipated management costs (Part III D.1.3);
- For **SRL**, the Greatest Savings to the Fund (GSTF) data and methodology may be used to demonstrate cost effectiveness of mitigation projects submitted to SRL (Part IV H.4);
- The pilot program for the Alternative Determination of Cost-Effectiveness for Eligible Insured Repetitive Loss Properties is no longer available for conducting a Benefit-Cost Analysis (BCA) (Part IV H.4);
- Applicants/Grantees may be responsible for the costs of certain Environmental Planning and Historic Preservation (EHP) activities (Part IV H.6);
- Standard Form (SF)-269, SF-269A, SF-272, and SF-272A have been replaced by SF-425, Federal Financial Report (Part VI C.1);
- The Repetitive Loss internet-based Simple and Quick Access Network has been replaced by Data Exchange, the Repetitive Loss Database (Part VI D.2.1);
- The **SRL**-specific section has been streamlined and redundancies have been reduced (Part VIII E);
- For **SRL**, Increased Cost of Compliance (ICC) benefits are now available to severe repetitive loss structures mitigated with SRL funds, regardless of whether recent flood damage has occurred (Part VIII E.4);
- For **PDM**, **FMA**, **RFC**, and **SRL**, property acquisition and structure demolition or relocation projects for open space are now eligible within a Coastal Barrier Resources System (CBRS) Unit or Otherwise Protected Area (OPA) with some limitations (Part IX A.2);
- Mitigation reconstruction projects cannot be combined with other activity types within the same project subapplication (Part IX D); and
- Structure elevation project-specific guidance has been developed and is included in Part IX E.

PART II. AWARD INFORMATION

Part II provides information about available funding and application deadlines.

A. Available Funding

Funding under HMA programs is subject to the availability of appropriations (as well as any directive or restriction made with respect to such funds in the law) and, for HMGP, to the amount of FEMA disaster recovery assistance under the Presidential major disaster declaration. Table 1 summarizes the HMA funds that have been available in recent years.

Table 1: Historic HMA Funding

FY	HMGP*	PDM	FMA	RFC	SRL
FY10	$23,361,517	$100,000,000	$40,000,000	$10,000,000	$70,000,000
FY09	$359,034,202	$90,000,000	$35,700,000	$10,000,000	$80,000,000
FY08	$1,246,236,812	$114,000,000	$34,000,000	$10,000,000	$80,000,000
FY07	$315,730,830	$100,000,000	$31,000,000	$10,000,000	$40,000,000
FY06	$232,227,932	$50,000,000	$28,000,000	$10,000,000	$40,000,000

** HMGP funding amounts as of May 3, 2010. Funding amounts fluctuate based on the number and severity of declared disasters, as well as the applicable percentage of other assistance that is the basis for HMGP amounts (the current percentage has been in effect since October 2006).*

HMGP funding is allocated using a "sliding scale" formula based on a percentage of the estimated total Federal assistance under the Stafford Act, excluding administrative costs for each Presidential major disaster declaration. Applicants with a FEMA-approved State or Tribal Standard Mitigation Plan may receive:

- Up to 15 percent of the first $2 billion of the estimated aggregate amount of disaster assistance;
- Up to 10 percent for the next portion of the estimated aggregate amount more than $2 billion and up to $10 billion; and
- 7.5 percent for the next portion of the estimated aggregate amount more than $10 billion and up to $35.333 billion.

Applicants with a FEMA-approved State or Tribal Enhanced Mitigation Plan are eligible for HMGP funding not to exceed 20 percent of the estimated total Federal assistance under the Stafford Act, up to $35.333 billion of such assistance, excluding administrative costs authorized for the disaster.

For additional information about available funding for HMGP, see Part VIII A.3; for PDM, see Part VIII B.1; for FMA, see Part VIII C.1; for SRL, see Part VIII E.2.

B. Application Cycle

The **PDM**, **FMA**, **RFC**, and **SRL** application period opens on June 1, 2010. FEMA will review all grant applications that are submitted through the Electronic Grants (*e*Grants) system by December 3, 2010, at 3:00:00 p.m. Eastern Time.

The timelines below are specific for applications received by December 3, 2010, for **PDM**, **FMA**, **RFC**, and **SRL**:

- Guidance Release – June 1, 2010;
- Application Period – June 1, 2010, to December 3, 2010;
- FEMA Eligibility and Completeness Review – December 3, 2010, to January 2011;
- National Evaluation and National Technical Review – January 2011 to March 2011; and
- Identification for Further Review – March 2011.

The **HMGP** application deadline is associated with each specific Presidential major disaster declaration date and is not part of the annual application period. For additional information, see Part VIII A.6.

PART III. ELIGIBILITY INFORMATION

Part III identifies common eligibility requirements for all HMA programs such as, eligible Applicants and subapplicants, cost sharing requirements, restrictions on the use of HMA funds, activities that are eligible for HMA funding, and other program requirements. Additional program- and project-specific requirements are found in Parts VIII and IX of this guidance. In order to be eligible for funding, Applicants and subapplicants must apply for funds as described in this guidance.

A. Eligible Applicants

Entities eligible to apply for HMA grants include the emergency management agency or a similar office of the 50 States (e.g., the office that has primary emergency management or floodplain management responsibility), the District of Columbia, American Samoa, Guam, the U.S. Virgin Islands, Puerto Rico, the Northern Mariana Islands, and Indian Tribal governments. Each State, Territory, Commonwealth, or Indian Tribal government shall designate one agency to serve as the Applicant for each HMA program. For the definition of the term Indian Tribal government refer to 44 CFR Section 206.431.

An Indian Tribal government may have the option to apply for HMA grants through the State as a subapplicant or directly to FEMA as an Applicant. The option for an Indian Tribal government to apply directly to FEMA reflects FEMA recognition that Indian Tribal governments are sovereign nations and share a government-to-government relationship with FEMA. This choice is independent of a designation under other FEMA grants and programs, but is not available on a project by project basis within a single grant program. If an Indian Tribal government chooses to apply directly to FEMA and is awarded the grant, it bears the full responsibility of a Grantee for the purposes of administering the grant. For plan requirements relevant to the options to apply as a subapplicant or an Applicant, see Part III D.5.1.

A.1 Eligible Subapplicants

All interested subapplicants must apply to the Applicant. Table 2 identifies, in general, eligible subapplicants. For specific details regarding eligible subapplicants, refer to 44 CFR Section 206.434(a) for HMGP and 44 CFR Section 79.6(a) for FMA and SRL. For HMGP and PDM, see 44 CFR Section 206.2(16) for a definition of local governments.

Table 2: Eligible Subapplicants

Entity	HMGP	PDM	FMA	RFC	SRL
State agencies	√	√	√	√	√
Indian Tribal governments	√	√	√	√	√
Local governments/communities	√	√	√	√	√
Private non-profit organizations (PNPs)	√				

Individuals and businesses are not eligible to apply for HMA funds; however, an eligible Applicant or subapplicant may apply for funding to mitigate private structures. For additional information about the eligibility of PNPs for HMGP, see Part VIII A.5.

B. Cost Sharing

Under the HMA programs, the total cost to implement approved mitigation activities is generally funded by a combination of Federal and non-Federal sources. Both the Federal and the non-Federal shares must be eligible costs used in direct support of the approved activities under this guidance and the grant award. Contributions of cash, third party in-kind services or materials, or any combination thereof, may be accepted as part of the non-Federal cost share. For **FMA**, no more than half of the non-Federal contribution may be from third party in-kind contributions.

FEMA administers cost-sharing requirements consistent with 44 CFR Section13.24 and 2 CFR Section 215.23. To meet matching requirements, the non-Federal contributions must be reasonable, allowable, allocable, and necessary under the grant program and must comply with all Federal requirements and regulations.

In general, HMA funds may be used to pay up to 75 percent of the eligible activity costs. The remaining 25 percent of eligible activity costs are derived from non-Federal sources. Exceptions to the 75-percent Federal and 25-percent non-Federal share (see Table 3) are:

- **PDM** – Small impoverished communities may be eligible for up to a 90-percent Federal cost share. For information about small impoverished communities, see Part VIII B.2.
- **RFC** – FEMA may contribute up to 100-percent Federal funding to implement activities for subapplicants meeting the requirements for increased Federal share of costs. For information about the requirements, see Part VIII D.2.
- **FMA and SRL** – Up to 90-percent Federal cost share is available for the mitigation of severe repetitive loss properties for any Applicant that has a Repetitive Loss Strategy in its approved State or Tribal (Standard or Enhanced) Mitigation Plan and has taken actions to reduce the number of repetitive loss properties. For information about the Repetitive Loss Strategy, see Parts VIII C.2 and E.3.
- **Insular areas including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands** – FEMA automatically waives the non-Federal cost share when the non-Federal cost share for the entire grant is under $200,000, not an individual subgrant. If the non-Federal cost share for the entire grant is $200,000 or greater, FEMA may waive all or part of the cost share. Such a waiver is usually consistent with that provided for Public Assistance under the disaster declaration. If FEMA does not waive the cost share, the insular area must pay the entire cost share amount, not only the amount over $200,000.
- **Federal cost share funding restrictions** – In some cases, the non-Federal share may exceed 25 percent because of funding restrictions on the Federal contribution. See Part IV E for additional details on funding restrictions.

Cost share requirements also extend to management costs with the following exceptions:

- For **HMGP**, there is no additional cost share requirement for management costs because available HMGP management costs are calculated as a percentage of the Federal funds provided.
- Under **PDM**, only Indian Tribal Grantees meeting the definition of a small impoverished community are eligible for a non-Federal cost share of 10 percent for management costs.

See Part VIII A.7 for further information about HMGP cost share requirements and Part IV E.6 for further information on funding restrictions for management costs.

Table 3: Cost Share Requirements

Programs	Mitigation Activity (Percent of Federal/Non-Federal Share)	Management Costs (Percent of Federal/Non-Federal Share)	
		Grantee	Subgrantee
HMGP	75/25	100/0*	-/-**
PDM	75/25	75/25	75/25
PDM – subgrantee is small impoverished community	90/10	75/25	90/10
PDM – Tribal Grantee is small impoverished community	90/10	90/10	90/10
FMA	75/25	75/25	75/25
FMA – severe repetitive loss property with Repetitive Loss Strategy	90/10	90/10	90/10
RFC	100/0	100/0	100/0
SRL	75/25	75/25	75/25
SRL – with Repetitive Loss Strategy	90/10	90/10	90/10

*Because available HMGP management costs are calculated as a percentage of the Federal funds provided, the non-Federal share is already accounted for.

**Subapplicants should consult their State Hazard Mitigation Officer (SHMO) for the amount or percentage of HMGP subgrantee management cost funding their State has determined to be passed through to subgrantees.

HMA Federal funds, or funds used to meet HMA cost share requirements, may not be used as a cost share for other Federal funds, for lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

B.1 Federal Funds Allowed to Be Used as Non-Federal Cost Share

In general, the non-Federal cost share requirement may not be met with funds from other Federal agencies; however, authorizing statutes explicitly allow some Federal funds to be used as a cost share for other Federal grants. Federal funds that are used to meet a non-Federal cost share requirement must meet the purpose and eligibility requirements of both the Federal source program and the HMA grant program. Examples of Federal funds that generally can be used as a non-Federal cost share are:

- U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds;
- Department of the Interior Bureau of Indian Affairs funds;
- Appalachian Regional Commission funds;

- Funds derived from Title III of the Secure Rural Schools and Community Self-Determination Act of 2000; and
- Department of Health and Human Services Indian Health Service funds.

Federal loan payments, such as U.S. Department of Agriculture (USDA) Farm Service Agency loans and U.S. Small Business Administration (SBA) loans, may be used as non-Federal cost share.

B.2 Increased Cost of Compliance as Non-Federal Cost Share

The NFIP ICC claim payment from a flood event may be used to contribute to the non-Federal cost share requirements, so long as the claim is made within the timeframes allowed by the NFIP. ICC payments can only be used for costs that are eligible for ICC benefits; for example, ICC cannot pay for property acquisition, but can pay for structure demolition or relocation. In addition, Federal funds cannot be provided where ICC funds are available; if the ICC payment exceeds the required non-Federal share, the Federal funding award will be reduced to the difference between the cost of the activity and the ICC payment.

If an ICC payment is being used as a subapplicant's non-Federal cost share, the NFIP policyholder must assign the claim to the subapplicant. However, only that part of the ICC benefit that pertains to the project can be assigned to the subapplicant. The NFIP policyholder can only assign the ICC benefit to the subapplicant; in no case can the policyholder assign the ICC benefit to another individual. Steps for the assignment of ICC coverage are available at http://www.fema.gov/business/nfip/iccdmw.shtm.

For **SRL** only, there are additional ICC payment considerations. For more information see Part VIII E.4.

C. Restrictions

C.1 Non-Discrimination Compliance

In accordance with Section 308 of the Stafford Act and Title VI of the 1964 Civil Rights Act, all HMA programs are administered in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, nationality, sex, age, disability, English proficiency, or economic status. In addition, Federal assistance distributed by State and local governments is to be implemented in compliance with all applicable laws.

Applicants and subapplicants must ensure that no discrimination is practiced. Applicants and subapplicants must consider fairness, equity, and equal access when prioritizing and selecting project subapplications to submit with their grant application. Subapplicants also must ensure fairness and equal access to property owners and individuals that benefit from mitigation activities.

C.2 Conflict of Interest

Applicants and subapplicants must avoid conflicts of interest. Subapplicants must comply with the procurement guidelines at 44 CFR Section 13.36, which require subapplicants to avoid situations in which local officials with oversight authority might benefit financially from the

grant disbursement. Applicants must comply with guidelines for awarding and administering subgrants as stated in 44 CFR Section 13.37.

C.3 Duplication of Programs

FEMA will not provide assistance for activities for which it determines the primary or more specific authority lies with another Federal agency or program. Other programs and authorities should be examined before applying for HMA funding. HMA funds are not intended to be used as a substitute for other available program authorities. Available program authorities include other FEMA programs (e.g., Individual Assistance and Public Assistance) and programs under other Federal agencies, such as the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (USACE), and the Natural Resources Conservation Service. FEMA may disallow or recoup amounts that duplicate other authorities.

For additional information about duplication of programs (DOP) for wildfire mitigation projects, see Part IX B.2.

C.4 Duplication of Benefits

HMA funds cannot duplicate or be duplicated by funds received by or available to Applicants, subapplicants, or project or planning participants from other sources for the same purpose, such as benefits received from insurance claims, other assistance programs (including previous project or planning grants and subgrants from HMA programs), legal awards, or other benefits associated with properties or damage that are or could be subject of litigation. FEMA will treat benefits that are reasonably available as a duplication of benefits (DOB), even if the benefits were not sought or received. Individuals or entities must notify the Grantee and FEMA of all benefits that they receive or anticipate from other sources for the same purpose, and must seek all such benefits available to them. The total amount of eligible costs will be reduced by the amount of available benefits prior to calculating the required cost share. The cost share is based on the total eligible costs after DOB deductions have been made. Duplications can occur at any time and FEMA must be reimbursed for benefits identified or received after an award.

For additional information on DOB for property acquisition and structure demolition or relocation projects, see Part IX A.11.4.

D. General Program Requirements

D.1 Eligible Activities

In order to be eligible, activities must meet all requirements referenced in this guidance. Eligible activities for HMA fall into the following categories:

- Mitigation projects (all HMA programs);
- Hazard mitigation planning (HMGP, PDM, and FMA programs); and
- Management costs (all HMA programs).

Table 4 summarizes eligible activities that may be funded by the HMA programs. Detailed descriptions of these activities follow the table in Part III, D.1.1, D.1.2, and D.1.3.

Table 4: Eligible Activities by Program

Eligible Activities	HMGP	PDM	FMA	RFC	SRL
1. Mitigation Projects	√	√	√	√	√
Property Acquisition and Structure Demolition	√	√	√	√	√
Property Acquisition and Structure Relocation	√	√	√	√	√
Structure Elevation	√	√	√	√	√
Mitigation Reconstruction					√
Dry Floodproofing of Historic Residential Structures	√	√	√	√	√
Dry Floodproofing of Non-residential Structures	√	√	√	√	
Minor Localized Flood Reduction Projects	√	√	√	√	√
Structural Retrofitting of Existing Buildings	√	√			
Non-structural Retrofitting of Existing Buildings and Facilities	√	√			
Safe Room Construction	√	√			
Infrastructure Retrofit	√	√			
Soil Stabilization	√	√			
Wildfire Mitigation	√	√			
Post-Disaster Code Enforcement	√				
5% Initiative Projects	√				
2. Hazard Mitigation Planning	√	√	√		
3. Management Costs	√	√	√	√	√

Additional information regarding eligible projects for HMGP is included in Part VIII A.8 and A.9; for FMA, see Part VIII C.3; for RFC, see Part VIII D.1; and for SRL, see Part VIII E.1.

Costs for eligible activities must be reasonable, allowable, allocable, and necessary as required by 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments, 44 CFR Section 13.22, applicable program regulations, and this guidance.

The following activities are not eligible as stand-alone activities but are eligible only when included as a functional component of eligible mitigation activities:

- For **HMGP** and **PDM,** permanently installed generators and/or related equipment purchases (e.g., generator hook-ups), when the generator directly relates to the hazards being mitigated and is part of a project (the 5% Initiative allows for the stand-alone purchase of permanently installed generators);
- Real property or easements purchases required for the completion of an eligible mitigation project. For safe room projects, no real property or easement purchase is eligible; and
- Studies that are integral to the development and implementation of a mitigation project, including hydrologic and hydraulic, engineering, or drainage studies.

D.1.1 Mitigation Projects

This section briefly describes the mitigation projects eligible under one or more of the five HMA programs. Table 4 summarizes the eligibility of the following project types for each program:

- **Property Acquisition and Structure Demolition –** The voluntary acquisition of an existing at-risk structure and, typically, the underlying land, and conversion of the land to open space through the demolition of the structure. The property must be deed-restricted in perpetuity to open space uses to restore and/or conserve the natural floodplain functions. For property acquisition and structure demolition projects, see Part IX A.
- **Property Acquisition and Structure Relocation –** The voluntary physical relocation of an existing structure to an area outside of a hazard-prone area, such as the Special Flood Hazard Area (SFHA) or a regulatory erosion zone and, typically, the acquisition of the underlying land. Relocation must conform to all applicable State and local regulations. The property must be deed-restricted in perpetuity to open space uses to restore and/or conserve the natural floodplain functions. For property acquisition and structure relocation projects, see Part IX A.
- **Structure Elevation –** Physically raising an existing structure to the Base Flood Elevation (BFE) or higher if required by FEMA or local ordinance. Structure elevation may be achieved through a variety of methods, including elevating on continuous foundation walls; elevating on open foundations, such as piles, piers, posts, or columns; and elevating on fill. Foundations must be designed to properly address all loads and be appropriately connected to the floor structure above, and utilities must be properly elevated as well. FEMA encourages Applicants and subapplicants to design all structure elevation projects in accordance with the American Society of Civil Engineers/Structural Engineering Institute (ASCE/SEI) 24-05, *Flood Resistant Design and Construction*. For additional information about structure elevation projects, see Part IX E.
- **Mitigation Reconstruction –** The construction of an improved, elevated building on the same site where an existing building and/or foundation has been partially or completely demolished or destroyed. Mitigation reconstruction is only permitted for structures outside of the regulatory floodway or coastal high hazard area (Zone V) as identified by the existing best available flood hazard data. Activities that result in the construction of new living space at or above the BFE will only be considered when consistent with the Mitigation Reconstruction requirements. Such activities are only eligible under SRL.

  Mitigation reconstruction projects cannot be combined with other activity types within the same project subapplication. To ensure the subapplication scope, schedule, and budget adhere to programmatic requirements, a mixture of activity types other than mitigation reconstruction within the subapplication is not permitted. Applicants must indicate within the mitigation activity section of their subapplication why they are electing to utilize mitigation reconstruction, and have not chosen the other available activity types. For additional information about mitigation reconstruction projects, see Part IX D.
- **Dry Floodproofing –** Techniques applied to keep structures dry by sealing the structure to keep floodwaters out. For all dry floodproofing activities, FEMA encourages Applicants and subapplicants to design all dry floodproofing projects in accordance with ASCE/SEI 24-05.

- **Dry Floodproofing of Historic Residential Structures** is permissible only when other techniques that would mitigate to the BFE would cause the structure to lose its status as a Historic Structure, as defined in 44 CFR Section 59.1.
- **Dry Floodproofing of Non-residential Structures** must be performed in accordance with NFIP Technical Bulletin (TB) 3-93, *Non-Residential Floodproofing—Requirements and Certification*, and the requirements pertaining to dry floodproofing of non-residential structures found in 44 CFR Sections 60.3(b)(5) and (c)(4).

- **Minor Localized Flood Reduction Projects –** Projects to lessen the frequency or severity of flooding and decrease predicted flood damages, such as the installation or modification of culverts and stormwater management activities such as creating retention and detention basins. These projects must not duplicate the flood prevention activities of other Federal agencies and may not constitute a section of a larger flood control system.
  - For **RFC** and **SRL,** at least 50 percent of the structures directly benefiting from this mitigation activity must be NFIP-insured. In addition, these projects must primarily benefit RFC or SRL structures, respectively. Documentation must be provided in the subapplication to satisfy this requirement.
- **Structural Retrofitting of Existing Buildings –** Modifications to the structural elements of a building to reduce or eliminate the risk of future damage and to protect inhabitants. The structural elements of a building that are essential to protect in order to prevent damage include foundations, load-bearing walls, beams, columns, building envelope, structural floors and roofs, and the connections between these elements.
- **Non-structural Retrofitting of Existing Buildings and Facilities –** Modifications to the non-structural elements of a building or facility to reduce or eliminate the risk of future damage and to protect inhabitants. Non-structural retrofits may include bracing of building contents to prevent earthquake damage or the elevation of heating and ventilation systems.
- **Safe Room Construction –** Safe room construction projects are designed to provide immediate life-safety protection for people in public and private structures from tornado and severe wind events, including hurricanes. For HMA, the term "safe room" only applies to extreme wind (combined tornado and hurricane) residential, non-residential, and community safe rooms; tornado community safe rooms; and hurricane community safe rooms. This type of project includes retrofits of existing facilities or new safe room construction projects, and applies to both single and multi-use facilities. For additional information, see Part IX C.
- **Infrastructure Retrofit –** Measures to reduce risk to existing utility systems, roads, and bridges.
- **Soil Stabilization –** Projects to reduce risk to structures or infrastructure from erosion and landslides, including installing geo-textiles, stabilizing sod, installing vegetative buffer strips, preserving mature vegetation, decreasing slope angles, and stabilizing with rip rap and other means of slope anchoring. These projects must not duplicate the activities of other Federal agencies.

- **Wildfire Mitigation** – Projects to mitigate the risk to at-risk structures and associated loss of life from the threat of future wildfire through:
  - **Defensible Space for Wildfire –** Projects creating perimeters around homes, structures, and critical facilities through the removal or reduction of flammable vegetation. For additional information, see Part IX B.3.1.
  - **Application of Ignition-resistant Construction –** Projects that apply ignition-resistant techniques and/or non-combustible materials on new and existing homes, structures, and critical facilities. For additional information, see Part IX B.3.2.
  - **Hazardous Fuels Reduction –** Projects that remove vegetative fuels proximate to the at-risk structure that, if ignited, pose significant threat to human life and property, especially critical facilities. For additional information, see Part IX B.3.3.
- **Post-Disaster Code Enforcement –** Projects designed to support the post-disaster rebuilding effort by ensuring that sufficient expertise is on hand to ensure appropriate codes and standards, including NFIP local ordinance requirements, are utilized and enforced. For additional information, see Part VIII A.8.
- **5% Initiative Projects –** These projects provide an opportunity to fund mitigation actions that are consistent with the goals and objectives of the State or Tribal (Standard or Enhanced) and local mitigation plans and meet all HMGP program requirements, but for which it may be difficult to conduct a standard BCA to prove cost effectiveness. For additional information, see Part VIII A.10.

Note: The requirements of Part IX A of this guidance and of 44 CFR Part 80 govern only real property acquisition for open space purposes, and do not apply to real property acquisition associated with other mitigation projects. Unlike acquisition for open space purposes, acquisition associated with the construction of a mitigation project may involve the local jurisdiction's use of its power of eminent domain to take certain, limited property interests necessary to construct the project. Prior to applying for such projects Applicants and subapplicants must consult with FEMA for further direction because different requirements and procedures will apply.

D.1.2 Hazard Mitigation Planning

Mitigation plans are the foundation for effective hazard mitigation. A mitigation plan is a demonstration of the commitment to reduce risks from natural hazards and serves as a strategic guide for decisionmakers as they commit resources.

The mitigation planning process includes hazard identification and risk assessment leading to the development of a comprehensive mitigation strategy for reducing risks to life and property. The mitigation strategy section of the plan identifies a range of specific mitigation actions and projects being considered to reduce risks to new and existing buildings and infrastructure. This section includes an action plan describing how identified mitigation activities will be prioritized, implemented, and administered.

Planning activities funded under HMA are designed to develop State, Tribal, and local mitigation plans that meet the planning requirements outlined in 44 CFR Part 201. A mitigation planning subgrant award must result in a mitigation plan adopted by the jurisdiction(s) and approved by FEMA prior to the end of the Period of Performance (POP).

For **FMA**, funds shall only be used to support the flood hazard portion of State, Tribal, or local mitigation plans to meet the criteria specified in 44 CFR Part 201. Funds are only available to support these activities in communities participating in the NFIP.

For links to mitigation planning and risk assessment resources, see Part X C.2.

D.1.3 Management Costs

Management costs are any indirect costs and administrative expenses that are reasonably incurred by a Grantee or subgrantee in administering a grant or subgrant award.

Eligible Applicant or subapplicant management cost activities may include:

- Solicitation, review, and processing of subapplications and subgrant awards;
- Subapplication development and technical assistance to subapplicants regarding engineering feasibility, BCA, and EHP documentation;
- Geocoding mitigation projects identified for further review by FEMA;
- Delivery of technical assistance (e.g., plan reviews, planning workshops, training) to support the implementation of mitigation activities;
- Managing grants (e.g., quarterly reporting, closeout);
- Technical monitoring (e.g., site visits, technical meetings);
- Purchase of equipment, per diem and travel expenses, and professional development that is directly related to the implementation of HMA programs; and
- Staff salary costs directly related to performing the activities listed above.

Management costs are only awarded in conjunction with project or planning grants and subgrants. For a link to more geocoding information, see Part X C.3. For more information regarding management costs for **HMGP**, see Part VIII A.4. For **PDM**, **FMA**, **RFC**, and **SRL**, FEMA may provide up to 25 percent of the Applicant's anticipated management costs, upon the award and final approval of the first subgrant. The remaining management costs will be obligated as additional subgrants are awarded.

D.2 Ineligible Activities

The following list provides examples of activities that are not eligible for HMA funding:

- Projects that do not reduce the risk to people, structures, or infrastructure;
- Projects that are dependent on another phase of a project(s) in order to be effective and/or feasible (i.e., not a stand-alone mitigation project that solves a problem independently or constitutes a functional portion of a solution);
- Projects for which actual physical work such as groundbreaking, demolition, or construction of a raised foundation has occurred prior to award or final approval. Projects for which demolition and debris removal related to structures proposed for acquisition or mitigation reconstruction has already occurred may be eligible when such activities were initiated or completed under the FEMA Public Assistance program to alleviate a health or safety hazard as a result of a disaster;

- Projects for preparedness activities or temporary measures (e.g., sandbags, bladders, geotubes, or portable generators);
- Projects constructing new buildings or facilities, with the exception of safe room construction and mitigation reconstruction;
- Projects that create revolving loan funds;
- Activities required as a result of negligence or intentional actions, or those intended to remedy a code violation, or the reimbursement of legal obligations such as those imposed by a legal settlement, court order, or State law;
- All projects located in a CBRS Unit or in OPAs, other than property acquisition and structure demolition or relocation projects for open space under PDM, FMA, RFC, and SRL. For details on property acquisition and structure demolition or relocation projects for open space within a CBRS Unit or OPAs see Part IX A.2;
- Activities on Federal lands or associated with facilities owned by another Federal entity;
- Major flood control projects related to the construction, demolition, or repair of dams, dikes, levees, floodwalls, seawalls, groins, jetties, breakwaters, and erosion projects related to beach nourishment or re-nourishment;
- Projects for hazardous fuels reduction in excess of 2 miles from structures;
- Projects that address unmet needs from a disaster that are not related to mitigation;
- Retrofitting facilities primarily used for religious purposes, such as places of worship (or other projects that solely benefit religious organizations). A place of worship may, however, be included in a property acquisition and structure demolition or relocation project provided that the project benefits the entire community, such as when the whole neighborhood or community is being removed from the hazard area;
- Activities that only address man-made hazards;
- Projects that address, without an increase in the level of protection, operation, deferred or future maintenance, repairs, or replacement of existing structures, facilities, or infrastructure (e.g., dredging, debris removal, replacement of obsolete utility systems, bridges, and facility repair/rehabilitation);
- Projects for the purpose of:
  - Landscaping for ornamentation (trees, shrubs, etc);
  - Site remediation of hazardous materials (with the exception eligible activities, such as the abatement of asbestos and/or lead-based paint and the removal of household hazardous wastes to an approved landfill);
  - Water quality infrastructure;
  - Address ecological or agricultural issues;
  - Protection of the environment and/or watersheds;
  - Forest management;

- Prescribed burning or clear-cutting;
- Creation and maintenance of fire breaks, access roads, or staging areas; and
- Irrigation systems;

- Mapping, flood studies, and planning activities, such as plan revisions/amendments or risk assessments, when they do not result in a FEMA-approved mitigation plan;
- Studies not directly related to the design and implementation of a proposed mitigation project; and
- Preparedness measures and response equipment (e.g., response training, electronic evacuation road signs, interoperable communications equipment).

All projects must also comply with any additional project-specific guidance provided in Part IX.

D.3 Cost Effectiveness

Mitigation projects must be cost effective to be eligible for HMA funding as demonstrated by a FEMA-validated BCA. A BCA evaluates the future benefits (projected losses avoided) of the project in relation to the project costs. This evaluation results in a Benefit-Cost Ratio (BCR). If the future benefits are equal to or greater than the cost, then the BCR is equal to or greater than 1.0 and a proposed activity is considered cost effective. If the benefits are less than the cost, then the BCR is less than 1.0 and the proposed activity is not considered cost effective. Only project subapplications with a BCR of 1.0 or greater will be considered for HMA funding. For purposes of performing the BCA, the total cost must include annual maintenance costs for the proposed mitigation activity even though maintenance costs are not eligible project costs.

For **HMGP** only, an expedited cost-effectiveness determination is available for property acquisition and structure demolition or relocation projects when certain conditions are met. For structures identified in a riverine SFHA on the current effective Flood Insurance Rate Map (FIRM) and declared substantially damaged due to the impacts of flooding by a local authority having such jurisdiction, property acquisition and structure demolition or relocation is considered cost effective and a BCA is not required to be submitted for the structure.

For 5% Initiative subapplications for HMGP funding, a narrative description of the project's cost effectiveness must be provided in lieu of a BCA. For more information on the 5% Initiative, see Part VIII A.10.

FEMA BCA procedures are governed by Office of Management and Budget (OMB) Circular A-94, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs*. For additional BCA resources, see Part X C.4.

D.4 Feasibility and Effectiveness Requirement

Mitigation projects funded by HMA must be both feasible and effective at mitigating the risks of the hazard(s) for which the project was designed. A project's feasibility is demonstrated through conformance with accepted engineering practices, established codes, standards, modeling techniques, or best practices. Effective mitigation measures funded under HMA provide a long-term or permanent solution to a risk from a natural hazard.

For additional information about the feasibility and effectiveness requirement for mitigation reconstruction projects, see Part IX D.3; for additional feasibility and effectiveness resources, see Part X C.5.

D.5 Hazard Mitigation Plan Requirement

In accordance with 44 CFR Part 201, all Applicants for **PDM**, **FMA**, **RFC**, or **SRL** must have a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan by the application deadline and at the time of obligation of the grant funds. The only exception is for a subapplication for a State or Tribal (Standard or Enhanced) Mitigation Plan. In addition, all subapplicants for **PDM**, **FMA**, and **SRL** mitigation projects must have a FEMA-approved local or Tribal mitigation plan by the application deadline and at the time of obligation of grant funds. The **RFC** program does not currently have a requirement for a local or Tribal mitigation plan. There is no local or Tribal mitigation plan requirement for any HMA program for a planning subgrant.

Applicants for **HMGP** funding must have a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan at the time of the disaster declaration and at the time HMGP funding is obligated to the Grantee in order to receive an HMGP award. States without an approved plan at the time of the declaration have 30 calendar days from the date of the declaration to formally submit an approvable State (Standard or Enhanced) Mitigation Plan for FEMA review and approval. Indian Tribal governments acting as Grantees without an approved plan at the time of the declaration have 30 calendar days from the date of signing the FEMA-Tribal Agreement to formally submit an approvable Tribal (Standard or Enhanced) Mitigation Plan for FEMA review and approval.

HMGP subapplicants for mitigation projects must have a FEMA-approved local or Tribal mitigation plan at the time of obligation of funds. For HMGP, FEMA may grant an exception to the local or Tribal mitigation plan requirement in extraordinary circumstances, when justification is provided. If this exception is granted, a local or Tribal mitigation plan must be approved by FEMA within 12 months of the award or final approval of the project subgrant to that community. Extraordinary circumstances exist when a determination is made by the Applicant and FEMA that the proposed project is consistent with the priorities and strategies identified in the State or Tribal (Standard or Enhanced) Mitigation Plan, that the project is an essential component of the community's recovery, and that the jurisdiction meets at least one of the following criteria:

- Meets the small impoverished community criteria (see Part VIII B.2);
- Has been determined to have had insufficient capacity prior to the current disaster;
- Has been considered to be at low risk from hazards; or
- Has experienced significant disruption from the declared incident that impacts their ability to complete the planning process prior to award or final approval of a project grant.

In determining whether to grant the exception, FEMA takes into consideration factors including whether an Applicant has prioritized its authorized HMGP project assistance for use in those communities with an approved local or Tribal mitigation plan, whether there are additional project funds available for award to a jurisdiction that does not have an approved local or Tribal

mitigation plan, and whether an Applicant has placed higher priority for grant funding on communities with higher risks. In all cases, a local or Tribal mitigation plan must be completed and approved by FEMA within 12 months of the award or final approval of the project subgrant to that subgrantee. If a local or Tribal mitigation plan is not provided to FEMA and approved within this timeframe, the project subgrant will be terminated and any costs incurred after the notice of the subgrant's termination will not be reimbursed by FEMA. For additional information, contact the appropriate FEMA Regional Office.

D.5.1 Indian Tribal Government Hazard Mitigation Plan Requirement

Indian Tribal governments with an approved Tribal mitigation plan in accordance with 44 CFR Section 201.7 may apply for assistance from FEMA as a Grantee. In addition, if an Indian Tribal government with an approved Tribal Mitigation Plan in accordance with 44 CFR 201.7 coordinated the review of their Tribal mitigation plan with the State or another Indian Tribal government, it has the option to apply as a subapplicant through that State or Indian Tribal government, except as prohibited by State law.

D.5.2 Conformance with Hazard Mitigation Plans

Projects submitted for consideration for HMA funding must be consistent with the goals and objectives identified in the current, FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan and local or Tribal mitigation plan for the jurisdiction in which the activity is located.

D.6 Environmental Planning and Historic Preservation Requirement

HMA programs must conform to 44 CFR Parts 9 and 10, and with all applicable EHP laws, implementing regulations, and Executive Orders (EOs), such as the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), the Endangered Species Act (ESA), EO 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), and EO 12898 (Environmental Justice). EHP requirements ensure appropriate consideration of reasonable alternatives, taking the project's impacts to the human environment into account in the decision-making process.

FEMA reviews the completeness of the responses to the questions in the EHP review section of the project subapplication and supporting documentation. For HMA project subapplications that do not include the required information for each property identified in the subapplication, there may be a delay in identifying outstanding EHP compliance measures. Lack of the required information by the application deadline may prohibit FEMA from awarding a grant or subgrant.

FEMA has developed guidance to assist in completing the EHP information section of a project subapplication, an eLearning Tool, online training, and information about historic preservation. For links to these EHP resources, see Part X C.6.

D.6.1 Floodplain Management and Protection of Wetlands

As noted in Part III D.6, all activities funded by HMA programs must conform to 44 CFR Part 9. In addition, **HMGP** funds cannot be used to fund new construction or substantial improvement in a floodway or new construction in a coastal high hazard zone. However, the costs to elevate or floodproof a damaged structure or facility are not included in determining whether the substantial improvement threshold is triggered.

For additional information see 44 CFR Section 9.11(d).

D.7 National Flood Insurance Program Eligibility Requirements

HMA eligibility is related to the NFIP as follows:

- **Subapplicant eligibility:** All subapplicants for **FMA**, **RFC**, or **SRL** must currently be participating in the NFIP, and not withdrawn or suspended, to be eligible to apply for grant funds. Certain non-participating political subdivisions (i.e., regional flood control districts or county governments) may apply and act as subgrantees on behalf of the NFIP-participating community in areas where the political subdivision provides zoning and building code enforcement or planning and community development professional services for that community;
- **Project eligibility: HMGP** and **PDM** mitigation project subapplications for projects sited within an SFHA are eligible only if the jurisdiction in which the project is located is participating in the NFIP. There is no NFIP participation requirement for HMGP and PDM project subapplications for projects located outside of the SFHA;
- **Hazard Mitigation Planning eligibility:** There are no NFIP participation requirements for **HMGP** and **PDM** hazard mitigation planning subapplications; and
- **Property eligibility**: Properties included in a project subapplication for **FMA**, **RFC**, or **SRL** funding must be NFIP-insured at the time of the application submittal. Flood insurance must be maintained at least through completion of the mitigation activity.

D.7.1 Special Flood Hazard Area Requirements

For structures that remain in the SFHA after the implementation of the mitigation project, flood insurance must be maintained for the life of the structure to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less. Insurance coverage on the property must be maintained during the life of the property regardless of transfer of ownership of such property.

The subgrantee (or property owner) must legally record, with the county or appropriate jurisdiction's land records, a notice that includes the name of the current property owner (including book/page reference to record of current title, if readily available), a legal description of the property, and the following notice of flood insurance requirements:

> *This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. 5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the floodplain management criteria of 44 CFR Part 60.3 and City/County Ordinance.*

Applicants/subapplicants receiving assistance for projects sited in an SFHA must ensure that these requirements are met by requesting the participating property owner(s) to sign an Acknowledgement of Conditions for Mitigation of Property in an SFHA with FEMA Grant Funds form and providing the form to FEMA prior to award or final approval. This form is

available on the FEMA Web site at: http://www.fema.gov/government/grant/resources/pre-award.shtm, or from the appropriate FEMA Regional Office (for Regional Office information, see Part VII). Properties that do not meet these requirements will not be eligible to receive assistance under the HMA programs.

If an approved HMA project affects the accuracy of the applicable FIRM, the subgrantee is responsible for ensuring that appropriate map amendments or revisions are made. Costs associated with map amendments may be identified in the cost estimate section of a subgrant application.

D.8 Statutory, Regulatory, and Other Requirements

Mitigation activities must adhere to all relevant statutes, regulations, and requirements, including:

- Sections 203 (PDM) and 404 (HMGP) of the Stafford Act;
- Sections 1323 (RFC), 1361A (SRL), 1366 (FMA) of the NFIA;
- National Flood Insurance Reform Act of 1994;
- Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004;
- Section 322 of the Stafford Act (Mitigation Planning);
- Section 324 of the Stafford Act (Management Costs);
- National Historic Preservation Act;
- National Environmental Policy Act;
- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- Floodplain Management and Protection of Wetlands (44 CFR Part 9);
- Environmental Considerations (44 CFR Part 10);
- Coastal Barriers Resources Act (CBRA; 44 CFR Part 206, Subpart J);
- Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (44 CFR Part 13);
- Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations (2 CFR Part 215);
- Floodplain Management (44 CFR Part 60);
- Flood Mitigation Grants (44 CFR Part 79);
- Property Acquisition and Relocation for Open Space (44 CFR Part 80);
- Hazard Mitigation Planning (44 CFR Part 201);
- Hazard Mitigation Grant Program (44 CFR Part 206, Subpart N);
- Management Costs (44 CFR Part 207);

- Cost Principles for Educational Institutions (2 CFR Part 220, OMB Circular A-21); Cost Principles for State, Local, and Indian Tribal Governments (2 CFR Part 225, OMB Circular A-87); Cost Principles for Nonprofit Organizations (2 CFR Part 230, OMB Circular A-122);
- OMB Circulars A-94 and A-133, *Audits of States, Local Governments, and Non-Profit Organizations*;
- Federal Acquisition Regulations (FAR) Subpart 31.2, Contracts with Commercial Organizations; and
- Other applicable Federal, State, Indian Tribal, and local laws, implementing regulations, and EOs.

PART IV. APPLICATION AND SUBMISSION INFORMATION

Part IV provides guidance on developing HMA applications or subapplications, and on related funding restrictions.

A. Address to Request Application Package

Applications for **HMGP** are processed through the National Emergency Management Information System (NEMIS). Applicants may use the Application Development Module of NEMIS to create project applications and submit them to the appropriate FEMA Region in digital format for the relevant disaster. For NEMIS Helpdesk resources, see Part X C.7.

