



Hazard Mitigation Assistance Guidance

Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, and Flood Mitigation Assistance Program

February 27, 2015

This guidance was effective from February 27, 2015 through March 22, 2023.



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) Program
- ◆ Flood Mitigation Assistance (FMA) Program

Funding Opportunity Numbers:

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

- ◆ 97.039 Hazard Mitigation Grant Program (HMGP)
- ◆ 97.047 Pre-Disaster Mitigation (PDM) Program
- ◆ 97.029 Flood Mitigation Assistance (FMA) Program

Federal Agency Name:

U.S. Department of Homeland Security (DHS)

Federal Emergency Management Agency (FEMA)

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Initial

STATEMENT FROM THE DEPUTY ASSOCIATE ADMINISTRATOR FOR MITIGATION

I recognize and embrace the opportunity to align our programs to the *2014–2018 FEMA Strategic Plan* and Whole Community approach to resiliency. To achieve this aim, I am pleased to share with you the Fiscal Year 2015 (FY15) Hazard Mitigation Assistance (HMA) Guidance.

This updated guidance is an essential instrument for our internal and external stakeholders. It carefully outlines strategies for the mitigation process by interpreting the Federal statutes, regulations, and best practices. This update is a collaborative effort of my staff, with input from external stakeholders.

We revised the HMA Guidance with an eye toward creating more programmatic flexibility. Some of the major adjustments are:

- ◆ Integrating climate change / resilience considerations
- ◆ Simplifying Benefit-Cost Analysis (BCA) requirements (e.g., Hurricane Residential Wind Retrofit BCA)
- ◆ Linking the implementation of disaster-resistant building codes to projects funded under the Additional HMGP 5 Percent initiative

In addition to the changes listed above, we developed HMA Job Aids to enhance the fiscal processes and outreach materials for homeowners and federally-recognized tribes to better serve their needs. Lastly, we have incorporated provisions to promote accessibility as required by the Americans with Disabilities Act of 1990.

The FY15 HMA Guidance is the definitive policy document for the Federal Insurance and Mitigation Administration (FIMA) and it is my expectation that this document be treated as FIMA's official position on HMA-related matters.

The FY15 HMA Guidance will help move communities towards a more resilient future. Let us continue to work together to make the HMA programs the best they can be.

Roy E. Wright
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Federal Insurance and Mitigation Administration

CONTENTS

Part I. Introduction.....	1
A. HMA Commitment to Resilience and Climate Change Adaptation.....	2
B. Authorization and Appropriation.....	4
B.1 Hazard Mitigation Grant Program.....	4
B.2 Pre-Disaster Mitigation	4
B.3 Flood Mitigation Assistance.....	5
C. Roles and Responsibilities	5
D. HMA Application Process	6
E. Organization of this Document.....	7
F. Programmatic Changes	8
Part II. Frontloading HMA Program Eligibility Requirements	13
A. Mitigation Planning	15
B. Climate Change and Resiliency Considerations	16
C. Universal Accessibility and Mitigation	16
D. Technical Feasibility and Effectiveness.....	17
E. Floodplain Management and Protection of Wetlands.....	17
F. Environmental Planning and Historic Preservation Review and Compliance.....	18
G. Cost-Effectiveness	21
H. Cost Review	21
I. Project Development.....	21
J. Section 404 and Section 406.....	22
K. Advance Assistance	22
L. Strategic Funds Management.....	23
M. Project Monitoring	23
N. Closeout	24
Part III. Eligibility Information.....	25
A. Eligible Applicants.....	25
B. Eligible Subapplicants	25
C. Cost Sharing.....	26
C.1 Federal Funds Allowed to Be Used as Non-Federal Cost Share.....	28
C.2 Increased Cost of Compliance as Non-Federal Cost Share.....	28
C.2.1 Steps for the Assignment of Coverage D – Increased Cost of Compliance Coverage	29
D. Restrictions	30

D.1	Non-discrimination Compliance	30
D.2	Conflict of Interest	30
D.3	Procurement	31
D.4	Duplication of Programs	31
D.5	Duplication of Benefits	31
E.	General Program Requirements	32
E.1	Eligible Activities.....	32
E.1.1	Mitigation Projects	34
E.1.2	Ineligible Stand-Alone Activities.....	38
E.1.3	Hazard Mitigation Planning	39
E.1.4	Technical Assistance	40
E.1.5	Management Costs	41
E.2	Ineligible Activities	42
E.3	Cost-Effectiveness.....	44
E.4	Feasibility and Effectiveness.....	44
E.5	Hazard Mitigation Plan Requirement.....	44
E.5.1	Applicant Mitigation Plan Requirement	45
E.5.2	Subapplicant Mitigation Plan Requirement	45
E.5.3	Extraordinary Circumstances	45
E.5.4	Tribal Hazard Mitigation Plan Requirement.....	46
E.5.5	Conformance with Hazard Mitigation Plans.....	47
E.6	Environmental Planning and Historic Preservation Requirements	47
E.6.1	Floodplain Management and Protection of Wetlands	48
E.7	National Flood Insurance Program Eligibility Requirements	49
E.7.1	Special Flood Hazard Area Requirements	49
E.8	Statutory, Regulatory, and Other Requirements	50
Part IV.	Application and Submission Information.....	52
A.	Address to Request Application Package	52
B.	Content and Form of Application	52
C.	Submission Dates and Times	53
D.	Intergovernmental Review	53
E.	Funding Restrictions	53
E.1	HMGP Funding Restrictions	53
E.2	PDM Funding Restrictions.....	54
E.3	FMA Funding Restrictions.....	54
E.4	Management Costs Funding Restrictions.....	54
F.	Other Submission Requirements.....	55

F.1	Application Consideration under Multiple HMA Programs	55
F.2	Pre-award Costs.....	55
G.	Applicant Guidance	56
G.1	General Applicant Guidance	56
G.2	Minimum Eligibility Criteria	56
H.	Scoping Narrative: Scope of Work, Schedule, and Cost Estimate	58
H.1	Required Components	58
H.2	Considerations for Management Costs	60
H.2.1	Activities Description.....	60
H.2.2	Personnel	60
H.2.3	Cost Estimate.....	60
H.3	Considerations for Planning Subapplications	60
H.3.1	Activities Description.....	60
H.3.2	Deliverables, Tasks, and Schedule	61
H.4	Considerations for Project Subapplications	63
H.4.1	Property Location	63
H.4.2	Activities Description.....	63
H.4.3	Cost Estimate.....	64
I.	Cost-Effectiveness	64
I.1	Substantial Damage Waiver	65
I.2	Aggregation	65
I.3	5 Percent Initiative	65
I.4	Pre-calculated Benefits (Safe Rooms).....	65
I.5	Greatest Savings to the Fund.....	65
I.6	Environmental Benefits.....	66
I.7	Pre-calculated Benefits for Acquisitions and Elevations in Special Flood Hazard Areas	66
I.8	Integrating Sea Level Rise in Mitigation	67
I.9	Landslide Property Acquisition.....	68
I.10	Pre-calculated Benefits for Residential Hurricane Wind Retrofit Measures	68
I.11	Alternative BCA Methodologies.....	69
J.	Feasibility and Effectiveness Documentation.....	70
K.	Environmental Planning and Historic Preservation Documentation	70
Part V.	Application Review Information	74
A.	Review Criteria	74
A.1	Application Eligibility Review.....	74
A.2	Technical Review	74

