

Guidance for Feasibility, Structural Integrity, and Unforeseen Conditions

Projects must be designed and implemented in conformance and compliance with all local, State, and Federal requirements (including local and State building codes and required permits), environmental conditions, accepted engineering practices, and best practices. It is understood and accepted within Hazard Mitigation Assistance Guidance, that some communities have more restrictive local fire-related codes and that some homesites participating in the program were constructed prior to the establishment of local building codes. Accordingly, it is anticipated that some homesites may require additional strengthening of structural capacity to accommodate the increased load of ignition-resistant materials.

Hazard Mitigation Assistance Guidance (2017) requires wildfire mitigation projects must be technically feasible and effective at reducing the risk of damage or loss of life from wildfires. The California Wildfire Mitigation Program aims to determine through home assessment, development of a scope of work, or contractor walk-throughs if there are obvious property conditions or structural integrity concerns that demonstrate the retrofit measures proposed for the homesite are not technically feasible. In these instances, homeowners will be referred to other programs available within the community to address the concerns. Those homeowners may reapply when the proposed retrofit measures are technically feasible.

This is not a repair or home rehabilitation program. For the activity to be eligible, the measure must increase the level of protection and tie directly to the home hardening activity. Accordingly, the following activities should be considered ineligible:

- Activities required as a result of negligence or intentional actions that contributed to the conditions to be mitigated


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- Activities intended solely to remedy a code violation without an increase in the level of protection
- Activities that address, without an increase in the level of protection, the operation, deferred or future maintenance, rehabilitation, restoration, or replacement of existing structures
- Costs to replace or repair utility service components that are undersized, inadequately designed, or unsafe, unless required by code

The scope of work for homesites participating in the program, as well as any change orders necessitated due to unforeseen circumstances, must be connected to the retrofit measures intended to improve the structure's protection against wildfire, necessary to the extent required to comply with building codes, permits, subsequent inspections, and best practices. For example, if replacing the roof is an activity noted in the home assessment and included in the scope of work, and during the process the contractor finds part of the decking needs to be replaced, this would be an eligible expenditure as it tied directly to the roof hardening scope of work.

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Occasionally, there may be issues that arise that could not be foreseen until elements of the envelope are opened or materials are removed from the structure. During the implementation of site work, the construction manager must decide on the ground, swiftly, the connection of the issue to carrying out of the retrofit measure and increasing the structure's level of protection, as well as the necessity to comply with codes and building inspections/required permits. When unforeseen issues arise during construction, the construction manager should make these determinations in accordance with FEMA's Hazard Mitigation Assistance Guidance (2015)  specifically Part III E.2 Ineligible Activities ~~and B.2.3 of the Hazard Mitigation Assistance Guidance Addendum (2015).~~

To ensure feasibility and minimize the likelihood of encountering unforeseen conditions during site work, local jurisdictions should follow the steps below:

1. The home assessor should notify the program's construction manager (CM) if they identify upon the initial home assessment any visible signs of certain types of dilapidation or deficiencies that may indicate structural integrity concerns.
2. The CM should inspect the homesite and determine if these concerns are valid and make a recommendation for how to proceed.
 - a. These findings may result in adding in the required cost to address these structural deficiencies into the scope of work.
 - b. These findings may result in determining which retrofit measures should be removed from consideration for the ~~true~~ scope of work.
 - c. These findings may result in only defensible space work being done on the property.

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- d. The homeowner may be referred to other home repair and rehabilitation programs that may be available in the community. These homeowners may reapply for participation in the home hardening initiative after the concerns are addressed.
3. The CM will facilitate a contractor walkthrough for homes that advance beyond home assessment. During the contractor walk-through, if structural integrity concerns are identified by participating contractors, the CM will determine how to proceed (which may include amending the scope of work to include additional steps to support the retrofit or postponement of the home's participation in the program until serious structural issues can be addressed through other means).

If the issue is not discovered until site work has begun, the contractor will contact the program's CM to inform of the unforeseen condition. Local jurisdictions should include language in their master agreement with contractors to require this notification and outline the approval process for change orders, which must consider necessity, cost reasonableness, and any potential environmental and historic preservation impacts that may result from implementation of the change order. The local jurisdiction should follow the steps below:

1. The contractor will contact the CM to discuss the issue and submit a change order request to the CM, providing a recommendation including a cost estimate to address the deficiencies required to support the retrofit.

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2. The CM will evaluate the necessity of the change order request, approving only what is necessary to support the retrofits in the scope of work for the homesite. The CM will ensure the costs are reasonable (obtaining a second professional opinion, if necessary, from a building official or home inspector, for example).
3. The CM will discuss the change order with the homeowner to obtain their consent and approval.
4. The CM will utilize the Change Order EHP Screening Checklist to ensure that the change order does not create a scope of work flag.
 - a. If implementation of the change order would exceed property conditions established by FEMA for the program (extends defensible space zone, cannot be completed using hand tools, for example) or if the change order request represents a significant or cardinal change that expands the previously approved scope of work or the intended method of achievement, appropriate Environmental and Historic Preservation subject matter experts will review the proposed change to determine any environmental impacts resulting from the change request consistent with Section 4 of the California Wildfire Mitigation Program *Site Specific Checklist*. The review will be routed to FEMA for approval in accordance with Stipulation I.B.3.d of the Programmatic Agreement among the Federal Emergency Management Agency, the California State Historic Preservation Officer, and the California Governor's Office of Emergency Services.