Applications for **PDM**, **FMA**, **RFC**, and **SRL** are processed through the *e*Grants system. The *e*Grants system encompasses the entire grant application process and provides the means to electronically create, review, and submit a grant application to FEMA via the Internet. Applicants and subapplicants can access *e*Grants at https://portal.fema.gov.

Online help is available for the *e*Grants system and FEMA has established an *e*Grants Helpdesk with standard hours of operation from 8 a.m. to 7 p.m. Eastern Time, Monday through Friday. For additional *e*Grants resources, see Part X C.7.

For more information about using NEMIS or *e*Grants, contact the appropriate FEMA Regional Office (see Part VII).

B. Content and Form of Application

For **HMGP**, subapplication packages are available from eligible Applicants following Presidential major disaster declarations. The Applicant selects and prioritizes subapplications and submits them to FEMA in priority order. Applicants must submit an SF-424, Application for Federal Assistance, before HMGP funding can be obligated. The Applicant submits the subapplications both in digital format via NEMIS and in hard copy format.

Applications and subapplications for **PDM**, **FMA**, **RFC**, and **SRL** are submitted via the *e*Grants system. If a subapplicant does not use the *e*Grants system, the Applicant must enter the paper subapplication(s) into the *e*Grants system on the subapplicant's behalf. Blank applications that conform to the *e*Grants format are available for printing from the *e*Grants system and the FEMA Web site. Supporting documentation that cannot be electronically attached to the *e*Grants application (e.g., engineering drawings, photographs, and maps) must be submitted to the appropriate FEMA Regional Office. The entire application, including all paper documentation, must be received by the appropriate FEMA Regional Office no later than the application deadline.

C. Submission Dates and Times

HMGP submittal deadlines for applications are established based on the disaster declaration date. For submission of an application for HMGP, see Part VIII A.1 and A.6.

Completed applications for **PDM**, **FMA**, **RFC**, and **SRL** must be submitted to FEMA through *e*Grants no later than 3:00:00 p.m. Eastern Time, December 3, 2010. Late applications will not

be reviewed or considered for funding for this application cycle. Subapplicants should consult the official designated point of contact (POC) for their Applicant for more information regarding the application process. For more information on FEMA and Applicant contacts, see Part VII.

D. Intergovernmental Review

It may be necessary to allow sufficient time for an intergovernmental review of an application as established by EOs 12372 and 12416. If an Applicant has chosen not to participate in the intergovernmental review process, the application may be sent directly to FEMA. Guidance on the intergovernmental review process, including the names and addresses of the Single Point of Contact as listed by OMB, is available at: http://www.whitehouse.gov/omb/grants/spoc.html.

E. Funding Restrictions

HMA programs allow the funding of eligible costs for mitigation activities as outlined in Part III D.1. Subapplications that propose a Federal expenditure in excess of the Federal funding limit will not be considered for an award. For each program, additional funding restrictions apply as described below.

E.1 HMGP Funding Restrictions

- Up to 7 percent of the Grantee's HMGP ceiling may be used for mitigation planning activities in compliance with 44 CFR Section 201.3(c)(4).
- Up to 5 percent of the Grantee's HMGP ceiling may be used for mitigation measures that are difficult to evaluate against traditional program cost-effectiveness criteria (i.e., the 5% Initiative).
- For Presidential major disaster declarations due to tornadoes and high winds, an additional 5 percent of the Grantee's HMGP ceiling may be used to fund hazard mitigation measures (e.g., warning systems) to address the unique hazards posed by tornadoes.

For more information on the 5% Initiative and the additional 5 percent for tornadoes, see Part VIII A.10.

E.2 PDM Funding Restrictions

- Up to $800,000 Federal share may be requested in a subapplication for a planning grant to develop a new hazard mitigation plan.
- Up to $400,000 Federal share may be requested in a subapplication for a planning grant to update a hazard mitigation plan.
- Up to $3 million Federal share may be requested in a subapplication to implement a mitigation project.
- The cumulative Federal award for subapplications awarded during a single application cycle to any one Applicant shall not exceed 15 percent of the total appropriated PDM program funds for that application cycle.

E.3 FMA Funding Restrictions

- The total amount of FMA funds provided during any 5-year period shall not exceed $10 million to any State agency or $3.3 million to any community.
- The total amount of FMA funds provided to any State, including all communities located in the State, shall not exceed $20 million during any 5-year period.

FEMA may waive the above limits when a major flood-related disaster or emergency is declared pursuant to the Stafford Act.

- Individual planning grants using FMA funds shall not exceed $150,000 to any Applicant or $50,000 to any subapplicant. FMA funds only can be used for the flood hazard component of a hazard mitigation plan that meets the planning criteria outlined in 44 CFR Part 201.
- The total planning grant using FMA funds made in any fiscal year to any State and the communities located within the State shall not exceed $300,000.
- No more than 7.5 percent of FMA funds shall be used for planning in any fiscal year.
- A planning grant shall not be awarded to a State or community more than once every 5 years.

For more information on FMA funding restrictions, see 44 CFR Section 79.4(a)(2).

E.4 RFC Funding Restrictions

- Funding for minor localized flood reduction projects is restricted to a maximum of $1 million.

E.5 SRL Funding Restrictions

- Eligible costs for mitigation reconstruction projects funded under SRL are limited to $150,000 Federal share per property (excluding administrative allowances and permitting fees). In some cases, the percentage of non-Federal funds may exceed 25 percent in order to cover total project costs. For additional information, see Part IX D.2.

E.6 Management Costs Funding Restrictions

For **all HMA** programs, indirect costs may be included as a part of the management cost estimate shown in the application or subapplication. However, the total management cost request in an application or subapplication cannot exceed the applicable HMA limits. HMA management cost limits cannot be increased to coincide with a higher Indirect Cost Rate that may have been approved by a Federal Cognizant Agency for a particular Applicant or subapplicant.

For **HMGP** only: The Grantee may request 4.89 percent of the HMGP allocation for management costs. The Grantee is responsible for determining the amount, if any, of funds that will be passed through to the subgrantee(s) for their management costs. For further information on HMGP management costs, see Part VIII A.2 and A.4.

Applicants for **PDM, FMA, RFC,** or **SRL** may apply for a maximum of 10 percent of the total funds requested in their grant application budget (Federal and non-Federal shares) for

management costs to support the project and planning subapplications included as part of their grant application. Applicants requesting Applicant management costs must submit a separate Management Costs subapplication in *e*Grants. This subapplication must be included in the overall grant application or the request will not be considered. Applicants who are not awarded grants funds for project or planning activities will not receive reimbursement for the corresponding costs incurred in developing and submitting applications.

Subapplicants for **PDM**, **FMA**, **RFC**, or **SRL** may apply for a maximum of 5 percent of the total funds requested in a subapplication for management costs. Subapplicants requesting management costs must include them in the project or planning subapplication for consideration as separate activities in the Mitigation Activity section of *e*Grants. Subapplicants who are not awarded subgrants for project or planning activities will not receive reimbursement for the corresponding costs incurred in developing and submitting subapplications.

F. Other Submission Requirements

F.1 Application Consideration under Multiple HMA Programs

Eligible subapplications submitted but not funded under a specific HMA program may be considered for another HMA program(s). Applicants and subapplicants seeking this option should consider addressing eligibility requirements of alternative programs in their subapplications in order to ensure that their subapplications can be considered for all available funding options.

For **PDM**, **FMA**, **RFC**, and **SRL**, FEMA will only consider subapplications included in one grant application in *e*Grants for another HMA program if the Applicant specifies the HMA program(s) and corresponding Catalog of Federal Domestic Assistance (CFDA) number(s) for which the subapplication should be considered in the "Comments for FEMA" section of the subapplication. For the Applicant's own subapplications, this is a separate section in each subapplication to be completed by the Applicant before the subapplication is submitted. For all other subapplications, this section is completed by the Applicant during the *Review Submitted Subgrant Applications* process.

FEMA may request additional information from the Applicant. The Applicant must provide all requested information within the timeframe specified in the request for additional information.

F.2 Pre-Award Costs

Costs incurred after the HMA application period has opened, but prior to the date of the grant award or final approval, are identified as pre-award costs. For **HMGP**, the opening of the application period is the date when HMGP is authorized, which is generally the date of declaration. The opening of the application period for **PDM**, **FMA**, **RFC**, and **SRL** is established annually by FEMA.

Pre-award costs directly related to developing the application or subapplication may be funded through HMA as funds are available. Such costs may have been incurred, for example, to develop a BCA, to gather EHP data, for preparing design specifications, or for workshops or meetings related to development and submission of HMA applications and subapplications. Costs associated with implementation of the activity but incurred prior to grant award or final approval are not eligible (projects initiated or completed prior to grant award or full approval of

the project are not eligible). To be eligible for HMA funding, pre-award costs must be identified as separate line items in the cost estimate of the subapplication. Applicants and subapplicants may identify such pre-award costs as their non-Federal cost share. Applicants and subapplicants who are not awarded grants or subgrants will not receive reimbursement for the corresponding pre-award costs.

G. Applicant Guidance

The Applicant makes a single application to FEMA representing all the subapplications selected in priority order. Before forwarding subapplications to FEMA, Applicants must review subapplications to verify that:

- The subapplicant is eligible;
- The project is consistent with the goals and objectives of the Applicant's State or Tribal (Standard or Enhanced) Mitigation Plan and of the local or Tribal mitigation plan(s);
- The proposed Scope of Work (SOW) is sufficiently detailed and documented;
- Applicable EHP review information is sufficiently detailed and documented;
- The proposed activity is feasible and effective as demonstrated through conformance with accepted engineering practices, established codes, standards, modeling techniques, or best practices;
- The subapplicant has documented its capacity to manage the subgrant funds;
- The subapplicant has documented its capacity to complete the mitigation activity in the time specified;
- Cost estimates reflect activities in the SOW and are accurate, complete, and reasonable compared to industry standards;
- Non-Federal cost share funds are or will be available for the project;
- The maintenance requirements have been sufficiently identified, and the subapplicant or another authorized entity has accepted the maintenance responsibility;
- The underlying benefit-cost data are accurate and complete; and
- All program- and project-specific requirements have been met and are documented as appropriate.

If the subapplication does not meet these standards and provide sufficient documentation to support the subapplication, the Applicant may revise or augment the subapplication in consultation with the subapplicant prior to the close of the application period. Applicants must certify that they have evaluated the activities included in each subapplication and that activities will be implemented in accordance with 44 CFR Part 13 and other applicable program or activity type requirements.

H. Subapplication Guidance

In general, an HMA application or subapplication includes, but is not limited to:

- A detailed SOW including the location, purpose, objective(s), approach, feasibility, expected outcomes, and benefits of the activity;
- A work schedule for all tasks identified in the SOW;
- A cost estimate and narrative that describes all anticipated costs associated with the SOW and that identifies source(s) and amounts of non-Federal cost share contribution(s);
- A complete and well-documented BCA;
- Appropriate documentation to support the determination of feasibility and effectiveness, including a demonstration of conformance with accepted engineering practices, established codes, standards, modeling techniques, or best practices; and
- Sufficient information about potential impacts on environmental resources and/or historic properties in the project area.

Additional program- and project-specific requirements for subapplications are included throughout this guidance, such as in Parts III, VIII, and IX.

H.1 Scope of Work

The SOW identifies the eligible mitigation activity, as described in Part III D.1; describes what will be accomplished; and explains how the mitigation activity will be implemented. The mitigation activity must be described in sufficient detail in order to verify the cost estimate. All activities for which funding is requested must be identified in the SOW prior to the close of the application period.

H.1.1 Project Scope of Work

The project subapplication SOW provides detailed information about the project, as well as applicable references and supporting documentation. The SOW includes:

- **Purpose of the project** – The intended outcome or objectives of the project consistent with the local or Tribal mitigation plan;
- **Clear, concise description of the proposed project** – Proposed conceptual design, means of implementation of the project, means of construction of the structure, and responsible party for implementation;
- **Identification of properties to be mitigated** – All properties to be mitigated must be identified, including additional, alternate properties that may be substituted should one or more of the other properties be withdrawn for eligibility or other reasons. In order for alternate properties to be properly considered in the event of a substitution, the same level of information for the alternate properties is required as is provided for the proposed properties. All properties, including alternate properties must be identified at application;
- **Outcomes** – Proposed project accomplishments, problem(s) that the project will solve, parties that will directly or indirectly benefit from the project, and ways that the risks of damage or harm will be reduced;
- **Photographs** – Photographs of the site location or structures to be mitigated;

- **Identification of the hazards to be addressed** – The effects of the hazard(s) that the project will mitigate and the residual risks that will exist after the project is implemented;
- **Location within the community and/or geographical extent of the project** – A description of the natural, built, and socioeconomic environments; and the geospatial coordinates, in the form of latitude and longitude with an accuracy of +/- 20 meters (64 feet), for each structure or location identified in the SOW;
- **Feasibility and effectiveness** – Documentation that shows how the project will mitigate the identified risk and conforms to accepted engineering practices. Also, if applicable, citation of minimum model building codes and consensus engineering standards being complied with;
- **Alternatives evaluated** – Alternative solutions to the problem that were considered, the comparison and selection process for alternatives, and the rationale for selecting the proposed project as the best alternative for the community;
- **Environmental and cultural resources consideration** – Demonstration that environmental and cultural resources were considered in the decision process in developing the proposed SOW and determining the preferred alternative;
- **Maintenance assurances** – Long-term maintenance requirements, frequency of required maintenance, responsibility for project maintenance, and funding source of project maintenance costs (for property acquisition and structure demolition or relocation projects, see Part IX A.15 and A.17; for wildfire projects, see Part IX B.5; and for safe room construction projects, see Part IX C.4.3). The subgrantee is responsible for maintaining the project after implementation;
- **Special project components** – New technologies that will be used during project implementation and how they are expected to provide the necessary results, and necessary laboratory tests or field-testing; and
- **Other projects** – Other projects that are currently being implemented or expected to be implemented that will affect the proposed project.

The project subapplication SOW must provide complete information as identified above and provide supporting documentation. Documentation will be used by FEMA during application and subapplication review to evaluate the proposed project.

The required documentation depends upon the nature of the proposed project and may include: proposed schematics, drawings or sketches, photographs, maps, sections of hazard maps, a Flood Insurance Study (FIS), or a FIRM. Whenever possible, data used to document existing conditions must be obtained from recognized sources, such as Federal agencies, State agencies, and academic organizations. The references and/or supporting documentation from qualified and credible sources such as Professional Engineers or local government records should be included when using locally developed data. Deviations from standard procedures, methods, techniques, technical provisions of the applicable codes, or best practices must be thoroughly explained and documented. Subapplicants should identify the proposed project location on a map and provide any relevant photographs including, but not limited to, sides of the building, foundation, and roof (as appropriate).

H.1.2 Hazard Mitigation Planning Scope of Work

The hazard mitigation planning subapplication SOW must describe the development of a hazard mitigation plan that complies with the requirements identified in 44 CFR Part 201.

For a hazard mitigation plan, the SOW must:

- State whether the proposed planning activity will result in a new hazard mitigation plan or an update of an existing hazard mitigation plan;
- Identify the jurisdiction(s) that will participate in developing the plan and describe the jurisdictions;
- For multi-jurisdictional plans, include a statement or statements of intent to participate in the planning activity, individually signed by each participating jurisdiction, and provide a statement on how the overall planning effort will be coordinated. The cost estimate must be reasonable for the jurisdictions that are participating, as shown by signed letters of intent. However, this does not exclude eligible jurisdictions for which letters of intent were not provided from engaging in the planning process and adopting the plan;
- Describe the process for plan development, clearly demonstrating that applicable regulatory requirements will be met. Document in detail (including who will be responsible for completing each task) the activities the jurisdiction(s) will complete to develop the plan, including public involvement, identification of hazards, development of a comprehensive risk/vulnerability assessment, identification of mitigation goals and strategies, and plan implementation, and describe how these activities relate to the cost estimate; and
- Describe the plan adoption process for the jurisdiction(s) to ensure sufficient time to complete the plan, as well as time for State and FEMA review and, if necessary, time to complete any required revisions and to formally adopt the plan.

Additionally, for an update to a hazard mitigation plan, the SOW must include the reasons for the update and:

- Describe the process for plan development, clearly demonstrating that applicable regulatory requirements will be met. Document in detail the activities the jurisdiction will complete to update each section (planning process, participation efforts, risk assessment, mitigation strategy, and plan implementation) of the plan, including:
  - Completion of a thorough review of each section of the previous plan;
  - Incorporation of appropriate updates to address gaps in each section of the plan;
  - Inclusion of any new/modified/updated information (including hazard, land use, and development trends), findings, research, risk data, etc. in each section of the plan; and
  - A discussion of how the plan was implemented since the approval of the last plan; and
  - A discussion of whether the plan update process in the existing plan will be followed or what modifications to that process will be incorporated.

If available, the subapplication also should include a copy of the crosswalk from the FEMA approval of the previous plan.

Applicants/subapplicants are advised to make use of already developed materials and to seek available resources when developing a new mitigation plan or updating a mitigation plan. For links to mitigation planning and risk assessment resources, see Part X C.2.

H.1.3 Management Costs Scope of Work

For the Applicant management cost subapplication, the SOW must describe the activities and specific tasks related to developing subapplications and implementing subgrants. The SOW should state whether the work will be conducted by the Applicant's staff or by contractor staff.

H.2 Schedule

Subapplications should include a work schedule for all project tasks identified in the SOW, such as data collection, site survey, permitting and inspections, site preparation, and construction. The schedule should identify timeframes for accomplishing significant milestones. Proposed schedules for individual subapplications should not exceed 36 months.

For planning subapplications, it is critical that the work schedule allow sufficient time for State and FEMA reviews; preparation of required revisions, if needed; formal adoption by the jurisdiction(s); and FEMA approval.

H.3 Cost Estimate

The cost estimate describes all of the subapplicant's anticipated costs associated with the SOW for the proposed mitigation activity. Cost estimates must include detailed estimates of various cost item categories such as labor, materials, equipment, and subcontractor costs. No lump-sum estimates will be accepted. The cost estimate must identify the cost categories and value for which anticipated cash and third party in-kind contributions will be used to meet the non-Federal cost share.

Subapplicants must provide an explanation and documentation demonstrating how the cost estimate was developed and the basis for each cost element, such as salary and fringe benefit rates for personnel, bids from qualified professionals, and costs established in nationally published or local cost estimating guides. If a cost estimate is based on a contractor's bid or historic costs from another activity, detailed documentation as outlined above still must be provided.

Separate cost line items in a subapplication are required to ensure that cost thresholds are not exceeded. As applicable, the following line items must be listed separately in the budget:

- Pre-award costs;
- Subapplicant management costs; and
- Information dissemination costs (for **PDM**).

Additionally, the cost estimate should indicate items for which the cost may change, such as a price quoted by a contractor that is only valid for 1 year. Neither contingency nor escalation costs are permitted as individual line items in the cost estimate.

H.3.1 Project Cost Estimate

In addition to the items described in H.3, the project cost estimate must include a line-item breakdown of all anticipated costs including, as applicable:

- Costs for anticipated environmental resource impact treatment or historic property treatment measures;
- Costs for engineering designs/specifications including hydrologic and hydraulic studies/analyses required as an integral part of designing the project;
- Construction/demolition/relocation costs, such as survey, permitting, site preparation, and material/debris disposal costs; and
- All other costs required to implement the mitigation project, including any applicable project-type specific costs identified in Part IX of this guidance.

For additional information about cost estimates for property acquisition and structure demolition or relocation projects, see Part IX A.5 and A.6; for wildfire mitigation projects, see Part IX B.3; for safe room construction projects, see Part IX C.4.2; for mitigation reconstruction projects, see Part IX D.2 and D.5; and for structure elevation projects, see Part IX E.3.

H.3.2 Hazard Mitigation Planning Cost Estimate

In addition to the items described in H.3, the hazard mitigation planning cost estimate must include a line-item breakdown of costs associated with all elements described in the SOW, such as:

- Meetings, including labor, travel expenses, and supplies;
- Data research and collection, including eligible mapping activities or risk assessment;
- Plan drafting, review, and final production;
- Information dissemination activities, including printing and advertising; and
- Professional development training, tuition, and travel for the purpose of carrying out the planning SOW.

H.3.3 Management Costs Cost Estimate

Applicants and subapplicants requesting management costs should provide supporting documentation and include these costs as separate line items in the cost estimate portion of the application or subapplication.

A narrative must accompany a request for management costs. The narrative should describe the activities, personnel requirements, and other costs for which the Grantee and/or subgrantee will use management cost funding. It should provide information on how the funds will be expended and monitored and show that sufficient funds will be available for closeout.

For more information on HMGP management costs, see Part VIII A.4.

H.4 Benefit-Cost Analysis Methodologies

FEMA will only consider applications from Applicants and subapplicants that use a FEMA-approved methodology to conduct the BCA. Using FEMA-approved software will ensure that all calculations are prepared in accordance with OMB Circular A-94 and FEMA-standardized methodologies. FEMA provides software (BCA Version 4), written materials, and training that facilitate the process of preparing a BCA. BCA Version 4 is the only FEMA-provided software

that may be used to conduct a BCA. BCA Version 4 is available from the appropriate FEMA Regional Office (see Part VII) or from the BCA Technical Assistance Helpline (see Part X C.4).

For **SRL** only, FEMA also allows for the use of the GSTF data and methodology to demonstrate cost effectiveness of mitigation projects. Only mitigation project subapplications submitted for SRL funding may use the GSTF data and methodology. Subapplicants are not required to use this methodology when submitting projects for funding, and may utilize BCA Version 4 methodology. The GSTF approach measures the expected savings of a mitigation project over a specific time period, such as 30 years. This methodology is based on the actual loss experience of these severe repetitive loss properties. In this approach the total expected future insurance claim payments and loss adjustment expenses (expected dollars paid out of the NFIF, assuming the property is not mitigated) are reduced by the total expected future insurance premiums available for paying claims (expected dollars paid into the NFIF, assuming the property is not mitigated) to derive the savings to the fund from the proposed mitigation. Similar to the more traditional methods of BCA, the savings to the fund (benefit) and project cost are then compared to determine the cost effectiveness of the mitigation activity.

The list of properties and the guidance for using the GSTF methodology are available from the appropriate FEMA Regional Office (see Part VII) or the BCA Technical Assistance Helpline (see Part X C.4).

FEMA will only consider project subapplications that include a legible, complete, and well-documented BCA. Subapplications must include the following information for the cost-effectiveness review:

- The exported BCA runs, which must include backup documentation for the input data (for **HMGP** subapplications submitted in hard copy a full print out of the Project Report must be provided); and/or
- If the GSTF methodology is used, a copy of the data indicating the estimated benefit to the fund.

Documentation must be accurate and sufficiently detailed in order for FEMA to thoroughly review the development of the BCR. Documentation that shows how values for each data input were derived must be provided so that the credibility and validity can be evaluated. If FEMA standard values are used, no documentation is required. Documentation can include copies of Web pages, copies of data from FISs, or engineering reports. FEMA recommends obtaining information from credible technical sources, including engineering studies such as an FIS, technical Web sites (e.g., U.S. Geological Survey [USGS] and National Oceanic and Atmospheric Administration [NOAA]), and academic organizations and State agencies.

Some mitigation activities may reduce future losses for more than one hazard. In these cases, all benefits resulting from the mitigation activity may be combined to determine the BCR.

FEMA software allows for calculating an aggregate BCR for projects that address multiple structures. An aggregate BCR is calculated by dividing the total net present value of benefits for each structure by the total project cost estimate. Aggregation of benefit and cost values is allowed if the structures are vulnerable to damage as a result of similar hazard conditions. With the exception of the aggregation of property acquisition and structure demolition or relocation and structure elevation within the same subapplication, benefits cannot be aggregated across mitigation activity types.

A non-FEMA BCA methodology may be used only when it addresses a non-correctable flaw in the FEMA-approved BCA methodologies or proposes a new approach that is unavailable using FEMA BCA software. Non-FEMA BCA methodologies may be utilized only if FEMA approves the methodology prior to submission of the application to FEMA. The Applicant/subapplicant must verify that FEMA has reviewed and approved the alternative BCA software or methodology by providing an e-mail or letter signed and dated by FEMA.

For more information on BCA resources, see Part X C.4.

H.5 Engineering Feasibility and Effectiveness Documentation

FEMA will use the information provided in the subapplication, including the SOW, the cost estimate, and supporting documentation to determine the engineering feasibility and effectiveness of the proposed mitigation activity.

Documentation should include:

- Proposed schematic drawings or designs;
- Applicable building code/edition or engineering standard used;
- Level of protection provided by the proposed project and description of how the proposed activity will mitigate future losses;
- For the retrofit of existing buildings, an assessment of the vulnerabilities of the existing building; and
- Any residual risk to the structure after project implementation.

Project subapplications that do not include appropriate documentation to support the determination of feasibility and effectiveness may be removed from consideration. Upon request, FEMA will provide technical assistance regarding engineering documentation.

For structure elevation and dry floodproofing activities, a statement certifying that the project will be designed in conformance with ASCE/SEI 24-05 will assist in satisfying the feasibility and effectiveness requirement.

H.6 Environmental Planning and Historic Preservation Documentation

The Applicant and subapplicant should ensure that the project SOW takes into account all potential EHP compliance issues. When completing the subapplication, the Applicant/subapplicant must answer a series of EHP review questions to provide information about potential impacts on environmental resources and/or historic properties in the project area. If potential impacts are identified, the Applicant/subapplicant must provide additional information, such as:

- The property address, original date of construction, and two color photographs for any buildings, structures, objects, or man-made sites/landscapes features that are 50 years or more in age. At least one of the two photographs provided of a building should be the front or primary façade showing the elevation;
- Any identified federally listed threatened or endangered species and/or designated critical habitat in the project area;

- Vegetation, including amount (area), type, and extent to be removed or affected;
- Identification of all surface waters in the project area regardless of drainage area, size, or perceived hazard level. Information about surface waters should include dimensions, proximity of the project activity to the water, and the expected and possible impacts of the project upon surface waters, if any; and
- A description of any adverse effects on low income or minority populations in the project area.

The Applicant/subapplicant should initiate coordination with relevant State and Federal agencies as early in the project planning stages as possible, in order to identify any EHP compliance issues associated with proposed projects. This coordination does not substitute and shall not be interpreted to mean formal consultation that must occur between FEMA and the applicable resource agency.

Certain EHP compliance review activities may be necessary in order to facilitate project approval, such as environmental impact statements, environmental assessments, Phase I environmental site assessments, biological assessments, archeological or standing structures surveys and documentation, wetlands delineations, and air quality conformity analysis or determinations.

In addition, FEMA may require that an Applicant/Grantee implement EHP mitigation measures to avoid, minimize, or compensate for a project's impact(s) on environmental and/or historic resources as part of the FEMA EHP review.

FEMA may require Applicants/Grantees to incur costs for significant EHP compliance review activities and/or EHP mitigation measures. FEMA will consider the following factors to determine whether an Applicant/Grantee must incur costs:

- Nature of the analysis or study required (e.g., environmental impact statement);
- Costs of EHP activities compared to project costs;
- Complexity of the proposed project; and
- Nature and extent of potential adverse impacts to environmental and/or historic resources.

Applicants should consider potential EHP costs during application development and submission and should seek to avoid activities which may negatively impact EHP resources.

FEMA may remove projects from consideration for full approval and/or funding when EHP compliance review activities are not progressing and the Applicant/Grantee has not dedicated resources and/or provided required documentation in a timely manner.

For additional information on required EHP documentation, see Part X C.6.

PART V. APPLICATION REVIEW INFORMATION

Part V provides information about the review process so that Applicants and subapplicants can prepare applications that meet FEMA review criteria. During an application review, FEMA may request additional information or documentation from Applicants.

A. Review Criteria

While review processes vary somewhat among HMA programs, FEMA reviews all applications for:

- Eligibility and completeness;
- Cost effectiveness;
- Engineering feasibility and effectiveness; and
- EHP compliance.

A.1 Eligibility and Completeness Review

FEMA will review all applications and subapplications for eligibility and completeness. Applications and subapplications that do not satisfy the eligibility and completeness requirements will not be funded. The eligibility and completeness requirements are outlined in Parts III and IV.

A.2 Cost-Effectiveness Review

FEMA will review the documentation provided in support of the subapplication BCA to validate the accuracy and credibility of data and ensure the appropriate use of the BCA methodologies. Only subapplications meeting HMA cost-effectiveness requirements will be considered eligible.

A.3 Engineering Feasibility and Effectiveness Review

FEMA will use the information provided in the subapplication, including the SOW and project cost estimate sections, as well as any supporting documentation to determine the engineering feasibility and effectiveness of the mitigation activity.

For project subapplications, FEMA will consider the following criteria in reviewing feasibility and effectiveness:

- Conformance to accepted engineering practices, established codes, standards, modeling techniques, or best practices, as well as work schedule;
- Effectiveness in mitigating the risks of the hazard(s); and
- Reasonableness of the cost estimate.

A.4 Environmental Planning and Historic Preservation Review

Applicants and subapplicants are required to provide information to support the FEMA EHP compliance review. FEMA, in consultation with appropriate Federal and State resource agencies,

will use the information provided in the application/subapplication, including the SOW, project cost estimate, as well as any supporting documentation, to ensure compliance with EHP requirements.

As part of the EHP review process, FEMA will assess compliance with applicable requirements including NEPA, NHPA, ESA, CBRA, EO 11988 (Floodplain Management), EO 11990 (Protection of Wetlands), and EO 12898 (Environmental Justice). Funds will not be awarded, and the Applicant/subapplicant may not initiate the project, until FEMA has completed this review.

B. Review and Selection Process

B.1 National Technical Review

For **PDM**, **FMA**, **RFC**, and **SRL**, FEMA will conduct a National Technical Review, for all project subapplications that are forwarded from the initial FEMA review, for the following:

- Cost effectiveness;
- Engineering feasibility and effectiveness; and
- EHP compliance.

B.2 Selection

FEMA selects eligible subapplications based on priorities set by the Applicant or program priorities, if applicable. For more information for PDM, see Part VIII B.6 for FMA, see Part VIII C.4; for RFC, see Part VIII D.3; and for SRL, Part VIII E.2.

For **FMA** or **SRL** allocations, if funds are not fully utilized, remaining funds may be made available on a nationally competitive basis.

For **SRL**, if eligible subapplications are in excess of the allocation amount for a specific Applicant, subapplications may be forwarded for consideration under the 10-percent set-aside and selected on a nationally competitive basis. For more information on the SRL 10-percent set-aside, see Part VIII E.2.

B.3 Notification

For **PDM**, **FMA**, **RFC**, and **SRL**, during the review and selection process FEMA will notify Applicants as to whether subapplications have been identified for further review, determined eligible but will not be funded, or determined ineligible for funding. A determination of "identified for further review" is not notification or guarantee of an award.

FEMA will work with Applicants on subapplications identified for further review. Applicants will be notified of activities required, such as an EHP review; verification of subapplicant commitments; verification of hazard mitigation plan status; and of the date by which all required activities must be completed.

FEMA may request information or documentation from Applicants to facilitate these activities or to resolve outstanding administrative or procedural requirements when such information or documentation was not a material requirement for the subapplication. Applicants must respond to such requests for information from FEMA within 60 days. Failure to comply may result in the

grant not being awarded or not receiving final approval. In addition, FEMA will ensure that the Applicant has met all reporting requirements for HMA awards currently in progress.

Comments may be provided by FEMA on subapplications determined ineligible so that subapplicants can modify their subapplication for resubmission in future grant cycles.

PDM, FMA, **RFC**, and **SRL** have specific national ranking criteria in addition to those described in this part. For information about national ranking criteria and on the review and selection process for PDM, see Part VIII B.5; FMA, see Part VIII C.4; for RFC, see Part VIII D.3; and for SRL, see Part VIII E.2.

B.4 Reconsideration Process

FEMA will reconsider a **PDM**, **FMA**, **RFC**, or **SRL** subapplication only when there is an indication of a substantive technical or procedural error by FEMA. All information as provided in the submitted subapplication will be considered as supporting documentation for the request for reconsideration. FEMA encourages Applicants to resubmit applications that contain new information for consideration in future grant cycles. The amount of funding available for Applicant management costs will not be reconsidered.

Applicants for **PDM**, **FMA**, **RFC**, or **SRL** must send requests for reconsideration based upon technical or procedural error to FEMA within 60 calendar days from the date of the FEMA notification letter to the Applicant. A FEMA decision to uphold or overturn a decision regarding a subapplication is final.

For information on reconsideration of **HMGP** subapplications, see Part VIII A.11.

PART VI. AWARD ADMINISTRATION INFORMATION

Part VI describes how successful Applicants will receive award information. Additionally, this part describes administrative requirements from the time an award is made through closeout and the maintenance actions that must occur after an activity is complete.

A. Notice of Award

FEMA will provide an award package to the Applicant for successful subapplications. Subapplicants will receive notice of award from the Applicant.

Award packages for **PDM**, **FMA**, **RFC**, and **SRL** include an award letter, FEMA Form 76-10A, Obligating Document for Awards/Amendments, and Articles of Agreement, which must be signed by the Applicant in *e*Grants and returned to FEMA for approval before funds can be obligated.

For **HMGP**, award packages for subgrants include an approval letter, an obligation document, and environmental and/or other conditions.

When the Applicant or subapplicant accepts an award, they are denoted as Grantee and subgrantee, respectively. The Grantee and subgrantee agree to abide by the grant award terms and conditions as set forth in the Articles of Agreement or the FEMA-State Agreement.

B. Administrative and National Policy Requirements

B.1 Cost Share Documentation

Requirements for cash and third party in-kind contributions can be found in 44 CFR Section 13.24. Third party in-kind and cash contributions are only allowable for eligible program costs. The following documentation is required for cash and third party in-kind contributions:

- Record of donor;
- Dates of donation;
- Rates for staffing, equipment or usage, supplies, etc.;
- Amounts of donation or value of donation; and
- Deposit slips for cash contributions.

Such documentation must to be kept on file by the Grantee and subgrantee.

B.2 Scope of Work Modifications

In some cases, modifications to the submitted or approved SOW may be considered by FEMA. Eligible modifications are defined as changes to the details of implementation of the approved activity with no change to the type of the activity. Examples of modifications to the SOW include altering the design of the foundation for a structure elevation project, adjusting the diameter of a drainage pipe, or selecting alternate structures (identified at application) for a property acquisition and structure demolition or relocation project.

For **PDM**, **FMA**, **RFC**, and **SRL**, modifications may be considered after selection or award of the grant. For **HMGP**, FEMA may consider modifications during application review, as well as after award of the grant. A request for a modification to the SOW must be submitted in writing to FEMA for review and must be approved prior to the implementation of the requested modification. Requests must include a justification and related documentation for FEMA review. The justification must include a description of the proposed modification and a written explanation of the reason(s) for the modification. Approval of modifications to the SOW is not guaranteed.

If the modification does not result in a request for additional Federal funds, a new BCA is not required. If the modification results in a request for additional Federal funds, a new BCA is required and must be submitted to FEMA for approval along with the request to modify the SOW.

If the modification reduces the scope of the activity (e.g., mitigating fewer structures), funding approved for activities that will not be completed will be de-obligated. If the Grantee wishes to use all approved funding for a reduced SOW, the funding above the reduced SOW will be considered a cost overrun and a new BCA is required. For more information on cost overruns and underruns, see Part VI B.3.1 below.

Changes to the type of the proposed or approved mitigation activity, as defined in Part III D.1, are not considered modifications to the SOW and are not allowed after the close of the application period. Examples include elevating a structure instead of acquiring it as approved in the subapplication, or mitigating structures or infrastructure not identified as part of the application or subapplication. All activities, including alternate structures, for which funding is requested must be identified in the SOW prior to the close of the application period.

B.3 Budget Revisions

FEMA categorizes changes to the approved budget of a mitigation activity in the following ways. A budget adjustment does not change the total amount of approved funding. A budget revision reflects a change in the total amount of funding. An increase in the cost of implementing an activity is called a cost overrun and a decrease is called a cost underrun.

A request for a budget revision must be justified and supported by the Grantee. If a budget is revised, the Grantee/subgrantee must comply with limitations on information dissemination, subapplicant management costs, and cost share.

Additional information regarding budget adjustments and revisions can be found in 44 CFR Section 13.30.

B.3.1 Cost Overruns and Underruns

A cost overrun or underrun can be associated with a SOW modification, or a change in the costs of activities in the approved SOW.

For **PDM** and **RFC**, the Federal award amounts are final and no additional Federal funds will be available for cost overruns. Funds available as a result of a cost underruns cannot be used to meet cost overruns incurred in another subgrant.

For **HMGP**, **FMA**, and **SRL**, Grantees may request funds available as a result of cost underruns be used to provide additional funds required due to cost overruns on other approved subgrants as

part of the same award. FEMA must approve requested cost overruns prior to implementation and the subgrant must continue to meet programmatic eligibility requirements, including cost effectiveness and cost share. Cost overrun notifications must be accompanied by a new BCA; if the results of this analysis do not result in a BCR equal or greater than 1.0, Federal funds cannot be used to meet the cost overrun.

B.4 Period of Performance

The POP is the period of time during which the Grantee is expected to complete all grant activities and to incur and expend approved funds. The POP begins on the date that the grant is awarded and ends no later than 36 months from the award of the final subgrant under the grant. The POP termination date is established by the subgrant with the latest completion date.

FEMA will not establish activity completion timeframes for individual subgrants. Grantees are responsible for ensuring that all approved activities are completed by the end of the grant POP.

For more information on POP for property acquisition and structure demolition or relocation projects, see Part IX A.11 and A.13.

B.4.1 Extensions

Requests for extensions to a grant POP will be evaluated by FEMA but will not be approved automatically. The initial request for an extension to a grant POP may not exceed 12 months. Grantees may request additional extensions; however, the grant POP will not be extended beyond 24 months from the POP termination date. All requests to extend the grant POP beyond 12 months from the original grant POP termination date must be approved by FEMA Headquarters.

All extension requests must be submitted to FEMA at least 60 days prior to the expiration of the grant POP and justifications must be submitted in writing. The justification must demonstrate that work is in progress and will be completed. The justification must address:

- Reason(s) for delay;
- Current status of the activity/activities;
- Approved POP termination date and new projected completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframe for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended POP without any modification to the original SOW approved by FEMA.

B.5 Requests for Advances and Reimbursements

The Grantee's responsibility as financial administrator of an HMA grant is to process requests for advances and reimbursements of funds. The Grantee should establish accounting procedures to disburse money to subgrantees in a timely manner and should provide to subgrantees a POC

for information on requesting and receiving the funds, records that must be maintained, forms to be used, and timeframes for requesting the funds.

For **PDM**, **FMA**, **RFC**, and **SRL**, PARS is used to transfer funds between FEMA and Grantees. Grantees shall submit to FEMA a copy of the SF-425.

For **HMGP**, the Department of Health and Human Services, Division of Payment Management, Payment Management System, SMARTLINK, is used to transfer funds between FEMA and Grantees. Grantees shall submit to FEMA a copy of the SF-425.

B.6 Program Income

Program income is gross income received by the Grantee or subgrantee directly generated by a grant-supported activity or earned only as a result of the grant during the grant POP. Program income may be derived from use or rental of real or personal property acquired with grant funds, and sale of commodities or items fabricated under the grant award. FEMA encourages Grantees and subgrantees to generate program income to help defray program costs. Subgrantees deduct this income from total project costs as specified in 44 CFR Section 13.25(g)(1). This income may not count towards the non-Federal cost share.

B.7 Federal Income Tax on Mitigation Project Funds

FEMA mitigation payments that benefit property owners through the mitigation of their structures are not subject to Federal income taxation. FEMA mitigation payments to acquire a property will be treated as an involuntary conversion for tax purposes. These tax relief measures are effective for such payments made in all prior years. For more information, property owners should consult the Internal Revenue Service (IRS) office or a tax advisor.

B.8 Noncompliance

If a Grantee or subgrantee materially fails to comply with any term of an award, whether stated in a Federal statute or regulation, an assurance, a State Administrative Plan or application, a notice of award, or elsewhere, including in this guidance, FEMA may take one or more of the following actions, as appropriate:

- Temporarily withhold cash payments pending correction of the deficiency by the Grantee or subgrantee;
- Disallow (that is, deny both use of funds and matching credit for) all or part of the cost of the activity or action not in compliance;
- Wholly or partly suspend or terminate the current award for the Grantee's or subgrantee's HMA grant program(s);
- Withhold further awards for HMA grant program(s); or
- Take other remedies that may be legally available.

Additional details can be found in 44 CFR Section 13.43.

C. Reporting Requirements

Grantees and subgrantees must both maintain records of work and expenditures. Grantees submit quarterly financial and performance reports to FEMA on January 30, April 30, July 30, and October 30. The first quarterly reports are due within 30 days of the end of the first Federal quarter following the initial grant award. FEMA may waive the initial reports. The Grantee shall submit quarterly financial status and performance reports thereafter until the grant ends. Failure to submit financial and performance reports to FEMA in a timely manner may result in an inability to access grant funds until proper reports are received by FEMA. Grantees are encouraged to contact FEMA should this occur.

PDM, **FMA**, **RFC**, and **SRL** quarterly reports can be submitted via *e*Grants. For **HMGP**, quarterly reports can be submitted via NEMIS.

C.1 Federal Financial Reports

Grantees shall submit a quarterly Federal Financial Report (FFR). Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425), which is due to FEMA within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the POP, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the POP.

OMB has directed that the FFR SF-425 replace the use of the SF-269, SF-269A, SF-272, and SF-272A. The FFR SF-425 consolidates the Federal Status Report and the Federal Cash Transaction Report into a single report. The SF-425 is intended to provide Federal agencies and grant recipients with a standard format and consistent reporting requirements.