A.2.1	Cost-Effectiveness Review	74
A.2.2	Feasibility and Effectiveness Review	75
A.2.3	Environmental Planning and Historic Preservation Review	75
A.3	HMA Efficiencies	75
A.3.1	Safe Room Projects	76
A.3.2	Wind Retrofit Projects	76
A.3.3	Certain Flood Mitigation Projects	76
B.	Selection and Notification Process	76
B.1	Selection	77
B.2	Notification	77
B.3	Reconsideration Process	77
B.3.1	Consideration of Additional Information	78
C.	Requests for Information	78
C.1	Request for Information Timelines	78
Part VI.	Award Administration Information.....	81
A.	Notice of Award	81
B.	Risk Assessment Prior to PDM and FMA Award	82
C.	Requirements for Pass-Through Entities	82
C.1	Termination	83
C.1.1	Additional Specific Award Conditions or Terminations in the PDM and FMA Programs	83
D.	Administrative and National Policy Requirements	84
D.1	Cost-Share Documentation	84
D.2	Scope of Work Changes	84
D.3	Budget Changes	85
D.3.1	Non-construction Projects	85
D.3.2	Construction Projects	85
D.3.3	Cost Overruns and Underruns	85
D.3.4	Contingencies	85
D.4	Program Period of Performance	86
D.4.1	Extensions	86
D.5	Requests for Advances and Reimbursements	87
D.6	Program Income	87
D.7	Federal Income Tax on Mitigation Project Funds	87
D.8	Remedies for Noncompliance	88
D.9	Davis-Bacon Act	88
E.	Reporting Requirements	88

E.1	Federal Financial Reports.....	89
E.2	Performance Reports	89
E.3	Final Reports	90
F.	Closeout	90
F.1	Subaward Closeout.....	90
F.1.1	Subrecipient Records Retention	91
F.2	Award Closeout.....	92
F.2.1	Recipient Records Retention	93
F.2.2	Update of Repetitive Loss Database	93
Part VII.	FEMA Contacts.....	95
Part VIII.	Additional Program Guidance.....	96
A.	Hazard Mitigation Grant Program	96
A.1	Recipient Request for HMGP Funds.....	96
A.2	State Administrative Plan.....	96
A.2.1	Designation of Recipient and State Hazard Mitigation Officer	97
A.2.2	Staffing Requirements and the Mitigation Team	97
A.2.3	Procedures to Guide Implementation Activities	98
A.2.4	Sliding Scale.....	98
A.2.5	Management Costs	99
A.2.6	Submission and Approval Deadlines	99
A.3	Program Administration by States	99
A.4	HMGP Funding	100
A.5	HMGP Management Costs.....	102
A.6	Eligible Subapplicants	104
A.7	Submission of HMGP Subapplications.....	104
A.8	Award Cost-Share Requirements	104
A.9	Strategic Funds Management	105
A.10	HMGP Disaster Spend Plan	106
A.11	Post-Disaster Code Enforcement Projects.....	106
A.12	Advance Assistance.....	108
A.13	Phased Projects.....	110
A.13.1	Pre-screening Process.....	110
A.13.2	Phase I Conditional Approval	111
A.13.3	Phase II Approval – Construction Process	111
A.14	The 5 Percent Initiative	111
A.14.1	Availability of Additional Funds for Mitigation Activities	112

A.15 Appeal Process	113
B. Pre-Disaster Mitigation Program	114
B.1 Allocation	114
B.2 Small Impoverished Communities	114
B.3 Information Dissemination.....	114
B.4 Applicant Ranking of Subapplications.....	115
B.5 Selection	115
C. Flood Mitigation Assistance Program	116
C.1 Eligible Properties	116
C.2 Repetitive Loss Strategy.....	117
C.3 Cost Sharing	117
C.4 Applicant Ranking of Subapplications.....	118
C.5 Selection	118
C.6 Failure to Make Federal Award within 5 Years	118
Part IX. Appendices.....	119
A. Acronyms	119
B. Glossary	122
C. Additional Resources	133
D. Referenced Regulations, Statutes, Directives, and Guidance	138
E. EHP Checklist.....	146
F. Minimum Criteria Checklist for Project Subapplications.....	148
G. Minimum Criteria Checklist for Planning Subapplications.....	151

List of Figures

Figure 1: Application Process	7
Figure 2: Overall Project Lifecycle.....	13
Figure 3: General Steps in Project Scoping Process	14
Figure 4: Frontloading EHP and the Formal Review Process	20
Figure 5: RFI Flowchart.....	80
Figure 6: Award Process	81
Figure 7: HMGP Ceiling Review Process	102

List of Tables

Table 1: Eligible Subapplicants	26
Table 2: Cost-Share Requirements	27
Table 3: Eligible Activities by Program	33
Table 4: Green Open Space and Riparian Benefits	66
Table 5: Pre-determined Benefit Amounts for Wind Retrofit Projects	69
Table 6: RFI Timelines	79
Table 7: FEMA Regions	95

List of Textboxes

Whole Community	2
Universal Design	16
Critical Action Definition	17
Examples of 404 and 406 Mitigation	22
Advance Assistance	22
Strategic Funds Management	23
Private Nonprofit Definition	25
Duplication of Benefits	31
Generators	35
Mitigation Planning-Related Activities	39
Examples of Indirect Costs Categories	41
Practicable Alternatives Definition	47
Decision-Making for Critical Action vs. Critical Facility	48
Federal Laws Prohibiting Discrimination in Emergency Programs on the Basis of Disability	50
Maximum Amounts of FMA Mitigation Planning Grant	54
Minimum Eligibility Requirements	56
Examples of Direct Cost Categories	64
Inclusion of Environmental Benefits into the BCA Toolkit	66
Integrating Sea Level Rise in Mitigation	67
Immediate Threat	68
Pre-determined Benefits for Wind Retrofits	69
HMA Efficiencies	75
Request for Information	78
Scope Change	84
Budget Change	85

Tribal HMGP Presidential Major Disaster Declaration Request	96
The HMGP Final Lock-In.....	100
Strategic Funds Management, Phased Projects, Pre-award Costs, and Advance Assistance	105
HMGP Fiscal Processes	106
Extraordinary Post-disaster Code Enforcement Costs	106
Advance Assistance	108
Additional 5 Percent Initiative Funding	112

PART I. INTRODUCTION

Part I of the Hazard Mitigation Assistance (HMA) Guidance introduces the three HMA programs, identifies roles and responsibilities, and outlines the organization of the document. This guidance applies to Hazard Mitigation Grant Program (**HMGP**) disasters declared on or after the date of publication unless indicated otherwise. This guidance is also applicable to the Pre-Disaster Mitigation (**PDM**) and Flood Mitigation Assistance (**FMA**) Programs; the application cycles are announced via <http://www.grants.gov/>. The guidance in this document is subject to change based on new laws or regulations enacted after publication. For additional information, contact the Federal Emergency Management Agency (FEMA).