Reporting periods and due dates:

- October 1 – December 31; Due January 30
- January 1 – March 31; Due April 30
- April 1 – June 30; Due July 30
- July 1 – September 30; Due October 30

FEMA may suspend drawdowns from SMARTLINK or PARS if quarterly financial reports are not submitted on time.

C.2 Performance Reports

The Grantee shall submit a quarterly performance report for each grant award. Performance reports must include:

- Reporting period, date of report, and Grantee POC name and contact information;
- Project identification information, including FEMA project number (including disaster number and declaration date for the HMGP), subgrantee, and project type utilizing standard *e*Grants/NEMIS project type codes;

- Significant activities and developments that have occurred or have shown progress during the quarter, including a comparison of actual accomplishments to the work schedule objectives established in the subgrant;
- Percent completion and whether completion of work is on schedule, a discussion of any problems, delays, or adverse conditions that will impair the ability to meet the timeframe stated in the subgrant, and anticipated completion date;
- Status of costs including whether the costs are: (1) unchanged, (2) overrun, or (3) underrun. If there is a change in cost status, the report should include a narrative describing the change. Also, include amount dispersed to subgrantee by activity; and
- A statement of whether a request to extend the grant POP is anticipated.

FEMA may suspend drawdowns from SMARTLINK or PARS if quarterly performance reports are not submitted on time.

C.3 Final Reports

The Grantee shall submit a Final FFR SF-425 and Performance Report no later than 90 days after the end date of the POP, per 44 CFR Section 13.50.

D. Closeout

D.1 Subgrant Closeout

Upon subgrant completion, the Grantee must ensure that:

- Each subgrant has been completed in compliance with the approved SOW. The Grantee must conduct a site visit or collect photographs for a project subgrant to ensure the approved SOW was completed;
- Each subgrant has been completed in compliance with all environmental mitigation conditions attached to it;
- Actual expenditures have been documented and are consistent with the SF-424A or SF-424C;
- All program income has been deducted from total project costs as specified in 44 CFR Section 13.25(g)(1);
- All project work was performed in accordance with all required permits and applicable building codes as modified or protected by the approved project;
- For projects involving an insurable facility, the required hazard insurance (e.g., NFIP) has been secured;
- Geospatial coordinates, in the form of latitude and longitude with an accuracy of +/- 20 meters (64 feet), have been provided for the project. For minor localized flood reduction, hazardous fuels reduction, and soil stabilization projects, an accurate recording of the official acreage, using open file formats geospatial files (i.e., shapefiles), has been submitted. For geocoding resources, see Part X C.3; and

- For plans, a final copy of the FEMA-approved and community-adopted plan has been submitted.

Grantees should close out subgrants as activities are completed. In addition, as cost underruns are identified the Grantee should submit de-obligation requests to FEMA.

The subgrantee is required to keep records for at least 3 years from the submission date of its single or last expenditure report in accordance with 44 CFR Section 13.42. .

For additional information about closeout for property acquisition and structure demolition or relocation projects, see Part IX A.13 and A.15. For additional information about closeout for mitigation reconstruction projects, see Part IX D.9.

D.2 Grant Closeout

The Grantee has up to 90 days following the expiration of the grant POP to liquidate valid expenditures incurred during the POP. Cost underruns remaining after the POP expiration date must be reported to FEMA for de-obligation. The closeout process for the Grantee involves the following steps:

- The Grantee ensures all subgrants have been closed out as identified in Part VI D.1;
- The Grantee reconciles/adjusts subgrant costs, ensures that non-Federal share costs are documented, and that all costs submitted are eligible according to the FEMA-approved SOW;
- The Grantee receives and processes cost adjustments or returns unobligated funds to FEMA via SMARTLINK or PARS. Final payment is made to the Grantee;
- The Grantee submits a closeout letter to FEMA with supporting documentation, including:
  - Statement that SOW(s) has been completed as approved and all EHP requirements have been satisfied;
  - SF-425 (for PARS, the final SF-425 is also submitted via PARS);
  - SF-270, Request for Advance or Reimbursement, if applicable, or request for de-obligation of unused funds, if applicable;
  - FEMA Form 20-18, Report on Government Property, if applicable; and
- The Grantee notifies FEMA that the grant is ready for final closeout.

The Grantee maintains the complete grant closeout records file for at least 3 years from the submission date of its single or last expenditure report in accordance with 44 CFR Section 13.42.

For **HMGP**, FEMA tracks closeouts using the Project Closeout module in NEMIS.

D.2.1 Update of Repetitive Loss Database

Grantees with projects that mitigate a repetitive loss property must update the NFIP Repetitive Loss Database as part of project closeout.

A repetitive loss property is any insurable building for which two or more claims of more than $1,000 were paid by the NFIP within any rolling 10-year period since 1978. At least two of the

claims must be more than 10 days apart but within 10 years of each other. A repetitive loss property may or may not be currently insured by the NFIP. Currently, there are over 148,000 repetitive loss properties nationwide.

To gain access to sensitive NFIP data, government officials are required to obtain a User Name and Password for access to Data Exchange, the Repetitive Loss Database that is managed by the NFIP Legacy Systems Contractor. To obtain a User Name and Password for access to Data Exchange, send an e-mail with your name, title, contact information and the reason that access to Data Exchange is needed, to FEMA. Once FEMA authorizes you for NFIP Legacy Systems access to Data Exchange, you will be notified via e-mail.

To maintain accurate, up-to-date records for all repetitive loss properties mitigated as a result of HMA grant funds, FEMA requires that the Grantee submit FEMA Form AW-501, NFIP Repetitive Loss Update Worksheet (OMB 1660-0022). Form AW-501 must be submitted along with documentation supporting the change in the mitigated status of a structure (e.g., elevation certificate). This form must be submitted for each property mitigated with HMA grant funds prior to closeout. The AW-501 form and instructions for completing and submitting it, can be found on the FEMA Web site at:
http://www.fema.gov/government/grant/resources/aw501ins.shtm.

States accessing NFIP data via the electronic systems (Data Exchange) are advised of, and must acknowledge, the sensitive nature of the information and the need to protect the release of the data to unauthorized users. When the data is released to a local government by either the State or the appropriate FEMA Regional Office, the local government must be notified in writing that the records relating to individuals and individual properties are:

> *being made available through the FEMA routine use policy for the specific purposes of mitigation planning, research, analysis, and feasibility studies consistent with the NFIP and for uses that further the floodplain management and hazard mitigation goals of the States and FEMA.*

PART VII. FEMA CONTACTS

Part VII identifies resources that may help Applicants and subapplicants request HMA funds.

If requested, FEMA will provide technical assistance to both Applicants and subapplicants regarding:

- General questions about the HMA programs;
- Specific questions about subapplications after the application period opens;
- Engineering feasibility, BCA, and EHP compliance during the application period; and
- The eGrants application processes.

For additional technical assistance resources, including HMA application and award resources, see Part X C.8.

FEMA encourages Applicants and subapplicants to seek technical assistance early in the application period by contacting their appropriate FEMA Regional Office. Table 5 shows which States are served by each FEMA Region.

Contact information for FEMA Regional Offices is provided at http://www.fema.gov/about/contact/regions.shtm.

Contact information for each State Hazard Mitigation Officer (SHMO) is provided at http://www.fema.gov/about/contact/shmo.shtm.

Table 5: FEMA Regions

FEMA Region	Serving
Region I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
Region II	New Jersey, New York, Puerto Rico, U.S. Virgin Islands
Region III	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Region IV	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Region V	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Region VI	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
Region VII	Iowa, Kansas, Missouri, Nebraska
Region VIII	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
Region IX	Arizona, California, Hawaii, Nevada, American Samoa, Guam, the Northern Mariana Islands
Region X	Alaska, Idaho, Oregon, Washington

PART VIII. ADDITIONAL PROGRAM GUIDANCE

Part VIII provides additional information applicable to assistance available under each particular HMA grant program. This section supplements the information provided in Parts I through VII, and the unique project type guidance included in Part IX. Part VIII does not provide all of the information necessary to apply for funding through an HMA program, and must be read in conjunction with other relevant sections of this guidance.

A. Hazard Mitigation Grant Program

Most of the information that an Applicant or subapplicant needs to apply for an HMGP award or that a Grantee or subgrantee needs to manage a HMGP award is provided in Parts I through VII, and Part IX. This section contains supplemental guidance specific to HMGP.

A.1 Grantee Request for HMGP Funds

HMGP is authorized through a Presidential major disaster declaration for activities that provide a beneficial impact to the disaster area. A Governor may request that HMGP funding be available throughout the State or only in specific jurisdictions. For information regarding the declaration process and authorization of HMGP, see 44 CFR Part 206, Subpart B, and seek assistance from the appropriate FEMA Regional Office.

The Governor's Authorized Representative (GAR) serves as the grant administrator for all funds provided under HMGP. The GAR responsibilities include providing technical advice and assistance to eligible subapplicants and/or subgrantees, ensuring that all potential subapplicants are aware of assistance available, and facilitating the submission of all documents necessary for grant award.

A.2 State Administrative Plan

The State Administrative Plan is a procedural guide that details how the Grantee will administer HMGP. Grantees must have a current Administrative Plan approved by FEMA before receiving HMGP funds. The State Administrative Plan may become an annex or chapter of the State's overall emergency response and operations plan or comprehensive mitigation program strategy. At a minimum, the State Administrative Plan must:

- Designate the State agency that will act as Grantee;
- Identify the SHMO;
- Identify staffing requirements and resources, including a procedure for expanding staff temporarily following a disaster, if necessary; and
- Establish procedures to guide implementation activities including Grantee management costs and distribution of subgrantee management costs.

Designation of Grantee and SHMO

Typically, the agency designated to act as Grantee manages the State responsibilities for Federal and State disaster assistance and is responsible for meeting the mitigation planning requirement.

While a single agency may administer the funding, the Governor may establish an interagency mitigation team to manage the State mitigation program.

The SHMO is typically responsible for managing the State's mitigation program, coordinating the mitigation team, and developing the hazard mitigation plan. States often rely on staff from the emergency management agency or other State agencies to augment the staff of the SHMO following a disaster.

Staffing Requirements and the Mitigation Team

The State Administrative Plan should identify the positions and minimum number of personnel needed to implement HMGP. Key positions may include clerical, administrative, and financial management staff; program specialists to support the implementation of mitigation activities, to conduct BCAs; and environmental planners. However, the organizational structure of the staff should remain flexible as it may be augmented as needed with emergency management agency staff, staff from other State agencies, or temporary staff or contractors hired to administer HMGP effectively. The State Administrative Plan should include a procedure for expanding staff resources and utilizing HMGP management costs.

The mitigation team may include representatives of agencies involved with emergency management, natural resources, floodplain management, environmental issues and historic and archeological preservation, soil conservation, transportation, planning and zoning, housing and economic development, building regulations, infrastructure regulations or construction, public information, insurance, regional and local government, academia, business, and non-profit organizations. With the varied backgrounds and specialized expertise of members, the team creates interagency, interdisciplinary insight regarding risks and potential solutions. The interagency aspect of the team can diffuse political pressure on the Grantee agency and increase the availability of resources. The mitigation team may support the Grantee agency by:

- Developing a comprehensive mitigation strategy;
- Communicating with local governments regarding State mitigation priorities;
- Building public and business/industry support for mitigation initiatives;
- Reviewing, assigning priority, and recommending mitigation actions for implementation; and
- Seeking funding for implementation of mitigation measures.

Procedures to Guide Implementation Activities

The State Administrative Plan must establish procedures to:

- Identify and notify potential subapplicants of the availability of HMGP funding;
- Provide potential subapplicants information on the application process, program eligibility, and deadlines;
- Determine subapplicant eligibility;
- Provide information for environmental and floodplain management reviews in conformance with 44 CFR Parts 9 and 10;
- Establish priorities and criteria for selection of proposed mitigation activities;

- Process requests for advances of funds and reimbursements;
- Monitor and evaluate the progress and completion of funded mitigation activities;
- Review and approve cost overruns;
- Process appeals;
- Provide technical assistance as required to subgrantees;
- Comply with the administrative requirements of 44 CFR Parts 13 and 206;
- Comply with audit requirements of 44 CFR Section 13.26 and OMB Circular A-133; and
- Provide quarterly progress reports to FEMA on funded mitigation activities.

Management Costs

The Grantee must amend its State Administrative Plan to include procedures for determining the reasonable amount or percentage of management costs that it will pass-through to the subgrantee, as well as closeout and audit procedures before FEMA will obligate any management costs (see 44 CFR Sections 207.4(c) and 207.7(b)). The State will determine the amount, if any, of management costs it will pass-through to the subgrantee. FEMA has not established any minimum for what constitutes a reasonable amount.

Submission and Approval Deadlines

A State may forward a new or updated State Administrative Plan to FEMA for approval at any time. A State should review and update their plan annually and must review and update it following a Presidential major disaster declaration if required to meet current policy guidance or changes to the administration of the program. If a review indicates that there will be no changes to the current State Administrative Plan, the Grantee should notify FEMA of this within 90 days of the disaster declaration.

A.3 Lock-in of HMGP Allocation

FEMA determines the allocation of HMGP funding available for a given disaster based on a percentage of the estimated total Federal assistance under the Stafford Act, excluding administrative costs for each Presidential major disaster declaration, as described in 44 CFR Section 206.432(b) and Part II A of this guidance. FEMA will estimate the amount of HMGP funding available at defined times following the disaster declaration. The HMGP estimated ceiling will be established initially within 90 days of the disaster declaration. It will be maintained until the first ceiling review at 6 months.

Six months after the disaster declaration, the estimated ceiling will be reevaluated and the lock-in ceiling will be established. The lock-in may reflect an increase or a decrease in the estimated ceiling. Subsequent reviews may result in an increase in the lock-in ceiling. The 6-month lock-in represents the minimum amount of HMGP funds available for a given disaster.

Twelve months after the disaster declaration, a final review of the lock-in ceiling is conducted and the final amount of HMGP funds that will be available is calculated. The final lock-in amount may be greater than, but will not be less than, the lock-in ceiling calculated 6 months after the disaster declaration.

In rare circumstances, when a catastrophic disaster has resulted in major fluctuations in projected disaster costs, FEMA may, at the request of the Grantee, conduct an additional review 18 months after the disaster declaration. If the resulting review shows that the amount of funds available for HMGP is greater than previously calculated, the final lock-in amount will be adjusted accordingly.

A.4 HMGP Management Costs

The amounts, allowable uses, and procedures for HMGP management costs are established in 44 CFR Part 207. Examples of allowable management costs are listed in Part III D.1.3. HMGP management costs will be provided at a rate of 4.89 percent of the HMGP ceiling. The Grantee, in its State Administrative Plan, will determine the amount, if any, of management costs it will pass-through to the subgrantee (see Part VIII A.2). Management costs are provided outside of and separate from the HMGP ceiling amount. There is no additional cost share requirement for HMGP management costs.

FEMA will establish the amount of funds that it will make available for management costs by a lock-in, which will act as a ceiling for management cost funds available to a Grantee, including its subgrantees. FEMA will determine, and provide to the Grantee, management cost lock-ins 30 days, 6 months, and 12 months from the date of declaration, or upon the calculation of the final HMGP lock-in ceiling, whichever is later.

Upon receipt of the 30 day lock-in, Grantees may request that FEMA obligate 25 percent of the estimated lock-in amount(s) to the Grantee. No later than 120 days after the date of declaration the Grantee must submit documentation to support costs and activities for which the projected lock-in for management cost funding will be used. In extraordinary circumstances, FEMA may approve a request by a Grantee to submit support documentation after 120 days.

FEMA will work with the Grantee to approve or reject the documentation submitted within 30 days of receipt. If the documentation is rejected, the Grantee will have 30 days to resubmit it for reconsideration and approval. FEMA will not obligate any additional management costs unless the Grantee's documentation is approved.

The documentation for management costs must include:

- A description of activities, personnel requirements, and other costs for which the Grantee will use the management cost funding provided under this part;
- The Grantee's plan for expending and monitoring the funds provided under this part and ensuring sufficient funds are budgeted for grant closeout; and
- An estimate of the percentage or amount of pass-through funds for management costs provided under this part that the Grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount (e.g., number of projects, complexity of projects, etc.).

Upon receipt of the 6-month management costs lock-in, and if the Grantee can justify a bona fide need for additional management costs, the Grantee may submit a request to the Regional Administrator for an interim obligation. Any interim obligation must be approved by the Chief Financial Officer and will not exceed an amount equal to 10 percent of the 6-month lock-in amount, except in extraordinary circumstances.

The Grantee must justify in writing to the Regional Administrator any requests to change the amount of the lock-in or the cap, extend the time period before lock-in, or request an interim obligation of funding at the time of the 6-month lock-in adjustment. The Regional Administrator will recommend to the Chief Financial Officer whether to approve the extension, change, or interim obligation. Extensions, changes to the lock-in, or interim obligations will not be made without the approval of the Chief Financial Officer.

For additional information on HMGP management costs see 44 CFR Part 207.

A.5 Eligible Subapplicants

In addition to the eligible subapplicants described in Part III A.1, PNP organizations may act as the subapplicant for HMGP. PNP organizations or institutions that own or operate a PNP facility are defined in 44 CFR Section 206.221(e). Each subapplication from a PNP must include either:

- An effective ruling letter from the IRS granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954, as amended; or
- State certification, under State law, of non-profit status.

A qualified conservation organization, as defined at 44 CFR Section 80.3(h), is the only PNP organization eligible to apply for property acquisition and demolition or relocation projects.

A.6 Submission of HMGP Subapplications

The Grantee must submit all HMGP subapplications to FEMA within 12 months of the date of the disaster declaration. Upon written request and justification from the Grantee, FEMA may extend the application submission timeframe in 30- to 90-day increments not to exceed a total extension of 180 days, in the event of extraordinary conditions. For additional information see 44 CFR Section 206.436.

Within 24 months of the disaster declaration, FEMA will make determinations on all applications and subapplications for HMGP, whenever possible. After FEMA makes a determination on all subapplications and has obligated funds to all approved grant awards, the amount of HMGP funds not obligated is de-allocated and is no longer available to the Grantee. No additional subapplications can be submitted after the application deadline. Alternate subapplications submitted within the application period can be awarded if funds become available due to cost underruns or withdrawn subgrants, as long as the POP is not affected.

A.7 Grant Cost Share Requirements

HMGP grants are required to have up to a 75-percent Federal and at least a 25-percent non-Federal cost share. Typically, this cost share requirement is applied to each individual activity.

In certain unique circumstances, the Grantee may choose to meet the cost share requirement by ensuring a minimum 25-percent non-Federal share for the overall HMGP grant award, rather than on an individual activity basis. If this approach is utilized, FEMA will only obligate Federal funds when the proportionate non-Federal share has been identified.

If an Applicant chooses to fund individual projects with non-Federal cost shares below 25 percent, the Applicant must notify FEMA by the application submission deadline. If an

Applicant intends to implement this approach, the State Administrative Plan must be amended to explain how the Applicant will:

- Apply this approach in a fair and impartial manner to all subapplications;
- Monitor the cost share for the overall grant throughout the POP; and
- Address any cost share shortfalls that may occur during the POP and at closeout.

If, at closeout, the non-Federal cost share of the grant is less than 25 percent of the total amount, FEMA will recoup the amount of Federal funds needed to bring the cost share into compliance.

A.8 Post-Disaster Code Enforcement Projects

HMGP is the only HMA program that will, in limited circumstances, fund post-disaster code enforcement projects. Extraordinary needs associated with enforcing local building codes during post-disaster reconstruction may include the performance of building department functions such as building inspections, and performance of substantial damage determinations under the NFIP.

A post-disaster code enforcement project may be funded through HMGP if:

- The Grantee assesses existing building code and/or zoning and land use management regulations and determines that they adequately address the identified natural hazard risks. The Grantee determines that the local community has adopted a building code consistent with a recent edition of the International Code Series, conforms to State-model or State-mandated building codes, and, if the local community participates in the NFIP, has local floodplain management measures in place that meet the minimum requirements for participation in the NFIP;
- The Grantee evaluates the building department and determines that its organization, funding, and enforcement and inspection processes are sufficient to ensure proper enforcement of all applicable laws and ordinances during normal operations;
- The Grantee evaluates the building department and identifies deficiencies, and the local community agrees to address any deficiencies identified in this evaluation as a condition of receiving the subgrant. This agreement can be a simple statement attached to the evaluation and should include an implementation schedule that is mutually satisfactory to the Grantee, the subgrantee, and FEMA. The agreement should include an acknowledgment by the subgrantee that failure to meet the agreed upon implementation schedule can result in the loss of all current and/or future building department assistance used to support post-disaster operations.

The State's assessment can be accomplished through various mechanisms. Any assessment should include a discussion of the community's compliance with the NFIP. Suggested approaches include (but are not limited to):

- Employing a mutual-aid agreement among communities to use other local building officials;
- Entering into a contractual agreement with a State or regional government entity that is well versed in building codes and proper administration of a building department;
- Entering into a contractual agreement with one of the model building code organizations;

- Employing building code experts temporarily;
- Deploying FEMA mitigation staff knowledgeable of building codes and proper building department administration. Former local building officials can often provide the requisite knowledge; or
- Employing the Hazard Mitigation Technical Assistance Program.

Extraordinary post-disaster code enforcement costs are eligible for HMGP funding for up to 6 months after a disaster declaration. If the community requests continued assistance after 6 months, the Grantee will determine if assistance provided to date has been effectively used and if additional assistance is warranted. Assistance beyond 6 months will be granted only in rare instances.

HMGP funds only extraordinary post-disaster code enforcement costs. Extraordinary post-disaster code enforcement costs are the costs to ensure mitigation-based codes are implemented during disaster reconstruction after normal costs of the building department are deducted. Costs might include staffing, equipment purchases, office rental, transportation, supplies, and similar expenses. Extraordinary costs equal disaster costs minus normal costs and cost of fees or fee waivers.

- Disaster costs can be determined by the payroll and office expenses during the period of assistance. If the subapplicant must purchase new equipment, only the equivalent rental cost of this equipment for the period of assistance is considered a disaster cost. The revenues generated by fees for inspections or permits, whether collected or not, must be deducted.
- Normal costs can be determined from a monthly average of payroll and office expenses during the most recent 12-month period that does not included Federal, State, or local disaster declarations.
- If a community has already received Federal assistance for meeting emergency building inspection needs (to post buildings, determine habitability, etc.), these costs must be deducted in determining extraordinary costs.

A.9 Phased Projects

In general, sufficient technical information is provided by the Applicant or subapplicant to allow FEMA to make an eligibility determination on a subapplication. The costs to obtain this information are generally eligible as pre-award costs (See Part IV F for more information). However, in rare circumstances it is beyond the subapplicant's technical and financial resources to provide the complete technical information required for a full eligibility or environmental review of a complex project. The Applicant and FEMA may provide technical assistance to the subapplicant to develop this complete body of technical data by approving a subapplication to complete a Phase I design, engineering, environmental, or feasibility study. The Phase I study provides FEMA with a technical body of information mutually concurred on by the subapplicant, the Applicant, and FEMA to determine project eligibility. If the results of the Phase I review indicate that the project meets HMGP requirements, the project would then be eligible for funding for construction under a Phase II approval. Phase I study funding is part of the project's total estimated cost, and is subject to HMGP cost share requirements.

The use of a Phase I study should be limited to complex projects that require technical or environmental data beyond the scope of that generally required for a typical HMGP project. The following provides guidelines and outlines the process for selecting projects for Phase I/Phase II project approval.

Pre-Screening Process

The project must meet the following pre-screening criteria for a conditional Phase I approval in the following sequence:

- State or Tribal (Standard or Enhanced) Mitigation Plan – The proposed project must be in conformance with the State or Tribal (Standard or Enhanced) Mitigation Plan.
- Justification for Selection of the Proposed Project – Justification must be provided for the selection of the proposed solution after consideration of a range of options.
- Potential Cost Effectiveness – The project demonstrates potential cost effectiveness based on a preliminary assessment of anticipated project benefits and cost. It is imperative that the subapplicant is aware that this preliminary assessment is solely for the purpose of the Phase I pre-screening process and is not the final cost-effectiveness determination.
- EHP Review – Initial environmental review to identify major EHP compliance issues. The Phase I study is categorically excluded from NEPA review.
- Hydrologic and Hydraulic or Other Relevant Technical Data – The subapplicant provides available hydrologic and hydraulic data based on existing models, and other relevant technical data, as appropriate.

Phase I Conditional Approval

The Applicant and FEMA may approve projects meeting the above pre-screening requirements for technical assistance under a Phase I conditional approval. FEMA and the Applicant will coordinate closely to ensure mutual concurrence on all data and technical information as the Phase I technical review process proceeds. The sequence for the process is as follows:

- Hydrologic and Hydraulic or Other Relevant Technical Data – If appropriate, the Applicant and FEMA will review the hydrologic and hydraulic or other technical data provided by the subapplicant.
- Preliminary Engineering Design – Based upon the technical data, the subapplicant develops a preliminary engineering design and layout and cost estimates with ad-hoc technical assistance from the Applicant and FEMA. The subapplicant's design and costing must meet Applicant and FEMA approval before proceeding with the BCA.
- EO 11988 – If applicable, based upon the technical data and revised engineering design, the project must demonstrate compliance with floodplain management requirements under this EO. If a FIRM amendment or revision will be necessary, the Applicant and FEMA will provide the subapplicant with technical assistance to meet this requirement.
- Refinement of the Cost-Effectiveness Assessment – Based upon the revised design and cost estimates, the Applicant and FEMA will refine the preliminary assessment of cost effectiveness conducted in the Phase I pre-screening process. This will result in a final

BCR to evaluate the project's cost effectiveness, which will include the all project costs including Phase I.

- EHP Review – The Applicant and FEMA will conduct a review of the revised project design to ensure EHP compliance. The project will meet EHP review requirements before Phase II approval.

Phase II Approval-Construction Process

If the project is determined to be eligible, technically feasible, cost effective, and compliant with EHP requirements under the Phase I technical review, the project may then be approved for construction under Phase II.

A.10 The 5% Initiative

Some mitigation activities are difficult to evaluate using FEMA-approved BCA methodologies. Up to 5 percent of the total HMGP funds may be set aside by the Grantee to pay for such activities.

To be eligible for the 5% Initiative, activities must:

- Be difficult to evaluate against traditional program cost-effectiveness criteria;
- Comply with all applicable HMGP eligibility criteria as well as with Federal, State, and local laws and ordinances;
- Be consistent with the goals and objectives of the State or Tribal (Standard or Enhanced) and local or Tribal mitigation plans; and
- Be submitted for review with a narrative that indicates that there is a reasonable expectation that future damage or loss of life or injury will be reduced or prevented by the activity.

Activities that might be funded under the 5% Initiative include:

- The use, evaluation, and application of new, unproven mitigation techniques, technologies, methods, procedures, or products;
- Equipment and systems for the purpose of warning citizens of impending hazards;
- Purchase of permanently installed generators or related equipment, such as generator hook-ups;
- Hazard identification or mapping and related equipment for the implementation of mitigation activities;
- Geographic Information System (GIS) software, hardware, and data acquisition whose primary aim is mitigation;
- Public awareness or education campaigns about mitigation; and
- Evaluation of model building codes in support of future adoption and/or implementation.

A.10.1 Availability of Additional Funds for Tornado Mitigation

FEMA allows increasing the 5% Initiative amount up to 10 percent for a Presidential major disaster declaration for tornadoes and high winds at the discretion of the Grantee. The increased initiative funding can be used for activities that address the unique hazards posed by tornadoes. To qualify for this funding, the Grantee must, in its State or Tribal (Standard or Enhanced) Mitigation Plan or other comprehensive plan that addresses warning of citizens (ensuring 90-percent coverage), further the safe room concept in construction or rehabilitation of residences or commercial structures, and address sheltering in mobile home parks. The plan also must explain how the Grantee will implement an ongoing public education program so that citizens are aware of warning systems and their meaning and the availability of in-home shelter designs. Similar information should be included in the subgrantee's local or Tribal mitigation plan.

A.11 Appeal Process

An eligible subapplicant, subgrantee, or Grantee may appeal any FEMA determination regarding subapplications or applications submitted for funding under HMGP. FEMA will only consider appeals in writing that contain documentation that justifies the request for reconsideration. The appeal should specify the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

Whether the appeal is originated by the Grantee or by a subapplicant/subgrantee, the appeal must be submitted in writing to the appropriate Regional Administrator by the Grantee. The Regional Administrator is the decisionmaker on first appeals. If there is an appeal of the Regional Administrator's decision on any first appeal, the Assistant Administrator for Mitigation is the decisionmaker for the second appeal. In some cases the appeal may involve highly technical issues. In these cases, FEMA may consult independent scientific or technical experts on the subject under appeal.

Appellants must make appeals within 60 days after receipt of a notice of the action that is being appealed. The Grantee must forward any appeal from a subapplicant/subgrantee with a written recommendation to the appropriate Regional Administrator within 60 days of receipt. Within 90 days following the receipt of an appeal, FEMA will notify the Grantee in writing of the disposition of the appeal or of the need for additional information.

If additional information is needed, FEMA will determine a date by which the information must be provided. Within 90 days following the receipt of the requested additional information (or 90 days after the information was due), FEMA will notify the Grantee in writing of the disposition of the appeal.

FEMA will provide its decision to the Grantee in writing. If the decision is to grant the appeal, the Regional Administrator will take the appropriate action.

Additional information regarding appeals can be found at 44 CFR Section 206.440.

B. Pre-Disaster Mitigation Program

Most of the information that an Applicant or subapplicant needs to apply for a PDM award or that a Grantee or subgrantee needs to manage a PDM award is provided in Parts I through VII, and Part IX. This section contains supplemental guidance specific to PDM.

B.1 Allocation

FEMA will allocate funds for eligible projects to States and Territories consistent with applicable, statutory base and/or maximum allocations in the authorizing and appropriation laws. FEMA will administer the program as directed by Congress.

PDM grants are awarded on a competitive basis. Eligible subapplications will compete nationally for PDM grant funds.

B.2 Small Impoverished Communities

Grants awarded to small impoverished communities may receive a Federal cost share of up to 90 percent of the total amount approved under the grant award to implement eligible approved activities in accordance with the Stafford Act. A small impoverished community must:

- Be a community of 3,000 or fewer individuals identified by the State as a rural community that is not a remote area within the corporate boundaries of a larger city;
- Be economically disadvantaged, with residents having an average per capita annual income not exceeding 80 percent of the national per capita income, based on best available data. For the most current information, go to http://www.bea.gov;
- Have a local unemployment rate that exceeds by 1 percentage point or more the most recently reported, average yearly national unemployment rate. For the most current information, go to http://www.bls.gov/eag/eag.us.htm; and
- Meet other criteria required by the Applicant in which the community is located.

Applicants must certify and provide documentation of the community status with the appropriate subapplication to justify the 90-percent cost share. If documentation is not submitted with the subapplication, FEMA will provide no more than the standard 75 percent of the total eligible costs.

B.3 Information Dissemination

Under PDM, subapplicants may include eligible information dissemination activities in their project or planning subapplication. Eligible information dissemination activities include public awareness and education (brochures, workshops, videos, etc.) that directly relate to the eligible mitigation activity proposed in the subapplication. Information dissemination activities are limited to a maximum of 10 percent of the total cost of a subapplication.

B.4 Applicant Ranking of Subapplications

Applicants must rank each subapplication included in their grant application in order of their priority for funding based on the State or Tribal (Standard or Enhanced) Mitigation Plan. Each subapplication must be assigned a unique rank in *e*Grants. Applicants must provide an

explanation for the rank given to each subapplication and demonstrate how it is consistent with their State or Tribal (Standard or Enhanced) Mitigation Plan.

B.5 National Evaluation Process

Initial FEMA Review

Subapplications will be initially reviewed by FEMA to ensure all minimum requirements are met for the PDM program. All subapplications that are determined to be eligible by FEMA will be forwarded to the National Evaluation Panel and the National Technical Review. Applicant management cost subapplications are excluded from the National Evaluation process and are awarded based on the award of project and planning subapplications.

National Ranking

FEMA will electronically score all eligible subapplications on the basis of predetermined, objective, quantitative factors to calculate a National Ranking Score for each subapplication. All subapplications will be sorted in descending order based on National Ranking Scores and will be forwarded to the National Evaluation Panel. National Ranking factors can be found at: http://www.fema.gov/government/grant/pdm/index.shtm.

National Evaluation Panel

Panels composed of representatives from FEMA, States, Territories, local governments, Federally recognized Indian Tribal governments, and other Federal agencies will peer evaluate project and planning subapplications on the basis of qualitative factors. FEMA will ensure that panel evaluations are conducted consistently and fairly with no conflicts of interest. All subapplications forwarded to National Evaluation will be granted equal consideration during the National Evaluation regardless of their National Ranking Score. Subapplications will be ranked based on the National Evaluation scores. National Evaluation factors can be found at: http://www.fema.gov/government/grant/pdm/index.shtm.

B.6 Selection

FEMA will consider all project subapplications that pass the National Technical Review and all planning subapplications forwarded through the National Evaluation Panel. FEMA ranks subapplications based on:

- National Ranking scores;
- National Evaluation scores; and
- National Technical Review determinations.

FEMA will then identify subapplications for further review based on their rank order. FEMA may identify a subapplication for further review out of rank order based on considerations such as program priorities, available funds, and policy factors.

FEMA will notify Applicants whose subapplications are identified for further review; however, this notification and conducting FEMA-requested pre-award activities are not considered notification or guarantee of a grant award.

C. Flood Mitigation Assistance Program

Most of the information that an Applicant or subapplicant needs to apply for an FMA award or that a Grantee or subgrantee needs to manage an FMA award is provided in Parts I through VII, and Part IX. This section contains supplemental guidance specific to FMA.

C.1 Allocations

An allocation is provided to each State or Territory based on the total number of NFIP insurance policies and the total number of repetitive loss properties within the State or Territory. An Applicant may apply for funding up to or exceeding its allocation. Subapplications received from Applicants that exceed their allocation amount will be forwarded for national consideration.

C.2 Repetitive Loss Strategy

In order to be eligible for an increased Federal cost share of up to 90 percent, the property that is being submitted for consideration must be a severe repetitive loss property and a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan that addresses repetitive loss properties must be in effect at the time of grant award. Guidance on addressing repetitive loss properties can be found in the *State Multi-Hazard Mitigation Planning Guidance* and in 44 CFR Section 201.4(c)(3)(v). The Repetitive Loss Strategy must identify the specific actions the State has taken to reduce the number of repetitive loss properties, which must include severe repetitive loss properties, and specify how the State intends to reduce the number of such repetitive loss properties. In addition, the hazard mitigation plan must describe the State's strategy to ensure that local jurisdictions with severe repetitive loss properties take actions to reduce the number of these properties, including the development of local or Tribal mitigation plans. For information about the Repetitive Loss Database, see Part VI D.2.1.

C.3 Eligible Properties

Properties included in a project subapplication for FMA funding must be NFIP-insured at the time of the application submittal. Flood insurance must be maintained at least through completion of the mitigation activity. Residential or non-residential properties currently insured with the NFIP are eligible to receive FMA funds.

C.4 Selection

After the application deadline, FEMA will review all subapplications to ensure eligibility and completeness. FEMA will commit funds to eligible Applicants to meet the State or Territory's allocation. If the full allocation in one or more States or Territories has not been awarded, FEMA will review eligible subapplications submitted in excess of the allocations and will award remaining funds to subapplications that offer the greatest savings to the NFIF as demonstrated by a FEMA-validated BCR.

D. Repetitive Flood Claims Program

Most of the information that an Applicant or subapplicant needs to apply for an RFC award or that a Grantee or subgrantee needs to manage a RFC award is provided in Parts I through VII, and Part IX. This section contains supplemental guidance specific to RFC.

D.1 Eligible Properties

Residential or non-residential (commercial) properties that have received one or more NFIP insurance payments are eligible for RFC funds. Properties included in a subapplication must be NFIP-insured at the time of the application submittal. Flood insurance must be maintained at least through completion of the mitigation activity.

D.2 Increased Federal Share of Costs

An application may be submitted for RFC funding if neither the Applicant nor the subapplicant can currently meet the FMA non-Federal share requirement. For RFC, FEMA may contribute up to 100 percent of the project cost. The Application and the subapplication must include certification (e.g., signed letter from an authorized local government official) explaining why the FMA cost-sharing requirement cannot be met. If a project to mitigate this particular property was previously identified on a subapplication for HMA funding and the project was not funded, the Applicant or subapplicant must explain why the 25-percent non-Federal cost share is no longer available for this project.

D.3 Selection

FEMA will rank all eligible mitigation project subapplications on the basis of the greatest savings to the NFIF as demonstrated by the verified project aggregate BCR. All projects will be ranked from highest verified BCR to lowest verified BCR. FEMA will consider the national ranking and program priorities in determining which projects are identified for further review up to the amount of funds available for the RFC program.

E. Severe Repetitive Loss Program

General information that an Applicant or subapplicant needs to apply for an SRL award or that a Grantee or subgrantee needs to manage an SRL award is provided in Parts I through VII, and Part IX. This section contains supplemental guidance specific to SRL.

Applicants and subapplicants please note the following: The SRL program differs from other FEMA mitigation grant programs in that those property owners who decline offers of mitigation assistance will be subject to increases to their insurance premium rates. Furthermore, prior to submitting a grant application to FEMA, Applicants and subapplicants must consult, to the extent practicable, with the property owner to select the most appropriate project type for that property to meet all programmatic, State, and local requirements. Any Mitigation Offer made under the SRL program remains open and available to the property owner as long as the SRL program exists, subject to the availability of funds. In the event that the property owner does not accept a Mitigation Offer, the property owner may appeal the insurance premium rate increase under certain conditions. The sections below provide more detail on the SRL program.

E.1 Eligible Properties

Properties eligible for inclusion in a subapplication for SRL must be identified on the FEMA-validated severe repetitive loss property list. A severe repetitive loss property is a **residential property** that is covered under an NFIP flood insurance policy and:

(a) That has at least four NFIP claim payments (including building and contents) over $5,000 each, and the cumulative amount of such claims payments exceeds $20,000; or

(b) For which at least two separate claims payments (building payments only) have been made with the cumulative amount of the building portion of such claims exceeding the market value of the building.

For both (a) and (b) above, at least two of the referenced claims must have occurred within any 10-year period, and must be greater than 10 days apart. To maintain eligibility for SRL funds, NFIP insurance coverage on structures to be mitigated must be maintained throughout implementation of the mitigation activity.

E.2 Distribution of Funds and Selection

Applicants meeting a minimum threshold of severe repetitive loss properties receive an allocation of funds based on the national percentage of severe repetitive loss properties present within their jurisdiction. An Applicant may apply for funding up to or exceeding its allocation. Ten percent of SRL funds are set aside and are available through the nationally competitive process. Applicants that do not meet the minimum threshold of severe repetitive loss properties to receive an allocation will be eligible to apply for the 10-percent set-aside of the SRL funds. Federally recognized Indian Tribal governments may be awarded SRL funds through this set-aside as either a Grantee or subgrantee. The funds awarded to Indian Tribal governments serving as the Grantee will not count against an Applicant's assigned allocation.

Eligible subapplications from Applicants receiving an SRL allocation will be identified for further review up to the allocation based on the greatest savings to the NFIF, as demonstrated by

the FEMA-validated BCR. FEMA will give priority to eligible project subapplications up to the Applicant's allocation from highest BCR to lowest BCR. Eligible project subapplications not identified for further review may be forwarded for consideration under the 10-percent set-aside.

Subapplications considered under the 10-percent set-aside are reviewed on a national basis based on the greatest savings to the NFIF, as demonstrated by the FEMA-validated BCR. Project subapplications will be ranked nationally from highest BCR to lowest BCR and identified for further review in that order, until funds are exhausted.

E.2.1 Redistribution of Funds

FEMA may redistribute funds in any given fiscal year for any of the following cases:

- An Applicant with an allocation chooses not to participate in SRL;
- An Applicant's allocation exceeds the amount of eligible subapplications submitted; or
- Applicants eligible for the 10-percent set-aside have not submitted subapplications up to the set-aside amount.

FEMA may redistribute funds (as described above) to Applicants with eligible subapplications that exceed either of the following:

- Their allocations; and/or
- The amount of the 10-percent set-aside.

In all cases, FEMA will give priority to subapplications based on the FEMA-validated BCR.

E.3 Repetitive Loss Strategy

In order to be eligible for an increased Federal cost share of up to 90 percent, a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan must be in effect at the time of grant award and it must address repetitive loss properties. Guidance can be found in the *State Multi-Hazard Mitigation Planning Guidance* and in 44 CFR Section 201.4(c)(3)(v). The Repetitive Loss Strategy must identify the specific actions the State has taken to reduce the number of repetitive loss properties, which must include severe repetitive loss properties, and specify how the State intends to reduce the number of such repetitive loss properties. In addition, the hazard mitigation plan must describe the State's strategy to ensure that local jurisdictions with severe repetitive loss properties take actions to reduce the number of these properties, including the development of local or Tribal mitigation plans. For information about the Repetitive Loss Database, see Part VI D.2.1.

E.4 Increased Cost of Compliance as Non-Federal Cost Share

ICC benefits are available to severe repetitive loss structures mitigated with SRL funds, regardless of whether recent flood damage has occurred. This payment is intended to supplement or supply the required non-Federal share of the costs associated with floodproofing, elevating, relocating, or demolishing a structure.