The U.S. Department of Homeland Security (DHS) 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. On March 30, 2011, the President signed Presidential Policy Directive 8 (PPD-8): *National Preparedness*, and the National Mitigation Framework was finalized in May 2013. The National Mitigation Framework comprises seven core capabilities, including:

- ◆ Threats and Hazard Identification
- ◆ Risk and Disaster Resilience Assessment
- ◆ Planning
- ◆ Community Resilience
- ◆ Public Information and Warning
- ◆ Long-Term Vulnerability Reduction
- ◆ Operational Coordination

HMA programs provide funding for eligible activities that are consistent with the National Mitigation Framework's Long-Term Vulnerability Reduction capability. HMA programs reduce community vulnerability to disasters and their effects, promote individual and community safety and resilience, and promote community vitality after an incident. Furthermore, HMA programs reduce response and recovery resource requirements in the wake of a disaster or incident, which results in a safer community that is less reliant on external financial assistance.

Hazard mitigation is defined as 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. Accordingly, States, territories, federally-recognized tribes, and local

communities are encouraged to take advantage of funding that HMA programs provide in both the pre- and post-disaster timelines.

In addition to hazard mitigation, FEMA's Risk Mapping, Assessment, and Planning (Risk MAP) Program provides communities with education, risk communication, and outreach to better protect its citizens. The Risk MAP project lifecycle places a strong emphasis on community engagement and partnerships to ensure a whole community approach that reduces flood risk and builds more resilient communities. Risk MAP risk assessment information strengthens a local community's ability to make better and more informed decisions. Risk MAP allows communities to better invest and determine priorities for projects funded under HMA. These investments support mitigation efforts under HMA that protect life and property and build more resilient communities.

WHOLE COMMUNITY

The whole community includes children, individuals with disabilities, and others with access and functional needs; those from religious, racial, and ethnically diverse backgrounds; and people with limited English proficiency. Their contributions must be integrated into mitigation/resilience efforts, and their needs must be incorporated as the whole community plans and executes its core capabilities.

A. HMA Commitment to Resilience and Climate Change Adaptation

FEMA is committed to promoting resilience as expressed in PPD-8: *National Preparedness*; the President's State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience; the Administrator's 2011 *FEMA Climate Change Adaptation Policy Statement* (Administrator Policy 2011-OPPA-01); and the *2014–2018 FEMA Strategic Plan*. Resilience refers to the ability to adapt to changing conditions and withstand and rapidly recover from disruption due to emergencies. The concept of resilience is closely related to the concept of hazard mitigation, which reduces or eliminates potential losses by breaking the cycle of damage, reconstruction, and repeated damage. Mitigation capabilities include, but are not limited to, community-wide risk reduction projects, efforts to improve the resilience of critical infrastructure and key resource lifelines, risk reduction for specific vulnerabilities from natural hazards and climate change, and initiatives to reduce future risks after a disaster has occurred.

FEMA is supporting efforts to streamline the HMA programs so that these programs can better respond to the needs of communities nationwide that are addressing the impacts of climate change. FEMA, through its HMA programs:

- ◆ Develops and encourages adoption of resilience standards in the siting and design of buildings and infrastructure
- ◆ Modernizes and elevates the importance of hazard mitigation

FEMA has issued several policies that facilitate the mitigation of adverse effects from climate change on the built environment, structures and infrastructure. Consistent with the *2014–2018*

FEMA Strategic Plan, steps are being taken by communities through engagement of individuals, households, local leaders, representatives of local organizations, and private sector employers and through existing community networks to protect themselves and the environment by updating building codes, encouraging the conservation of natural and beneficial functions of the floodplain, investing in more resilient infrastructure, and engaging in mitigation planning. FEMA plays an important role in supporting community-based resilience efforts, establishing policies, and providing guidance to promote mitigation options that protect critical infrastructure and public resources.

FEMA encourages better integration of Sections 404 and 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act), Title 42 of the United States Code (U.S.C.) 5121 et seq., to promote more resilience during the recovery and mitigation process. FEMA regulations that implement Sections 404 and 406 of the Stafford Act allow funding to incorporate mitigation measures during recovery activities. Program guidance and practice limits Section 406 mitigation to the damaged elements of a structure. This limitation to Section 406 mitigation may not allow for a comprehensive mitigation solution for the damaged facility; however, Section 404 funds may be used to mitigate the undamaged portions of a facility.

Recognizing that the risk of disaster is increasing as a result of multiple factors, including the growth of population in and near high-risk areas, aging infrastructure, and climate change, FEMA promotes climate change adaptation by:

- ◆ Incorporating sea level rise in the calculation of Benefit-Cost Analysis (BCA)
- ◆ Publishing a new HMA Job Aid on pre-calculated benefits for hurricane wind retrofit measures, see HMA Job Aid (*Cost Effectiveness Determination for Residential Hurricane Wind Retrofit Measures Funded by FEMA*)
- ◆ Encouraging floodplain and wetland conservation associated with the acquisition of properties in green open space and riparian areas
- ◆ Reducing wildfire risks
- ◆ Preparing for evolving flood risk
- ◆ Encouraging mitigation planning and developing mitigation strategies that encourage community resilience and smart growth
- ◆ Encouraging the use of building codes and standards (the American Society of Civil Engineers/Structural Engineering Institute [ASCE/SEI] 24-14, *Flood Resistant Design and Construction*) wherever possible

For additional information, see <http://www.fema.gov/climate-change>.

B. Authorization and Appropriation

This section discusses the authorization and appropriation of funding for each of the HMA programs. Together, these programs provide significant opportunities to reduce or eliminate potential losses to State, territories, federally-recognized tribes, 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. More information about each of the HMA programs can be found on the FEMA HMA website at <https://www.fema.gov/hazard-mitigation-assistance>.

B.1 Hazard Mitigation Grant Program

HMGP is authorized by Section 404 of the Stafford Act, 42 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 funding is available, when authorized under a Presidential major disaster declaration, in the areas of the State requested by the Governor. Federally-recognized tribes may also submit a request for a Presidential major disaster declaration within their impacted areas (see <http://www.fema.gov/media-library/assets/documents/85146>). The amount of **HMGP** funding available to the Applicant is based on the estimated total Federal assistance, subject to the sliding scale formula outlined in Title 44 of the Code of Federal Regulations (CFR) Section 206.432(b) that FEMA provides for disaster recovery under Presidential major disaster declarations. The formula provides for up to 15 percent of the first \$2 billion of estimated aggregate amounts of disaster assistance, up to 10 percent for amounts between \$2 billion and \$10 billion, and up to 7.5 percent for amounts between \$10 billion and \$35.333 billion. For States with enhanced plans, the eligible assistance is up to 20 percent for estimated aggregate amounts of disaster assistance not to exceed \$35.333 billion.