This ICC benefit is limited to the following:

- Validated severe repetitive loss structures;
- Severe repetitive loss structures that have been approved for a FEMA SRL program grant;

- Severe repetitive loss structures owned by policyholders who have assigned the ICC benefits to the community in which the building is located;
- The benefit cannot exceed the required non-Federal match for the property, or the maximum ICC available; and
- Structures that have been insured for at least 180 days prior to the availability of funds.

When reviewing submitted project applications, FEMA will provide the maximum eligible ICC benefit for submitted properties. This benefit, in combination with provided SRL funds, may provide but will not exceed the total project cost. If the ICC benefit exceeds the required non-Federal share, FEMA will reduce the SRL funds provided to the property accordingly under the grant agreement.

Details on eligible costs under ICC claims for property acquisition and structure demolition/ relocation and structure elevations can be found here: http://www.fema.gov/government/grant/srl/index.shtm.

E.5 Additional Subapplicant Considerations

Prior to submitting a subapplication for an SRL project, subapplicants should:

- Understand that they must develop procedures to ensure that they provide similar treatment to all property owners regarding the use of pre-event or current market value for property acquisition and structure demolition or relocation projects;
- Understand that they may select minor localized flood reduction projects because property owners will not experience the risk of increased insurance premium rates;
- Consider the ramifications of property acquisition and structure demolition or relocation projects on the local tax base; and
- Consider the availability of qualified contractors and structural engineers to implement property acquisition and structure demolition or relocation, structure elevation, mitigation reconstruction, or dry floodproofing for historic properties projects.

E.6 Subapplication Development

The Applicant and subapplicant must decide on the type(s) of project(s) that will be proposed for implementation. However, before proposing that a property be mitigated through SRL, the Applicant and subapplicant must commit to consulting with individual property owners. The term “property owner” includes any co-owners who share title to the property.

The subapplicant must ensure the property owner is fully informed of the conditions and procedures of the program, and must advise the property owner that established consultation and Mitigation Offer procedures will be followed.

E.7 SRL Consultation Process

The consultation process is a required notification and information gathering process for the Applicant and/or subapplicant applying for SRL funding. The consultation process does not represent a formal offer of mitigation assistance and must be initiated during application development and the consultation agreement completed prior to award or final approval. The

goals of the consultation process are to notify the property owner that his or her property is being considered for the program, to obtain property owner input in determining the mitigation activity, to collect sufficient information about the property, and to advise the property owner that there are potential consequences of declining a Mitigation Offer. Property owners who decline a Mitigation Offer will be subject to increases to their NFIP insurance premium rates.

All information related to the individual severe repetitive loss property owner and individual property that is collected during the consultation shall be protected consistent with the Privacy Act of 1974, as amended, and similar State and local laws and ordinances.

E.7.1 Subapplicant Preparation for Consulting

The subapplicant shall initiate consultation with the property owner during application development and will make every effort to make the consultation process as simple and streamlined as possible for the property owner. In preparation for consultation, the subapplicant will:

- Prioritize severe repetitive loss properties for funding. FEMA provides the GSTF methodology and data to identify properties representing the greatest potential benefit on the NFIF;
- Identify mitigation activities that are available to the property owner in accordance with local codes and standards and the local or Tribal mitigation plan;
- Prepare property-specific examples of potential insurance premium rate increases should the offer be declined; and
- Notify severe repetitive loss property owners that a personal representative may accompany or attend the consultation on behalf of a property owner. If a property owner wants the personal representative to make decisions on his or her behalf, the property owner must provide a notarized letter indicating this to the subapplicant. FEMA shall not pay for costs incurred by the property owners for a personal representative.

E.7.2 Subapplicant Consultation with the Property Owner

In consulting with the property owner, the subapplicant will accomplish the following before an award can occur:

- Conduct the consultation in a format agreed upon by, and convenient to, the property owner (e.g., in person, via telephone). The consultation process may involve one or more meetings as necessary;
- Conclude and sign the Consultation Agreement, securing the signature of the property owner on the Consultation Agreement at the conclusion of the consultation process; and
- Advise the property owner that if FEMA does not award the subgrant for the mitigation project, the property owner will be notified by the subapplicant.

The subapplicant will complete the project subapplication and will not require the property owner to complete technical paperwork.

During the consultation meeting, the subapplicant must discuss and collect the information required in the Model SRL Consultation Agreement.

The consultation process is documented in the Consultation Agreement. The Consultation Agreement may be signed by the property owner and the subapplicant, or the property owner may elect not to sign the agreement as detailed in the following section. In either case, documentation must be provided acknowledging that the SRL consultation process has occurred, is consistent with the requirements of this guidance, and that all required information and documentation has been received from the property owner and the subapplicant. The Model SRL Consultation Agreement is available at: http://www.fema.gov/government/grant/srl/index.shtm.

E.7.3 Possible Outcomes of the Consultation Process

The SRL consultation process has two possible outcomes:

- The property owner will sign a Consultation Agreement that the subapplicant will include with the project subapplication to the Applicant; or
- The property owner will indicate either verbally or in writing that he or she will not sign the Consultation Agreement. In this case, the subapplicant must document the interaction with the property owner and inform the property owner that their property may be included in the subapplication and that an offer may be made even though the property owner declines to consult further. The subapplicant will include this documentation with the project subapplication.

E.8 Mitigation Offer Process

The Mitigation Offer process will occur once FEMA has awarded the grant to the Grantee and the Grantee has awarded the subgrant to the subgrantee. The formal offer of mitigation assistance will be extended via the Mitigation Offer Letter. The subgrantee must use the model format found at http://www.fema.gov/government/grant/srl/index.shtm when issuing a Mitigation Offer Letter. If the subgrantee finds it legally necessary to substitute its own Mitigation Offer Letter, the proposed draft must be reviewed and approved by the FEMA Office of Chief Counsel prior to sending the letter to the property owner.

Any Mitigation Offer made under the SRL program remains open and available to the property owner until the SRL program terminates, subject to the availability of funds. When a property owner declines a Mitigation Offer, the Grantee may use its accounting system to retain the funds for the duration of the POP. The guidance provided below will assist the subgrantee in implementing the Mitigation Offer process with the property owner identified in the approved subgrant.

Grantees and subgrantees should consider the impacts that the required Mitigation Offer process and related notifications to a property owner may have on the POP. Grantees and subgrantees should minimize delays in their communications with one another, property owners, and with FEMA, particularly on the status of response to offers, so that mitigation is completed within the approved POP.

The amount of the Mitigation Offer includes the cost of the project, the basis for the offer, and the methodology for calculating the final offer. The amount that the property owner receives is the final offer amount that reflects applicable reductions (e.g., duplicated benefits and costs borne by the property owner) and additions (e.g., supplemental housing payments).

- **For projects other than property acquisition**, the final offer amount is based on estimates for the cost of the project and applicable deductions.
- **For property acquisition and structure demolition or relocation projects**, the final offer amount is based on the purchase offer for the severe repetitive loss property (see Part IX A.11) adjusted by applicable deductions (e.g., duplicated benefits and costs borne by the property owner), additions (e.g., supplemental housing payment), and the methodology used to determine the property value (i.e., market value, pre-event value, outstanding loans, original purchase price).

E.8.1 Subgrantee Responsibilities during the Mitigation Offer Process

The Mitigation Offer may involve an initial meeting and continued coordination such as follow-up meetings, telephone calls, or mailings necessary to provide information requested by the property owner. In accordance with SRL regulations, the property owner has 45 days from the date of the Mitigation Offer Letter to return a signed Mitigation Offer Letter accepting or refusing the offer of mitigation to the subgrantee. The 45-day period may be extended by the FEMA Regional Administrator, if the property owner submits a written request before the expiration of the 45-day time period describing extenuating circumstances and the FEMA Regional Administrator grants the request.

The subgrantee will:

- Sign and send (via certified mail) Mitigation Offer Letters to all property owners identified in the subgrant;
- Complete the Statement of Voluntary Participation form for the property owner's signature;
- Notify each holder of recorded interest on the property of the Mitigation Offer;
- Follow the Mitigation Offer Letter with a meeting with the property owner, if requested; and
- Forward a copy of each Mitigation Offer Letter and all responses to the appropriate FEMA Regional Office and the Grantee.

E.8.2 Possible Outcomes of the Mitigation Offer Process

The SRL Mitigation Offer process has two possible outcomes:

- The property owner accepts the Mitigation Offer of assistance and signs the Mitigation Offer Letter within the allotted time. The subgrantee then forwards the response to the Mitigation Offer Letter to the FEMA Regional Administrator copying the Grantee, and the mitigation activity may proceed; or
- The property owner does not accept the Mitigation Offer of assistance and/or does not sign and return the Mitigation Offer Letter within the allotted time. The subgrantee will notify the FEMA Regional Administrator (copying the Grantee) and FEMA will issue a notice to the property owner specifying the effective date of the insurance premium rate increase for their property. Generally, this increase will occur upon renewal of the insurance policy contract. In this notice, FEMA will notify the property owner that he or

she has the right to appeal the insurance premium rate increase in accordance with 44 CFR Part 79.

A Mitigation Offer made under the SRL program remains open and available to the property owner subject to the availability of funds.

E.8.3 Change In Ownership Subsequent to Mitigation Offer

If the property owner who has completed the consultation process with the subapplicant should cease to own the property after FEMA has awarded a grant for the project and before the property transfers to the subgrantee, the subgrantee is not in compliance with the pre-award consultation requirements of the program with respect to the new property owner. Thus, the subgrantee should attempt to meaningfully comply with the requirement after-the-fact by consulting with the new property owner and determining whether the property shall remain in the SOW of the project. The subgrantee must notify FEMA through the Grantee of the completion of the consultation process or withdrawal of the property from the project scope. If the subgrantee completes the consultation process with the new property owner and retains the property in the scope of the project, the subgrantee shall extend an offer to the new property owner in accordance with the program regulations and guidance, which the new property owner remains free to accept or decline, subject to program implications.

E.9 Increased Insurance Premiums and Subsequent Claims Payments

Property owners who decline formal offers of mitigation assistance, in the form of a Mitigation Offer Letter, and/or do not sign and return the Mitigation Offer Letter within the allotted time, will be subject to increases to their insurance premium rates, as described in Part VIII E.9.1. These insurance premium rate increases are limited to the actuarial risk premium rate for the type and class of property as established in accordance with 44 CFR Section 79.7(c).

E.9.1 Implementation of Insurance Premium Rate Increases

In accordance with 44 CFR Section 79.7(c) and this guidance, in any case in which the owner of a property does not accept a Mitigation Offer, FEMA will notify each holder of recorded interest on the property. This notification will note that upon policy renewal or issuance of a new NFIP policy covering the property, the chargeable premium rate with respect to the property shall be the amount equal to 150 percent of the chargeable premium rate for the property at the time the Mitigation Offer was made, as adjusted by any other premium adjustments otherwise applicable to the property.

The Notice of NFIP Insurance Premium Rate Increase will be accompanied by a detailed, side-by-side comparison of the total premium at the time the offer was made and the projected total premium as a result of increased insurance premium rate. A similar document and notification will accompany the official written notice of insurance premium rate increase resulting from any subsequent paid insurance claims of more than $1,500 in total claim payments to a property owner who has previously refused a Mitigation Offer.

Unless the property owner initiates a viable appeal of the Assistant Administrator for the Flood Insurance and Mitigation Administration's written notice of increased insurance premium rate within 90 days of the date of the notice, the increase will take effect on the first renewal or issuance of a new NFIP policy covering the property after the 90-day appeal period has elapsed. Should the property owner submit a written appeal, including supporting documentation, during

the 90-day appeal period, the applicable insurance premium rate increase for the property will be suspended during a stay of applicability pending the outcome of the appeal.

If the property owner prevails on appeal, the chargeable risk premium rate for flood insurance coverage on the property will not automatically increase, but will continue to be based on the applicable rating characteristics of the structure prior to the Mitigation Offer, including any other premium adjustments otherwise applicable to the class of property.

If the property owner loses the appeal, the increase in the chargeable risk premium rate for flood insurance coverage on the property will be effective on the first renewal or issuance of a new NFIP policy covering the structure after the appeal is closed. In addition, any insurance premium rate increase suspended during the stay of applicability shall be collected from the property owner. If FEMA does not receive the additional premium by the date it is due, the amount of coverage will be reduced to correspond to the amount of premium payment received. In addition, if a loss occurs, the loss payment will be limited to the amount of coverage that the original premium received will buy.

E.9.2 Underwriting Data Requirement

To establish the actuarial or risk premium rate limits for the insurance premium rate increases, specific underwriting information related to the flood zone and BFE on the effective FIRM, and the elevation of the lowest floor, as well as other rating criteria specific to the subject property, are required. The property owner may be required to provide FEMA with information to ensure that initial and subsequent insurance premium rate increases do not exceed the actuarial risk premium rate limitation for the structure. The need for this underwriting information only exists should the property owner refuse a Mitigation Offer.

E.10 Appealing an Insurance Premium Rate Increase

A property owner who has received a notice from FEMA for an increase in flood insurance premium rates may appeal the decision by following the procedures in this section and supporting the appeal with one or more of the six statutorily permitted grounds for appeal as described in Part VIII E.10.1. As detailed below, a property owner submitting an appeal of insurance rate increase may elect to utilize an Independent Third Party (ITP) or Alternative Dispute Resolution (ADR) Office staff member. The available appeal grounds and process are identical in either case.

E.10.1 Six Grounds for Appeal

There are six statutorily based grounds for appeal, which are described in more detail at 44 CFR Section 79.7(d). No other grounds will be considered by the ITP or ADR Office. They are as follows:

1. Appeals relating to inability to purchase replacement property (property acquisition and structure demolition or relocation projects only);
2. Appeals relating to insufficient funding for property acquisition and structure demolition or relocation, structure elevation, mitigation reconstruction, and dry floodproofing;
3. Appeals relating to diminishing integrity of historic properties;
4. Appeals relating to third-party violations affecting multifamily properties;

5. Appeals relating to reliance on FIRM current at the time of purchase; and
6. Appeals relating to cost effectiveness of alternative project.

E.10.2 Request for Appeal

A property owner's Request for Appeal must be submitted in writing in the form of the SRL Model Appeal Request and must include supporting documentation. The request for appeal must be postmarked or delivered to the appropriate FEMA Regional Administrator within 90 days of the date of the Notice of NFIP Insurance Premium Rate Increase. The SRL Model Appeal Request is available at: http://www.fema.gov/government/grant/srl/index.shtm.

By submitting a Request for Appeal that is timely and technically complete, an increase in the chargeable insurance premium rate is stayed pending the decision on the appeal by FEMA.

In addition, at any time during the appeal phase, the property owner has the right to withdraw the appeal and opt to sign the Mitigation Offer Letter.

E.10.3 Initial FEMA Review of Appeal

The FEMA Regional Administrator will conduct an initial review of each appeal received on a timely basis in order to:

- Confirm that the property owner is raising a viable appeal. The FEMA Regional Administrator may reject the Request for Appeal if it is made on a basis other than one of the six statutorily outlined grounds, resulting in an increase in the chargeable insurance premium rate upon renewal of the policy;
- Request and assemble additional documentation and information from the property owner in support of the ground(s) for appeal raised by the property owner. And if applicable, request cooperation, documentation, and information from the Grantee and subgrantee. The FEMA Regional Administrator may reject the Request for Appeal if the property owner fails to provide sufficient supporting documentation within the time period prescribed by the Regional Administrator, resulting in an increase in the chargeable insurance premium rate upon renewal of the policy; and
- Consider whether the property owner can establish, based on the face of the documentation and information provided, that the basis of the Mitigation Offer was in error. In such a case, the FEMA Regional Administrator has the discretion to request that the subgrantee re-offer the Mitigation Offer or close the appeal if appropriate.

In all other cases, the FEMA Regional Administrator will refer the appeal for review by an ITP.

E.10.4 Appeal to Independent Third Party

If the appeal is not resolved after the initial FEMA review, the FEMA Regional Administrator will transmit the Request for Appeal and the accompanying documentation and information to the FEMA ADR Office as soon as practicable.

FEMA maintains a list of individuals qualified to hear appeals as an ITP based on objective criteria, including training and experience as an ADR professional, established by the ADR Director. The FEMA ADR Office employs ADR professionals who possess the training and experience to serve as a neutral third party to review the appeal in lieu of an ITP. Accordingly, the property owner may choose to have his/her appeal heard by a reviewer from the FEMA ADR

Office in order to minimize the expense of the appeal. If the property owner chooses this low-cost alternative to an ITP, the property owner waives the right to have the appeal heard by an ITP and the determination by the reviewer from the FEMA ADR Office has the same effect as a determination by an ITP. The ADR Director can provide further guidance to the property owner about his or her options for a reviewer.

Appeal Based on the Record or Hearing: The ITP may hear a property owner's appeal in one of two ways:

1. Upon written request by the property owner, the ITP will conduct a hearing in connection with the appeal. The written request for a hearing must be included in the Request for Appeal; or
2. If the property owner does not make a written request for a hearing, the ITP will consider the record on appeal as well as documents and information submitted by the property owner and the Grantee and subgrantee, if applicable, and will make a decision based on the record on appeal.

Because the property owner is responsible for the compensation of the ITP if he or she loses on appeal, the property owner will receive information about additional costs, if any, associated with a hearing versus costs associated with consideration of the record on appeal.

When making a decision about the merits of the appeal, the ITP will consider the record on appeal. In addition, the ITP has the discretion to consider other relevant documentation and information outside the record on appeal. The ITP has the exclusive authority to determine whether other relevant documentation and information outside the record on appeal will be considered.

Conduct of a Hearing: If the property owner makes a written request for a hearing, such hearing will be conducted by the ITP in a manner consistent with guidelines established by the ADR Director. The ADR Director will provide these guidelines upon request. The ITP may convene a hearing at a location designated by the ADR Director. Whenever possible, hearings will be held at a location close to the severe repetitive loss property that is the subject of the appeal, unless the parties jointly agree to a different location.

The parties to the hearing are the property owner and a representative of FEMA.

Parties are permitted to have a designated personal representative accompany them to the hearing.

Technical or Subject Matter Experts: The ITP has the discretion to consult with or hear from a technical or subject matter expert. The ADR Director will maintain a list of appropriate technical or subject matter experts from other Federal agencies and elsewhere. The ITP will notify the parties of his or her intent to utilize a technical or subject matter expert provided there is no conflict of interest among the parties to the appeal or the participants at the hearing. If one of the parties raises a conflict of interest, the ADR Director will consider it and make a decision about whether to replace the technical or subject matter expert.

Decision: Within 90 days of the date on which FEMA receives the property owner's Request for Appeal, the ITP will issue a decision in connection with the property owner's appeal in writing to the ADR Director.

Final Decision: The decision of an ITP that is consistent with 44 CFR Part 79 and this guidance will be final and binding on the parties to the appeal. However, the ADR Director may correct clerical, typographical, or computational errors made by the ITP.

Action on Decision: The ADR Director will forward the decision to the property owner and FEMA. If the determination to increase the chargeable insurance premium rate for flood insurance coverage is upheld, FEMA will calculate any required insurance premium rate increases, including past amounts due, based on regulation. If the increase is not upheld, the anticipated rate increase will not go into effect.

Administration of Appeal to ITP: The ADR Director will conclusively resolve any procedural disputes arising in the course of the appeal to the ITP.

Outcomes of Appeal to ITP:

1. ***If the Severe Repetitive Loss Property Owner Prevails on Appeal,*** the ITP shall require FEMA to charge the risk premium rate for flood insurance coverage of the property at the rate paid prior to the Mitigation Offer (see 44 CFR Section 79.7(d)(5)).

   The ITP has no authority to award attorneys' fees, pre-judgment interest, post-judgment interest, or punitive damages. In addition, the ITP is prohibited from creating other categories of awards; for example, no award of consequential, special, or exemplary damages is available to a property owner.

   Costs: If the ITP or technical or subject matter expert receives compensation for his/her services and the property owner prevails on appeal, the NFIF shall bear the costs of such compensation. A property owner who brings an appeal will be responsible for paying his/her attorneys' fees and costs; or

2. ***If the Severe Repetitive Loss Property Owner Loses the Appeal***, FEMA shall promptly apply the increase to the chargeable risk premium rate for flood insurance coverage of the property to the amount established pursuant to 44 CFR Section 79.7(c) and shall collect from the property owner the amount necessary to cover the stay of the applicability of such increased rates while the appeal was pending.

   Costs: If the ITP or technical or subject matter expert receives compensation for his/her services and the property owner loses on appeal, the property owner shall bear the costs of such compensation. In addition, a property owner who brings an appeal will be responsible for paying his or her attorneys' fees and costs.

PART IX. ADDITIONAL PROJECT GUIDANCE

Part IX provides additional information that is not generally applicable to all HMA projects. This section supplements the information provided in Parts I through VIII and does not provide all of the information necessary to apply for funding for any type of project.

A. Property Acquisition and Structure Demolition or Relocation for Open Space

This section supplements the information provided in Parts I through VIII.

For property acquisition and structure demolition or relocation projects for the purpose of open space, Applicants and subapplicants must comply with 44 CFR Part 80, FEMA Property Acquisition and Relocation for Open Space and this guidance. A project may not be framed in a manner that has the effect of circumventing these requirements.

A.1 Overview

Generally, FEMA-funded property acquisition and structure demolition or relocation projects for open space consist of a community purchasing floodprone structures from willing sellers and either demolishing the structures or relocating the structures to a new site outside of the floodplain. The purchased property is then maintained for open space purposes in perpetuity in order to restore and/or conserve the natural floodplain functions. While some communities may elect to develop a new site outside of the floodplain for participating residents to move to, FEMA encourages communities to opt for the simpler acquisition and structure removal model. These projects require only minimal environmental review, are considerably less expensive, and allow homeowners to determine where to relocate.

Because Federal law requires properties acquired with FEMA funds for this project type to be maintained as open space in perpetuity, Grantees and subgrantees are responsible for oversight in ensuring and enforcing proper land use, and for coordinating with FEMA on any future land use or property disposition issues.

During development of a project for open space, property owners are responsible for notifying the subapplicant of their interest in participating in the proposed project. They must provide all requested information to the subapplicant, and they must take all required actions necessary for completing the grant subapplication and for implementing the property acquisition and structure demolition or relocation activities.

A.2 Eligible Activities

To be eligible, the subapplicant must acquire the [full] fee title (but for easements and encumbrances FEMA determines to be compatible) of properties from willing, voluntary sellers, or retain such interest. The subapplicant must commit not to use eminent domain should the property owner choose not to participate, and must verify that the property is not needed as a part of an intended planned project. Once funds are awarded, a property may not be subdivided prior to acquisition, except for portions outside the identified hazard area, such as the SFHA or any risk zone identified by FEMA.

Properties that are eligible for acquisition include those where:

- The property will be acquired from a willing, voluntary seller;
- The property contains a structure that may or may not have been damaged or destroyed due to an event;
- All incompatible easements or encumbrances can be extinguished;
- The property is not contaminated with hazardous materials at the time of acquisition, other than incidental demolition or household waste; and
- The property is not part of an intended, planned, or designated project area for which the land is to be acquired by a certain date, and/or where there is an intention to use the property for any public or private future use inconsistent with the open space deed restrictions and FEMA acquisition requirements (examples include roads and flood control levees).

Acquisitions in CBRS units and OPAs are eligible only under PDM, FMA, SRL, and RFC, but not under HMGP, and only if the projects are otherwise eligible under the requirements in 44 C.F.R. and this guidance. In addition, acquisitions are eligible only if they qualify for one of the exceptions in section 6 of CBRA, 16 U.S.C. 3505. That is, acquisitions are eligible if they are consistent with the purposes of the CBRA, and qualify as projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, as provided in 16 U.S.C. 3505 (a)(6)(A). Acquisitions are also subject to the regulatory restrictions of allowable uses under 44 C.F.R. Section 80.19

Any relocated structure must be placed on a site located outside of the SFHA, outside of any regulatory erosion zones or other mapped hazard areas, and in conformance with any other applicable State or local land use regulations.

A.3 Open Space Restrictions

To be eligible, a project must result in property acquisition and structure demolition or relocation that meets all of the requirements of 44 CFR Part 80 and this guidance governing the use of grant funds and the use of acquired real property, including:

- The subgrantee will dedicate and maintain the property in perpetuity for uses compatible with open space, recreational, or wetlands management practices, and consistent with conservation of natural floodplain functions, by recording deed restrictions consistent with the FEMA Model Deed Restriction;
- No new structures will be built on the property except as indicated below:
  - Public buildings that are open on all sides and functionally related to a designated open space or recreational use;
  - Public restrooms;
  - Structures that are compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which the FEMA Regional Administrator approves in writing before the construction of the structures begins; or

- Any structures built on the property according to the subparagraphs above will be elevated or floodproofed to the BFE plus 1 foot of freeboard and meet applicable requirements of the NFIP floodplain management regulations at 44 CFR Section 60.3;

- Allowable land uses for properties acquired for open space under **PDM**, **FMA**, **RFC**, and **SRL** projects within CBRS units and OPAs are identified in Part IX A.15. FEMA may prohibit additional post-acquisition uses it determines, in consultation with U.S. Fish and Wildlife Service (USFWS), inconsistent with the purposes of the CBRA;
- After settlement, no Federal disaster assistance for any purpose from any Federal source, nor flood insurance payments, may be made with respect to the property, and no person or entity shall seek such amounts;
- The subgrantee must obtain the approval of the Grantee and the FEMA Regional Administrator before conveying ownership (fee title) of the property to another public agency or qualified conservation organization. Property transfer to private citizens and corporations will not be approved. The transferee must be another public entity or a qualified conservation organization. All development rights in the form of a conservation easement on the property must be conveyed to the conservation organization or retained by the subgrantee or other public entity; and
- By accepting grant funds, the subgrantee accepts responsibility for monitoring and enforcing the deed restriction and/or easement language.

The open space restrictions described above and included in 44 CFR Section 80.19 apply to all FEMA-funded property acquisitions for the purpose of open space, regardless of when the application period opened, when the Presidential major disaster was declared, or when the property was acquired.

For managing open space after a property acquisition and structure demolition or relocation project is implemented, see Parts IX A.17 through A.20. For the FEMA Model Deed Restriction and other Acquisition Project Resources, see Part X C.10.

A.4 Application Information

Subapplicants are responsible for meeting the requirements and timeframes specified at 44 CFR Section 80.13, and must provide information necessary for the Applicant and FEMA to determine the eligibility of the project, as specified in the subapplication package. This includes project and property-specific information as described in Part IV H.1.1, such as project description and property information (including EHP information). FEMA may request additional information after subapplications are submitted to ensure that all necessary information is received. However, all information required by the regulations and this guidance must be received before a funding decision and award or final approval can be made.

A.4.1 Project Scope of Work

The SOW must include the following additional information at the time the subapplication is submitted:

- For all HMA programs, the project cost estimate must include the value of each property (pre-event or current, as appropriate); in all cases, documentation of the current market value is also required; and

- The subgrantee must identify, in the subapplication SOW, an appeal or reconsideration process for property owners who dispute the amount of the purchase offer property valuation.

A.4.2 Assurances

Subapplicants are responsible for meeting the requirements and timeframes specified at 44 CFR Section 80.13, and must provide information necessary for the Applicant and FEMA to determine the eligibility of the project, as specified in the subapplication package. Subapplicants requesting assistance for property acquisition and structure demolition or relocation must include a written Statement of Assurances in their subapplications. Property acquisition and structure demolition or relocation projects without these formal assurances will not be considered for funding. The FEMA Statement of Assurances must be signed by the subapplicant's authorized agent. The Statement of Assurances must provide acknowledgement of, and agreement to, the requirements identified in the model Statement of Assurances available at: http://www.fema.gov/government/grant/resources/acq_assurances.shtm.

Subapplications that do not include a signed FEMA Statement of Assurances acknowledging these requirements are incomplete, and will not be considered for funding.

A.4.3 Deed Restriction Language

The subapplication must also include a sample of the deed restriction (not including property specific details) that the subapplicant intends to record with each property deed. The sample must be consistent with the FEMA Model Deed Restriction. The FEMA Model Deed Restriction is available on the FEMA Web site at http://www.fema.gov/government/grant/resources/hma_deed_restriction.shtm. The subapplicant must seek approval from the FEMA Office of Chief Counsel, through the FEMA Regional Office, for any changes in language differing from the Model Deed Restriction language. Changes may be made to comply with local legal form requirements, but changes to substantive, programmatic provisions will not be entertained.

For all acquisitions for open space in CBRS units and OPAs the subapplicant must include a sample of the deed restriction for review and approval from the FEMA Office of Chief Counsel, through the Regional Office to ensure compliance with all deed restriction requirements specific to these areas.

A.4.4 Individual Property Documentation

The following application information involves obtaining documentation of the individual property site or of coordination with individual property owners, and must be submitted during the application process.

A.4.4.1 Documentation of Voluntary Interest

Documentation of voluntary interest signed by each property owner must be submitted as specified in 44 CFR Section 80.13. This documentation should be accomplished as early in the project development process as is feasible. Participation in property acquisition and structure demolition or relocation projects by property owners is voluntary. The prospective participants must be informed in writing that participation in the program is voluntary, and that the subapplicant will not use its eminent domain authority to acquire their property for the project purposes should negotiations fail and the property owner chooses not to participate.

The Notice of Voluntary Interest can be documented using individual signed statements, or through a group sign-up sheet (as identified in the examples cited below). The documentation must record the name and signature of interested property owners associated with each property and must also clearly show each property owner acknowledging the following language:

> *This project for open space acquisition is voluntary and neither the [Applicant] nor the [subapplicant] will use its eminent domain authority to acquire the property for open space purposes should negotiations fail and the property owner chooses not to participate.*

Example Notices of Voluntary Interest are available at:
http://www.fema.gov/government/grant/resources/vol_notice1.shtm and
http://www.fema.gov/government/grant/resources/vol_notice2.shtm.

For the **SRL** program, documentation of voluntary interest from each property owner may be documented in the Consultation Agreement and included with the project subapplication (see Part VIII E.7).

During the implementation of the project, the subgrantee shall execute a more formal Statement of Voluntary Participation with the owner of each property identified in the subapplication Statement of Work (see Part IX A.10).

A.4.4.2 Certification of Owner Status for Pre-event Value

The subapplicant must provide certification from each property owner that the property owner is a National of the United States or qualified alien (refer to Part IX A.11.3 for additional information) before the property owner can receive pre-event value for the property. Subgrantees will offer participants who refuse to certify, or who are not Nationals of the United States or qualified aliens, no more than the appraised current market value for their property.

A.4.5 Consultation Regarding Other Ongoing Federal Activities

Because properties acquired under HMA programs must be permanently converted to open space and will be unavailable for future development, subapplicants must coordinate in accordance with 44 CFR Section 80.13 to ensure that other Federal actions are not anticipated that would affect the same parcels considered for acquisition for open space.

The subapplicant will need to forego an open space acquisition project and pursue other mitigation project options if it finds that other Federal activities are planned in the proposed project area. If the subapplicant proceeds with the acquisition project, it must include documentation of its coordination under this section in its subapplication.

A.4.5.1 U.S. Army Corps of Engineers

The subapplicant must demonstrate in its subapplication for mitigation assistance that it has consulted with USACE regarding each subject property's potential future use for the construction of a flood levee system (including berms, floodwalls, or dikes) and that USACE will reject future consideration of such use if the subapplicant accepts FEMA assistance to convert the property to permanent open space. FEMA will not award funds for any property without this documentation. The construction of flood levee systems on these lands is incompatible with open space uses and, therefore, will not be allowed. This restriction generally does not apply to structures for ecosystem preservation, restoration, or enhancement.

If this initial level of consultation with the subapplicant indicates that the local government wishes to consider a flood damage reduction levee in the area, the subapplicant or local government must then undertake an expanded consultation process with the Applicant, FEMA, and USACE. The consultation will involve the identification and full consideration of future potential land use conflicts to enable the local government to make an informed decision regarding how it should proceed. There may be situations where the local government may be able to pursue both the open space acquisition and flood damage reduction levee projects in the same community without any land use conflicts (i.e., the levee will not cross acquired land). If, however, the local government determines that such conflicts cannot be resolved and chooses to pursue the USACE flood damage reduction levee, the local government must notify FEMA, through the Applicant, that it will not submit a subapplication for FEMA mitigation grant funding for property acquisition and structure demolition or relocation.

If the local government decides to pursue a property acquisition and structure demolition or relocation project following the consultation process, the subapplicant will include in its subapplication assurances, a resolution, or an equivalent document adopted by the governing body of the local government that indicates:

- In consultation with USACE, the local government has addressed and considered the potential future use of these lands for the construction of flood damage reduction levees, and has chosen to proceed with acquisition of permanent open space; and
- The local government understands that land acquired for open space purposes under the relevant mitigation grant program will be restricted in perpetuity to open space uses and will be unavailable for any use that is incompatible with the open space and floodplain purposes designated for the property, including the construction of flood damage reduction levees, paved roads, and other development.

A.4.5.2 Department of Transportation

The subapplicant must demonstrate in its subapplication for mitigation assistance that it has coordinated with the relevant State Department of Transportation (DOT) to ensure that no future, planned improvements or enhancements to the Federal aid systems, or other State transportation projects, are presently under consideration (i.e., as identified in any planning or future use documents) that will affect the proposed project area. The construction of such improvements, enhancements, or projects on these lands is incompatible with open space uses and, therefore, will not be allowed.

A.4.5.3 Other Federal Agencies

The Applicant and subapplicant must demonstrate in the application/subapplication for mitigation assistance that they have consulted with other Federal agencies, as appropriate, regarding other program requirements and/or activities, and identified the relationship to FEMA mitigation grant activities and funding. Other Federal agencies' requirements may apply to the mitigation grant activities if other agency funds are used for activities related to the project in the community, or to match the mitigation grant funding, such as CDBG funds. In the limited cases when another Federal agency's funds may be used to contribute to the non-Federal share of a FEMA-funded mitigation project, both programs' requirements apply to the whole project. The Applicant is responsible for coordinating the various programs available within the State. It is important to include local program representatives. Therefore, it is important to coordinate

approaches and schedules with other programs involved. The objective should be to make the process as simple and consistent as possible for subapplicants and property owners.

A.4.6 Consultation Regarding Properties Located within the CBRS or OPAs

As required by section 6 of the CBRA, the FEMA Regional Administrator will consult with the designated representative of the Department of the Interior (DOI) at the regional level before approving any action involving the acquisition for open space of a structure on or attached to a unit of the CBRS or an OPA.

The consultation will be by written memorandum to the DOI representative and will contain the following:

- Identification of the unit within the CBRS;
- Description of the structure and the property to be acquired, demolished or relocated; including identification of the structure as an exception under section 6 of CBRA; and full justification of its status as an exception;
- Amount of proposed Federal funding;
- Additional mitigation measures required, if any; and
- A determination of the action's consistency with the purposes of CBRA, if required by these regulations, in accordance with 44 CFR Section 206.349.

Pursuant to FEMA understanding with DOI, the DOI representative will provide technical information and an opinion whether or not the proposed action meets the criteria for a CBRA exception, and on the consistency of the action with the purposes of CBRA (when such consistency is required). DOI is expected to respond in a timely manner from the date of the FEMA request for consultation. If a written response is not received, the FEMA Regional Administrator will contact the DOI representative to determine if the request for consultation was received.

For those cases in which the regional DOI representative believes that the proposed action should not be taken and the matter cannot be resolved at the regional level, the FEMA Regional Administrator will submit the issue to the Director, Office of Environmental Planning and Historic Preservation, Federal Insurance and Mitigation Administration. In coordination with the FEMA Office of Chief Counsel, consultation will be accomplished at FEMA Headquarters with the DOI consultation officer. After this consultation, the Director, Office of Environmental Planning and Historic Preservation, Federal Insurance and Mitigation Administration, determines whether or not to approve the proposed action.

A.5 Allowable Costs

Allowable costs are those costs that are necessary and reasonable for the proper and efficient performance and administration of the Federal award. Allowable costs for property acquisition and structure demolition or relocation projects for open space depend upon the scope of the project.

- The following costs associated with the acquisition of hazard-prone real property and the demolition of structures are generally allowable:

- Market value of the real property (land and structures) either at the time of sale or immediately prior to the most recent disaster or flood event, subject to applicable adjustments. However, for land already owned by an eligible entity, compensation will be for the structure and for development rights only, not for the land. This includes any entity eligible to apply for grant or subgrant funding under the relevant funding program, even if they are not the Applicant or subapplicant for the project;
- Fees for necessary appraisal costs, title search, title insurance, property inspection, and survey (if necessary);
- Fees associated with title transfer, contract review, and other costs associated with conducting the real estate settlement including recordation of the deed and deed restrictions; and
- Demolition, site restoration, and site stabilization for the acquired site.

♦ The following costs associated with the acquisition of hazard-prone property and relocation of structures are generally allowable:

- Market value of the real property (land only). However, for land already owned by an eligible entity, compensation will be for the development rights. This includes any entity eligible to apply for grant or subgrant funding under the relevant funding program, even if they are not the Applicant or subapplicant for the project;
- Fees for necessary appraisal costs, title search, title insurance, property inspection, and survey (if necessary);
- Fees associated with title transfer, contract review, and other costs associated with conducting the real estate settlement, including recordation of the deed and deed restrictions;
- Jacking and moving of a structure to a new site;
- The reasonable cost of disassembling, moving, and reassembling any attached appurtenances, such as porches, decks, skirting and awnings;
- Necessary individual site preparations including foundation, water, sewer, and utility hookups; and
- Demolition, site restoration, and site stabilization for the acquired site.

♦ In addition to the cost of demolition, the following costs of demolition activities at the vacated site are generally allowable if necessary for open space property acquisition with either structure demolition or relocation:

- Removal of demolition debris and household hazardous wastes to an approved landfill (this includes debris from the demolition of houses, garages, driveways, sidewalks, and above-grade concrete slabs);
- Abatement of asbestos and/or lead-based paint;
- Removal of septic tanks (if not removed, floors and walls must be cracked or crumbled so the tank will not hold water, and be filled with sand or other clean fill);

- Permitted disposal of fuel tanks that support a residential use only;
- Removal of all structure foundation and basement walls to at least 1 foot below the finish grade of the site;
- Filling of basements with compacted clean fill (basement floors must have a minimum 1-foot-diameter hole in the floor to allow for drainage);
- Removal of only those trees that restrict the demolition work on any structure;
- Termination of all abandoned utilities at least 2 feet below the finish grade of the site;
- Capping of all wells and/or removal of associated components; and
- Grading, leveling, and site stabilization of all demolition sites.

In addition to the allowable costs identified above, in exceptional circumstances there may be a significant shortfall between the amount the subgrantee pays an owner for his/her damaged residence and the cost of a comparable replacement home in a non-hazard-prone location. In that case, an allowable project cost up to $22,500 per property may be provided to the owner-occupants to apply to the shortfall.

A.6 Property-Related Costs that Are Not Allowable

Costs that are not allowable under HMA programs include, but are not limited to, the following:

- Compensation for land that is already held by an eligible entity. This is the case even if the eligible entity is not the subapplicant for the project. In that event, however, compensation for development rights (i.e., obtaining an open space easement) may be an allowable cost;
- The cleanup or remediation of contaminated properties, except for permitted disposal of incidental demolition, household hazardous wastes, and fuel tanks that support a residential use only; and
- Aesthetic improvements and landscaping, new site property acquisition, or public infrastructure and utility development.

A.7 Relocation and Removal of Existing Buildings

As part of an open space acquisition and demolition or relocation project, existing buildings must be removed and/or disposed of in accordance with applicable laws within 90 days of closing and settlement of the property acquisition transaction. The FEMA Regional Administrator can only grant an exception to this requirement in accordance with 44 CFR Section 80.17(d). If numerous properties are purchased on different dates, the Grantee and subgrantee are still responsible for structure removal within 90 days of settlement for each individual property. This exception can be granted for multiple properties within a single project when the properties are individually identified and the need for an exception is justified, in accordance with the regulations. As part of an open space acquisition and relocation project, all relocated structures must be placed on a site outside of an SFHA, outside of any regulatory erosion zones at a distance at least 60 times the average annual erosion rate measured from an appropriate “erosion reference feature” and any other identified hazard areas. The owner shall ensure the building is brought into compliance with all applicable laws and regulations.

As part of an open space acquisition and demolition project, existing buildings must be demolished (resulting in the permanent destruction of each structure) and disposed of in accordance with applicable laws.

In certain disaster-related instances, the demolition and debris removal related to acquired structures may be eligible for reimbursement under the FEMA Public Assistance program if the structures represent a health and safety hazard as a result of the disaster. States/Grantees and subgrantees should coordinate with the appropriate FEMA Regional Office for more information and to determine whether these costs are eligible under that program. If the costs of demolition do not qualify for Public Assistance program funding, they are eligible project costs under the relevant mitigation grant program. If any parts of the structure are sold for salvage value, this amount shall reduce the total cost of the project before cost shares are calculated.

A.8 Hazardous Materials

In accordance with 44 CFR Section 80.11(e), properties that are contaminated with hazardous materials are not eligible for acquisition. The subgrantee must take steps to ensure that a property with past or present commercial or industrial use and adjacent properties suspected of having hazardous materials at the site are not contaminated at the time of acquisition. If the subapplication is selected, the subgrantee must meet the requirements of EPA's "all appropriate inquiries" rule, 40 CFR Part 312, including contracting with an appropriate qualified environmental professional for a Phase I Environmental Site Assessment Process, as defined by that rule, or by conducting an inquiry and providing a declaration certifying the inquiry and evaluation. Any assessment must be in accordance with the procedures of ASTM International Standard E1527-05 or E2247-08. The costs for meeting these requirements are considered eligible project costs if such costs are included in the project's budget. In accordance with these criteria, and 44 CFR Section 80.17(a), the subgrantees shall:

- Conduct interviews with past and present owners, operators, and occupants;
- Search for recorded environmental cleanup liens;
- Review Federal, Tribal, State, and local government records; and
- Conduct visual inspections of the facility and of adjoining properties.

The purpose of this process is to seek to identify conditions indicative of releases and threatened releases of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property by gathering the following types of information about the subject property:

- Current and past property uses and occupancies;
- Current and past uses of hazardous substances;
- Waste management and disposal activities that could have caused releases or threatened releases of hazardous substances;
- Current and past corrective actions and response activities undertaken to address past and ongoing releases of hazardous substances;
- Engineering controls;

- Institutional controls; and
- Properties adjoining or located nearby the subject property that have environmental conditions that could have resulted in conditions indicative of releases or threatened releases of hazardous substances to the subject property.

The subgrantee must seek to gather all information that is publicly available, obtainable from its source within reasonable time and cost constraints, and which can practicably be reviewed.

If the Phase I "all appropriate inquiries" report identifies the presence of hazardous substances, pollutants, contaminants, petroleum and petroleum products, or controlled substances on, at, or in the subject property, the subgrantee shall require the owner to remove such materials in accordance with any applicable Federal, State, Tribal, or local requirements. The costs of a Phase II Environmental Site Assessment to evaluate suspected areas and to identify the nature and extent of contamination on, at, in, or to the property are not eligible mitigation grant project costs.

If the "all appropriate inquiries" report identifies the past release of hazardous substances, pollutants, contaminants, petroleum and petroleum products, and controlled substances on, at, in, or to the subject property, the subgrantee shall require the owner to provide a clean-site certification. The clean-site certification must be provided before the subgrantee can purchase any interest in the property. The seller must also agree to indemnify the Grantee, FEMA, and the subgrantee for any liability arising from previous contamination of the property. The cost of Phase III Environmental Site Assessment remediation plans, cleanup, and certification of the property are not eligible mitigation grant project costs.

A.9 Clear Title

The subgrantee shall conduct a title search for each property it plans to acquire. The purpose of the title search is to ensure that the owner is the sole and actual titleholder to the property, or identify other persons with a property interest, and to ensure that the title is clear. This means that there are no mortgages or liens outstanding upon sale of the property. In addition, there may not be incompatible easements or other encumbrances to the property that would make it either ineligible for acquisition or noncompliant with open space land use restrictions.

Other requirements include:

- A title insurance policy demonstrating that clear title conveys must be obtained for each approved property that will be acquired;
- A physical site inspection for each property verifying no physical encumbrances to the property (where appropriate this may require a site survey to clearly establish property boundaries);
- Title to the property must transfer by a warranty deed in all jurisdictions that recognize warranty deeds;
- All incompatible easements or encumbrances must be extinguished;
- The subgrantee shall take possession at settlement;
- The subgrantee must record the deed at the same time as and along with the programmatic deed restrictions;

- The deed transferring title to the property and the programmatic deed restrictions will be recorded according to State law and within 14 days after settlement; and
- All property transfers shall be consistent with 44 CFR Part 80 and this guidance.

A.10 Statement of Voluntary Participation

The Statement of Voluntary Participation documents more formally the Notice of Voluntary Interest, as well as documenting information related to the purchase offer. The Statement of Voluntary Participation is available on the FEMA Web site: http://www.fema.gov/government/grant/vol_participation.shtm. The subgrantee shall provide to FEMA a signed copy of the Statement of Voluntary Participation for each property after award. For further information on documentation of voluntary interest, see Part IX A.4.4.1. For further information on the purchase offer, see Part IX A.11.

Participation is not voluntary for tenants of properties to be acquired; for information about considerations for tenants, see Part IX A.12.

A.11 Final Mitigation Offer

The final Mitigation Offer to a property owner is based upon the value assigned to a property ("purchase offer") and applicable additions and deductions. Deductions to the purchase offer may include DOB deductions, and additions may include any supplemental housing or insurance incentive payments. The subgrantee must ensure that all property owners are treated fairly, and are offered an equitable package of benefits. The subgrantee (using a Statement of Voluntary Participation) shall inform each property owner in writing of the market value (pre-event or current) of the property, and the method used to determine the final Mitigation Offer.

If several different entities or programs are acquiring property in the same area, property owners may find it confusing if different offers are made to area owners at different times. To avoid any negotiation difficulties or confusion, the subgrantee should coordinate the release of property valuation information and purchase offers to property owners for the various programs. The subgrantee may wish to set a time limit with the property owner for the validity of a purchase offer. The subgrantee must provide an appeal or reconsideration process for property owners who dispute the amount of the purchase offer property valuation.

Purchase offers made under the **SRL** program have different requirements than those made under other FEMA mitigation grant programs and, in addition to the following requirements, must comply with the offer requirements identified in Part VIII E.8. The purchase offer of an severe repetitive loss property must be the greatest of the following amounts:

- The current market value of the property or the pre-event market value of the property;
- The original purchase amount paid by the property owner holding the flood insurance policy as demonstrated by property closing documents; and
- The outstanding amount of any loan to the property owner, secured by a recorded interest in the property at the time of the purchase offer.

When determining value based on the outstanding amount of loans to the property owner for the SRL program, the loans must be secured by a recorded interest in the property at the time of the purchase offer and the value shall not include home equity loans or lines of credit secured after

the property owner signs the Pre-Award Consultation Agreement. Any loans secured after the property owner signs the Pre-Award Consultation Agreement are not eligible.

A.11.1 Purchase Offer: Value of the Property

For each property identified for acquisition, the subgrantee shall establish and document a property value based on market value, which is defined as:

> The amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the valuation, after a reasonable exposure time on the open competitive market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the valuation.

Current market value reflects the property value at the time of the final Mitigation Offer. Pre-event market value is defined as the market value of the property immediately before the relevant event affecting the property. For **HMGP**, the relevant event for assistance is the major disaster under which funds are available. For the **PDM** program, pre-event market value is the value before the most recent major disaster; however, if the project is occurring separate from or more than 12 months after a disaster event, the current market value may be more appropriate. For the **FMA**, **RFC**, and **SRL** programs, the pre-event market value is defined as the value of the property immediately before the most recent flood event resulting in an NFIP claim of at least $5,000.

The benefit of payment of pre-event market value is only available to an owner who owned the property during the event and is a U.S. National or qualified alien. If the current property owner purchased or took possession due to default or foreclosure of the disaster-damaged property after the major relevant event, or is not a U.S. National or qualified alien, then the subgrantee shall not offer the owner more than the current market value.

Typically, property acquisition and structure demolition or relocation projects require the valuation of the property (land and structure as a whole). In situations where an eligible entity already owns the property but wants to deed-restrict it, valuation will be for the structure and development rights instead of for the land. Relocation projects require the valuation of land only.

A.11.2 Valuation Methodologies

The appraisal methodology shall be used to determine property value. Appraisals must be conducted by an appraiser in accordance with the Uniform Standards of Professional Appraisal Practice. The appraiser must comply with relevant State laws and requirements, and shall have the appropriate certification, qualifications, and competencies based on the type of property being appraised. The subgrantee must coordinate with the Grantee to determine the assumptions that will be used in the appraisal (i.e., current or pre-event market value). These assumptions must be applied consistently throughout the project area for all properties to be acquired.

When determining value for a large number of structures, the subgrantee may choose to perform appraisals to establish a statistical sampling of property values, and develop an adjustment factor to apply to tax-assessed values so that they reasonably reflect each property's market value.

Potential deductions from and additions to the purchase offer must also be considered (see Part IX 11.4 and 11.5).

A.11.3 Purchase Offer and Nationality

A property owner who is not a National of the United States or a qualified alien is not eligible for a pre-event market value determination of property value. The property value must be based on current market value.

The term "National of the United States" is defined at 8 U.S.C. Part 1101 and means a citizen of the United States or a person who is not a citizen but who owes permanent allegiance to the United States. The term "qualified alien" is defined at 8 U.S.C. Part 1641 and means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is:

1. An alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act [8 U.S.C. Part 1101 et seq.];
2. An alien who is granted asylum under Section 208 of such Act [8 U.S.C. Part 1158];
3. A refugee who is admitted to the United States under Section 207 of such Act [8 U.S.C. Part 1157];
4. An alien who is paroled into the United States under Section 212(d)(5) of such Act [8 U.S.C. Part 1182 (d)(5)] for a period of at least 1 year;
5. An alien whose deportation is being withheld under Section 243(h) of such Act [8 U.S.C. Part 1253] (as in effect immediately before the effective date of Section 307 of division C of Public Law 104–208) or Section 241(b)(3) of such Act [8 U.S.C. Part 1231 (b)(3)] (as amended by Section 305(a) of division C of Public Law 104–208);
6. An alien who is granted conditional entry pursuant to Section 203(a)(7) of such Act [8 U.S.C. Part 1153 (a)(7)] as in effect prior to April 1, 1980; or
7. An alien who is a Cuban and/or Haitian entrant (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980).

Prior to award or final approval, subgrantees will ask all property acquisition and structure demolition or relocation project participants (property owners) to certify that they are either a National of the United States or a qualified alien. Subgrantees will offer participants who refuse to certify, or who are not Nationals of the United States or qualified aliens, no more than the appraised current market value for their property. Participants who refuse to certify or are not Nationals of the United States or qualified aliens may not receive supplemental housing payments.

Subgrantees may wish to use FEMA Form 90-69B, Declaration and Release, to obtain certification from participating property owners. At the time of certification, the subgrantee will ask the property owner to show a form of identification (any government-issued identification displaying the signer's name will suffice). If the property owner applied for FEMA disaster assistance, a Form 90-69B will already be on file at FEMA and the subgrantee will instead request verification from FEMA through the Grantee that a certification is on file.

A.11.4 Deductions from Purchase Offer

The Grantee, subgrantee, and the property owner must identify any potential DOB. FEMA will deduct other available benefits from the purchase offer. Some examples when DOB may occur in a property acquisition and structure demolition or relocation project include the following:

- The subgrantee offers full pre-event market value but the property owner has received insurance, loans, repair grants, compensation in compliance with a court order, or other assistance available to them to help address damages to the structure regardless of whether such benefits were sought or received. This is because payment of full pre-event market value compensates the owner for the loss of value that has occurred;
- The subgrantee offers full pre-event value, but legal claims are appropriate or legal obligations arise in connection to the property that may provide a benefit to the property owner. Parties involved in pending legal disputes must take reasonable steps to recover benefits available to them; and
- Relocated tenants receive relocation assistance and rental assistance but have received payments for the same purpose as part of the disaster assistance provided by any agency or payments from any other source. Any acquisition-related assistance provided to tenants must be reduced accordingly. However, tenant-related DOB deductions do not affect amounts available to the property owner.

For property valuations based on pre-event market value, the following procedures assist in preventing mitigation grant funds from duplicating benefits available from other sources:

- The subgrantee establishes the purchase offer property value as of a certain date;
- The subgrantee provides to the Grantee a list of property owners participating in the property acquisition and structure demolition or relocation project and a list of tenants that may be affected by the acquisition;
- The Grantee and FEMA inform the subgrantee of the amount of repair or replacement assistance (grants and/or SBA loans) available to each property owner, and rental or relocation assistance available to tenants. FEMA shall provide to the Grantee and subgrantee NFIP coverage information, including the amount paid on a claim and the amount of coverage available;
- The subgrantee coordinates with property owners who shall disclose all potential amounts available to them for the same purpose, as described above, including repair or replacement assistance received (grants and/or SBA loans), all insurance benefits available to them under an existing policy (whether they submitted a claim or not), and any potential recovery based on litigation or other legal obligations. The property owner must take reasonable steps to recover such amounts. Amounts that are reasonably available to the property owner shall be treated as benefits available for the same purpose, even if the property owner did not seek them. The subgrantee shall coordinate with tenants who shall disclose any amounts received from rental or relocation assistance;
- Property owners who have an SBA loan will have to repay the loan or roll it over to a new property at closing as part of the settlement of the property acquisition transaction; and

- The subgrantee identifies any other potential sources of benefits to the subgrantee, property owner, or tenant.

The subgrantee shall reduce the purchase offer by the amount of any duplicating benefits. Deductions are not taken, however, for amounts the owner can verify with receipts that were expended on repairs or cleanup (subgrantees may not credit homeowners for the homeowners' own labor hours for repair work).

For any insurance payments made for which the purpose is unspecified, property owners may submit either 1) an affidavit stating that the unspecified settlement will be used for personal property replacement, or 2) documentation from the insurance company specifying the type of losses covered by the previously unspecified settlement. In the case of an affidavit, upon receipt of the affidavit from the homeowner, the Grantee and subgrantee will treat the payment as a personal property settlement that is not subject to the DOB deductions process.

A.11.5 Additions to Purchase Offer

If a purchase offer for a property is less than the cost for the property owner to purchase a comparable replacement dwelling in a non-hazard-prone site in the same community, the Grantee and subgrantee may choose to make available a supplemental payment of up to $22,500 for the property owner to apply to the difference. Subgrantees should consider the cost of relocating to a permanent residence that is of comparable value and that is functionally equivalent. To receive supplemental payment, the Grantee and subgrantee must demonstrate that all of the following circumstances exist:

- Decent, safe, and sanitary housing of comparable size and capacity is not available in non-hazard-prone sites within the community at the anticipated acquisition price of the property being vacated; and/or
- The project would otherwise have a disproportionately high adverse effect on low-income or minority populations because project participants within those populations would not be able to secure comparable decent, safe, and sanitary housing; and
- Funds cannot be secured from other more appropriate sources, such as housing agencies or voluntary groups.

For **SRL,** property owners that receive additional amounts of SRL funds to cover the original purchase price of the property, or to cover mortgages or other loans, are generally not eligible to receive supplemental housing payments.

For **HMGP,** the Grantee has the option to allow subgrantees to provide a credit to property owners with flood insurance. In this case, the subgrantee would provide an incentive payment in an amount equal to up to 5 years of flood insurance premiums actually paid by the current property owner for an NFIP Policy for structure coverage.

A.12 Tenants

Although the property owner must voluntarily agree to participate in the open space project, participation is not voluntary for residential and business tenants and owners of mobile homes who rent homepads (homepad tenants) and who must relocate as a result of acquisition of their housing. Therefore, these tenants are entitled to assistance as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended. The Act is

implemented at 49 CFR Part 24. (Owners participating in FEMA-funded property acquisition and structure demolition or relocation projects are not entitled to relocation benefits because the voluntary program meets URA exceptions.) URA relocation benefits to displaced tenants include moving expenses, replacement housing rental payments, and relocation assistance advisory services. This includes owners of manufactured homes who lease the pad site.

The amount of assistance the subgrantee must pay to the tenant is described at 49 CFR Part 24, Subpart E. An eligible displaced tenant is entitled to:

- Reasonable out-of-pocket (or fixed schedule) moving expenses; and
- Compensation for a reasonable increase in rent and utility costs incurred in connection with the relocation in certain circumstances.

Relocation assistance payments for tenants are intended to ensure that these individuals are able to relocate to decent, safe, and sanitary comparable replacement dwellings outside the floodplain or hazard area. If a tenant chooses to purchase a replacement dwelling, the tenant may apply the amount of rental assistance to which he or she would be entitled towards the down payment. Similarly, if a mobile home owner who rents a homepad chooses to purchase a replacement pad or lot, the mobile home owner may apply the amount of rental assistance to which he or she would be entitled towards the down payment.

However, mitigation grant funding is supplemental to other primary funding sources and must be reduced by amounts reasonably available (even if not sought or received) from other sources, such as insurance and other funds to address the same purpose or loss. A DOB may occur when relocated tenants receive relocation assistance and rental assistance if they have received payments for the same purposes as part of the disaster assistance provided by FEMA, the Grantee, and/or other sources. DOB verification shall focus on the assistance provided through the FEMA disaster assistance programs, including temporary housing and rental assistance and/or funds from *any* other sources. The Grantee and FEMA shall inform the subgrantee of the amount and source of any such assistance provided to tenants who may be displaced by a property acquisition and structure demolition or relocation project. Any acquisition-related assistance provided to tenants must be reduced accordingly. This also affects the total eligible costs allowable for the project (see Part IX A.11.4). Tenant-related DOB deductions do not affect amounts available to the property owner.

A person who is an alien not lawfully present in the United States is not eligible to receive URA relocation benefits or relocation advisory services. FEMA may approve exceptions if unusual hardship to the alien's spouse, parent, or child, who *is* a U.S. citizen or an alien admitted for permanent residence, would otherwise result. Subgrantees will ask tenants who are potential recipients of URA assistance to certify that they are a U.S. citizen or are lawfully present in the United States. Subgrantees will not provide URA assistance to participants who refuse to certify or who are not a U.S. citizen or lawfully present.

Refer to 49 CFR Part 24 for detailed instructions regarding implementation of URA requirements. Subgrantees shall closely coordinate with the Grantee and FEMA when implementing URA requirements. The State DOT is often a good resource in determining how to calculate the appropriate URA payment, since the Federal Highway Administration (FHWA) oversees applicability of the URA.

A.12.1 Rental Payments

A tenant displaced from a dwelling due to a federally funded property acquisition and structure demolition or relocation project is entitled to a rental increase payment if:

- That tenant rents or purchases and occupies a decent, safe, and sanitary replacement dwelling within 1 year after the date he or she moves out of the original dwelling; and
- The tenant occupied the displacement dwelling for the 90 days preceding the initiation of negotiations for acquisition of the property. The initiation of negotiations is defined as the first formal indication that the subgrantee wants to purchase a particular property. Any tenant who occupied the dwelling prior to a disaster event is usually eligible. The exception to this is if the project negotiations are unrelated to a disaster event or begin so long after the event that the event is no longer a relevant factor. If the dwelling is re-inhabited after the event, former tenants are generally not eligible (generally, a signed lease is preferable to prove tenancy; however, other documentation such as utility bills may be used to prove tenancy if a signed lease is not available due to the disaster event).

Compensation for rent increase is 42 times the amount that is obtained by subtracting the "base monthly rent" for the displacement dwelling from the monthly rent and average monthly cost of utilities for a comparable replacement dwelling, or the decent, safe, and sanitary replacement dwelling now occupied by the displaced person.

The "base monthly rent" for the displacement dwelling is the lesser of the average monthly cost for utilities plus the rent at the displacement dwelling as determined by FEMA, or 30 percent of the tenant's average gross household income. (The URA regulations define "tenant" as a person who has the temporary use and occupancy of real property owned by another.)

Subgrantees may exceed the limits identified in the URA regulations in extraordinary circumstances, if necessary to ensure that a displaced tenant will be able to obtain and retain a decent, safe, and sanitary (as defined at 49 CFR Section 24.2(a)(8)) comparable unit outside of the high-hazard area. A rental assistance payment may, at the subgrantee's discretion, be disbursed in either a lump sum or in installments. However, if any HUD programs are providing partial funding for the project, the subgrantee should verify those program requirements to ensure proper coordination with mitigation grant program requirements. The rental increase payment may not exceed a total of $5,250.

A.12.2 Homepad Tenants

Mobile home owners who lease a homepad and who must relocate to a new homepad as the result of acquisition of their pre-disaster homepad are also entitled to URA relocation benefits and replacement housing payments. Payments to mobile home owners shall not duplicate insurance payments or payments made by other Federal, State, local, or voluntary agencies. Complex situations involving FEMA mobile homes that have been donated to a State or local government and then sold to the mobile home owner should be directed to the appropriate FEMA Regional Office for eligibility determination and a calculation of benefits.

Displaced mobile home owners who rent their homepads are entitled to assistance as detailed below. However, only in rare cases may the combination of the two types of URA assistance exceed $22,500.

A.12.3 Homepad Rental Assistance

The displaced mobile home owner and homepad renter is entitled to compensation for rental and utility increases resulting from renting a comparable homepad and moving expenses as detailed in the section for tenants. Compensation for homepad rent increase is 42 times the amount that is obtained by subtracting the "base monthly rent" for the displacement homepad from the monthly rent and average monthly cost of utilities for a comparable replacement homepad. The rental increase payment may not exceed a total of $5,250. Displaced mobile homeowners are also entitled to one of the following:

- **Replacement Housing Assistance:** For URA purposes the displaced mobile home owner is considered to be involuntarily displaced from his or her residence due to the homepad owner (landlord) selling that property. Therefore, if the mobile home is purchased, the displaced mobile home owner is also entitled to replacement housing assistance to compensate for his or her need to find replacement housing. Compensation for mobile home replacement is equivalent to the amount that is obtained by subtracting the value of the displacement mobile home from the cost of a new replacement mobile home. In property acquisition and structure demolition or relocation projects where the mobile homes are intact and are being relocated to new homepads, there is no difference. The replacement housing payment may not exceed a total of $22,500. If the owner is also being compensated for homepad rental increase, then the combination of rental and relocation assistance may not exceed a total of $22,500; or
- **Costs to Move a Manufactured Home:** If the owner of a manufactured home wishes to move their existing home to a new site, rather than sell it, those moving costs are eligible. The reasonable cost of disassembling, moving, and reassembling any attached appurtenances, such as porches, decks, skirting and awnings, anchoring the unit, and utility hook-up charges are included.

A.12.4 Tenant Businesses

Tenant businesses that are involuntarily relocated due to a FEMA-funded property acquisition and structure demolition or relocation project are also entitled to URA benefits. Assistance provided to a tenant business cannot duplicate payments from insurance or any other source. Thus, SBA loans and other types of financial assistance received after the disaster would have to be factored out of benefits received under the URA. The Grantee and subgrantees should seek the assistance of the appropriate FEMA Regional Office in determining benefits for tenant businesses. Also, the State DOT can be a good resource for determining benefits for tenants, since the FHWA oversees applicability of the URA.

A.13 Property Acquisition Closeout

At completion of the grant/subgrant activity, FEMA and the Grantee shall verify that all required subgrant activities have been accomplished (in accordance with all programmatic guidance and proper grants management practices and 44 CFR Section 80.21), that all properties identified in the subapplication have been acquired, and that the Model Deed Restriction language was recorded with each corresponding deed. The subgrantee shall provide to FEMA through the Grantee the following property reporting requirement information:

- A photograph of the property site after project implementation;

- A copy of the recorded deed and attached deed restrictions for each property;
- Latitude and longitude coordinates of the property;
- Signed Statements of Voluntary Participation from the owner of each property identified in the subgrant SOW (see Part IX A.10); and
- For each property identified on the FEMA Repetitive Loss database, a completed FEMA Form AW-501, documenting the completion of mitigation on the repetitive loss property. The form is available on the FEMA Web site at http://www.fema.gov/government/grant/resources/aw501ins.shtm.

For more information about project closeout, see Part VI D.

A.14 Future Federal Benefits

After settlement of the property acquisition transaction, no disaster assistance for any purpose from any Federal entity may be sought or provided with respect to the property, and FEMA will not distribute flood insurance benefits for that property for claims related to damage occurring after the date of settlement in accordance with 44 CFR Part 80 requirements.

Also, crops for which insurance is not available will not be eligible for any disaster assistance and are grown at the farmer's risk. Payment through the Non-Insured Crop Disaster Assistance Program (NAP), 7 U.S.C. Part 7333, for damage to crops for which insurance is not available, is considered to be "disaster assistance," and as such will not be available to owners of open space-restricted land. However, benefits obtained through crop insurance programs offered under the Federal Crop Insurance Act, as amended, 7 U.S.C. Part 1501 et seq., are not considered "disaster assistance," and will be available to owners of open space-restricted land.

A.15 Open Space Land Use Requirements

Subgrantees must apply specific deed restriction language to all acquired properties to ensure the property will be maintained in perpetuity as open space and consistent with natural floodplain functions, as agreed by accepting FEMA mitigation grant funding. This is done for each property by recording the open space and deed restriction. Modifications to the Model Deed Restriction language can only be made with prior approval from the FEMA Office of Chief Counsel through the appropriate FEMA Regional Office.

Allowable land uses generally may include parks for outdoor recreational activities, wetlands management, nature reserves, cultivation, grazing, camping (except where adequate warning time is not available to allow for evacuation), unpaved surfaces, and other uses FEMA determines compatible with the grant and deed restrictions, including more specific listings provided below.

Allowable land uses generally do not include walled buildings; flood control structures (such as levees, dikes, or floodwalls); paved surfaces; bridges; cemeteries; actions that pose health, safety, or environmental risk in the floodplain; above- or below-ground pumping stations or storage tanks; placement of fill materials; or other uses that obstruct the natural and beneficial use of the floodplain (see below for additional detail regarding land use).

The list below is a guide to open space use that addresses typical situations; however, the subgrantee and Grantee should review every situation using the regulations, open space intent,

and floodplain management principles. The local floodplain administrator should review all proposed uses of acquired floodplain land. The Grantee and subgrantee, in coordination with the appropriate FEMA Regional Office, shall determine whether a proposed use is allowable and consistent with the deed restrictions, grant agreement, this guidance, and floodplain management requirements.

Allowable uses include:

- Vegetative site stabilization, natural dune restoration, agricultural cultivation, and grazing;
- Public picnic shelters, pavilions, and gazebos, with associated foundations, provided that the structure does not contain walls;
- Public restrooms;
- Small-scale recreational courts, ball fields, golf courses, and bike and walking paths;
- Campgrounds, if adequate warning will be provided to allow for evacuation;
- Installation of signs when designed not to trap debris;
- Unimproved, unpaved parking areas consistent with open space uses;
- Unpaved access roads, driveways, and camping pads limited to those necessary to serve the acceptable uses on acquired property. Existing paved roads can be reused for these purposes;
- Small boat ramps, docks, and piers to serve a public recreational use;
- Drainage facilities intended to service onsite needs;
- Construction activities, excavation, and other minor water control structures necessary to create areas for water detention/retention including wetlands restoration or restoration of natural floodplain floodwater storage functions;
- Sewer, water, and power to serve the allowable uses. Sewer, water, and power line crossings, where there is no floodwater obstruction created and there are no other readily available locations for these systems; and
- Simple structures used exclusively for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of certain agricultural commodities, to include livestock, such as a pole-frame building (any such structure cannot be of a nature that would make it eligible for insurance under the NFIP), and steel grain bins and steel-frame corn cribs.

Allowable land uses for property located within CBRS units or OPAs are limited to the following:

- Vegetative site stabilization for the management, protection, and enhancement of fish, wildlife, plants, and their habitats;
- Bike and walking paths that are consistent with the conservation purposes of the acquisition;
- Installation of signs when designed not to trap debris;

- Unpaved access roads and driveways limited to those necessary to serve the conservation purposes of the acquisition. Existing paved roads can be reused for these purposes. All roads must be on natural grade;
- Small boat ramps, docks, and piers to serve a use related to the study, management, protection, and enhancement of fish, wildlife, plants, and their habitats; and
- Minor construction activities, excavation, and other water control structures necessary for wetlands restoration or restoration of natural floodplain floodwater storage functions.

Uses generally not allowed on acquired open space land:

- The construction of flood damage reduction levees, dikes, berms, or floodwalls;
- Walled buildings or manufactured homes, except public restrooms. Reuse of pre-existing structures is not allowed, unless all walls are removed;
- Fences and all other obstructions in the floodway. Fences outside of the floodway must be designed to minimize the trapping of debris;
- Storage of inventory supporting a commercial operation or governmental facility, including wheeled vehicles or movable equipment;
- Cemeteries, landfills, storage of any hazardous or toxic materials, or other uses that are considered environmentally contaminating, dangerous, or a safety hazard;
- Pumping and switching stations;
- Above- or below-ground storage tanks;
- Paved roads, highways, bridges, and paved parking areas. Paved parking areas include asphalt, concrete, oil-treated soil, or other material that inhibits floodplain functions;
- Placement of fill, except where necessary to avoid affecting onsite archeological resources;
- Installation of septic systems or reuse of pre-existing septic systems, except to service a permissible restroom;
- For projects within CBRS Units and OPAs: any use FEMA determines is inconsistent with the allowable land uses identified above; and
- Any uses determined by the Grantee and/or FEMA as inconsistent with the regulations, this guidance, or deed restrictions.

Reuse of existing paved surfaces for recreational uses on the acquired property consistent with allowable uses is generally acceptable; however, paved surfaces beyond those directly required for such uses should be removed. Communities shall use unpaved surfaces allowing for natural floodplain functions, where feasible, for allowable uses such as trails. Examples of unpaved surfaces include grass, hard-packed earth, and graded gravel.

Communities may creatively salvage pre-existing structures on the acquired property. In some cases, the complete demolition of a structure may not be necessary; it may be possible to convert a closed-in structure with walls, such as a house, into an open picnic pavilion with a concrete slab floor and posts supporting the roof.

A.16 Subsequent Transfer of a Property Interest

Post-grant award, the subgrantee may convey a property interest only with the prior approval of the appropriate FEMA Regional Administrator and only to certain entities in accordance with 44 CFR Section 80.19(b) and this guidance.

After acquiring the property interest, the subgrantee, including successors in interest, shall convey any interest in the property only if the appropriate FEMA Regional Administrator, through the Grantee, gives prior written approval of the transferee. The transferee must be another public entity or a qualified conservation organization. A qualified conservation organization means an organization with a conservation purpose where the organization has maintained that status for at least 2 years prior to the opening of the grant application period that resulted in the transfer of the property interest to the subgrantee, pursuant to Section 170(h) (3) and (4) of the Internal Revenue Code of 1954, as amended, and the applicable implementing regulations. The transferee must document its status as a qualified conservation organization, where applicable. Any request to convey an interest in the property must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of the original mitigation grant/subgrant conveyance, 44 CFR Part 80, and this guidance, and must reference and incorporate the original deed restrictions providing notice of the conditions in this section. The statement must also incorporate a provision for the property interest to revert to the subgrantee or Grantee in the event that the transferee ceases to exist or loses its eligible status as defined under this section. See 44 CFR Section 80.19 for more information.

The subgrantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in 44 CFR Section 80.19 and this guidance, with prior approval of the appropriate FEMA Regional Administrator, and as long as the conveyance does not include authority to control and enforce the terms and conditions identified above. The FEMA Regional Administrator may choose to consult with the FEMA Office of Chief Counsel in reviewing documents proposed to convey an interest in the property. Any lease or easement must be for uses compatible with open space purposes and is clearly subject to the land use and other restrictions of the property by reference and/or incorporation of the recorded deed restriction language.

A.17 Monitoring, Reporting, and Inspection

The Grantee will work with subgrantees to ensure that the property is maintained in accordance with land use restrictions. The Grantee and subgrantees should jointly monitor and inspect acquired properties every 3 years to ensure that the inspected parcels continue to be used for open space purposes.

Every 3 years, the subgrantee, the Grantee, and FEMA must coordinate to ensure the subgrantee submits documentation to the appropriate FEMA Regional Administrator certifying that the subgrantee has inspected the subject property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the grant/subgrant. If the property subsequently transfers to an allowable transferee, the subgrantee, the Grantee, and FEMA will coordinate with that entity to submit the information.

The Grantee, FEMA, and the subgrantee have the right to enter the parcel, with notice, in order to inspect the property to ensure compliance with land use restrictions. Subgrantees may identify the open space nature of the property on local tax maps to assist with monitoring.

Enforcement

If the required monitoring (or other information) identifies that the subject property is not being maintained according to the terms of the grant, the subgrantee, Grantee, and FEMA are responsible for taking measures to bring the property back into compliance.

In the event a property is not maintained according to the identified terms, the Grantee shall notify the subgrantee (which includes successors in interest) that they have 60 days to correct the violation. If the subgrantee fails to demonstrate a good faith effort within the terms of the grant agreement within 60 days, the Grantee shall enforce the terms of the grant agreement by taking any measures it deems appropriate, including bringing an action of law or equity in a court of competent jurisdiction. If the Grantee fails to bring the property into compliance, then FEMA may enforce the terms of the grant agreement by taking any measures it deems appropriate, including:

- Withholding FEMA mitigation awards or assistance from the Grantee, subgrantee, and current holder of the property interest (if different) pending corrective action;
- Requiring the transfer of title; and/or
- Bringing an action of law or equity in a court of competent jurisdiction against the Grantee, subgrantee, and/or their respective successors and assigns.

FEMA also reserves the right to transfer the property title and/or easement to a qualified third party for future maintenance.

B. Wildfire Mitigation

This section supplements the information provided in Parts I through VIII.

For PDM and HMGP wildfire mitigation projects, Applicants and subapplicants must comply with FEMA Mitigation Policy MRR-2-08-1, *Wildfire Mitigation Policy for the Hazard Mitigation Grant Program (HMGP) and Pre-Disaster (PDM) Mitigation Program*, dated September 8, 2008. MRR-2-08-1 is available at http://www.fema.gov/government/grant/hma/policy.shtm.

B.1 Eligible Activities

PDM and **HGMP** are available to mitigate the risk to at-risk structures and associated loss of life from the threat of future wildfire through:

- Defensible space that involves creating perimeters around residential and non-residential buildings and structures through the removal or reduction of flammable vegetation;
- The application of non-combustible building envelope assemblies, the use of ignition-resistant materials, and proper retrofit techniques of new and existing structures; and
- Hazardous fuels reduction vegetation management, vegetation thinning, or reduction of flammable materials to protect life and property beyond defensible space parameters, but proximate to at-risk structures.

For homes and structures constructed or activities completed prior to the establishment of the local building codes, FEMA may fund activities that meet or exceed codes currently in effect. For communities with no local fire codes in place, FEMA may fund activities when the materials and technologies are in accordance with the International Code Council, FEMA, U.S. Fire Administration, and the National Fire Protection Association (NFPA) Firewise recommendations as appropriate.

Additional fire-related information and tools can be found at www.firewise.org or www.nfpa.org. Wildfire mitigation activities will be in accordance with the applicable fire-related codes and standards, including but not limited to the following:

- International Code Council Publication: International Wildland-Urban Interface Code;
- NFPA 1144: Standard for Reducing Structure Ignition Hazards for Land Development in Suburban and Rural Areas;
- NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas;
- NFPA 703: Standard for Fire-Retardant Treated Wood and Fire-Retardant Coatings for Building Materials; and
- NFPA 914: Code for Fire Protection of Historic Structures.

In addition, FEMA has developed FEMA P-737, *Home Builder's Guide to Construction in Wildfire Zones*, September 2008. FEMA does not have authority to fund projects on Federal lands owned by another Federal entity, or projects with the purpose of addressing forest health conditions, or ecological or agricultural issues related to land and forest management (e.g., insects, diseases, weather-related damages, and pest infestations).

B.2 Duplication of Programs

The Applicant must ensure, prior to submission of the grant application, that DOP between Federal agencies will not occur. FEMA requires that the Applicant include documentation in the grant application to ensure that no DOP will occur. This includes demonstrating the Applicant has coordinated with other appropriate Federal agencies. With regard to land adjacent to Federal lands, FEMA will coordinate with other Federal agencies to ensure the proposed project does not fall within the scope of another Federal agency's grant authority, as well as to ensure consistency with Federal policy and priorities.

In addition, the following general program information must be included in the subapplication:

- A description of the wildfire mitigation activities and the method to accomplish the activities;
- Map(s) showing the project area and relationship of structures to wildland/urban interface or forested, range, or grassland area; and
- Property-level rating of wildfire risk for each home or community, along with the scale used to measure the rating levels, if applicable.

B.3 Eligible Wildfire Activities

Wildfire mitigation projects may mitigate the risk to residential and non-residential structures (including public and commercial facilities). These projects must be located in, adjacent to, or co-mingled with the built environment and provide protection to life and the built environment from future wildfire hazard.

B.3.1 Defensible Space Activities

Defensible space activities involve creating perimeters around residential and non-residential structures through the removal or reduction of flammable vegetation, including vertical clearance of tree branches. Specifically, this involves minimizing the volume of combustibles (e.g., surface litter such as dry leaves, pine needles, dead and dying foliage, and trees, and removal of propane tanks) in the safety zone around the structure. The description of requested defensible space activities must be provided for each property.

The required radius of defensible space around the building or structure is directly related to the degree of the hazard and, therefore, the radius for defensible space may also vary from one jurisdiction to another. Local codes and standards may provide specific requirements for defensible space; however, the International Code Council's International Wildland-Urban Interface Code can be used as the default code.

B.3.2 Structural Protection through Ignition-Resistant Construction Activities

These activities involve using non-combustible materials and technologies on new and existing structures. FEMA will only consider a subapplication for an ignition-resistant construction project when:

- The property owner has previously created defensible space and agrees to maintain the defensible space. The subapplicants must include a description of the defensible space for each property in the application. FEMA will provide funding for ignition-resistant construction projects only after the subapplicant has demonstrated that the defensible

space activity is complete and has provided documentation (e.g., photographs and description of the defensible space) if requested by the Applicant; or

- The subapplication includes both the defensible space and ignition-resistant construction projects as part of the same project subapplication. The subapplicant must include a description of the defensible space for each property in the subapplication. Each property owner must agree to maintain the defensible space in accordance with this policy.

Protection of homes, structures, and critical facilities through the use of ignition-resistant construction techniques or non-combustible building material are eligible if they meet or exceed local codes, and are in conformance with appropriate fire-related codes and standards. Eligible activities include:

- Installation of roof coverings, roof sheathing, roof flashing, roof skylights, roof and attic vents, and roof eaves and gutters that conform to any of the following ignition-resistant construction standards: 1) construction materials are fire-resistant in accordance with nationally recognized testing standards, 2) construction materials are non-combustible, and 3) construction materials constitute an assembly that has a minimum 1-hour-fire-resistant rating;
- Installation of wall components such as the fascia, windows, window glazing, doors, window frames, and insulation that conform to any of the following ignition-resistant construction standards: 1) construction materials are fire-resistant in accordance with nationally recognized testing standards, 2) construction materials are non-combustible, and 3) construction materials constitute an assembly that has a minimum 1-hour-fire-resistant rating;
- Protection of propane tanks or other external fuel sources; and
- Purchase and installation of external, structure-specific water hydration systems (sprinklers), a dedicated power source, and a dedicated cistern if no water source (e.g., lake, river, or swimming pool) is available. FEMA will only consider the project when assurances are provided in the operations and maintenance plan that a GIS system will be maintained to identify property addresses with wildfire sprinkler systems and that this information will be made available to the fire department.

B.3.3 Hazardous Fuels Reduction Activities

Hazardous fuels reduction may be accomplished using community-owned equipment, rental equipment, or use of contract resources and equipment for mechanical treatments such as disking, mowing, and/or chopping (e.g., chippers, saws, etc.). Equipment used by communities for hazardous fuels reduction activities must not pose an additional risk of fire ignition (i.e., spark arrestor). Eligible activities include:

- Community-level vegetation management;
- Vegetation removal;
- Vegetation clearing and/or thinning;
- Slash removal; and
- Vertical clearance of tree branches.

Such activities reduce the risk to human life and structures from future wildfires. Such activities may be no farther than 2 miles from structures and may include the following techniques:

- Chemical treatments, including herbicide applications with appropriate safeguards to ensure protection of human life, the environment, and watersheds;
- Grazing or biomass conversion;
- Mechanical treatments such as disking, mulching, grinding, mowing, chopping, and removal of such material; material left onsite must meet appropriate depth practices;
- Biomass removal including clearing straw, removing dead or dry vegetation, thinning, removing bush and pine straw, or removing blown-down timber from wind throw, ice, or a combination thereof; and
- Other industry-accepted techniques at the discretion of FEMA.

B.4 Ineligible Wildfire Activities

Certain project activities and their associated costs are not eligible for funding:

- Projects that do not protect homes, neighborhoods, structures, or infrastructure;
- Projects on federally owned land, as well as on land adjacent to Federal lands, when the proposed project falls within the scope of other Federal agencies' grant authority;
- Projects for hazardous fuels reduction in excess of 2 miles from structures;
- Projects to address ecological or agricultural issues related to land and forest management (e.g., insects, diseases, weather-related damages, and infestations);
- Irrigation of vegetation to avoid disease or drought-related infestation;
- Projects to protect the environment, watersheds, or forest management;
- Projects for burning activities, such as prescribed burning or pile burning;
- Projects for clear-cutting;
- Projects for maintenance activities;
- Projects for the purchase of fire-related equipment (e.g., vehicles and fire trucks) or communications equipment;
- Projects for creation and maintenance of fire breaks, access roads, and staging areas;
- Purchase of equipment to accomplish eligible work (e.g., chainsaws, chippers);
- Projects for irrigation systems; and
- Development or enhancement of fire suppression capability through the purchase of equipment or resources (e.g., water supply or sources, dry hydrants, cisterns not related to water hydration systems, and dip ponds).

B.5 Operations and Maintenance Plan

FEMA will only consider HMGP and PDM wildfire projects for which (a) the application includes a draft operations and maintenance plan at the time of application, including information demonstrating that the requested wildfire project will be maintained to achieve the proposed hazard mitigation; and (b) a final operations and maintenance plan has been submitted to FEMA prior to performing any activities as part of the funded project and after the Grantee has affirmed that the plan is consistent with this policy, meets or exceeds local codes, and is in conformance with appropriate fire-related codes.

C. Hazard Mitigation Assistance for Safe Rooms

This section supplements the information provided in Parts I through VIII. This section is applicable to **PDM** and **HMGP**.

C.1 General

For PDM and HMGP safe room projects, Applicants and subapplicants must comply with FEMA Mitigation Interim Policy MRR-2-09-1, *Hazard Mitigation Assistance for Safe Rooms*, dated April 30, 2009. MRR-2-09-1 is available at http://www.fema.gov/government/grant/hma/policy.shtm.