The Period of Performance (POP) for **HMGP** begins with the opening of the application period and ends no later than 36 months from the close of the application period.

For additional **HMGP** Guidance, see Part VIII, A.

B.2 Pre-Disaster Mitigation

PDM is authorized by the Stafford Act, 42 U.S.C. 5133. **PDM** is designed to assist States, territories, federally-recognized tribes, 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 in future disasters. Congressional appropriations provide the funding for **PDM**.

The total amount of funds distributed for **PDM** is determined once the appropriation is provided for a given fiscal year. It can be used for mitigation projects and planning activities.

The POP for **PDM** begins with the opening of the application period and ends no later than 36 months from the date of subapplication selection.

For additional **PDM** Guidance, see Part VIII, B.

B.3 Flood Mitigation Assistance

FMA 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). **FMA** was created as part of the National Flood Insurance Reform Act (NFIRA) of 1994. The Biggert-Waters Flood Insurance Reform Act of 2012 (Public Law 112-141) consolidated the Repetitive Flood Claims and Severe Repetitive Loss grant programs into **FMA**. **FMA** funding is available through the National Flood Insurance Fund (NFIF) for flood hazard mitigation projects as well as plan development and is appropriated by Congress. States, territories, and federally-recognized tribes are eligible to apply for **FMA** funds. Local governments are considered subapplicants and must apply to their Applicant State, territory, or federally-recognized tribe.

The POP for **FMA** begins with the opening of the application period and ends no later than 36 months from the date of subapplication selection.

For additional **FMA** Guidance, see Part VIII, C.

C. Roles and Responsibilities

States, territories, and federally-recognized tribes are eligible Applicants for HMA programs. The Applicant is responsible for soliciting subapplications from eligible subapplicants and assisting in the preparation of, reviewing, and submitting eligible, complete applications to FEMA. HMA grant funds are awarded to Applicants. When funding is awarded, the Applicant then becomes both the Recipient (formerly known as Grantee) and the pass-through entity (defined as a non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program). A Recipient receives a Federal award directly from FEMA to carry out an activity under an HMA program. A pass-through entity provides a subaward to a subrecipient. Pass-through entities are 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. The pass-through entity is also responsible for financial management of the program and overseeing all approved projects.

Subapplicants play a crucial role in the grant process. In general, the “subapplicant” is a State-level agency, federally-recognized tribe, 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 subrecipient (formerly known as subgrantee) and is responsible for managing the subaward (formerly known as subgrant) and complying with program requirements and other applicable Federal, State, territorial, tribal, and local laws and regulations. A federally-recognized tribe may participate as either the Applicant/Recipient/pass-through entity or the subapplicant/subrecipient (see Part III, A and B and HMA Job Aid, *Federally-Recognized Tribes and Hazard Mitigation Grant Program – Option to Submit as an Applicant or Subapplicant*).

D. HMA Application Process

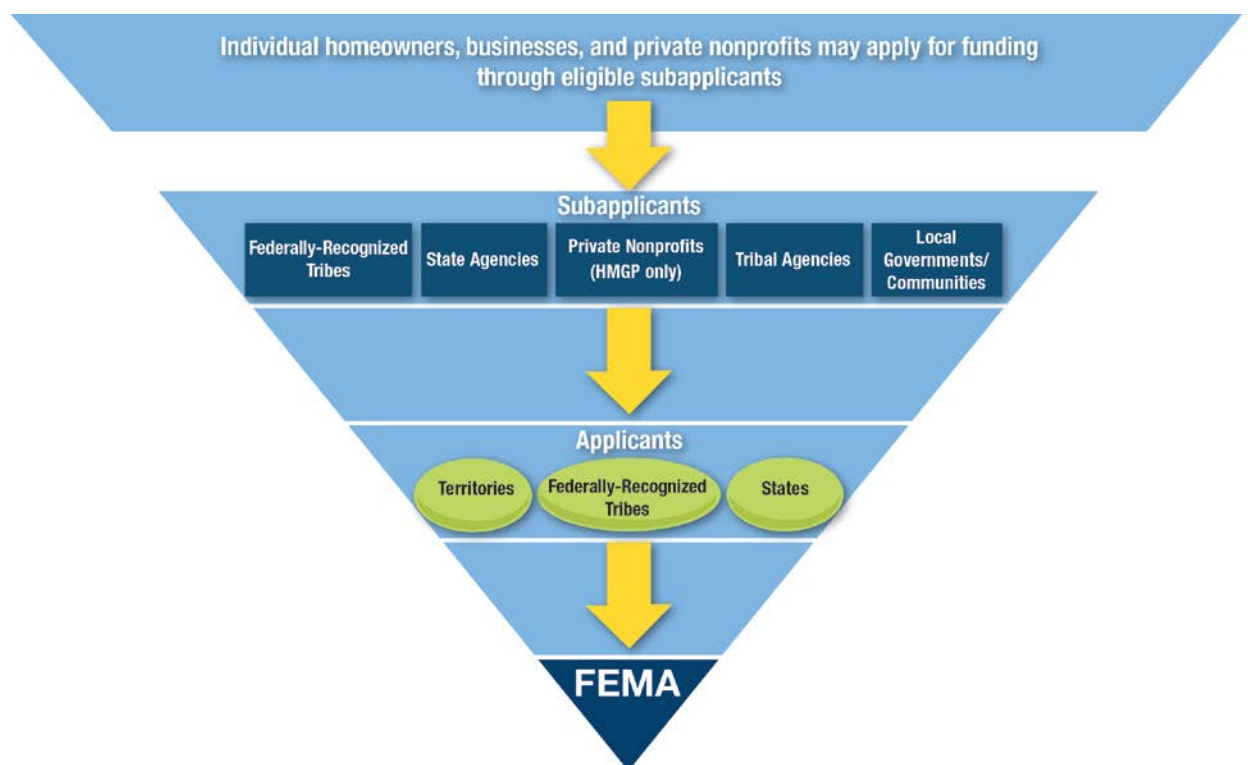
Applicants determine mitigation priorities. These priorities are broad strategies that mitigate natural threats in their respective jurisdictions. Contacting the State Hazard Mitigation Officer (SHMO), or equivalent representative for a respective federally-recognized tribe or territory, can be helpful in choosing which hazards pose the greatest threat and determining the best strategy for mitigation. From these broad mitigation strategies, subapplicants weigh public interest while targeting specific mitigation projects beneficial to their communities.

The next step is assembling the subapplication. The principle components of a subapplication are the Scope of Work (SOW), budget, and schedule. These pieces are developed by the subapplicant through construction estimates, property appraisals, and other technical evaluations. For additional assistance on the application and submission processes, see Part IV.

Once the subapplication is prepared, it is submitted to the Applicant. In many cases, the Applicant is the State government, federally-recognized tribe, or U.S. territory. Once the subapplications are collected, the Applicant reviews and prioritizes submissions based on specific criteria that align with its mitigation strategy with regards to available funding and project type. Finally, the application is submitted to FEMA for determination of eligibility based on cost-effectiveness, technical feasibility, mitigation planning, and environmental planning and historic preservation (EHP) considerations (see **Figure 1**). FEMA may send the Applicant a request for information (RFI). An RFI is often used to help clarify and strengthen the subapplication.

For additional eligibility information, see Part III.

Figure 1: Application Process



E. Organization of this Document

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

The organization of this HMA 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:

- ◆ Part I, Introduction, describes the HMA programs, discusses FEMA’s commitment to resilience and climate change adaptation, identifies roles and responsibilities, explains the overall application process, and provides a summary of programmatic changes.
- ◆ Part II, Frontloading HMA Program Eligibility Requirements, provides general information to facilitate project scoping and the overall decision-making process.
- ◆ Part III, Eligibility Information, provides information about eligible Applicants and subapplicants, cost-sharing requirements, restrictions on the use of HMA funds, and other program requirements.

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- ◆ Part IV, Application and Submission Information, provides information regarding application development, including funding restrictions, cost-effectiveness analysis, feasibility and effectiveness, and environmental requirements.
 - ◆ 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.
 - ◆ Part VII, FEMA Contacts, provides Regional and State contact information.
 - ◆ Part VIII, Additional Program Guidance, provides information that is unique to each program.
 - ◆ Part IX, Appendices, includes acronyms, a glossary, additional resources, referenced regulations and statutes, and checklists.

Additional guidance for particular activity types is provided in an Addendum to this guidance. This additional guidance provides information specific to property acquisition and structure demolition or relocation, wildfire mitigation, safe room construction, mitigation reconstruction, and structure elevation projects. The Addendum also includes supplemental guidance on the eligibility of flood risk reduction projects, Duplication of Programs (DOP) considerations, and the use of ASCE 24-14 as a minimum design requirement for certain flood risk reduction activities.

F. Programmatic Changes

With the release of this guidance, significant revisions to programmatic requirements have been made. However, many of the specific requirements of each program remain the same. The significant changes included in this HMA Guidance are as follows:

- ◆ On December 26, 2014, DHS adopted, in its entirety the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) at 2 CFR Part 3002, 79 Fed. Reg. 75871, No. 244 (Dec. 19, 2014), which supersedes and streamlines requirements from OMB Circulars A-21, A-87, A-110, and A-122 (which have been placed in OMB guidance, including 2 CFR Parts 215, 220, 225, and 230); OMB Circulars A-89, A-102 (codified at 44 CFR Part 13), and A-133; and the guidance in Circular A-50 on Single Audit Act follow-up. At the same time, FEMA removed 44 CFR Part 13 from the Code of Federal Regulations.
 - 2 CFR Part 200 applies to all PDM and FMA awards made on or after December 26, 2014 and to all HMGP awards made under emergency or Presidential major disaster declarations declared on or after December 26, 2014.

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- The superseded OMB Circulars and guidance, including 44 CFR Part 13, will continue to apply to all PDM and FMA awards made prior to December 26, 2014 or HMGP awards made under emergency or Presidential major disaster declarations declared before December 26, 2014. These HMA awards must comply with 44 CFR Part 13, per the terms of 2 CFR Part 200.
 - The Audit requirements found at 2 CFR Part 200 Subpart F will apply to all Single Audit Act audits performed for any recipient or subrecipient for fiscal years beginning on or after December 26, 2014. This includes audits performed under awards issued prior to December 26, 2014, such as existing awards issued under previous HMA guidance.
 - 2 CFR Part 200 makes several changes to the previous OMB Circulars, many of which are reflected throughout this HMA guidance. Of particular note, are terminology changes and new definitions: conflict of interest policy, procurement changes, and additional authorities regarding specific conditions and termination.
- ◆ The POP for the **PDM** and **FMA** programs now begins with the opening of the application period and ends no later than 36 months from the date of subapplication selection. (Part I, B.2 and B.3 and Part VI, D.4)
 - ◆ FEMA encourages Applicants and subapplicants to expand their mitigation activities beyond the prescribed activities in Part III Section E of the HMA Guidance to reflect considerations stemming from climate change and resilience. (Part II, B and Part IV, I.8)
 - ◆ An explanation of critical actions, along with examples, has been provided. The description of critical action is consistent with the 44 CFR Section 9.4. (Part II, E and Part III, E.6.1)
 - ◆ EHP frontloading activities are further defined and an NEPA Flowchart for HMA Projects has been added as an HMA Job Aid. (Part II, F)
 - ◆ FEMA’s usage of the terms “other Federal agencies” or “agencies with delegated Federal authority” in EHP compliance documentation is clarified, and the Unified Federal Review initiative is introduced. (Part II, F and Part IV, K)
 - ◆ Strategic Funds Management (SFM) has been clarified (Part II, L and Part VIII, A.9), and an SFM Frequently Asked Questions (FAQs) document has been added to the FEMA website. (HMA Job Aids)
 - ◆ Changes to the **HMGP** Quarterly Progress Report (QPR) have been incorporated; hard copies are no longer accepted for **HMGP**. Recipients are responsible for updating reports in the National Emergency Management Information System (NEMIS) directly using the new QPR module or by importing a pre-approved excel spreadsheet. (Part II, M and Part VI, E)
 - ◆ FEMA clarified the requirements that need to be verified by the Recipient at closeout. (Part II, N and Part VI, F)