MRR-2-09-1 establishes the eligibility parameters for PDM and HMGP safe room projects including: eligible activities, design standards, flood hazard siting limitations, population protected, period of protection, eligible costs, operation plan, maintenance plan, and cost effectiveness. Parts IX C.2 and C.3 of this guidance provide a summary of these parameters.

Part IX C.4 of this guidance provides additional guidance for specific sections of MRR-2-09-1; therefore, Applicants and subapplicants also must comply with these parts. Part IX C.4 of this guidance summarizes the Implementation Guidance for FEMA Mitigation Interim Policy MRR-2-09-1, Hazard Mitigation Assistance for Safe Rooms, dated April 30, 2009. .

C.2 Overview

For the purposes of **PDM** and **HMGP**, the term "safe room" only applies to:

- Extreme wind (combined tornado and hurricane) residential and non-residential safe rooms;
- Extreme wind (combined tornado and hurricane) community safe rooms;
- Tornado community safe rooms; and
- Hurricane community safe rooms.

Extreme wind mitigation projects include residential, non-residential, and community safe rooms. These activities are for the hazard mitigation purpose of immediate life safety resulting from structural and building envelope protection against extreme wind hazards for a limited at-risk population that cannot evacuate out of harm's way prior to an event.

In extreme wind events where there is sufficient warning time, such as hurricanes, the general population may be expected to leave the area of anticipated immediate impact and seek shelter outside the at-risk area. However, some people such as first responders and those physically unable to leave the area remain in harm's way. Therefore, for hurricane threats, FEMA will only consider funding extreme wind mitigation projects that are designed for a specific population that cannot remove themselves from harm's way during a land-falling hurricane. In extreme wind events, such as tornadoes, the threat posed affords little to no warning to allow the general population to leave the area of immediate impact and, therefore, they must seek immediate life-safety protection. This limits the potential occupancy of tornado residential, non-residential, and community safe rooms to onsite occupants only, or to those within close proximity.

PDM and HMGP funds may only be used for safe room projects designed to achieve "near-absolute protection" as described in FEMA 320, *Taking Shelter From the Storm: Building a Safe*

Room For Your Home or Small Business, August 2008, and FEMA 361, *Design and Construction Guidance for Community Safe Rooms,* August 2008. Any lower threshold of protection exposes safe room occupants to a greater degree of risk than is acceptable. In order to provide this acceptable level of hazard mitigation protection during extreme wind events, a structure has to meet design criteria intended for this specific purpose, which exceed the design criteria for structure and building envelope protection only. In some cases, these projects also afford some ancillary level of structural and building envelope protection to reduce or eliminate damage to the structure and its contents and to ensure continuation of facility function.

PDM and HMGP funds are not available for general population shelters, including evacuation or recovery shelters intended to provide longer-term services and housing for people leaving the anticipated impact area of an extreme wind event, or because their homes have been damaged or destroyed by extreme wind events, fire, disasters, or other catastrophes. Such general population shelters are not intended to sustain the extreme wind event and are not required to satisfy the higher design criteria of near-absolute protection consistent with hazard mitigation residential, non-residential, and community safe rooms as established in FEMA 320 and 361. In addition, the hazard mitigation time of protection for safe rooms is 2 hours for tornado events and 24 hours for hurricane events. These time periods also differentiate hazard mitigation event-only safe rooms from longer-term evacuation and recovery shelters.

Furthermore, the planning and operation of PDM and HMGP safe rooms should not conflict with State and/or local evacuation plans. PDM and HMGP safe room project activities should not be used as a substitute for, or as an option for individuals to ignore, local community and/or State evacuation plans or any other law or ordinance.

C.3 Eligibility Parameters

FEMA will consider an extreme wind event mitigation activity consisting of the retrofit or construction of a residential, non-residential, or community safe room (single- or multi-use) to be an eligible project type for PDM and HMGP grant awards as follows:

- The safe room project must provide immediate life-safety protection in the target area of impact of a striking hurricane and/or tornado;
- The safe room is designed and sized only to the extent necessary for the limited population that must remain in the impact strike area during an extreme wind event. The safe room is also designed only to the extent necessary for the limited time period that a hurricane and/or tornado event is occurring. Therefore, safe rooms must be sized according to the defined population that will utilize the facility during a storm event and their design is to accommodate this population for a limited time period (see Part IX C.4.1 for further details and MRR-2-09-1 Section VII, Parts A and C);
- The safe room project is constructed with criteria recognized by FEMA to afford near-absolute protection and verified by a licensed design professional. Project applications must include documentation to show that the project meets or exceeds the criteria for the identified risk to be mitigated. Criteria are found in the following publications:
    - FEMA 320, *Taking Shelter From the Storm: Building a Safe Room For Your Home or Small Business* – Third Edition, August 2008*;* or

- FEMA 361, *Design and Construction Guidance for Community Safe Rooms* – Second Edition, August 2008.

In addition, the *Standard for the Design and Construction of Storm Shelters* (ICC-500), a consensus standard from the International Code Council is acceptable for use in designing PDM and HMGP safe rooms only when incorporating specific recommendations outlined in FEMA 320 and 361. For further details, see MRR-2-09-1 Section VII, Part A;

- The safe room project is not located in a flood hazard area where the flood waters have the potential to endanger occupants within the safe room. Consistent with FEMA 320 and 361, safe rooms must be located outside the following high-hazard areas:
  - The Coastal High-Hazard Area (Zone VE) or other areas known to be subject to high-velocity wave action; or
  - Areas seaward of the Limit of Moderate Wave Action where mapped, also referred to as the Coastal A Zone in ASCE/SEI 24-05; or
  - Floodways.

  In addition, residential and non-residential safe rooms consistent with FEMA 320 may not be located in:

  Areas subject to coastal storm surge inundation associated with a Category 5 hurricane (where applicable, these areas should be mapped areas studied by USACE, NOAA, or other qualified sources). For further details, see MRR-2-09-1 Section VII, Part B;

- Allowable safe room project costs are directly related to and necessary for the hazard mitigation purpose of providing immediate life safety resulting from structural and building envelope protection to the limited population required to remain in the impact zone during an extreme wind event. For further details, see Part IX C.4.2 and MRR-2-09-1 Section VII, Part D;

- Operations and maintenance (O&M) plans must be developed for each project. At a minimum the process to include O&M plans will include the following:
  - Descriptive statement of the O&M plan at time of application;
  - Draft O&M Plan prior to any retrofit or construction; and
  - Final O&M Plan prior to project closeout.

  For further details, see Part IX C.4.3, Operations and Maintenance Plans, and MRR-2-09-1 Section VII, Part E;

- The safe room project must demonstrate cost effectiveness. For further details, see Part IX C.4.4, and MRR-2-09-1 Section VII, Part F; and

- The safe room project must adhere to other program conditions as shown in this guidance. For further details, see MRR-2-09-1 VII, Part Section G.

C.4 Implementation Guidance

The FEMA Mitigation Interim Policy MRR-2-09-1, Hazard Mitigation Assistance (HMA) for Safe Rooms (Safe Rooms Policy), was issued in April 2009 by FEMA to provide guidance to

States, Territories, Indian Tribes, and communities on HMA funding available for extreme wind mitigation activities as provided under PDM and HMGP Policy MRR-2-09-1 establishes the eligibility parameters for PDM and HMGP safe room projects, including: eligible activities, design standards, flood hazard siting limitations, population protected, period of protection, eligible costs, operation plan, maintenance plan, and cost effectiveness.

This implementation guidance complements Policy MRR-2-09-1 through the provision of additional information to ensure that Applicants and subapplicants pursuing PDM or HMGP grant funds for safe room projects adequately understand and address all policy requirements. This guidance is presented in five sections:

Section 1 – Population Protected: provides guidance relevant to identifying, quantifying, and documenting the at-risk populations from hurricanes and/or tornadoes eligible for PDM or HMGP consideration. This section provides a description of acceptable population categories threatened by extreme wind events, as well as considerations affecting this population's ability to utilize a safe room facility such as travel time, warning time, etc.

Section 2 – Eligible Costs: provides two tables that identify the general building systems and components for residential and community safe rooms and identifies the eligibility of each for funding under the PDM and HMGP programs.

Section 3 – O&M Plans: provides guidance to assist Applicants and subapplicants in understanding O&M plan requirements. This section details steps as to when draft and final plans are provided in the application and project life-cycle, as well as the signature and review responsibilities of local, State, and Federal officers.

Section 4 – Cost Effectiveness: discusses the total project costs required for the purpose of demonstrating compliance with cost-effectiveness requirements.

Section 5 – Summary of Grant Application Requirements: includes a summary of grant application requirements.

C.4.1 Population Protected

The Safe Room Policy, Section VII, Part C (page 6), Population Protected and Period of Protection states:

> *FEMA will only consider PDM and HMGP applications for safe room projects that identify the safe room population that must remain behind to face an imminent threat against either, or both, tornado or hurricane hazards. This is the population that the applicant will identify and quantify, so that the anticipated population and resulting size of the safe room can be verified during the grant application review process. This is demonstrated by risk assessment information such as that developed as part of a mitigation plan or evacuation plan.*

Applicants and subapplicants should be mindful that PDM and HMGP funds are not available for general population shelters, including evacuation or recovery shelters. Therefore, it is essential that Applicants and subapplicants identify the specific hazard mitigation population to be protected; otherwise, the application review may be delayed or an application rejected.

This implementation guidance provides details to assist Applicants and subapplicants to identify, quantify, and document the eligible at-risk populations needing hazard mitigation life-safety protection during extreme wind events, all of which are required in applications for PDM or

HMGP funding, as outlined below. Sections 1.1 and 1.2 address hurricane and tornado hazards, respectively, and how at-risk populations are affected by them. This section further describes categories of populations at risk from tornadoes, hurricanes, or a combination of the two.

Safe Room Policy, Section VII, Part C (page 7), Population Protected and Period of Protection states:

- The applicant will demonstrate consideration of at least the following components in determining eligible safe room population:
- population to be protected within the area at risk of impact by tornado and/or hurricane hazards;
- warning capabilities, logistics, and operations components that support basic safe room functions;
- travel times for the population to be protected to reach the safe room, such that people are not exposed to additional risk when moving to the protected area;
- hazard mitigation time of protection: 2 hours for tornado and 24 hours for hurricane; and
- relationship of the population to be protected by the safe room to State or local emergency evacuation requirements.

The at-risk population identified directly impacts the proposed safe room design size requirements and is another factor that will be verified during the grant review process. This is important to understand, because as the Safe Room Policy states, "PDM and HMGP funding will not be provided to support safe rooms that are sized larger than that required to accommodate the identified at-risk population."

For example, a community may decide to build a dual-use facility that includes a tornado safe room function within a community center. The new building project for the community center may include an assembly or multi-purpose room that is 1,185 square feet in area. In order to utilize the space for a community tornado safe room, this gross square footage must be reduced to account for egress circulation, partitions, interior columns, furnishings, finishes, equipment, and the like. This may be done through exact calculations or through an estimated approach that calculates usable square footage as 85 percent of the gross square footage. The resulting net usable floor area is what is available to accommodate a limited number of safe room occupants. In this example the 1,185 square feet is reduced to 1,007 usable square feet:

1,185 (0.85) = 1,007 square feet

As per FEMA 361 design criteria, a minimum of 5 square feet per safe room occupant must be provided. In this example safe room, designers must also account for wheelchair-bound or bedridden occupants. A community safe room should be sized to accommodate a minimum of one wheelchair space (at 10 square feet) for every 200 occupants. Therefore the 1,007-square-foot usable floor area will provide enough space for the protection of 200 occupants and would be eligible for HMGP and PDM funding. It would not be reasonable for an application submitted, under this example, to request usable square footage of 2,000 square feet because that size has not been demonstrated as necessary for the identified at-risk population of 200 occupants:

Factor	Contribution	Square Footage
199 occupants	@ 5 s.f. per person	995 s.f.
1 wheelchair occupant	@ 10 s.f. per person	10 s.f.
Total 200 occupants		1,005 s.f.

Applicants and subapplicants should refer to Chapter 3 of FEMA 361 for further guidance on sizing criteria.

As previously stated, community safe rooms are intended for a limited at-risk population; however, the criteria for tornadoes and hurricanes differ in certain applications. When identifying the population at risk from tornadoes and hurricanes, the respective mitigation activities should be considered separately and then combined (if both exist). Characteristics such as the size of the targeted area, the warning time before the impact, and the duration of the storm affect the population requiring protection differently; therefore, the population at risk must be determined for each type of event.

The following sections identify issues to consider when applying for funding for a hurricane, tornado, or combined hazard community safe room. Applicants and subapplicants should select the most appropriate population for their safe room project:

- Part IX C.4.1.1 Population at risk from hurricanes
- Part IX C.4.1.2 Population at risk from tornadoes
- Part IX C.4.1.3 Population at risk from both hurricane and tornadoes

The steps to identify the populations at risk for each of these hazard categories are further described below.

C.4.1.1 Population at Risk from Hurricanes

This section provides information to assist in identifying and defining the population at risk from hurricanes. The section also describes this at-risk population to assist Applicants and subapplicants in identifying who may require a safe room facility.

Information Sources

Determining the hurricane safe room population is dependent on the assumptions used in the development and implementation of evacuation or emergency response plans and policies being administered by local, State, and Federal (if applicable) emergency management organizations. Therefore, Applicants and subapplicants are encouraged to coordinate with the relevant agency in the jurisdiction developing those plans. In addition, local or Tribal mitigation plans are required to include a risk assessment that defines the hazard characteristics within an area, and to provide a vulnerability assessment. Evacuation plans are likely more specific in terms of population, but the risk assessment in a community's existing mitigation plan may also be a source for this information. Documentation to support the determination of the at-risk population may be directly related to the planning tools mentioned above and should be included in the application.

Hurricane Population Categories

Generally, two broad categories of potential hurricane safe room occupants may be identified as part of the limited at-risk population in need of life-safety protection. The at-risk population should be accommodated within the safe room for a minimum of 24 hours (the FEMA 361 minimum design occupancy time for hurricane safe rooms). Applicants and subapplicants are encouraged to use verifiable information, such as emergency evacuation plans and local emergency management plans (or other applicable sources) to identify potential safe room occupants from the categories listed below.

Category 1: First Responders

- People who may be required to remain in harm's way, i.e., the civilian personnel of the emergency response services, also known as first responders. These groups include, but are not limited to personnel of fire and police departments, rescue squads, emergency operations centers (EOCs), emergency medical and ambulance services, search and rescue teams, and similar personnel that a local community may depend upon for a successful response to an extreme wind event.

Category 2: Critical and Essential Services Personnel and Facility Occupants

- In many cases, other critical services personnel may be required to remain in harm's way to facilitate the continued operation of certain critical facilities, including long-term care and custodial care facilities, water supply and wastewater facilities, power supply and distribution plants, fuel and other hazardous material storage facilities, communications and data centers, and others that a local community may depend upon for a successful response to an extreme wind event. This category may also include occupants of these facilities such as patients in hospitals, residents of long-term care facilities, and prison/jail inmates.

Documentation

Applicants and subapplicants must provide documentation to support the identified at-risk population for the safe room. Applicants and subapplicants must also submit adequate documentation in support of their risk assessment to allow grant program reviewers to make a determination of whether the proposed safe room size is appropriate for the at-risk population identified. The documentation should be sufficiently detailed to be verified during the grant review process. Applicant and subapplicant coordination with the local, State, or Federal (if applicable) agency responsible for developing emergency evacuation plans is critical. Each grant program identifies specific documentation requirements, but in general, evacuation plans, emergency response plans, meeting notes, etc. that can be used to quantify the at-risk population are acceptable. For example, each population category listed above may be part of the affected population identified in an emergency evacuation plan.

In all cases, it should be emphasized that planning and operation of PDM and HMGP safe rooms, including the identification of the population to be protected, should not conflict with State and/or local evacuation plans. PDM and HMGP safe room activities should not be used as a substitute for, or as an option for individuals to ignore, local community and/or State evacuation plans or any other law or ordinance.

Travel considerations

The issues to consider in estimating travel time to the safe room facility include: local emergency management and law enforcement requirements, mandatory evacuations, evacuation times from at-risk areas, and any other plans that affect the movement of at-risk populations. Further guidance is provided in Chapter 8 of FEMA 361.

Basic warning capabilities

In addition to design and construction criteria, an adequate warning system must be in place to notify prospective community safe room occupants when they should evacuate to the safe room facility. Occupants of homes (residences) with a residential safe room are assumed to use that room and require no evacuation and only a minimal travel time. Applicants and subapplicants for community safe room projects must demonstrate that the at-risk population can be properly notified to allow sufficient travel time to the community safe room.

Period of protection

As identified in the Safe Room Policy, Section VII, Part C, and FEMA 361 requirements, the hazard mitigation time of protection for safe rooms is a minimum of 24 hours for hurricane events.

C.4.1.2 Population at Risk from Tornadoes

This section provides information to assist in identifying and defining the population at risk from tornadoes.

Tornado safe room populations are determined based on limited warning times (minutes, not days) and the maximum reasonable travel time for potential safe room occupants to reach the safety of the facility. At-risk populations that cannot reach the safe room in a reasonable time (this topic is discussed later in this document) are not considered as potential occupants of the safe room.

Tornadoes strike without timely warning, often depriving the at-risk population of sufficient time to seek safety. Only about 20 minutes (or less) of warning time may be provided before a tornado strikes. For a limited or no-warning storm event, at-risk individuals have various degrees of vulnerability.

Two aspects of vulnerability should be considered in identifying and quantifying the population at risk from a tornado:

1. **The physical characteristics of the built environment (buildings or other structures) in which the population resides.**

   Buildings differ in their susceptibility to damage from a tornado and, therefore, the building occupants are exposed to varying risks of injury or death. Individuals living in non-engineered housing, older housing, and manufactured housing are more susceptible to catastrophic damage from a tornado; hence, they are extremely vulnerable.

2. **The ability of the population to mobilize to the safe room during a tornado, irrespective of where they are located.**

   While a 20-minute warning may be sufficient time for an able-bodied adult to find adequate shelter, this is not the case for the very young, the elderly, the sick or frail, or

those with impaired mobility. These groups require the greatest level of assistance, time to mobilize, and attention during an emergency.

Documentation

Applicants and subapplicants must provide documentation to support the identified at-risk population for the safe room. Applicants and subapplicants must also submit adequate documentation in support of their risk assessment to allow grant program reviewers to make a determination of whether the proposed safe room size is appropriate for the at-risk population identified. The documentation should be sufficiently detailed to be verified during the grant review process. Applicant and subapplicant coordination with the local, State, or Federal (if applicable) agency responsible for developing emergency action plans is critical. Each grant program identifies specific documentation requirements, but in general, emergency response plans, area maps, building construction drawings, meeting notes, etc. that can be used to quantify the at-risk population are acceptable. In addition, local or Tribal mitigation plans are required to describe the vulnerability of their community and structures, and in particular vulnerability of special high-risk populations and, therefore, may also be a source for this information. It is essential that Applicants and subapplicants provide this information; otherwise, the application review may be delayed or an application rejected.

Travel time considerations

The two vulnerability aspects listed above will facilitate identifying and targeting high concentrations of at-risk populations. The most effective tornado safe rooms minimize occupants' travel time. Consequently, onsite community safe rooms, built either as integral parts of a building or as separate structures, offer the greatest level of protection to occupants. Community safe rooms in hospitals, schools, long-term care centers, and other facilities that house highly vulnerable populations are most successful in minimizing the risks. These safe rooms may be designed to serve the community at large in addition to onsite residents. In such cases, the population of the safe room is limited by the respective proximity of potential occupants to the safe room, which is defined by the maximum allowed travel time and/or the maximum distance to the safe room.

The distance from the safe room for the at-risk population is based on a maximum walking travel time of 5 minutes or a maximum driving travel distance of approximately 0.5 mile. When considering a single- or dual-use community safe room, the 5-minute walk time or the equivalent 0.5-mile driving distance must be calculated by the actual travel route or pathway a pedestrian or a driver will be required to follow. This pathway should not be restricted, bottlenecked, or obstructed by such barriers as multi-lane highways, railroad tracks, bridges, or similar facilities or topographic features. Traffic congestion (including parking constraints) during the movement of the potential at-risk population to the safe room once a storm watch/warning notification is issued should be considered when defining the at-risk population for the community safe room. In either case, whether walking or driving, prospective safe room occupants must be able to safely reach the facility within 5 minutes of receiving a tornado warning or notice to seek shelter.

Basic warning capabilities and logistics

Both a residential and a community safe room, as defined by the Safe Room Policy, are built and operated for the purpose of saving lives during extreme wind storms. In addition to design and construction criteria, an adequate warning system should be in place to notify prospective safe

room occupants when they should evacuate to the safe room facility. This is especially critical for tornadoes, for which the warning time is very short. The safe room facility must open its doors to admit occupants and provide them with the services they need in a timely manner. Further guidance is provided in FEMA 361, Chapter 9.

Period of protection

As identified in Safe Room Policy Section VII, Part C, and FEMA 361 requirements, the hazard mitigation time of protection for safe rooms is a minimum 2 hours for tornado events.

C.4.1.3 Population at Risk from Both Hurricanes and Tornadoes

Many areas in the United States are subject to both hurricane and tornado hazards. When building a safe room to protect from both hazards, the population at risk must be determined independently for each hazard. When designing a **combined** safe room for both tornado and hurricane hazards, the most restrictive design criteria for these hazards, provided in FEMA 361, must be used. There is not necessarily one set of complete criteria for each hazard. For that reason, design engineers should pay close attention to the criteria outlined in FEMA 361 when designing a combined safe room for both tornado and hurricane hazards.

C.4.2 Eligible Costs

The Safe Room Policy, Section VII, Part D (page 8), Eligible Costs states:

> *Allowable costs for PDM and HMGP safe room projects are those project components such as the design and building costs directly related to and necessary for the hazard mitigation purpose of immediate life safety resulting from structural and building envelope protection to the limited population that must remain in the impact area during an extreme wind event.*

As stated above, funding for safe room construction is provided only for the expenditures that directly relate to, and are necessary for, provision of basic safe room functions. Safe room project costs typically include eligible expenditures for design, construction, and administration of the project. Conversely, costs associated with providing facilities for any function that is not essential for life-safety protection of occupants are not eligible. If a safe room facility can fulfill its basic function of life-safety protection for the occupants during a storm without a building feature or component that provides conveniences or additional comfort, costs associated with that feature or component are not eligible. Examples of such features include flooring, seating, or food preparation facilities. This is significant for dual-use community safe rooms, which are designed to provide other functions for their day-to-day operations. Applicants and subapplicants should not request, nor should they reasonably expect, consideration for these and other non-mitigation related components.

As stated in the Policy, "in the case of retrofits, pre-existing conditions of code non-compliance that local or State officials are obligated to remedy are not eligible for hazard mitigation funding consideration." However, eligible costs may include code-required, mitigation-related components and above-code components, as long as all components contribute to the near-absolute protection criteria set forth in FEMA 320 and FEMA 361.

Program Funding Limits

Potential Applicants and subapplicants should understand that HMGP or PDM grant funding for safe room projects is subject to all program-specific rules and regulations including any pre-

determined limitations on the Federal share of project costs. Detailed information on funding program limits can be found in Part IV E. Potential Applicants and subapplicants should also consult their SHMO for details on funding limitations.

Cost Estimates

Applications must include detailed, line-item costs in the project cost estimates submitted for safe room projects. Well-documented project cost estimates contain quantities, unit costs, and a source for each unit cost. In contrast, lump-sum cost estimates do not provide quantities and unit costs required to evaluate the accuracy of the project cost estimate. Lump-sum cost estimates are not acceptable.

Under the HMGP and PDM grant programs, project cost estimates include unit costs related to the proposed square footage of the protected area or areas of the safe room. These unit costs may also be related to the protected population (occupants) of the safe room.

Table 6 in this section may be used to assist in identifying mitigation-related components that are eligible for PDM and HMGP funding under the Safe Room Policy. Important notes regarding the contents of the table are provided following the table.

Table 6: Eligible and Ineligible Components of Residential and Community Safe Rooms

Building Systems & Components	Design Criteria	Residential Safe rooms 1- & 2-Family Dwellings	Non-Residential, Dual-Use Tornado Safe Room	Non-Residential, Single-Use Tornado Safe Room	Non-Residential, Dual-Use Hurricane Safe Room	Non-Residential, Single-Use Hurricane Safe Room
Systems and Components Defining the Safe Room Space						
Foundations, structural systems, walls, and ceilings/roofs (new construction and retrofit) that directly support or protect the building cladding, providing near-absolute, life-safety protection	Available criteria included in FEMA 320 and 361.	Eligible	Eligible	Eligible	Eligible	Eligible
Doors and Windows	Available criteria included in FEMA 320 and 361.	Eligible	Eligible	Eligible	Eligible	Eligible
Protection of exterior above-ground generators and/or electrical, ventilation, or communication equipment	Available criteria included in FEMA 320 and 361.	Eligible	Eligible	Eligible	Eligible	Eligible
Common "Best Practice" Components (Recommended by FEMA)						
Signage	Available criteria included in FEMA 320 and 361.	Ineligible	Eligible	Eligible	Eligible	Eligible
Communications	Required by FEMA 361 (Chapters 8 and 9 for emergency communications to and from the safe room).	Eligible	Eligible	Eligible	Eligible	Eligible
Local Area Network (LAN) drops and wiring	Not a design requirement of FEMA 320 or FEMA 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Components Where Function Meets FEMA Protection Criteria						
Alternate Source of Power (e.g., generator, battery)	As specified in FEMA 320 or 361 requirements. Capacity should be limited to the load required for life-safety protection: a minimum of 2 hours for tornadoes and 24 hours for hurricanes.	Eligible	Eligible	Eligible	Eligible	Eligible

Building Systems & Components	Design Criteria	Residential Safe rooms 1- & 2-Family Dwellings	Non-Residential, Dual-Use Tornado Safe Room	Non-Residential, Single-Use Tornado Safe Room	Non-Residential, Dual-Use Hurricane Safe Room	Non-Residential, Single-Use Hurricane Safe Room
Equipment and Supplies (i.e., fire extinguishers, first aid kits)	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Ineligible	Eligible	Eligible	Eligible	Eligible
Ventilation	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Permanent Electrical Lighting	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Emergency Electrical Lighting	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Permanent Electrical Outlets	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Emergency Electrical Outlets	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Upgrade of an electrical or ventilation system for protected portions of the structure (required for safe room installation)	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Upgrade of an electrical or ventilation system for unprotected portions of the structure (not required for safe room installation)	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible

Building Systems & Components	Design Criteria	Residential Safe rooms 1- & 2-Family Dwellings	Non-Residential, Dual-Use Tornado Safe Room	Non-Residential, Single-Use Tornado Safe Room	Non-Residential, Dual-Use Hurricane Safe Room	Non-Residential, Single-Use Hurricane Safe Room
Steps/stairs, elevators/lifts for safe room ingress-egress	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Americans with Disabilities Act (ADA) entrances for ingress-egress	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Toilets and Hand Washing Facilities located within the safe room	As specified in FEMA 361 criteria; and also in compliance with minimum local building code provisions.	Ineligible	Eligible	Eligible	Eligible	Eligible
Compliance with FEMA Safe Room Policy, FEMA 320, and FEMA 361 for Design Flood Criteria and Floodplain Management	As specified in 320 or 361 requirements, where compliant with minimum local building code provisions, and in accordance with MRR-2-09-1.	Eligible	Eligible	Eligible	Eligible	Eligible
Design and Construction Components						
Planning/Engineering/Architecture/Design Fees	Only planning/design costs required for the safe room, utility protection, and travel/time accessibility. Must comply with unit cost allowances.	Eligible	Eligible	Eligible	Eligible	Eligible
Engineering Peer Review of Safe Room Design Criteria (limited to systems and components providing life-safety protection). This cost may be included in the design cost/engineering fee but may also be singled out as a line-item cost.	Only additional engineering review of plans/design required for the safe room, utility protection, and occupant protection. Must comply with unit cost allowances for design fees.	Eligible	Eligible	Eligible	Eligible	Eligible
Excavation	As required for excavating the required foundation for the safe room, such as: interior foundation (e.g., interior column footing), exterior foundation, underground placement of safe room, or underground placement of electrical lines.	Eligible	Eligible	Eligible	Eligible	Eligible

Building Systems & Components	Design Criteria	Residential Safe rooms 1- & 2-Family Dwellings	Non-Residential, Dual-Use Tornado Safe Room	Non-Residential, Single-Use Tornado Safe Room	Non-Residential, Dual-Use Hurricane Safe Room	Non-Residential, Single-Use Hurricane Safe Room
Below-Ground Electrical Lines for Safe Rooms within Another Structure	Compliant with minimum local building code.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Below-Ground Electrical Lines from Structure to Exterior Safe Room	Compliant with minimum local building code.	Eligible	Eligible	Eligible	Eligible	Eligible
Moisture Protection	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Eligible	Eligible	Eligible	Eligible	Eligible
Surveys, Tests, Soil Borings, etc. for Protected Portion	As specified in FEMA 320 or 361 criteria. Compliant with minimum local building code provisions when used as a safe room or A-3 occupancy.	Ineligible	Eligible	Eligible	Eligible	Eligible
Generally Ineligible Components (Non-Essential to Protection)						
Safe Facility Maintenance	As per HMA Program Guidance, FEMA is not responsible for project maintenance.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Restroom fixtures that are not the minimum code required for toilet and hand washing facilities within the safe room	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Paint on walls and ceilings for the safe room	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Floor coverings – Subfloors as is appropriate and adequate for use in a safe room	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Floor covering for the unprotected portion of the project	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Finishes that enhance basic wall/ceiling paint or floor covering	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Removal of structures from developed land	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Kitchen cabinets, countertops, and kitchen equipment	See “Storage areas for food, water, and equipment” below.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible

Building Systems & Components	Design Criteria	Residential Safe rooms 1- & 2-Family Dwellings	Non-Residential, Dual-Use Tornado Safe Room	Non-Residential, Single-Use Tornado Safe Room	Non-Residential, Dual-Use Hurricane Safe Room	Non-Residential, Single-Use Hurricane Safe Room
Storage areas for food, water, and equipment	FEMA 361 includes the recommendation for food and water storage within the safe room in Section 8.6.1. FEMA 361 also identifies safe room equipment that should be stored within the safe room. See Sections 8.6.3 and 9.1.8, and Table 9.1.	Ineligible	Eligible	Eligible	Eligible	Eligible
Security cameras and EOC-type equipment	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Purchase of land	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Landscaping	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible	Ineligible	Ineligible	Ineligible
Site work not related to the protected portion (excavation, grading, parking, sidewalks, etc.)	Not a design requirement of FEMA 320 or 361.	Ineligible	Ineligible except for sidewalks necessary for access	Ineligible except for sidewalks necessary for access	Ineligible except for sidewalks necessary for access	Ineligible except for sidewalks necessary for access

Eligible Costs Table Notes:

1. Parking, and all non-building elements that support getting occupants from the parking area to the safe room area, are ineligible costs. These costs include, but are not limited to, the parking areas/surfaces, weather protection structures, walkways, stairs and railings, and signage otherwise not needed for pedestrian access unless required by the ADA.
2. Community-wide, mass notification systems are not eligible costs for safe room projects. Only warning systems necessary to notify prospective safe room occupants along with communications equipment directly supporting the safe room function are eligible costs.
3. Safe rooms must comply with minimum square footage requirement presented in FEMA 361 when applying for Federal funding. However, when additional space per occupant is provided, this typically reduces the BCR for the safe room project. Currently, no exceptions or provisions allow for the additional benefit to be credited due to the use of facility (such as an EOC, a hospital, a special needs shelter, etc.). FEMA 361 square footage criteria are net square footages (usable) for the safe room (protected) area.
4. When a safe-room is a single-use space or any other space that has not otherwise been classified for use or occupancy, the occupancy should be defined as A-3 as defined in Section 303 of the 2006 (or most current edition) of the International Building Code (IBC). This occupancy designation will provide the criteria needed for defining other non-safe room design parameters from the building code for the safe room space, including, but not limited to, lighting, toilet and hand washing fixtures, ventilation, etc.

Under the current Safe Room Policy, for each structure type, eligible project costs are limited to:

- **Protection by design components** (see Table 6), including and limited to the safe room portion of the envelope (walls, ceilings, doors, windows, as specified in FEMA 320 and 361).
- **Ancillary "best practice" components** (see Table 6) recommended by FEMA 320 and 361, including standby (backup) power, communications, and emergency electrical lighting limited to the safe room portion of the building.
- **Design and construction components** (see Table 6) for safe room portion only, including engineering fees and excavation.
- **Required features by function** (see Table 6) (necessary for safe room function and habitation) components, including ventilation, permanent electrical lighting, steps for ingress/egress, toilets and hand washing facilities, etc. for the normal use of the safe room when eligible according to Table 6. Some of these features may be recommended, but FEMA does not pay for these elements.

Ineligible costs are **non-essential components** including any above-code, code-required, or below-code components not necessary to provide for minimum life-safety protection in the safe room area. Table 7 presents examples of five safe room projects and their eligible costs.

Table 7: Example Eligible Costs by Safe Room Type

Residential Safe Room	**Tornado or Hurricane Safe Room, New Construction or Retrofit, Interior, or Exterior**	**Example:** Interior basement safe room, new construction. **Eligible Costs:** Eligible project costs include: • Protective safe room envelope (walls, ceiling, and door) • Required FEMA 320 best-practice components • Design and construction costs for safe room portion only • Required safe room components, such as permanent electrical lighting and ventilation, as specified in FEMA 320
Community Safe Room – Retrofit	**Single-Use Tornado or Hurricane Safe Room, Retrofit**	**Eligible Costs:** Costs eligible for FEMA cost share include: • Components or hardening activities that meet FEMA 361 wind mitigation criteria • Required FEMA 361 best-practice components including signage, communications, standby (backup) power sources • Construction and design fees • Required components, such as electrical lighting, ventilation, (may only be necessary for hurricane safe rooms), toilets and hand washing facilities as specified in FEMA 361 **Ineligible Costs:** Non-mitigation performing components not identified in FEMA 361.

Community Safe Room – Retrofit	**Dual-Use Tornado or Hurricane Safe Room, Retrofit**	**Eligible Costs:** Costs eligible for FEMA cost share (limited to designated mitigation-performing areas of the structure) include: • Costs to harden walls, floors, ceilings/roofs, windows in safe area only • Standby (Backup) power sources for safe room area only • Any local code-required items, including toilet and hand washing facilities, electrical lighting, and ventilation limited to the safe room area **Ineligible Costs:** Non-mitigation-performing components not identified in FEMA 361, including items relating to non-shelter use, **such as auditorium seating, sports equipment and fixtures, floor treatments, bathroom fixtures (other than code-required toilets and hand washing fixtures specified by the FEMA safe room publications), etc.**
Community Safe Rooms – New Construction	**Single-Use Tornado or Hurricane Safe Room, New Construction**	**Eligible Costs:** Costs eligible for FEMA cost share include: • Walls, floors, ceilings/roofs, doors, and windows included in the safe room • Required FEMA 361 best-practice components including signage, communications, standby (backup) power sources, and construction and design fees • Local code-required items, including toilet and hand washing facilities, electrical lighting, ventilation, ADA entrances (ADA entrances are federally mandated but also required by local code) **Ineligible Costs:** Non-mitigation performing components not identified in FEMA 361.
	Dual-Use Tornado or Hurricane Safe Room, New Construction	**Eligible Costs:** Costs eligible for FEMA cost share (limited to the safe room area of the structure) include: • Walls, floors, ceilings/roofs, doors, and windows included in the safe room portion of the facility • Required FEMA 361 best-practice components including signage, communications, standby (backup) power sources • Construction and design fees • Local code-required items, including toilet and hand washing facilities, electrical lighting, and ventilation **Ineligible Costs:** Non-mitigation-performing components not identified in FEMA 361, including items relating to non-shelter use, **such as auditorium seating, sports equipment and fixtures, floor treatments, bathroom fixtures, etc.**

C.4.3 Operations and Maintenance Plans

The Safe Room Policy requires Applicants and subapplicants to submit a descriptive statement regarding the O&M plan with any safe room grant application. The policy states in Section VII (page 3):

> *FEMA will consider an extreme wind event mitigation activity consisting of the retrofit or construction of a residential, nonresidential, or community safe room (single- or multi-use) to be an eligible project type for PDM and HMGP grant awards as follows:*
>
> - *[In the 7th bullet:] where adequate operations and maintenance planning are demonstrated;*

And further states in Section VII, Part E (page 9):

> *To be considered for funding, PDM and HMGP community safe room project applications will include a statement acknowledging that the requested community safe room will be operated and maintained in a manner that will achieve the proposed hazard mitigation. FEMA will only consider operations and maintenance plans that are*

consistent with criteria available in FEMA 361 Design and Construction Guidance for Community Safe Rooms Chapter 9 and the samples provided in Appendix C and D.

Community safe rooms, as defined by the Safe Room Policy, are built and operated for the purpose of immediate life-safety protection during extreme wind hazards. To achieve this purpose, community safe rooms must be built to the design criteria specified in Section VII, Part A of the Safe Room Policy, and they must admit occupants and provide them with the services they need in a timely manner. Consequently, the Safe Room Policy requires that all community safe room applications provide a clear and succinct statement acknowledging that the requested community safe rooms will be operated and maintained in manner that will achieve the proposed hazard mitigation. Therefore, it is essential that Applicants and subapplicants provide this information; otherwise, the application review may be delayed or an application rejected. In addition, a signed Draft O&M Plan will be provided at pre-construction and a signed Final Approved O&M Plan will be provided at closeout for evaluation of community safe room funding applications. Again, it is essential that this information be provided otherwise project implementation may be inhibited.

The following steps outline the O&M plan requirements for projects seeking FEMA grant funding, details for each step are provided in the subsections below.

- Step 1. (3.1) Descriptive statement of O&M plan (due at time of application);
- Step 2. (3.2) Draft O&M Plan (due prior to any retrofit or construction); and
- Step 3. (3.3) Final O&M Plan (due prior to project closeout).

C.4.3.1 Descriptive Statement of O&M Plans

A statement acknowledging the requirement for an O&M plan for the community safe room should be included in the grant application. At a minimum, it should include a description of the maintenance procedures, as well as a brief statement about the operation of the safe room when opened for use. The statement should also provide basic information about how the safe room will be used, including a description on initiating use, a discussion of the warning system, basic procedures for opening the doors to the public, and key components of the safe room maintenance procedures. Finally, the statement should identify the office that will be responsible for the O&M of the safe room.

C.4.3.2 Draft O&M Plans

The development of a Draft O&M Plan should be coordinated with the appropriate entities both using and operating the community safe room and signed by appropriate officials in these organizations.

A Draft O&M Plan must be submitted at pre-construction and, at a minimum, must include the items identified in the O&M component lists below. The Draft O&M Plan may be based on preliminary engineering drawings. FEMA 361, Chapter 9 and Appendices C and D, provide additional information on the O&M components. The O&M plans should include, but not be limited to, the following components:

Operations Components:

- Community organization(s) responsible for operating and maintaining the community safe room, such as the local emergency management office. Include contact information for the relevant office(s).
- Command and management roles and responsibilities for key individuals, such as the overall safe room manager and site coordinator and their essential duties; and/or the agency responsible for fulfilling these roles.
- Major tasks the safe room management team will perform during a tornado/hurricane watch issued by the National Weather Service.
- Major tasks the safe room management team will perform during a tornado/hurricane warning issued by the National Weather Service.
- General operation tasks performed in the community safe room from the time the emergency is announced to the time occupants may safely leave the community safe room.

Maintenance Components:

Assurance from the organization responsible for operating and maintaining the community safe room of the following during the useful life of the community safe room:

- Non-mitigation uses will not prohibit the use of the community safe room to perform its hazard mitigation purpose of life-safety protection. This will ensure the approved safe room occupancy is available at all times.
- Regular maintenance will be scheduled and performed by a designated party during the useful life of the community safe room.
- Basic exterior and interior signage will be posted as is necessary and appropriate for adequate safe room operations.
- A redundant power source, such as batteries or generators, is available to provide standby (emergency) power for lighting and ventilation for the community safe room in the event of primary power failure, as required.
- The community safe room inventory will include essential equipment and supplies such as communications equipment, emergency equipment, first-aid supplies, water, and sanitary supplies.

A Draft O&M Plan is required before any retrofit or construction activities begin. Draft O&M Plans must include:

- Both the operations and maintenance components listed above.
- The signature of the subgrantee for the approved application.
- The signature of authorized officials from the identified community organization(s) responsible for operating and maintaining the community safe room, if different than the subgrantee.

Grantee Review of Draft O&M Plan

The Safe Room Policy specifies that the Grantee affirm the Draft O&M Plan is consistent with FEMA 361 criteria by:

- Reviewing the draft plan to ensure it addresses both the operations and maintenance components, as well as the signature requirements listed above.
- Coordinating with the subgrantee to address any missing components and/or signatures not included in the draft plans.
- Transmitting the Draft O&M Plan to FEMA with a written statement affirming its consistency with FEMA 361 criteria.

FEMA Review of Draft O&M Plan

The Grantee will be informed in writing once FEMA has determined the Draft O&M Plan is consistent with FEMA 361 criteria. This will allow the Grantee to inform the subgrantee that it may begin retrofit or construction activities. FEMA comments on the Draft O&M Plan must be addressed before FEMA makes a final determination of consistency.