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- ◆ *Eligibility of Flood Risk Reduction Measures under the Hazard Mitigation Assistance Programs*, published June 27, 2014, which includes new language on DOP, has been incorporated into this guidance. (Part III, D.4 and E.1 and Addendum, Part F.1)
 - Localized flood control projects are now eligible under all three HMA programs.
 - Non-localized flood control projects are only eligible under **HMGP** and **PDM**.
 - ◆ Mitigation reconstruction is now an eligible activity under all HMA programs. (Part III, E.1 and Addendum D.2)
 - ◆ A “Miscellaneous/Other” category has been incorporated under Eligible Activities to address considerations of unique activity types (e.g., drought mitigation projects). (Part III, E.1)
 - ◆ Per the Coastal Barrier Resources Act (CBRA), FEMA HMA programs may fund projects in Otherwise Protected Areas (OPAs) if they do not require flood insurance after project completion. (Part III, E.2 and Addendum, Part A.2)
 - ◆ Eligible activities that can be funded under mitigation planning–related activities are clarified as specific to **HMGP** only; these activities are not eligible as stand-alone activities under **PDM** and **FMA**. (Part III, E.1)
 - ◆ Accessibility considerations as required by the Americans with Disabilities Act of 1990 have been incorporated. (Part III, E.8 and Addendum C.4.2)
 - ◆ The Substantial Damage waiver has been amended to allow for the consideration of Substantial Damage from any origin. (Part IV, I.1)
 - ◆ *Cost Effectiveness Determinations for Acquisitions and Elevations in Special Flood Hazard Areas*, published August 15, 2013, has been incorporated into this guidance. (Part IV, I.7)
 - ◆ An HMA memorandum on Sea Level Rise, published on December 23, 2013, has been incorporated into this guidance. (Part IV, I.8)
 - ◆ A new, expedited methodology has been developed for residential hurricane wind retrofit projects. If a proposed wind retrofit project costs less than the pre-identified benefits, the project will be considered cost effective. (Part IV, I.10)
 - ◆ Examples of EHP-related costs that should be included in project cost estimates have been listed. (Part IV, H.4.3 and Part IV, K)
 - ◆ Roles and responsibilities of FEMA and the Applicant have been further defined as they relate to the formal EHP review process. (Part IV, K)
 - ◆ The RFI flow chart has been modified to better reflect the RFI process. (Part V, C)
 - ◆ Substantive changes have been made to the hazard mitigation plan requirements (Part III, E.5):
 - Plan requirements have been clarified for Applicants and subapplicants.

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- Private Nonprofits (PNPs) are not required to have a FEMA-approved mitigation plan to receive **HMGP** funding.
 - Language has been clarified for extraordinary circumstances.
 - Language to clarify conformance with hazard mitigation plans (statewide projects) has been added.
 - States are now required to update their mitigation plans every 5 years, not every 3 years. This change is explained in detail in the *Federal Register* at 79 FR 22873.
- ◆ There are limited instances where contingency costs can be considered for eligibility under HMA. A contingency cost is an allowance in the total cost estimate to cover situations that cannot be fully defined at the time the cost estimate is prepared. The total project cost, including contingencies, is used to compute the BCA. (Part VI, D.3.4)
 - ◆ At the request of the Recipient, FEMA may now conduct a review of the **HMGP** lock-in ceiling as early as 12 months, rather than 18 months, after a disaster. (Part VIII, A.4 and A.5)
 - ◆ A flow chart has been added to the **HMGP** final lock-in section to clarify that process. (**Figure 7**, Part VIII, A.4)
 - ◆ FEMA describes the importance of accurate budgeting and forecasting in the Spend Plan for **HMGP** disasters declared after October 30, 2013. (Part VIII, A.10)
 - ◆ The additional 5 percent set-aside for tornadoes and high winds has been modified to address all hazards and to promote resilience through the use of disaster-resistant building codes. (Part VIII, A.14.1)
 - ◆ The **HMGP** Appeals process has been clarified. (Part VIII, A.15)
 - ◆ Definitions for repetitive loss and severe repetitive loss have been clarified. (Part VIII, C.1)
 - ◆ FEMA clarified that building and contents are eligible as part of the insurance claim payment coverage for determining whether a property is a severe repetitive loss property. (Part VIII, C.1)
 - ◆ FEMA clarified the use of Greatest Savings to The Fund (GSTF), referring to the NFIF. (Part VIII, C.3)
 - ◆ Critical facility is further defined under HMA and is included in the glossary. This definition is for HMA program use and clarification and is not meant to provide a definition for use under other programs or supersede any FEMA regulation. (Part IX, B)
 - ◆ The *Eligibility and Completeness* checklist has been modified and renamed as the *Minimum Criteria Checklist for Project Subapplications* (in Appendix F). It now focuses on the minimal eligibility factors needed to initiate FEMA review and determine eligibility.

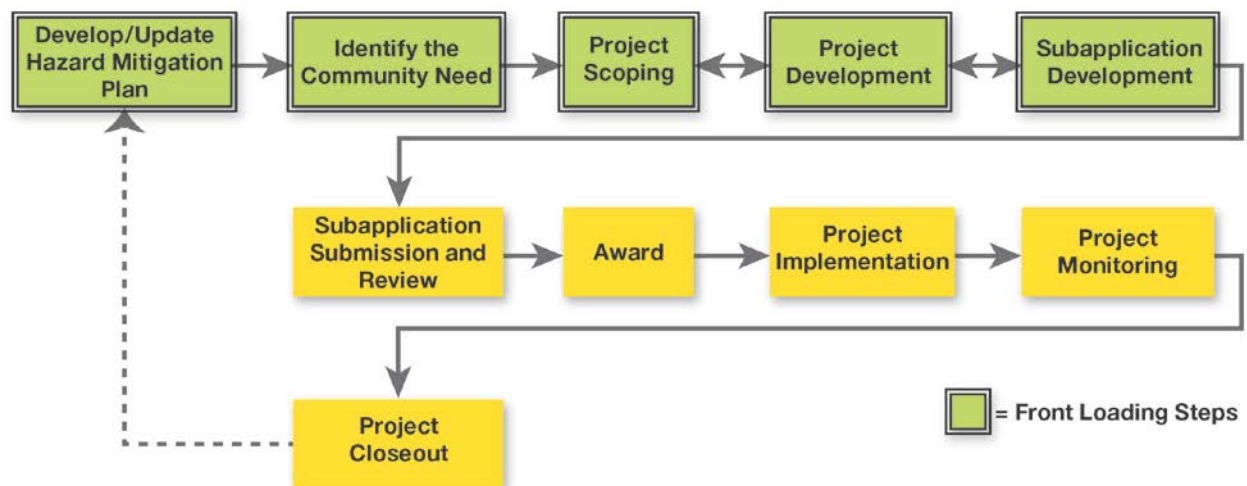
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- ◆ *Limits on Subsurface Uses of Hazard Mitigation Assistance Acquired Lands*, published May 5, 2014, has been incorporated into this guidance. With the release of this guidance, the policy has been superseded. (Addendum, Part A.2, A.4.4, and A.6.2)
 - Generally, FEMA will not approve property acquisition for open space projects involving properties with underground oil, gas, or other mineral encumbrances that may allow subsurface hydraulic fracturing and horizontal directional drilling to occur.
 - ◆ In accordance with Section 203(a)(1) of the Uniform Relocation Assistance (URA) and Real Property Acquisition Policies Act, the replacement housing allowance for homeowners increased to \$31,000 on October 1, 2014. (Addendum, Parts A.3.2, A.6.9.4, and A.6.10).
 - ◆ The URA amount for rental assistance has also increased from \$5,250 to \$7,200. (Addendum, Part A.6.10)
 - ◆ Safe Room Guidance has been updated to align with changes to FEMA P-361, *Safe Rooms for Tornadoes and Hurricanes: Guidance for Community and Residential Safe Rooms* (3rd Edition, 2015). (Addendum, Part C)
 - ◆ *Minimum Design Standards for Hazard Mitigation Assistance Projects in Flood Hazard Areas*, published April 21, 2014, which adopts ASCE 24-14 as the minimum design criteria for all HMA structure elevation, dry floodproofing, and mitigation reconstruction projects in flood hazard areas, has been incorporated into this guidance. With the release of this guidance, the policy has been superseded. (Addendum, Part F.3)

PART II. FRONTLOADING HMA PROGRAM ELIGIBILITY REQUIREMENTS

FEMA encourages Applicants and subapplicants to evaluate risks that they mitigate in a comprehensive manner. They should identify hazards and assess risk to develop wide-ranging hazard mitigation measures. These measures should reflect the minimum program eligibility requirements but also should incorporate other key considerations, such as mitigation planning, universal design to address the needs of persons with disabilities, EHP, and resilience. Considering a wide array of factors in project scoping and development at the earliest time in the HMA application cycle allows the Applicant and subapplicant the best possible opportunity to develop viable project and plan applications and will expedite FEMA review.