Additional information on plan components is provided in FEMA 361, Chapters 3, 5, 8, and 9:

- Maximum Occupancy (FEMA 361, 3.3.1, 3.4.1, and 3.5.1);
- Warning Signals (limited information in FEMA 361, 5.4 and 5.5);
- Access and Entry (FEMA 361, 4.4 and 8.4);
- Signage (FEMA 361, 9.4);
- Parking (FEMA 361, 5.4);
- Pets (FEMA 361, 5.4);
- Special Needs Populations (FEMA 361, 8.7);
- Emergency Provisions, such as food and water, sanitation management (FEMA 361, 8.9); and
- Identified non-mitigation uses of the community safe room (FEMA 361, 5.2.2).

C.4.3.3 Final O&M Plans

The development of a Final O&M Plan should be coordinated with the appropriate entities both using and operating the community safe room and signed by appropriate officials in these organizations.

A Final O&M Plan is required before project closeout. The Draft O&M Plan should be updated to reflect the actual design and construction of the safe room and include any other changes that may have been required due to construction, access issues, or other relevant factors.

Final O&M Plans must include:

- Operations and maintenance components listed above;
- The signature of the subgrantee for the approved application; and

- The signature of authorized officials from the identified community organization(s) responsible for operating and maintaining the community safe room, if different than the subgrantee.

Grantee Review of Final O&M Plan

The Safe Room Policy requires that the Grantee affirm that the Final O&M Plan is consistent with FEMA 361 criteria by:

- Reviewing the final plans to ensure they address both the O&M components, as well as the signature requirements listed above;
- Coordinating with the subgrantee to address any missing components; and
- Transmitting the Final O&M Plan to FEMA with a written statement affirming its consistency with FEMA 361 criteria.

FEMA Review of Final O&M Plan

The Grantee will be informed in writing once FEMA has determined the Final O&M Plan is consistent with FEMA 361 criteria. FEMA comments on the Final O&M Plan must be addressed before FEMA makes a final determination of consistency. Grantees not completing a Final O&M Plan at closeout will be subject to recoupment of grant funds as determined by FEMA.

C.4.4 Cost Effectiveness for Safe Rooms

The Safe Room Policy, Section VII, Part F (page 10), Cost Effectiveness states, "PDM and HMGP safe room projects requesting funding must demonstrate their cost effectiveness through an acceptable benefit-cost analysis (BCA)."

This section discusses the total project costs required for the purpose of demonstrating compliance with cost-effectiveness requirements. The total project cost for BCA purposes is equal to the sum of all eligible costs necessary to achieve life-safety protection. Applicants and subapplicants should refer to the Eligible Costs section of this guidance to help identify the full range of components that make up these necessary costs. As identified in the Safe Room Policy, project costs typically include:

- Design activities;
- Site preparation and building foundation materials and construction;
- Structural systems capable of resisting the design wind loads (including roof decking and roof support structures);
- Protective envelope components such as:
  - Walls, ceiling/roof systems, and doors; and
  - Other retrofit hardening activities that meet FEMA-approved performance criteria;
- Functional components such as:
  - Permanent electrical lighting, ventilation, heating/cooling, and toilets and hand-washing facilities consistent with FEMA-approved performance criteria;

- Signage, emergency communications equipment, and backup power generation for the safe area; and

- O&M plan development.

In some cases, the total project costs of a safe room for a large community may exceed the funding limits of the HMGP or PDM grant program. In these instances, the actual total project cost must be used in the BCA. The grant program funding limit (which would be less than the actual project cost) may not be used as the total project cost entered into the BCA.

Similarly, some applications may not request PDM or HMGP funds up to the available Federal cost share. In these cases, the application must still use the sum of all required, not just requested, costs necessary to achieve the hazard mitigation purpose of immediate life-safety protection.

C.4.5 Summary of Grant Application Requirements

To be eligible for FEMA grant funding, safe room applications and subapplications must provide documentation to show:

- Compliance with the FEMA Mitigation Safe Room Policy;
- Compliance with relevant HMGP and PDM program guidance requirements; and
- Compliance with local planning, zoning, building, and other applicable codes.

In addition to these three basic requirements, all applications and subapplications must include:

- Population at risk:
  - Documentation on the composition, size, and rationale for including each group designated as an at-risk population;
  - For tornado residential and community safe rooms, documentation must show how the designated population would reach the safe room within the prescribed time limit after notification; and
  - For hurricane safe rooms, documentation must demonstrate that each group comprising the at-risk population belongs to one of the categories specified in this guidance;
- Travel limitations:
  - For tornado community safe rooms, travel limits are 5 minutes for the occupants who will be walking or the maximum distance of 0.5 mile from the safe room for those driving. This means that the population relied upon as the potential occupants of the safe room must reside or work in buildings that are no more than 0.5 mile away from the safe room; and
  - For hurricane safe rooms, travel times are not limited;
- A BCA performed using the latest available and approved BCA tools;
- A description of the approach the subapplicant will use in preparing the O&M plan; and
- Closeout Requirements:

- Final approved O&M plan;
- Photos of the project site before and after construction;
- Latitude/longitude at the project site; and
- Vicinity map and map of SFHA if applicable.

D. Mitigation Reconstruction Projects

This section supplements the information provided in Parts I through VIII. For mitigation reconstruction resources, see Part X C.11.

D.1 Additional Project Eligibility Requirements

Mitigation reconstruction projects cannot be combined with other activity types within the same project subapplication. To ensure the subapplication scope, schedule, and budget adhere to programmatic requirements, a mixture of activity types other than mitigation reconstruction within the subapplication is not permitted. Applicants must indicate within the mitigation activity section of their subapplication why they are electing to utilize mitigation reconstruction, and have not chosen the other available activity types. Mitigation reconstruction projects must be designed using the best available data, including an Advisory Base Flood Elevations (ABFEs), if available.

Mitigation reconstruction projects result in the construction of code-compliant and hazard-resistant structures on elevated foundation systems. No mitigation reconstruction projects are allowed in the regulatory floodway or coastal high hazard area (Zone V).

D.2 Eligible Mitigation Reconstruction Costs

Mitigation reconstruction activities may involve the demolition of an existing structure followed by onsite replacement with a hazard-resistant (e.g., flood, wind, and fire) and code-compliant structure.

All reasonable and necessary costs, including anticipated project costs, direct costs associated with project scoping, costs for reviewing design professional changes, and costs for pre-construction and construction activities listed below, are eligible project costs. All costs shall be based on the construction of fundamental, code-compliant structures as related to the codes and standards outlined in this guidance. Eligible activities must adhere to all Federal, State, and local requirements. A detailed project cost estimate shall be prepared by, or under the supervision of, the design professional responsible for project design. Details pertaining specifically to the project cost estimate, such as submittal format, cost ranges, preparation requirements, and source documentation, are included in Part IV H.3.

Eligible costs are limited to $150,000 Federal share per property. Some eligible activities such as administrative allowances and permitting fees need not be included in the $150,000 maximum Federal share.

The activities eligible as part of a grant award under this activity type are separated into three major categories: Consultation and Project Scoping, Pre-Construction Activities, and Construction Activities. Specific activities within each of these categories that are eligible to the extent reasonable and necessary to perform the project purpose are identified in Table 8.

Table 8: Eligible Mitigation Reconstruction Activities

Activity	Subject to Federal Share Funding Limit of $150,000?
1. Project Scoping	
Property Verification (e.g., size of pre-existing structure)	No
Preliminary Elevation Determination	No
Environmental Site Assessment Phase 1	No
Engineering Feasibility Study (For example: Can an existing structure be elevated? Is mitigation reconstruction feasible?)	No
BCA	No
Title Search (e.g., ownership verification)	No
2. Pre-Construction Activities	
Site Survey (i.e., boundaries and elevation)	No
Testing of Soils/Geotechnical, Testing for Asbestos and Lead-Based Paint	No
Archeological Assessment Phase 1	No
Local, State, and Federal Permitting (e.g., environmental, historic)	Yes
Architectural/Engineering Design/Plans/Specifications	Yes
Plan Review	No
3. Construction Activities	
Permitted disposal of routine asbestos, lead-based paint, and household hazardous wastes incidental to demolition	No
EHP Mitigation	No
Demolition/Removal	Yes
Erosion Control/Grading/Drainage	Yes
Utility Connections	Yes
Landscaping for Site Stabilization (e.g., seeding)	Yes
Walkways and Driveways	Yes
Elevated Foundation Construction	Yes
Inspection of Foundation System	No
Structural Shell	
Framing	Yes
Exterior Doors	Yes
Windows (includes protection)	Yes
Access/Egress	Yes
Exterior Cladding	Yes
Roofing	Yes
Interior Partitioning	
Drywall	Yes
Trim	Yes
Painting	Yes
Interior Doors	Yes
Insulation	Yes

Activity	Subject to Federal Share Funding Limit of $150,000?
Utility Equipment	
Heating, Ventilation, and Air Conditioning (HVAC)	Yes
Water/Wastewater Plumbing	Yes
Electrical Panel and Wiring	Yes
Hot Water Heater	Yes
Fixtures	
Sinks/Toilets/Showers	Yes
Lighting	Yes
Cabinets and Countertops	Yes
Flooring	Yes
Building Inspections	No
Certificate of Occupancy	No
Final Elevation Certificate	No
Owner Displacement Costs	No
Tenant Displacement Costs	No
Prepare and Record Flood Insurance Requirement (after construction is finalized)	No

D.2.1 Eligible Demolition/Removal Activities

Mitigation reconstruction projects will include either total or partial demolition of the site. All demolition debris shall be removed and taken to an approved landfill. The following must be considered during demolition:

- Abatement of asbestos and lead-based paint;
- Removal of existing associated structures, garages, and above-grade concrete slabs;
- Abandoned septic tanks, if not removed, must be emptied, have the floors and walls cracked or crumbled to prevent the tank from holding water, and be filled with sand or other clean fill;
- All foundation and basement walls not included within the mitigation reconstruction project footprint shall be removed to at least 1 foot below the finish grade of the site, or as necessary to construct the new foundations;
- All basements not included within the mitigation reconstruction project footprint shall be filled with compacted clean fill. Prior to filling, basement floors should be provided with a minimum 1-foot diameter hole in the floor to allow for drainage;
- Only trees that restrict the mitigation reconstruction work on any structure may be removed;
- Any abandoned utilities shall be terminated at least 2 feet below the finish grade of the site;
- Any abandoned wells shall be capped and associated components may be removed; and

- All disturbed areas must be graded and leveled. The top 12 inches of soil should be capable of supporting vegetation in areas not included in the reconstructed footprint.

D.2.2 Ineligible Mitigation Reconstruction Costs

Certain mitigation reconstruction activities and their associated costs are not eligible. Ineligible costs include, but are not limited to, the following:

- Landscaping for ornamentation (e.g., trees, shrubs);
- Decks and garages not included as part of the foundation system;
- All construction activities not specifically noted in this guidance and not specifically approved by FEMA in advance; and
- Site remediation of hazardous materials.

D.3 Additional Information about the Feasibility and Effectiveness Requirement

The height to which a foundation can be constructed is a key factor in determining feasibility. Assistance in evaluating flood mitigation techniques can be found in FEMA 551, *Selecting Appropriate Mitigation Measures for Floodprone Structures*, March 2007. All proposed mitigation measures from FEMA 551 must be consistent with other HMA program criteria such as eligible activities. FEMA has developed guidance for the design of appropriate foundations based on the requirements of the International Codes and other applicable coastal construction standards. This guidance is included in FEMA 550, *Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations*, December 2009, which also includes sample foundation design calculations and drawings, and describes in detail the considerations for determining the feasibility of constructing to the required height. While FEMA 550 was developed in response to the reconstruction needs following Hurricane Katrina, the design solutions provided can be used in both coastal and non-coastal flood zones. The document recommends that users choose the appropriate foundation by following the Foundation Selection Decision Tree. In this document, FEMA recommends that the sample designs be used for a maximum height of 8 feet for a closed foundation, and up to 15 feet for an open foundation. A design professional should be consulted to determine feasibility for residential structures with required foundation heights greater than these limits.

D.4 Mitigation Reconstruction Project Scoping

The SOW for mitigation reconstruction projects is expected to include six general activities associated with construction. Each of the following activities is outlined in subsequent subsections:

- Pre-construction;
- Site preparation;
- Foundation construction;
- Structural shell construction;
- Interior finishes; and
- Construction completion.

In developing the mitigation reconstruction SOW, the subapplicant should consider:

- Health issues involved with working with asbestos, mold, or lead-based paint;
- Whether the structure can be safely elevated with a low likelihood of collapse or disintegration of the structure during the process and the need for a registered engineer or architect to ensure that structure elevation is possible; and
- The square footage of a resulting structure shall be no more than 10 percent greater than that of the original structure. Breezeways, decks, garages, etc. will not be considered part of the original square footage unless they were situated on the original foundation system. Original square footage must be documented in the SRL subapplication through copies of tax records or other verifiable means.

In order to facilitate project development and to ensure all potential costs have been estimated, a conceptual design of proposed activities must be prepared during subapplication development. Although the construction of each structure will be designed by a licensed professional as part of the implementation of the project, basic design parameters for each structure must be established during project scoping. Some of the design parameters that must be established during project scoping include foundation type, required foundation height, flood hazard conditions, appropriate wind design, project cost, and site conditions. To aid potential subapplicants through the project scoping process, FEMA has developed detailed information regarding project cost estimates (see Part IV H.3.1).

D.4.1 Design Parameters

The primary design parameters that must be considered during project scoping include:

- **Foundation Type:** A key consideration for scoping mitigation reconstruction projects is the type of foundation required. The type of foundation for a specific mitigation reconstruction project is based on the location of the property within a defined flood zone (based on the BFE or ABFE) and the required height of the proposed structure above adjacent grade. During project scoping, the applicable flood zone or flood hazard area for each structure must be identified, as well as the associated foundation design requirements. This will aid subapplicants in determining the appropriate foundation type. The type of foundation selected affects the type and cost of construction, and must be identified prior to subapplication submittal. Assistance in evaluating flood mitigation techniques can be found in FEMA 551. Detailed guidance on foundation designs and design parameters can be found in FEMA 550;
- **Foundation Height:** The required height to which a foundation must be constructed is a key factor in determining feasibility and cost. Assistance in evaluating flood mitigation techniques can be found in FEMA 551. FEMA has developed guidance for the design of appropriate foundations based on the requirements of the International Codes and other applicable coastal construction standards. This guidance is included in FEMA 550, which also includes sample foundation design calculations and drawings. In this document, FEMA has recommended sample designs and associated height limitations for various foundation types. For residential structures with required foundation heights greater than these limits, a design professional should be consulted to determine feasibility;

- **Wind Design Considerations:** All mitigation reconstruction activities must be completed in accordance with the International Codes. This includes the appropriate wind design as dictated by the required wind design speed for the project location. An additional consideration is the requirement for the installation of shutters or other protective measures in windborne debris regions, which are defined by those areas with a design wind speed of 120 miles per hour or greater. During project scoping, projects located within these areas should be identified, and the associated cost of shutters or protective measures must be included in project costs;
- **Seismic Considerations:** All mitigation reconstruction activities must be completed in accordance with the International Codes. This includes the appropriate seismic design as dictated by the required seismic design for the project location. During project scoping, projects located within these areas should be identified and the associated cost of seismic design measures or protection must be included in project costs; and
- **Project Cost:** The requirements and preferences for mitigation reconstruction developed through the parameters described above will significantly affect the cost of proposed activities. Proposed costs must be developed for consideration of mitigation options and completion of the BCA. Detailed guidance on costing procedures is available from the appropriate FEMA Regional Office. In addition to these specific parameters, other considerations may need to be addressed during project scoping, such as:
  - Zoning requirements and other local ordinances;
  - Soil conditions;
  - Site access requirements; and
  - EHP considerations.

During project scoping, consideration should be given to all parameters that have the potential to significantly affect project implementation, including work schedule, project cost, and project effectiveness. Additional resources for mitigation reconstruction design parameters can be found in Part X C.11.

D.4.2 Meeting Codes and Standards

Mitigation reconstruction projects shall be designed and constructed to the minimum standard as established by the requirements of the 2006 International Codes. Structures, including all parts and appurtenances, shall be designed and constructed to safely support all loads, including dead loads, live loads, roof loads, floor loads, wind loads, flood loads, snow loads, seismic loads, and combinations of loads expected to be imposed on the structure as defined in the code and related documents referenced in the codes. The construction of structures shall result in a system that provides a complete load path capable of transferring all loads from the point of origin through load-resisting elements to the soils supporting the foundations. One- and two-family dwellings shall be designed and constructed, as a minimum, to meet the requirements of the 2006 *International Residential Code for One- and Two-Family Dwellings* published by the International Code Council, as well as, ASCE/SEI 24-05. However, FEMA encourages communities to use the newly issued 2009 International Codes with its referenced standards. These include Appendix G: Flood Resistant Construction for all occupancies including residential, commercial, and other. The 2006 International

Codes shall be the minimum applicable requirement until and unless a subsequent edition of that code is adopted by the governing jurisdiction.

Multi-family dwellings shall be designed and constructed, at a minimum, to meet the requirements of the International Building Code (IBC) published by the International Code Council. The 2006 IBC shall be the minimum applicable requirement until and unless a subsequent edition of that code is adopted by the governing jurisdiction. For purposes of this program, the absence of an adopted building code in a participating jurisdiction or a jurisdiction's use of a building code not meeting the requirements of the International Codes shall not relieve the subapplicant from meeting the minimum design and construction requirements.

Installation of manufactured homes must follow regulations and guidance provided by HUD and the State Administering Agency. In addition, for installations in the SFHA, the flood provisions in NFPA 225, *Model Manufactured Home Installation Standard* (2009 Edition), shall be the minimum requirement. This document details the standards for preparation of sites and foundations on which manufactured homes are installed, and the procedures for onsite installation of homes.

FEMA also provides additional guidance including recommended prescriptive pre-engineered foundation design in FEMA 85, *Protecting Manufactured Homes from Floods and Other Hazards*, November 2009. FEMA 85 has been updated to reflect the requirements of the most current codes and standards, and to provide a best practices approach in reducing damages from natural hazards.

Project construction documents, including design drawings and specifications, shall be signed and sealed by a design professional licensed in the State in which the project is to be constructed and certified for compliance with the codes, standards, and minimum construction requirements specified in this guidance. Construction documents must be produced prior to the start of construction but are not required for submittal as part of an application. The construction documents shall include a statement that the design meets or exceeds the applicable 2006 International Code. Construction documents based on standard details developed by a manufacturer or material supplier, including framing members, framing connections and roofing, and siding or appurtenance fasteners shall be signed and sealed by a design professional licensed in the State in which the project is constructed.

D.4.3 Pre-Construction

Pre-construction activities for each structure include project design, analysis, and permitting required to meet the requirements for funding.

Project design will be performed by, or under the direct supervision of, a design professional (i.e., a registered architect or engineer licensed in the State of the project). The design includes all calculations, analysis, and research necessary to determine the forces expected to act on the project structure. The design must account for all attachments and appurtenances. The selected structural framing members must be sufficient to provide a load path for all load-bearing members so as to transfer design loads to the foundations. The design must also account for the connections required to transfer loads from one member to another in accordance with the design concept.

Assistance in evaluating flood mitigation techniques can be found in FEMA 551. Design and construction techniques for building foundations can be found in FEMA 550, which describes in detail the considerations for determining the feasibility of constructing to the required height. While FEMA 550 was developed in response to the reconstruction needs following Hurricane Katrina, the design solutions provided can be used in both coastal and non-coastal flood zones.

The design process also includes any testing required to establish site-specific design parameters, such as soil borings conducted as part of a geotechnical exploration, to determine foundation requirements.

Prior to construction, each subapplicant must obtain all applicable permits and pay all required permitting fees. Applicable permits are expected to include, but not be limited to, the following:

- Zoning or land use approvals;
- Environmental permits or required certifications;
- Historic preservation approvals; and
- Building permits.

D.4.4 Site Preparation

Site preparation activities include demolition of existing structures, removal and disposal of project debris, site environmental restoration, utility relocation, and site grading required as part of the project. The subgrantee shall conduct American Society for Testing and Materials International's E2247-08 Phase I Environmental Site Assessment in accordance with the EPA's all appropriate inquiries rule (40 CFR Part 312). A clean-site certification from the appropriate Federal or State agency is required for properties that were subject to remedial, removal, response, or corrective actions for hazardous materials. Environmental site remediation costs are not eligible.

D.4.5 Foundation Construction

Foundation construction activities include installation, monitoring, and testing (if required) of foundations supporting the structure. Assistance in evaluating flood mitigation techniques can be found in FEMA 551. Design and construction techniques for building foundations can be found in FEMA 550. This guidance document describes in detail the considerations for determining the feasibility of constructing to the required height. While FEMA 550 was developed in response to the reconstruction needs following Hurricane Katrina, the design solutions provided can be used in both coastal and non-coastal flood zones.

Installation of an open foundation system shall be monitored to ensure that foundation elements are installed to the depth, and achieve the load capacity, specified in the construction documents. Foundation construction monitoring can be conducted by a building official or his/her designee, the licensed design professional responsible for the project design, or an independent agency.

D.4.6 Structural Shell Construction

Structural shell construction activities include all framing, load-carrying elements, attachments, and building envelope components above the foundation. As rough-in installation of electrical, communications, plumbing, and mechanical systems may require drilling through or making notches in load-carrying elements, such rough-in work is also part of the structural shell construction activities. Structural shell construction activities must include an inspection of the completed shell prior to interior work covering the framing.

A critical element of structural shell construction is an engineering inspection conducted after framing, service rough-in, and building envelope construction are completed, but prior to installation of interior walls or coverings. The engineering inspection shall verify that the size,

location, and materials used in the construction are in conformance with the construction drawings and the applicable International Code.

The results of an engineering inspection by, or under the direct supervision of, the responsible design professional or an independent agency shall be presented in a written report signed and sealed by the licensed design professional in charge of the monitoring. The engineering inspections must be conducted by a building official or his/her designee. The licensed design professional responsible for the project design may inspect the structure for quality control reasons.

D.4.7 Interior Finishes

Interior finish activities include installation of interior walls, flooring, wiring/lighting fixtures, insulation, plumbing and mechanical fixtures, kitchen/bath counters, cabinets, sinks, toilets, tub/shower, and HVAC. Inspections of these interior finishes shall be conducted in accordance with the requirements of the applicable International Code Council building code.

D.4.8 Construction Completion

Construction completion activities consist of conducting final inspections, preparing a final elevation certificate (including digital photographs), issuing a Certificate of Occupancy for the structure, and assembling the documentation necessary to verify the project's conformance with program requirements.

D.5 Cost Estimate

Each project requires a project cost estimate as part of the technical and cost-effectiveness evaluation process. The project cost estimate shall include all reasonably anticipated project costs, including direct costs associated with project scoping and construction and closeout activities. The project cost estimate should also be based on standard-grade construction.

Eligible costs are limited to $150,000 Federal share per property. Some eligible activities, such as administrative allowances and permitting fees, need not be included in the $150,000 maximum Federal share.

Federal share funding will be estimated and obligated on a per-square-foot basis; reimbursement will be in a manner consistent with standard SRL Grantee procedures. Based on the foundation type and required elevation height, a square-foot cost for each potential combination of structure characteristics will be developed. All structures of the same type within a subapplication will have costs allocated at the same square-foot rate. Subapplicants will identify the type and number of structures of each possible combination to be included in the proposed project.

For cost-estimating purposes, the breakdown of structure types will be based on the following structure and foundation characteristics:

- Structure Type:
  - One-story
  - Two-story
- Structure Area:
  - 800 to 3,200 square feet (one-story)

- 1,200 to 3,600 square feet (two-story)

- Foundation Type:
  - Open foundation
  - Closed foundation
- Foundation Height:
  - 0 to 5 feet
  - 5 to 10 feet
  - 10 to 15 feet
  - Over 15 feet

To facilitate the application development process, FEMA will provide square-foot cost estimates for combinations of the above structure characteristics with respect to the appropriate geographic region of the Grantee. The square-foot costs will be developed with the understanding that the costs of eligible construction activities can vary based on the quality and type of construction materials and finishing work. Mitigation reconstruction costs will be based on materials, service equipment, and standard-grade construction practices, with basic exterior ornamentation and interior refinements consistent with an average quality of construction as defined in a commercially available cost guide. Any costs incurred above and beyond the square-foot costs as allocated by FEMA will not be the responsibility of FEMA and will not be included in the determination of the Federal share or non-Federal cost share. Only actual costs incurred for eligible activities will be reimbursed by the Grantee.

Subapplicants may contact their Applicant to obtain the FEMA-provided square-foot cost estimates and may use these values without submitting additional documentation. However, an Applicant may provide a specific cost estimate for each combination of structure characteristics on a square-foot basis. FEMA will review cost estimates submitted to ensure they are reasonable and valid for the type of construction and the geographic area. Cost information will be maintained and updated by FEMA to keep the reference cost range information as current as possible. Additional dollars-per-square-foot information provided by subapplicants may be used by FEMA to manage the changing dynamic of construction cost variances.

For Applicants not using the square-foot costs provided by FEMA, documentation of the source of all cost estimates must be provided. Costs must be provided in dollars-per-square-foot format. The costs shall be based on the construction of fundamental, code-compliant structures with essential appurtenances as described. This will allow for a comparative review of projects of varying types within a region and to ensure that reasonable construction costs have been submitted.

D.6 Plan Review and Inspections

Construction drawings and specifications shall be reviewed by the local jurisdiction prior to the start of construction. As defined by Section 103 of the IBC, the required review of the construction drawings and specifications shall be conducted by the local jurisdiction's building official. If the local jurisdiction has not established a building department, the reviews must be conducted by an independent design professional retained by the jurisdiction to conduct such reviews. The reviewing design professional shall be licensed in the State. Payment of the

reviewing design professional is an allowable cost. Construction inspections must be conducted to verify that the project was constructed in full accordance with the approved design and the applicable International Codes. Construction inspections shall be conducted by the office of the building official or under the direct supervision of a design professional licensed in the State of the project, as applicable.

D.7 Builder Certification

At a minimum, all work must be performed by contractors licensed or registered in the State where they are working and who maintain appropriate insurance coverage. In addition, contractors must adhere to more stringent local requirements, where applicable.

D.8 Certificate of Occupancy

Projects funded under this program shall not be occupied, or the occupancy category changed, without prior issuance of a Certificate of Occupancy by the governing local jurisdiction. In jurisdictions that have adopted the International Codes, the Certificate of Occupancy shall be issued only after the building official inspects the structure and finds no violations of the provisions of applicable codes or other laws enforced by the building department, as well as the provisions and requirements of this guidance.

In the absence of an adopted building code in a participating jurisdiction, or the absence of a designated building official, the required inspections shall be conducted by, or under the direct supervision of, a design professional licensed in the State of the subject project. In communities that have not currently adopted the International Codes, the State Building Commission shall determine the education, training, and experience requirements for inspectors responsible for conducting inspections.

Inspections required prior to the issuance of a Certificate of Occupancy include, but are not limited to, the following:

- **Demolition Inspection:** Inspections shall be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions exist on the site during or after demolition operations;
- **Foundation Inspection:** Inspections shall be made during foundation construction to verify that the foundations have been installed to the depth and capacity specified in the construction documents;
- **Floodplain Inspection:** Inspections shall be made for properties located in the SFHA, upon placement of the lowest floor, and prior to subsequent vertical construction. Documentation of the elevation of the lowest floor shall be provided by a land surveyor, engineer, or architect authorized by law to certify elevation information in the State where the project is located. Handheld Global Positioning System-derived ground elevations are not acceptable to meet this requirement. In addition, setbacks and distances from water courses, the regulatory floodway, Zone V, and the mapped limit of the 1.5-foot breaking wave zone should be checked prior to construction;
- **Framing Inspection:** Inspections shall be made after the roof is in place, including all framing and bracing, and after the plumbing, mechanical, and electrical rough-ins are complete. The framing inspections shall be made to verify that framing members are of

the type, size, and grade indicated on the construction documents and the connections and fasteners have been installed in accordance with the applicable codes and construction documents;

- **Sheathing Inspection:** Shall be conducted after all roof and wall sheathing and fasteners are complete and, at a minimum, shall include inspection of the roof sheathing, wall sheathing, sheathing fasteners, and roof/wall dry-in; and
- **Final Inspection:** A final inspection should be completed to document compliance with all requirements of the International Codes, local floodplain ordinances, and any other State or local regulations.

A comprehensive list of all required inspections, permits, and certifications is included in the International Codes. Additional information on flood-related inspections can be found in the International Code Council document, *Reducing Flood Losses through the International Codes*. A sample inspection checklist is available at: http://www.fema.gov/library/viewRecord.do?id=1595.

D.9 Mitigation Reconstruction Closeout

In addition to the typical HMA closeout processes, closeout of mitigation reconstruction projects generally includes the following:

- A Certificate of Occupancy and Final Elevation Certificate for each structure in the project to certify that the structure is code-compliant. A copy of a recorded deed for each property, including mitigation reconstruction project deed requirements, shall also be submitted to the Grantee;
- A certification from a building official or licensed design professional verifying that the structure was designed and constructed to the minimum standard of the 2006 International Codes must be provided. These documents shall be submitted before closeout can be completed. If a subgrantee fails to provide these documents, FEMA has the authority to recoup grant funds provided for the project;
- Verification that final square footage is within 10 percent of original structure square footage at the time of closeout;
- Verification of insurance for each structure; and
- Update of the property site information in the *e*Grants database for each structure.

E. Structure Elevation

This section supplements the information provided in Parts I through VIII. For Structure Elevation resources, see Part X C.12.

E.1 Overview

Structure elevation activities generally involve physically raising an existing structure to an elevation at or above the BFE, or higher if required by FEMA or local ordinance. Structure elevation may be achieved through a variety of methods, including elevating on continuous foundation walls; elevating on open foundations, such as piles, piers, posts, or columns; and elevating on fill. Foundations must be designed to properly address all loads and be appropriately connected to the floor structure above, and utilities must be properly elevated as well. Buildings proposed for elevation must be structurally sound and capable of being elevated safely.

E.1.1 Eligible Design Standards

At a minimum, FEMA requires Applicants and subapplicants to design all structure elevation projects in accordance with the NFIP standards outlined in 44 CFR Part 60. For additional information about the NFIP and structure elevation projects, see Part X C.1.

FEMA encourages Applicants and subapplicants to design all structure elevation projects in accordance with ASCE/SEI 24-05.

Buildings proposed for structure elevation must be structurally sound and capable of being elevated safely. In addition, important design considerations for structure elevations consistent with 44 CFR Part 60 are as follows:

- The lowest floor of structures must be elevated to the BFE or to the elevation specified in the local ordinance, if higher. Upon completion of the elevation work, an Elevation Certificate (FEMA Form 81-31) verifying "as built" elevations will be completed to ensure that the structure complies with the local floodplain ordinance, and NFIP floodplain management and HMA grant requirements.
- Elevation projects must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure due to hydrodynamic and hydrostatic loads, including the effects of buoyancy. It is recommended that an engineer certify that the design elevation will withstand the depth and velocity of 100-year flood events (hydrostatic and hydrodynamic loads), any potential increase in wind load, or any other relevant load factors.
- For elevation projects in Zone V with open foundations (piles, piers, posts, or columns), the space below the lowest floor must be free of obstructions or constructed with non-supporting breakaway walls, open wood lattice-work, or screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. Guidance on free-of-obstruction and breakaway wall requirements is available in FEMA TB-5, *Free-of-Obstruction Requirements*, 2008, and FEMA TB-9, *Design and Construction Guidance for Breakaway Walls Below Elevated Coastal Buildings*, 2008.

- For elevation projects on continuous foundation walls with fully enclosed areas below the lowest floor, the area must be used solely for parking of vehicles, building access, or storage as identified in 44 CFR Section 60.3(c)(5).
- Elevation projects on continuous foundation walls must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs to meet these criteria must be certified by a registered Professional Engineer or meet or exceed criteria found in 44 CFR Section 60.3(c)(5). Guidance on meeting this requirement can be found in FEMA TB-1, *Openings in Foundation Walls and Walls of Enclosures*, 2008.

E.2 Elevation Methods

Standard structure elevation methods are identified in FEMA Publication P-312 Homeowner's Guide to Retrofitting – Second Edition, December 2009, and in FEMA 347, *Above the Flood: Elevating Your Flood Prone House*, May 2000. In addition, FEMA has developed guidance for the design of appropriate foundations based on the requirements of the International Codes and other applicable standards. This guidance is provided in FEMA 550 and is available for use with HMA structure elevation projects. In addition, FEMA encourages Applicants and subapplicants to design all structure elevation projects in accordance with ASCE/SEI 24-05.

Available elevation methods, which are thoroughly described in both FEMA Publication P-312 (Chapter 5) and FEMA 347 include:

- Elevating the existing structure onto piles, posts, or piers;
- Filling in the basement and replacing it with an elevated floor; and
- Elevating by vertically extending the foundation walls of the home.

Activities that result in the construction of new living space at or above the BFE will only be considered when consistent with the Mitigation Reconstruction requirements. This includes structure elevations that abandon the lower enclosed area and add a new second story above the BFE to an existing structure. Such activities are only eligible under SRL. For additional information about mitigation reconstruction projects, see Part IX D.

The actual method selected for elevating a specific house will depend upon a number of factors such as:

- Foundation type;
- Condition of the house;
- Applicable State and local building codes;
- Soil type and bearing capacity;
- Weight of the house and lateral forces on the house from water and other natural hazards such as winds and earthquakes;
- Height of proposed elevation above the grade level; and
- Number of additions to the original structure.

The most common foundation types include:

- Crawl space on foundation walls;
- Slab-on-grade;
- Open type foundation:
  - Piles; and
  - Posts or piers.

Additional details to consider when constructing an elevation project can be found in the following publications:

- FEMA 55, *Coastal Construction Manual*, May 2000;
- FEMA 259, *Engineering Principles and Practices of Retrofitting Floodprone Structures*, June 2001;
- FEMA 499, *Home Builders Guide to Coastal Construction Technical Fact Sheet Series*; and
- ASCE/SEI 24-05.

This is not an all-inclusive list of publications on retrofitting and elevations. More documents are available at: http://www.fema.gov/rebuild/buildingscience/publications.shtm.

E.3 Eligible Structure Elevation Costs

E.3.1 Eligible Costs

Allowable costs are those costs that are necessary and reasonable for the proper and efficient performance and administration of the Federal award. In addition to the costs identified in Part IV H.3, Cost Estimate, the following costs associated with structure elevation projects are generally allowable:

- Engineering services for design, structural feasibility analysis, and cost estimate preparation;
- Surveying, soil sampling, completion of elevation certificate, title search, deed recordation fees, legal and/or permitting fees, project administration, and construction management;
- Disconnection of all utilities;
- Building of a foundation so that the lowest floor is at the BFE, or higher if required by local ordinance or FEMA;
- Physical elevation of the structure and subsequent lowering and attachment of the structure onto a new foundation;
- A floor system that meets minimum building code requirements when the existing floor system cannot be elevated or is not appropriate for the new foundation;
- Reconnecting of utilities and extending lines and pipes as necessary and elevating all utilities and service equipment;
- Debris disposal and erosion control;

- Costs for repair of lawns, landscaping, sidewalks, and driveways if damaged by elevation activities;
- Construction of a utility room above the BFE may be eligible only if there is no existing space within the house for this purpose, or if there is no alternative cost-effective way to elevate the utilities;
- Elevation of existing decks, porches, or stairs;
- Construction of new stairs and railings to access the elevated living space per minimum code or local ordinance;
- In a case where an owner or members of the owner's family have a permanent physical handicap, a physician's written certification is required before handicapped access facilities can be allowed as an eligible cost. Only one ADA-compliant access is allowable for funding unless specified otherwise in applicable State or local codes (for more information on ADA see: http://www.ada.gov/. If ramps are not technically feasible to build, a mechanical chair lift may be installed;
- Documented reasonable living expenses (except food and personal transportation) that are incurred during the period when the owner is displaced by the elevation construction;
- Abatement of asbestos and lead-based paint; and
- Filling basements with compacted clean fill.

E.3.2 Ineligible Costs

Certain structure elevation activities and their associated costs are not eligible. In addition to those activities listed as ineligible in Part III D.2, Ineligible Activities, ineligible costs for structure elevation also include, but are not limited to, the following:

- Elevating structures that were not in compliance with current NFIP standards at the time of construction;
- Costs related to building additions or auxiliary structures;
- Construction of new decks or porches;
- Any improvements for purely aesthetic reasons unless required by the EHP compliance review;
- Costs to replace or repair utility service components, which are undersized, inadequately designed, or unsafe;
- Exterior finish on the exposed foundation of the elevated building, unless required by EHP compliance review; and
- Additional landscaping for ornamentation beyond what existed on the site prior to construction of the project (e.g., trees, shrubs).

E.4 Additional Application Requirements

In addition to the items identified in Part IV H.1, Scope of Work, the following data is required for each structure:

- Physical address and property owner's name;
- The estimated cost to elevate each structure;
- Name and location of flooding source (i.e., creek, river, watershed, or location of stormwater ponding) and location on the applicable FIRM;
- The proposed elevation of the lowest floor for each structure to be mitigated, the BFE, and the current elevation of the lowest finished floor;
- Type of existing foundation (slab-on-grade, crawl space, basement, or open foundation) and the proposed elevation method and standard to be used; and
- A statement that the project will be designed in compliance with NFIP standards as outlined in 44 CFR Part 60.

E.5 Survey and Inspection Considerations

Surveying and inspections are encouraged throughout the construction process. Certifications of the surveys ensure the work has been performed in compliance with the structure-specific plans and specifications, applicable codes and standards, and minimum NFIP requirements. Figure 1 identifies important inspection and survey considerations.

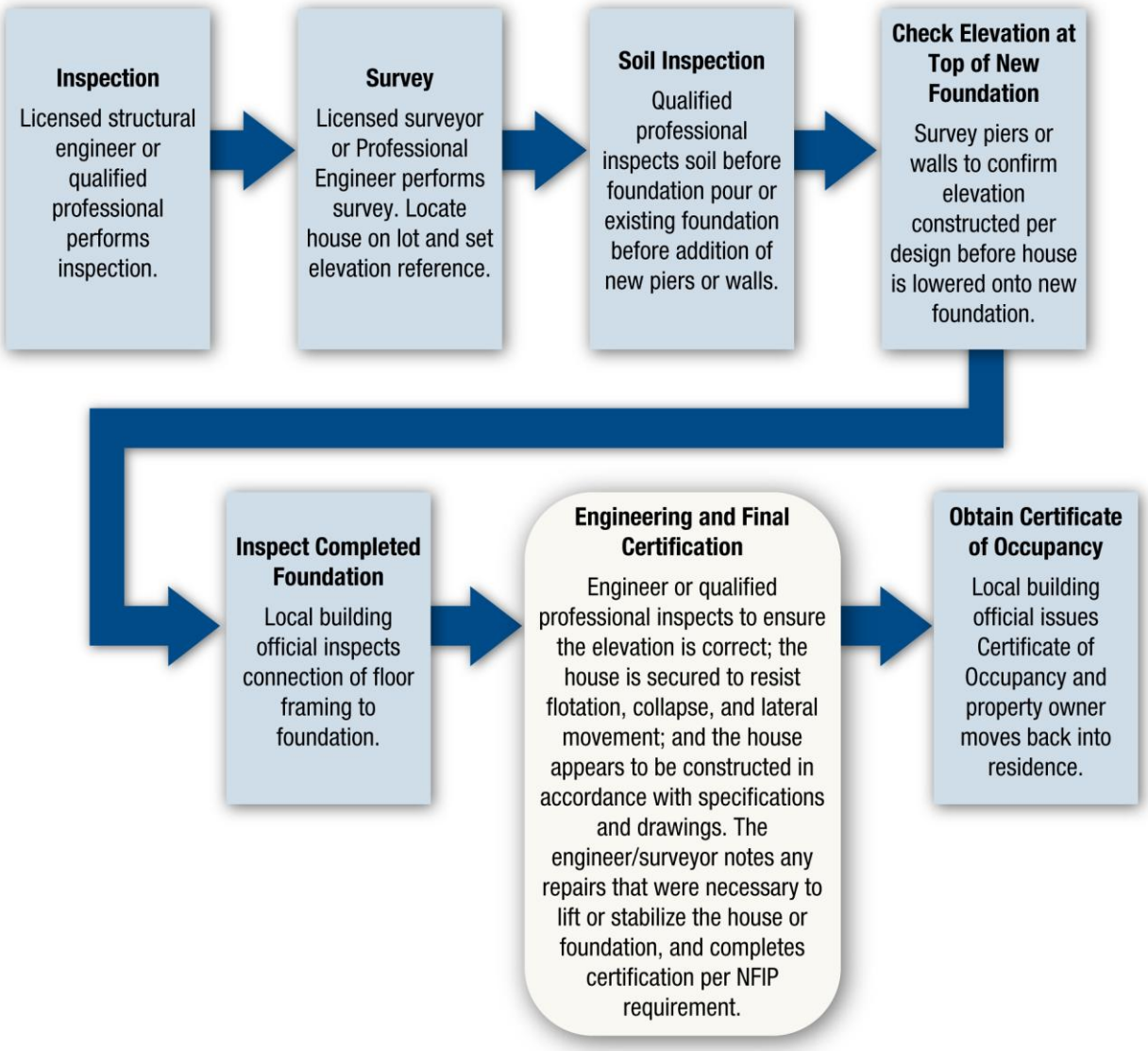

Figure 1: Inspections and Surveys

E.6 Closeout

In addition to the typical HMA closeout processes, closeout of structure elevation projects generally includes:

- Update of the property site information in the *e*Grants database for each structure;
- A Certificate of Occupancy for each structure in the project to certify that the structure is code-compliant;
- A Final Elevation Certificate (FEMA Form 81-31) for each structure to ensure the structure has been elevated to the proper elevation;
- A copy of the recorded deed amendment for each property as required by Part III D.7.1 of this guidance;

- Certification by an engineer, floodplain manager, or senior local official that the completed structure elevation is in compliance with local ordinances and NFIP regulations, including all applicable NFIP Technical Bulletins;
- A front, rear, and side photograph of the final elevated structure; and
- Verification of flood insurance for each structure.