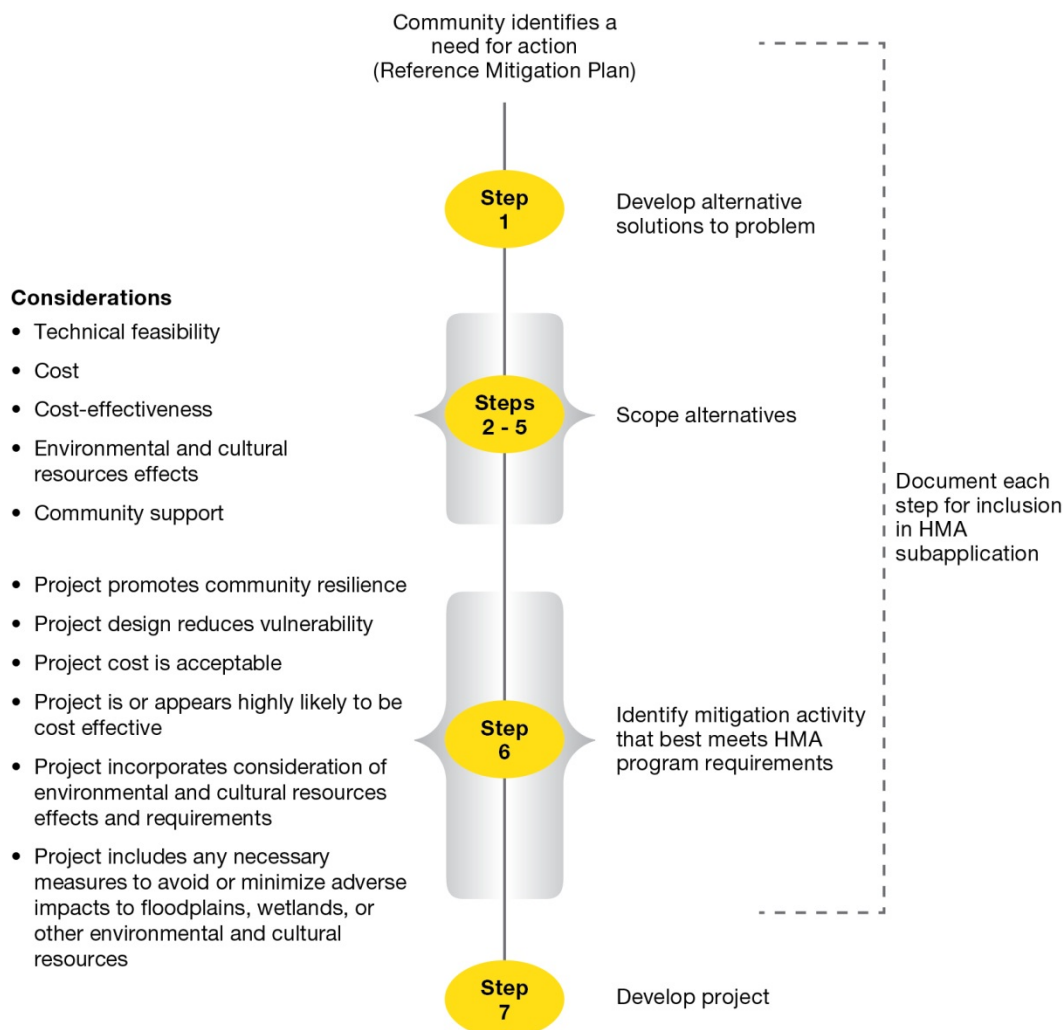
Part II provides general information on the importance of “frontloading” HMA program eligibility requirements in the project scoping and the overall decision-making process. Frontloading or addressing requirements at the earliest point in the decision-making process will increase the efficacy of the overall HMA program. It also reduces the need for RFIs, which may result in quicker selections of projects for further review or approval. Additionally, early consideration of Advance Assistance, SFM, project monitoring, and project closeout in the decision-making process can facilitate the scoping and development of viable projects that meet the needs and fit the circumstances of a particular community. Project scoping and project development are two of the earliest steps in the overall project lifecycle (see **Figure 2**) and can have a significant impact on the course an application or subapplication takes through the HMA grant process.

Figure 2: Overall Project Lifecycle



Project scoping (as shown in **Figure 3**) is the process by which subapplicants develop effective mitigation alternatives based on a defined set of requirements that meet the stated purpose and need of the proposed project. Subapplicants should begin by identifying risks or problems and examining alternative solutions during the mitigation planning process. It is important to propose a project that will alleviate a problem. Additionally, the community may realize further benefits, such as enhanced efficiency and accessibility, if the proposed project incorporates resilience. Applicants are encouraged to include representatives of the whole community in planning and scoping the project to gain broad community participation and support. Building on existing community networks can be critical for generating broad support for mitigation projects.

Figure 3: General Steps in Project Scoping Process



The scoping process includes the identification and evaluation of technical feasibility, cost review, cost-effectiveness, as well as environmental and cultural resource considerations. Based on potential impacts to environmental and cultural resources, there may be a legal requirement to

alter the project. The scoping process results in the development of a preferred project alternative that is then documented through the preparation of the application or subapplication. Applicants and subapplicants should consider the whole range of program requirements at the beginning stages of project development. The incorporation of these considerations into the scoping process can increase the efficiency of program review and ensure that all HMA program requirements are met.