PART X. APPENDICES

A. Acronyms

ABFE	Advisory Base Flood Elevation
ADA	Americans with Disabilities Act
ADR	Alternative Dispute Resolution
ASCE	American Society of Civil Engineers
BCA	Benefit-Cost Analysis
BCR	Benefit-Cost Ratio
BFE	Base Flood Elevation
CBRA	Coastal Barrier Resource Act
CBRS	Coastal Barrier Resource System
CDBG	Community Development Block Grant
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CRS	Community Rating System
DHS	Department of Homeland Security
DOB	Duplication of Benefits
DOI	Department of the Interior
DOP	Duplication of Programs
DOT	Department of Transportation
*e*Grants	Electronic Grants
EHP	Environmental Planning and Historic Preservation
EO	Executive Order
EOC	Emergency Operations Center
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FMA	Flood Mitigation Assistance

FY	Fiscal Year
GAR	Governor's Authorized Representative
GIS	Geographic Information System
GSTF	Greatest Savings to the Fund
HAZUS	Hazards United States
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program
HUD	U.S. Department of Housing and Urban Development
HVAC	Heating, Ventilation, and Air Conditioning
IBC	International Building Code
ICC	Increased Cost of Compliance
ICC-500	International Code Council Standard for the Design and Construction of Storm Shelters
IRS	Internal Revenue Service
ITP	Independent Third Party
NAP	Non-Insured Crop Disaster Assistance Program
NEMIS	National Emergency Management Information System
NEPA	National Environmental Policy Act
NFIA	National Flood Insurance Act
NFIF	National Flood Insurance Fund
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
O&M	Operations and Maintenance
OMB	Office of Management and Budget
OPA	Otherwise Protected Area
PARS	Payment and Reporting System
PDM	Pre-Disaster Mitigation
PNP	Private non-profit
POC	Point of contact
POP	Period of Performance
RFC	Repetitive Flood Claims

SBA	Small Business Administration
SEI	Structural Engineering Institute
SF	Standard Form
SFHA	Special Flood Hazard Area
SHMO	State Hazard Mitigation Officer
SOW	Scope of Work
SRL	Severe Repetitive Loss
TB	Technical Bulletin
URA	Uniform Relocation Assistance and Real Property Acquisition Act of 1970
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USDA	U.S. Department of Agriculture
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey

B. Glossary

Applicant: The entity, such as a State, Territory, or Indian Tribal government, applying to FEMA for a grant that will be accountable for the use of the funds. Once grant funds are awarded, the Applicant becomes the "Grantee."

Base Flood: A flood having a 1-percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The elevation shown on the FIRM for Zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO, V1–V30, and VE that indicates the water surface elevation resulting from a flood that has a 1-percent chance of equaling or exceeding that level in any given year.

Benefit-Cost Analysis (BCA): A quantitative procedure that assesses the cost effectiveness of a hazard mitigation measure by taking a long-term view of avoided future damages as compared to the cost of a project.

Benefit-Cost Ratio (BCR): A numerical expression of the cost effectiveness of a project calculated as the net present value of total project benefits divided by the net present value of total project costs.

Building: A structure with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site; a manufactured home or a mobile home without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws. "Building" does not mean a gas or liquid storage tank or a recreational vehicle, park trailer, or other similar vehicle.

Clean-site certification: A certification from the appropriate government agency indicating that a site that was subject to a remedial, removal, response, or corrective action under Federal or State law is clean of hazardous materials.

Coastal Barrier Resource System (CBRS): A geographic unit designated to serve as a protective barrier against forces of wind and tidal action caused by coastal storms and serving as habitat for aquatic species. Congress restricted Federal spending and assistance for development-related activities within CBRS units to protect them from further development. Federal flood insurance is unavailable in these areas. CBRS units are identified on FEMA FIRMs.

Coastal High Hazard Area: An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Community Rating System (CRS): A program developed by FEMA to provide incentives for those communities in the NFIP that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Cost share: The portion of the costs of a federally assisted project or program not borne by the Federal Government.

Cost Effectiveness: Determined by a systematic quantitative method for comparing the costs of alternative means of achieving the same stream of benefits or a given objective. The benefits in the context of hazard mitigation are avoided future damages and losses. Cost effectiveness is determined by performing a BCA.

Dwelling: A building designed for use as a residence for no more than four families or a single-family unit in a building under a condominium form of ownership.

Elevated Building: A building that has no basement and a lowest floor that is elevated to or above the BFE by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in Zones V and VE.

Environmental Planning and Historic Preservation (EHP): Integrates the protection and enhancement of environmental, historic, and cultural resources into the FEMA mission and FEMA programs and activities; ensures that FEMA activities and programs related to disaster response and recovery, hazard mitigation, and emergency preparedness comply with Federal environmental and historic preservation laws and Executive orders; and provides environmental and historic preservation technical assistance to FEMA staff, local, State, and Federal partners, and Grantees and subgrantees.

Equipment: Tangible, nonexpendable, personal property having a useful life of more than one year and an acquisition cost of $5,000 or more per unit. A Grantee may use its own definition of equipment provided such definition would at least include all equipment defined above.

Federal Agency: Any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, including the U.S. Postal Service, but not the American National Red Cross.

Federal Cognizant Agency: The Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals developed on behalf of all Federal agencies. The OMB publishes a list of Federal Cognizant Agencies.

Flood Insurance Rate Map (FIRM): Official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

Floodplain: Any land area that FEMA has determined has at least a 1-percent chance in any given year of being inundated by floodwaters from any source.

Floodplain Management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Communities regulate development in these floodways to ensure that there are no increases in upstream flood elevations.

Freeboard: An additional amount of height above the BFE used as a factor of safety (e.g., 2 feet above the base flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with State or community floodplain management regulations.

Governor's Authorized Representative (GAR): The individual, designated by the Governor, who serves as the grant administrator for all funds provided under HMGP; the person empowered by the Governor to execute, on behalf of the State, all necessary documents for disaster assistance.

Grant: An award of financial assistance for a specified purpose, by the Federal government to an eligible Grantee.

Grantee: The entity, such as a State, Territory, or Indian Tribal government to which a grant is awarded and that is accountable for the use of the funds provided. The Grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document.

Hazard Mitigation Planning: A process used by governments to identify risks, assess vulnerabilities, and develop long-term strategies for protecting people and property from the effects of future natural hazard events.

HMGP Lock-In Ceiling: The level of HMGP funding available to a Grantee for a particular Presidential major disaster declaration.

Identified for Further Review: Subapplications identified for further review contain sufficient information for a preliminary determination of cost effectiveness and feasibility. In certain instances, FEMA may work with Applicants to confirm cost effectiveness and feasibility. Identification for further review is not a notification of award.

Increased Cost of Compliance (ICC): Coverage for expenses a property owner must incur, above and beyond the cost to repair the physical damage the structure actually sustained from a flooding event, to comply with mitigation requirements of State or local floodplain management ordinances or laws; acceptable mitigation measures are structure elevation, dry floodproofing, structure relocation, structure demolition, or any combination thereof.

Indian Tribal Government: A federally recognized governing body of an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Indirect Cost: Cost that is incurred by a Grantee for a common or joint purpose benefitting more than one cost objective that is not readily assignable to the cost objectives specifically benefited.

Indirect Cost Rate: Percentage established by a Federal department or agency for a Grantee to use in computing the dollar amount it charges to the grant to reimburse itself for indirect costs incurred in doing the work of the grant activity.

Presidential Major Disaster: Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

Management Costs: Any indirect costs, administrative expenses, and any other expenses not directly chargeable to a specific project that are reasonably incurred by a Grantee or subgrantee in administering and managing a grant or subgrant award. For HMGP, management cost funding is provided outside of Federal assistance limits defined at 44 CFR Section 206.432(b).

Manufactured (Mobile) Home: A structure, transportable in one or more sections, that is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities.

Mitigation: Any sustained action taken to reduce or eliminate long-term risk to life and property from a hazard event.

Mitigation Activity: A mitigation measure, project, plan, or action proposed to reduce risk of future damage, hardship, loss, or suffering from disasters. The term "measure" is used interchangeably with the term "project" in this program.

National Flood Insurance Program (NFIP): Provides the availability of flood insurance in exchange for the adoption of a minimum local floodplain management ordinance that regulates new and substantially improved development in identified flood hazard areas.

Non-Federal Funds: Financial resources provided by sources other than the Federal Government. The term does not included funds provided to a State or local government through a Federal grant unless the authorizing statute for that grant explicitly allows the funds to be used as cost share for other Federal grants.

Non-Residential Structure: Includes, but is not limited to: small business concerns, places of worship, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, hotels and motels with normal room rentals for less than 6 months' duration, and nursing homes.

Otherwise Protected Areas (OPAs): Designation created by the Coastal Barrier Improvement Act. Flood insurance is restricted in OPAs even though they are not in the CBRS and may receive other forms of Federal assistance. OPAs are identified on FEMA FIRMs.

Period of Performance (POP): The period of time during which the Grantee is expected to complete the grant activities and to incur and expend approved funds.

Post-FIRM Building: A building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial FIRM, whichever is later.

Pre-FIRM Building: A building for which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial FIRM.

Private non-profit organization (PNP): Any non-governmental agency or entity that currently has: (i) an effective ruling letter from the IRS granting tax exemption under section 501(c), (d), or (e) of the Internal Revenue Code of 1954; or (ii) satisfactory evidence from the State that the organization or entity is a non-profit one organized or doing business under State law.

Project: Any mitigation measure or action proposed to reduce risk of future damage, hardship, loss, or suffering from disasters.

Public Assistance: Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain private, non-profit organizations other than assistance for the direct benefit of individuals and families. For further information, see 44 CFR Part 206, Subparts G and H. Fire Management Assistance Grants under section 420 of the Stafford Act are also considered Public Assistance.

Repetitive Loss Structure: An NFIP-insured structure that has had at least two paid flood losses of more than $1,000 each in any 10-year period since 1978.

Special Flood Hazard Area (SFHA): The land in the floodplain within a community subject to a 1-percent or greater chance of flooding in any given year. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a FIRM as Zone A, AO, A1–A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/AO, AR/A1–A30, V1–V30, VE, or V.

State Hazard Mitigation Officer (SHMO): The representative of a State government who is the primary POC with FEMA, other Federal agencies, and local units of government in the planning and implementation of pre- and post-disaster mitigation activities.

Subapplicant: The entity, such as a community/local government, Tribal government, or PNP, that submits a subapplication for FEMA assistance to the Applicant. Once funding is awarded, the subapplicant becomes the "subgrantee."

Subgrant: An award of financial assistance under a grant by a Grantee to an eligible subgrantee.

Subgrantee: The entity, such as a community/local government, Tribal government, or PNP to which a subgrant is awarded and who is accountable to the Grantee for the use of the funds provided.

Substantial Damage: Damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred.

C. Additional Resources

Description	Web Link or Contact Information
1. NFIP Resources	
National Flood Insurance Program	http://www.floodsmart.gov
Floodplain Management	http://www.fema.gov/plan/prevent/floodplain/index.shtm
Map Service Center	http://msc.fema.gov Telephone: (877) FEMA-MAP (336-2627)
FIRMs	http://www.fema.gov/hazard/map/firm.shtm
ABFEs	Mississippi: http://www.fema.gov/hazard/flood/recoverydata/katrina/katrina_ms_index.shtm Louisiana: http://www.fema.gov/hazard/flood/recoverydata/katrina/katrina_la_index.shtm
Flood Insurance Studies	http://www.fema.gov/hazard/map/fis.shtm
FEMA Form AW-501	http://www.fema.gov/government/grant/resources/aw501ins.shtm
2. Mitigation Planning and Risk Assessment Resources	
Hazard Mitigation Planning Overview	http://www.fema.gov/plan/mitplanning/index.shtm
Mitigation Planning Policies	http://www.fema.gov/government/grant/hma/policy.shtm#mitigation
HAZUS	http://www.fema.gov/plan/prevent/hazus/index.shtm
USGS National Map	http://nationalmap.usgs.gov
USGS Natural Hazards Gateway	http://www.usgs.gov/hazards/
3. Geocoding Resource	
Geocoding	http://www.fema.gov/library/viewRecord.do?id=1849
4. Benefit-Cost Analysis Resources	
BCA Software and Helpline	Telephone: (866) 222-3580 E-mail: bchelpline@dhs.gov
BCA Overview	http://www.fema.gov/government/grant/bca.shtm
BCA Policies	http://www.fema.gov/government/grant/hma/policy.shtm#cost-effectiveness
5. Feasibility and Effectiveness Resources	
Engineering Helpline	Telephone: (866) 222-3580 E-mail: enghelpline@dhs.gov

Description	Web Link or Contact Information
Engineering Case Studies	www.fema.gov/government/grant/hma/grant_resources.shtm
Acquisition Projects	http://www.fema.gov/library/viewRecord.do?id=1861
Structure Elevation Projects	http://www.fema.gov/government/grant/mitmeasures/elevate.shtm and http://www.fema.gov/library/viewRecord.do?id=1862
Localized Flood Reduction Projects	http://www.fema.gov/library/viewRecord.do?id=1863
Non-Structural Seismic Retrofit	http://www.fema.gov/library/viewRecord.do?id=1865
Structural Seismic Retrofit	http://www.fema.gov/library/viewRecord.do?id=1866
Wind Shutters	http://www.fema.gov/library/viewRecord.do?id=1864
6. EHP Resources	
EHP Program	http://www.fema.gov/plan/ehp/index.shtm
EHP Helpline	Telephone: (866) 222-3580 E-mail: ehhelpline@dhs.gov
EHP Guidance	http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm
EHP *e*Learning Tool	http://www.fema.gov/plan/ehp/elearning/index.shtm
EHP Policies	http://www.fema.gov/government/grant/hma/policy.shtm#environmental
EHP Training	http://training.fema.gov/EMIWeb/IS/is253.asp
National Register of Historic Places	http://www.nps.gov/history/nr/
7. *e*GRANTS and NEMIS Resources	
FEMA Enterprise Service Desk - for NEMIS issues	Telephone: (888) HLP-FEMA (1-888-457-3362) E-mail: fema-enterprise-service-desk@fema.gov
*e*Grants Helpdesk	Telephone: (866) 476-0544 E-mail: mtegrants@dhs.gov
*e*Grants Web site	http://www.fema.gov/government/grant/hma/egrants.shtm
*e*Grants Applicant Quick Reference Guide	http://www.fema.gov/library/viewRecord.do?id=3266
*e*Grants Subapplicant Quick	http://www.fema.gov/library/viewRecord.do?id=3267

Description	Web Link or Contact Information
Reference Guide	
*e*Grants System for Grant Applicants online course (IS-31)	http://training.fema.gov/EMIWeb/IS/is31.asp
*e*Grants System for Subgrant Applicants online course (IS-30)	http://training.fema.gov/EMIWeb/IS/is30.asp
8. HMA Application and Award Resources	
HMA Overview	http://www.fema.gov/government/grant/hma/index.shtm
HMA Helpline	Telephone: (866) 222-3580 E-mail: hmagrantshelpline@dhs.gov
HMA Policies	http://www.fema.gov/government/grant/hma/policy.shtm
9. SRL Resources	
SRL Resources	http://www.fema.gov/government/grant/srl/index.shtm
10. Acquisition Project Resources	
Model Deed Restriction	http://www.fema.gov/government/grant/resources/hma_deed_restriction.shtm
Model Statement of Assurances	http://www.fema.gov/government/grant/resources/acq_assurances.shtm
Notice of Voluntary Interest	http://www.fema.gov/government/grant/resources/vol_notice1.shtm and http://www.fema.gov/government/grant/resources/vol_notice2.shtm
Statement of Voluntary Participation	http://www.fema.gov/government/grant/vol_participation.shtm
11. Mitigation Reconstruction References	
ASCE/SEI 24-05, *Flood Resistant Design and Construction*, January 2006 ASCE/SEI 7-05, *Minimum Design Loads for Buildings and Other Structures*, 2002 International Building Code (IBC), 2006 edition International Code Council, *Reducing Flood Losses Through the International Codes*, 3rd Edition, 2008 FEMA 55, *Coastal Construction Manual*, 3rd Edition, May 2000 FEMA 424, *Design Guide for Improving School Safety in Earthquakes, Floods and High Winds*, January 2001 FEMA 489, *Mitigation Assessment Team Report: Hurricane Ivan in Alabama and Florida*, August 2005 FEMA 499, *Home Builder's Guide to Coastal Construction Technical Fact Sheet Series*, 2005 FEMA 543, *Design Guide for Improving Critical Facility Safety from Flooding and High Winds*, January 2007	

Description	Web Link or Contact Information
FEMA 549, *Mitigation Assessment Team Report: Hurricane Katrina in the Gulf Coast*, July 2006 FEMA 550, *Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations*, December 2009 FEMA 551, *Selecting Appropriate Mitigation Measures for Floodprone Structures*, March 2007 FEMA 577, *Design Guide for Improving Hospital Safety in Earthquakes, Floods, and High Winds: Providing Protection to People and Buildings*, June 2007	
12. Structure Elevation References	
ASCE/SEI 24-05, *Flood Resistant Design and Construction*, January 2006 FEMA 55, *Coastal Construction Manual*, 3rd Edition, May 2000 FEMA 259, *Engineering Principles and Practices of Retrofitting Floodprone Structures*, June 2001 FEMA P-312, *Homeowners Guide to Retrofitting*, December 2009 FEMA 347, *Above the Flood: Elevating Your Flood Prone House*, May 2000 FEMA 499, *Home Builder's Guide to Coastal Construction Technical Fact Sheet Series*, 2005 FEMA Technical Bulletin TB-1, *Openings in Foundation Walls and Walls of Enclosures*, 2008 FEMA Technical Bulletin TB-5, *Free-of-Obstruction Requirements*, 2008 FEMA Technical Bulletin TB-9, *Design and Construction Guidance for Breakaway Walls*, 2008 FEMA Form 81-31, *NFIP Elevation Certificate*, March 2009	

D. Referenced Regulations, Statutes, Directives, and Guidance

Reference	Description	Web Link
REGULATIONS		
2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (OMB Circular A-110)	This part contains OMB guidance to Federal agencies on the administration of grants to and agreements with institutions of higher education, hospitals, and other non-profit organizations. The guidance sets forth standards for obtaining consistency and uniformity in the agencies' administration of those grants and agreements.	http://www.access.gpo.gov/nara/cfr/waisidx_05/2cfr215_05.html
2 CFR Part 220, Cost Principles For Educational Institutions (OMB Circular A-21)	Establishes principles for determining costs applicable to grants, contracts, and other agreements with educational institutions.	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=f56e4f306058754a2d4208292acfd574&rgn=div5&view=text&node=2:1.1.2.3.4&idno=2
2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)	Establishes principles and standards for determining costs for Federal awards carried out through grants, cost reimbursement contracts, and other agreements with State and local governments and federally recognized Indian Tribal governments.	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title02/2cfr225_main_02.tpl
2 CFR Part 230, Cost Principles for Non-Profit Organizations (OMB Circular A-122)	Establishes principles for determining costs of grants, contracts and other agreements with non-profit organizations.	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=f56e4f306058754a2d4208292acfd574&rgn=div5&view=text&node=2:1.1.2.3.8&idno=2
26 CFR Section 1.170A-14, Qualified Conservation Contributions	Discusses deductions allowable for charitable contributions of interests in properties.	http://edocket.access.gpo.gov/cfr_2008/aprqtr/26cfr1.170A-14.htm
40 CFR Part 312, Innocent Landowners, Standards for Conducting All Appropriate Inquiries	Provide standards and practices for "all appropriate inquiries" for the purposes of the Comprehensive Environmental Response, Compensation, and Liability Act sections 101(35)(B)(i)(I) and 101(35)(B)(ii) and (iii).	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title40/40cfr312_main_02.tpl
44 CFR Part 9, Floodplain Management and Protection of Wetlands	Sets forth policy, procedure, and responsibilities to implement and enforce EO 11988, Floodplain Management, and EO 11990, Protection of Wetlands.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr9_08.html
44 CFR Part 10, Environmental Considerations	FEMA procedures for implementing NEPA. Provides policy and procedures to enable FEMA officials to account for environmental considerations when authorizing/approving major actions that have a significant impact on the environment.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr10_08.html

Reference	Description	Web Link
44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	Establishes uniform administrative rules for Federal grants and cooperative agreements and subgrants to State, local, and Indian Tribal governments.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr13_08.html
44 CFR Section 59.1, General Provisions, Definitions	Defines terms used in the Emergency Management and Assistance Federal Regulations	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr59_08.html
44 CFR Part 60, Criteria for Land Management and Use	Contains regulations for sale of flood insurance; criteria to determine the adequacy of a community's floodplain management regulations; sets forth the minimum standards for the adoption of floodplain management regulations in floodprone areas.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr60_08.html
44 CFR Sections 60.3(b)(5) and (c)(4), Criteria for Land Management and Use and Floodplain Management Criteria for Floodprone Areas	Regulations regarding obtaining the elevation of residential and non-residential structures.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr60_08.html
44 CFR Part 79, Flood Mitigation Grants	Prescribes actions, procedures, and requirements for the administration the FMA and SRL grant programs.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr79_08.html
44 CFR Part 80, Property Acquisition and Relocation for Open Space	Provides actions, procedures, and requirements for the administration of FEMA mitigation assistance for projects to acquire property for open space purposes under all HMA programs.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr80_08.html
44 CFR Part 201, Mitigation Planning	Provides information on requirements and procedures for mitigation planning as required by the Stafford Act.	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title44/44cfr201_main_02.tpl
44 CFR Part 206, Federal Disaster Assistance for Disasters Declared On or After November 23, 1988	Prescribes policies and procedures for implementing the sections of Public Law 93-288 (the Stafford Act) that are delegated to the director of FEMA, including the administration of HMGP.	http://www.access.gpo.gov/nara/cfr/waisidx_08/44cfr206_08.html
44 CFR Part 207, Management Costs	Implements section 324, Management Costs, of the Stafford Act, providing actions, procedures, and policies for HMGP management costs.	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?type=simple;c=ecfr;cc=ecfr;sid=4f3837c537ba963fe6f67c9fb9a37517;idno=44;region=DIV1;q1=207;rgn=div5;view=text;node=44%3A1.0.1.4.58

Reference	Description	Web Link
49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs	Promulgates rules to ensure that owners of real property displaced or acquired by Federal or federally assisted programs are treated fairly, consistently, and equitably, and that agencies who implement these regulations do so efficiently and cost effectively.	http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr;rgn=div5;view=text;node=49%3A1.0.1.1.18;idno=49;sid=4c3367f93b8162bf6daaf0a88fe20a0e;cc=ecfr
49 CFR Part 29, Governmentwide Debarment and Suspension (Nonprocurement)	This part adopts a governmentwide system of debarment and suspension for nonprocurement activities.	http://www.dot.gov/ost/m60/grant/49cfr29.htm
Federal Acquisition Regulations (FAR) Subpart 31.2	The FAR codifies and publishes uniform policies and procedures for acquisition by all executive agencies. Subpart 31.2 refers to Contracts with Commercial Organizations.	http://www.acquisition.gov/far/
Internal Revenue Code of 1954, as amended, Sections 170(h) (3) and (4)	Provides definitions for qualified conservation organizations and conservation purpose, including specific information regarding historic structure certification.	http://www.irs.gov/taxpros/article/0,,id=98137,00.html
Internal Revenue Code of 1954, as amended, Sections 501(c), (d), and (e)	Provides criteria for tax-exempt organizations.	http://www.irs.gov/taxpros/article/0,,id=98137,00.html
NFIP Technical Bulletin 3-93, *Non-Residential Floodproofing – Requirements and Certification*	Provides guidance on the NFIP regulations concerning watertight construction and the required certification for floodproofed non-residential buildings in Zones A, AE, A1–A30, AR, AO, and AH whose lowest floors are below the BFE.	http://www.fema.gov/library/viewRecord.do?id=1716
STATUTES		
Immigration and Nationality Act	Provides a definition for the term “national of the United States.”	http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=f3829c7755cb9010VgnVCM10000045f3d6a1RCRD&vgnextchannel=f3829c7755cb9010VgnVCM10000045f3d6a1RCRD
Appalachian Regional Commission Funds, 40 U.S.C. 14321(a)(3), Grants and other assistance	Provides information on the authority of the Appalachian Regional Commission to make grants for administrative expenses and lists what those expenses may and may not include. Also provides information on what the local development district’s contributions should be.	http://www.arc.gov/about/USCodeTitle40SubtitleIV.asp#14321

Reference	Description	Web Link
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (Public Law 108-264), Part 102	A bill to amend the National Flood Insurance Act of 1968 to reduce losses to properties for which repetitive flood insurance claim payments have been made.	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ264.108.pdf
Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., Title VI of the Civil Rights Act	Prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving Federal financial assistance.	http://www.usdoj.gov/crt/cor/coord/titlevi.php
Coastal Barrier Resources Act (Public Law 97-348; 16 U.S.C. 3501 et seq.)	Designated various undeveloped coastal barrier islands, depicted by specific maps, for inclusion in the Coastal Barrier Resource System. Areas so designated were made ineligible for direct or indirect Federal financial assistance that might support development, including flood insurance, except for emergency life-saving activities.	http://uscode.house.gov/download/pls/16C55.txt
Endangered Species Act (Public Law 93-205; 16 U.S.C. 1531–1544)	Prohibits Federal agencies from funding actions that would jeopardize the continued existence of endangered or threatened species or adversely modify critical habitat.	http://epw.senate.gov/esa73.pdf
Federal Crop Insurance Act, as amended, 7 U.S.C. 1501 et seq.	Promotes the national welfare by improving the economic stability of agriculture through a sound system of crop insurance.	http://agriculture.senate.gov/Legislation/Compilations/cropins/fcia.pdf
National Environmental Policy Act (NEPA) (Public Law 91–190; 42 U.S.C. 4321 and 4331–4335)	Declares a national policy that encourages productive and enjoyable harmony between man and his environment; promotes efforts that will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; enriches the understanding of the ecological systems and natural resources important to the Nation; and establishes a Council on Environmental Quality.	http://www.nps.gov/history/local-law/FHPL_NtlEnvirnPolcy.pdf
National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4001 et seq.	The National Flood Insurance Act of 1968 created the Federal Insurance Administration and made flood insurance available for the first time. The Flood Disaster Protection Act of 1973 made the purchase of flood insurance mandatory for the protection of property located in the SFHA.	http://www.fema.gov/library/viewRecord.do?id=2216
National Flood Insurance Reform Act of 1994 (Public Law 103-325)	Amended the Flood Disaster Protection Act of 1973, providing tools to make the NFIP more effective in achieving its goals of reducing the risk of flood damage to properties and reducing Federal expenditures for uninsured properties that are damaged by floods.	http://www.fema.gov/plan/prevent/fhm/dl_nfira.shtm

Reference	Description	Web Link
National Historic Preservation Act (Public Law 89-665; 16 U.S.C. 470 et seq.)	Establishes a program for the preservation of historic and prehistoric resources deemed important to our understanding of prehistory and U.S. history and created the National Register of Historic Places.	http://www.achp.gov/nhpa.html
National Register of Historic Places	The official list of the Nation's historic places worthy of preservation. It is part of a national program to support public and private efforts to identify, evaluate, and protect our historic and archeological resources.	http://www.nps.gov/history/nr/
Non-Insured Crop Disaster Assistance Program (NAP), 7 U.S.C. 7333	Provides financial assistance to producers of non-insurable crops when low yields, loss of inventory, or prevented planting occur due to natural disasters.	http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t05t08+4604+1++%28%29%20%20AND%20%28USC%20w%2F10%20%287333%29%29%3ACITE%20%20%20%20%20%20%20%20%20
Privacy Act of 1974 (5 U.S.C. 552a)	Regulates the collection, maintenance, use, and dissemination of personal information by Federal executive branch agencies.	http://www.justice.gov/opcl/privstat.htm
Public Health and Welfare, 42 U.S.C. 5133, Pre-Disaster Hazard Mitigation	Authorizes the PDM program.	http://www.law.cornell.edu/uscode/uscode42/usc_sec_42_00005133----000-.html
Public Health and Welfare, 42 U.S.C. 5154 (a), Insurance	Contains information on compliance with certain regulations and maintaining insurance in regard to Applicants and subapplicants requesting assistance to repair, restore, or replace damaged facilities under this code.	http://www.law.cornell.edu/uscode/uscode42/usc_sec_42_00005154----000-.html
Refugee Education Assistance Act of 1980, (Public Law 96-422) Part 501(e)	Allows the President to exercise authorities over Cuban and Haitian immigrants identical to the authorities exercised in the Immigration and Nationality Act, 8 U.S.C. 1158.	http://www.ssa.gov/OP_Home/comp2/F096-422.html
Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq.	Constitutes the statutory authority for most Federal disaster response activities, especially as they pertain to FEMA and FEMA programs.	http://www.fema.gov/pdf/about/stafford_act.pdf
Secure Rural Schools and Community Self-Determination Act of 2000, 16 U.S.C. 500	Contains information regarding payment and evaluation of receipts to State or Territory for schools and roads, moneys received, projections of revenues, and estimated payments.	http://www.govtrack.us/data/us/bills.text/106/h/h2389.pdf
Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Public Law 91-646)	Ensures that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy.	http://uscode.house.gov/download/pls/42C61.txt

Reference	Description	Web Link
DIRECTIVES		
Executive Order 11988, *Floodplain Management*	Requires Federal agencies to avoid, to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative.	http://www.fema.gov/plan/ehp/ehplaws/eo11988.shtm
Executive Order 11990, *Protection of Wetlands*	Requires Federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided.	http://www.fema.gov/plan/prevent/floodplain/eo_11990.shtm
Executive Order 12898, *Environmental Justice for Low-Income and Minority Populations*	Directs Federal agencies "to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations in the United States."	http://www.fema.gov/plan/ehp/ehplaws/ejeo.shtm
Executive Order 12372, July 14, 1982, *Intergovernmental Review of Federal Programs*	Fosters an intergovernmental partnership and strengthens federalism by relying on State and local processes for State and local coordination and review of proposed Federal financial assistance.	http://www.archives.gov/federal-register/codification/executive-order/12372.html
Executive Order 12416, April 8, 1983, *Intergovernmental Review of Federal Programs*	Amends Section 8 of EO 12372 regarding the content of the Director of the Office of Management and Budget's report and to whom the report is submitted.	http://www.archives.gov/federal-register/codification/executive-order/12372.html
Executive Order 12699, January 5, 1990, *Seismic Safety of Federal and Federally assisted or Regulated New Building Construction*	Requires that each Federal agency responsible for the design and construction of each new Federal building shall ensure that the building is designed and constructed in accord with appropriate seismic design and construction standards.	http://www.wbdg.org/ccb/FED/FMEO/eo12699.pdf
GUIDANCE		
FEMA 85, *Protecting Manufactured Homes from Floods and Other Hazards* (2nd Edition, November 2009)	Provides a best practices approach in reducing damages from natural hazards to assist in protecting manufactured homes from floods and other hazards.	http://www.fema.gov/library/viewRecord.do?id=1577
FEMA 317, *Property Acquisition Handbook for Local Communities* (October 1998)	A "how to" guide to help communities work through one specific hazard mitigation alternative known as property acquisition (also referred to as "buyout").	http://www.fema.gov/government/grant/resources/acghandbook.shtm

Reference	Description	Web Link
FEMA 320, *Taking Shelter from the Storm: Building a Safe Room for Your Home or Small Business* (3rd Edition, August 2008)	Guide to help homeowners decide if they should build a shelter in their house and provides various shelter designs that can be given to a contractor/builder.	http://www.fema.gov/plan/prevent/saferoom/fema320.shtm
FEMA 361, *Design and Construction Guidance for Community Safe Rooms* (2nd Edition, August 2008)	A guidance manual for engineers, architects, building officials, and prospective shelter owners that presents important information about the design and construction of community shelters that protect people during tornado and hurricane events.	http://www.fema.gov/plan/prevent/saferoom/fema361.shtm
FEMA 424, *Design Guide for Improving School Safety in Earthquakes, Floods and High Winds* (January 2004)	This manual is intended to provide guidance for the protection of school buildings from natural disasters. This volume concentrates on grade schools, K-12. FEMA 424 covers earthquakes, floods, and high winds. Its intended audience is design professionals and school officials involved in the technical and financial decisions of school construction, repair, and renovations.	http://www.fema.gov/plan/prevent/rms/rmsp424.shtm
FEMA 489, *Mitigation Assessment Team Report: Hurricane Ivan in Alabama and Florida* (August 2005)	Summarizes the observations, conclusions, and recommendations that resulted from post-disaster assessments sponsored by FEMA in response to Florida's 2004 hurricane season.	http://www.fema.gov/rebuild/mat/mat_fema489.shtm
FEMA 499, *Home Builder's Guide to Coastal Construction Technical Fact Sheet Series* (2005)	Presents information aimed at improving the performance of buildings subject to flood and wind forces in coastal environments.	http://www.fema.gov/rebuild/mat/mat_fema499.shtm
FEMA 543, *Design Guide for Improving Critical Facility Safety from Flooding and High Winds: Providing Protection for People and Buildings* (January 2007)	Provides building professionals and decisionmakers with information and guidelines for implementing a variety of mitigation measures to reduce the vulnerability to damage and disruption of operations during severe flooding and high-wind events. It concentrates on critical facilities (hospitals, schools, fire and police stations, and emergency operation centers).	http://www.fema.gov/library/viewRecord.do?id=2441
FEMA 549, *Mitigation Assessment Team Report: Hurricane Katrina in the Gulf Coast* (July 2006)	Evaluates and assesses damage from the hurricane and provides observations, conclusions, and recommendations on the performance of buildings and other structures impacted by wind and flood forces.	http://www.fema.gov/library/viewRecord.do?id=1857

Reference	Description	Web Link
FEMA 55, *Coastal Construction Manual*, (3rd Edition, May 2000)	Provides a comprehensive approach to sensible development in coastal areas based on guidance from over 200 experts in building science, coastal hazard mitigation, and building codes and regulatory requirements.	http://www.fema.gov/library/viewRecord.do?id=1671
FEMA 550, *Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations* (December 2009)	Provides recommended designs and guidance for rebuilding homes destroyed by hurricanes in the Gulf Coast. The manual also provides guidance in designing and building less vulnerable new homes that reduce the risk to life and property.	http://www.fema.gov/library/viewRecord.do?id=1853
FEMA 551, *Selecting Appropriate Mitigation Measures for Floodprone Structures* (March 2007)	This manual is intended to provide guidance to community officials for developing mitigation projects that reduce or eliminate identified risks for floodprone structures.	http://www.fema.gov/library/viewRecord.do?id=2737
FEMA 577, *Design Guide for Improving Hospital Safety in Earthquakes, Floods, and High Winds: Providing Protection to People and Buildings* (June 2007)	The intent of the Design Guide is to provide its audience with state-of-the-art knowledge on the variety of vulnerabilities faced by hospitals exposed to earthquakes, flooding, and high-winds risks, as well as the best ways to mitigate the risk of damage and disruption of hospital operations caused by these events.	http://www.fema.gov/library/viewRecord.do?id=2739&fromSearch=fromsearch
Mitigation Planning How-To Guides (FEMA)	The guides focus on initiating and maintaining a planning process that will result in safer communities, and they are applicable to jurisdictions of all sizes and all resource and capability levels.	http://www.fema.gov/plan/mitplanning/resources.shtm
Uniform Standards of Professional Appraisal Practice (2010)	The generally accepted standards for professional appraisal practice in North America. Standards are included for real estate, personal property, business, and mass appraisal.	http://www.uspap.org/2010USPAP/toc.htm
OTHER RESOURCES		
Government-to-Government Relations with American Indian and Alaska Native Tribal Governments. January 12, 1999 (FR vol. 64 no. 7)	Guides FEMA interactions with American Indian and Alaska Native Tribal governments.	http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=1999_register&docid=99-642-filed

Reference	Description	Web Link
OMB Circular A-94, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs* (October 29, 1992)	Specifies certain discount rates that will be updated annually when the interest rate and inflation assumptions in the budget are changed.	http://www.whitehouse.gov/omb/circulars/a094/a094.html
OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* (revised June 27, 2003)	Sets forth standards for obtaining consistency and uniformity among Federal agencies for the audit of States, local governments, and non-profit organizations expending Federal awards.	http://www.whitehouse.gov/omb/circulars/a133/a133.html
ASCE/SEI 24-05, *Flood Resistant Design and Construction* (2006)	Provides minimum requirements for flood-resistant design and construction of structures located in flood hazard areas.	http://www.asce.org/bookstore/book.cfm?book=5661
ASCE/SEI 7-05, *Minimum Design Loads for Buildings and Other Structures* (2006)	Provides requirements for general structural design and includes means for determining dead, live, soil, flood, wind, snow, rain, atmospheric ice, and earthquake loads, and their combinations that are suitable for inclusion in building codes and other documents.	http://www.asce.org/bookstore/book.cfm?book=5583
ASTM International Standard E1527-05, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (2005)	Defines good commercial and customary practices for conducting an environmental site assessment of a parcel of commercial real estate.	http://www.astm.org/Standards/E1527.htm
ASTM International Standard E2247-08, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property* (2008)	This practice is intended for use on a voluntary basis by parties who wish to assess the environmental condition of forestland or rural property of 120 acres or greater taking into account commonly known and reasonably ascertainable information.	http://www.astm.org/Standards/E2247.htm
International Building Code (IBC, 2006, and 2009)	The scope of this code covers all buildings except three-story, and one- and two-family dwellings and townhomes. This comprehensive code features time-tested safety concepts, structural, and fire and life-safety provisions covering means of egress, interior finish requirements, comprehensive roof provisions, seismic engineering provisions, innovative construction technology, occupancy classifications, and the latest industry standards in material design.	http://www.iccsafe.org/Pages/default.aspx

Reference	Description	Web Link
International Code Council, *International Wildland-Urban Interface Code*	Contains provisions addressing fire spread, accessibility, defensible space, water supply, and more for buildings constructed near wildland areas.	http://www.iccsafe.org/Pages/default.aspx
International Code Council, *Reducing Flood Losses through the International Codes*, 3rd Edition, 2008	This guide is intended to help community officials decide how to integrate the 2006 edition of the International Codes (I-Codes) into their current floodplain development and regulatory processes in order to meet the requirements to participate in the NFIP.	http://www.fema.gov/library/viewRecord.do?id=2094
International Residential Code for One- and Two-Family Dwellings (International Code Council)	A comprehensive code for homebuilding that brings together all building, plumbing, mechanical and electrical provisions for one- and two-family residences.	http://www.iccsafe.org/Pages/default.aspx
National Fire Protection Association (NFPA) 225, *Model Manufactured Home Installation Standard* (2009 Edition)	Includes updated criteria covering the anchoring of the home and protection against seismic events, floods, and wind. Rules apply to single- and multi-section units.	http://www.nfpa.org/catalog/
National Fire Protection Association (NFPA) 703, *Standard for Fire-Retardant Treated Wood and Fire-Retardant Coatings for Building Materials*	Provides enforcers, engineers, and architects with the industry's most advanced criteria for defining and identifying fire retardant-treated wood and fire-retardant coatings for building materials.	http://www.nfpa.org/catalog/
National Fire Protection Association (NFPA) 914, *Code for Fire Protection of Historic Structures*	Intended to improve or upgrade the fire protection features in a wide range of historic buildings, and address ongoing operations as well as renovation, and restoration projects.	http://www.nfpa.org/catalog/
National Fire Protection Association (NFPA) 1141, *Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas*	Provides recommendations for planning and installing fire protection infrastructure for new developments in a community.	http://www.nfpa.org/catalog/
National Fire Protection Association (NFPA) 1144, *Standard for Reducing Structure Ignition Hazards for Land Development in Suburban and Rural Areas*	Covers minimum design, construction, and landscaping elements for structures in the wildland/urban interface.	http://www.nfpa.org/catalog/

Reference	Description	Web Link
National Fire Protection Association (NFPA) 5000 Code, *Building Construction and Safety Code* (2006 Edition)	Combines regulations controlling design, construction, quality of materials, use and occupancy, location, and maintenance of buildings and structures, with fire and life-safety requirements found in NFPA codes and standards.	http://www.nfpa.org/catalog/
Firewise Communities	A multi-agency effort designed to reach beyond the fire service by involving homeowners, community leaders, planners, developers, and others in the effort to protect people, property, and natural resources from the risk of wildland fire—before a fire starts.	http://www.firewise.org/
U.S. Department of Commerce, Bureau of Economic Analysis	Produces economic account statistics that enable government and business decisionmakers, researchers, and the American public to follow and understand the performance of the Nation's economy.	http://www.bea.gov
U.S. Bureau of Labor and Statistics	An independent national statistical agency that collects, processes, analyzes, and disseminates essential statistical data to the American public, the U.S. Congress, other Federal agencies, State and local governments, business, and labor.	http://stats.bls.gov