Addressing the following HMA program requirements at the earliest stage possible in the decision-making process is important because it can lead to enhanced project scoping as well as development and prevent delays later:

- ◆ Mitigation planning
- ◆ Technical feasibility and effectiveness
- ◆ Floodplain management and protection of wetlands
- ◆ EHP review and compliance
- ◆ Cost-effectiveness
- ◆ Cost review

A. Mitigation Planning

Reviewing and incorporating information from the State, tribal, or local mitigation plan can help an Applicant or subapplicant facilitate the development of mitigation project alternatives. Linking the existing mitigation plan to project scoping can support the Applicant and subapplicant in selecting the most appropriate mitigation activity that best addresses the identified hazard(s), while taking into account community priorities, climate change, and resiliency. In particular, the mitigation strategy section of the plan identifies a range of specific mitigation activities that can reduce vulnerability and includes information on the process that was used to identify, prioritize, and implement the range of mitigation actions considered. Another resource that may be useful in developing mitigation alternatives is the *Mitigation Ideas: A Resource for Reducing Risk to Natural Hazards* guide available from the FEMA Library (see <http://www.fema.gov/library/viewRecord.do?id=6938>). It is important to reference the mitigation plan as potential project alternatives may have been considered during the planning process. If the project alternatives were not considered during the mitigation planning process, they should be considered in the next mitigation plan update. For more information on hazard mitigation planning, see eligible activities in Part III, E.5, cost estimate information in Part IV, H.4.3, and additional resources in Part IX, C.

B. Climate Change and Resiliency Considerations

FEMA is committed to promoting resilience as expressed in PPD-8: *National Preparedness*; the President’s State, Local, and Tribal Leaders Task Force on Climate Preparedness and Resilience; the Administrator’s 2011 *FEMA Climate Change Adaptation Policy Statement* (Administrator Policy 2011-OPPA-01); and the *2014–2018 FEMA Strategic Plan*. FEMA recognizes challenges posed by climate change, including more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels. These phenomena may have impacts on mitigation, preparedness, response, and recovery operations as well as the resiliency of critical infrastructure and various emergency assets. FEMA encourages Recipients and subrecipients to consider climate change adaptation and resiliency in their planning and scoping efforts.

To aid in these efforts, FEMA incorporated sea level rise into the HMA BCA tool. Additionally, the EHP review process promotes informed decision-making and uses all practical means and measures to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse impacts to the environment, and to attain the objectives of:

- ◆ Achieving mitigation goals without degradation or undesirable and unintended consequences
- ◆ Preserving historic, cultural, and natural aspects of national heritage and maintaining, wherever possible, an environment that supports diversity and variety of individual choice
- ◆ Achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved
- ◆ Enhancing the quality of renewable resources and working toward the maximum attainable recycling of non-renewable resources

C. Universal Accessibility and Mitigation

FEMA is committed to achieving universally accessible and fully inclusive emergency management. Considerations for individuals with disabilities and people with access and functional needs should be contemplated as part of holistic community-based mitigation. With respect to

HMA, this requires active engagement in meeting the access and functional needs of individuals as applications are scoped and developed. As appropriate, factors for universal design should be incorporated into HMA projects to serve the whole community to the greatest extent possible. When communities integrate the access and functional needs of their entire populations in all phases of community-wide emergency management, they strengthen their ability to prepare for, protect against, respond to, recover from, and mitigate all hazards.

UNIVERSAL DESIGN

Universal design is the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

D. Technical Feasibility and Effectiveness

Mitigation projects submitted for HMA grants must be both feasible and effective at mitigating the risks of the hazard for which the projects were designed. The feasibility of a project is demonstrated through conformance with accepted engineering practices, established codes, standards, modeling techniques, or best practices. Effective mitigation measures funded under HMA should provide a long-term or permanent solution. Consideration of technical feasibility and effectiveness during the project scoping process facilitates project development. For more information on technical feasibility and effectiveness, see Part III, E.4, documentation requirements in Part IV, J, and application review criteria in Part V, A.3.

E. Floodplain Management and Protection of Wetlands

HMA programs and grants must conform to 44 CFR Part 9, which incorporates the requirements of Executive Order (EO) 11988 and EO 11990. All proposed actions should be reviewed to determine whether they are in the floodplain or a wetland. Any proposed actions located in the 100-year floodplain (or 500-year floodplain for critical actions as defined in 44 CFR Section 9.4) or that have the potential to increase the base flood or to affect, or be affected by, a floodplain or wetland trigger the requirement to complete the 8-step decision-making process outlined in 44 CFR Section 9.6. Note that 44 CFR Part 9 refers to the consideration of critical actions, not critical facilities.

As part of the 8-step decision-making process, FEMA must consider alternative locations to determine whether the floodplain or wetland is the only practicable location for that action.

Applicants and subapplicants should document alternatives considered as part of their scoping process to assist FEMA in facilitating this decision-making process. If the floodplain or wetland is the only practicable location, the Applicant/subapplicant must avoid or must minimize adverse impacts to the floodplain or wetland. For more information on floodplain management and the protection of wetlands, see Part III, E.6.1 and the HMA Job Aid (*8-Step Decision Making Process for Floodplain Management Considerations and Protection of Wetlands*).

CRITICAL ACTION DEFINITION

Critical actions are defined in 44 CFR Section 9.4, which includes examples of actions that FEMA deems critical. If an action is not specified in 44 CFR Part 9, FEMA utilizes the U.S. Water Resource Council *Floodplain Management Guidelines for Implementing EO 11988* and the following series of questions about the subject structure or facility to determine whether a proposed action is deemed a critical action:

- If flooded, would the proposed action create an added dimension to the disaster, such as for liquefied natural gas terminals and facilities producing and storing highly volatile, toxic, or water-reactive materials?
- Given the flood warning lead-time available, would the occupants of buildings such as hospitals, schools, and nursing homes be insufficiently mobile to avoid loss of life and injury?
- Would essential and irreplaceable records, utilities, and/or emergency services be lost or become inoperative if flooded?

If any of the answers are “yes,” then the proposed action is a critical action.

F. Environmental Planning and Historic Preservation Review and Compliance

HMA programs and grants must comply with all EHP laws and with 44 CFR Part 10 (or FEMA Directive Number: FD 108-1, *Environmental and Historic Preservation Planning, Responsibilities and Program Requirements*). Compliance with these laws is a condition of the award. In addition to the National Environmental Policy Act (NEPA), the EHP Checklist in Part IX, Appendix E lists the most common laws for which a project must comply. EHP compliance requirements may:

- ◆ Have time and cost implications for a project
- ◆ Include additional award conditions (such as permits or timing restrictions) imposed by FEMA
- ◆ Require the Applicant or subapplicant to consider alternatives, identify alternate locations, and, as necessary, modify the project

For example, two key common EHP considerations are whether the proposed project is located in an area that has endangered or threatened species or critical habitat and whether the proposed project might impact historic or cultural resources (see HMA Job Aid, *NEPA Flow Chart for HMA Projects*). If the project could result in adverse impacts to those resources, changing the scope of the project to avoid or minimize those impacts or incorporating EHP mitigation measures into the project is necessary to compensate for the impacts to those resources. Therefore, Applicants and subapplicants should complete the EHP Checklist when scoping a project and address EHP issues to ensure consideration of EHP requirements in the development of a complete project application. Advanced Assistance and Pre-Award costs are available mechanisms to frontload the EHP requirements.

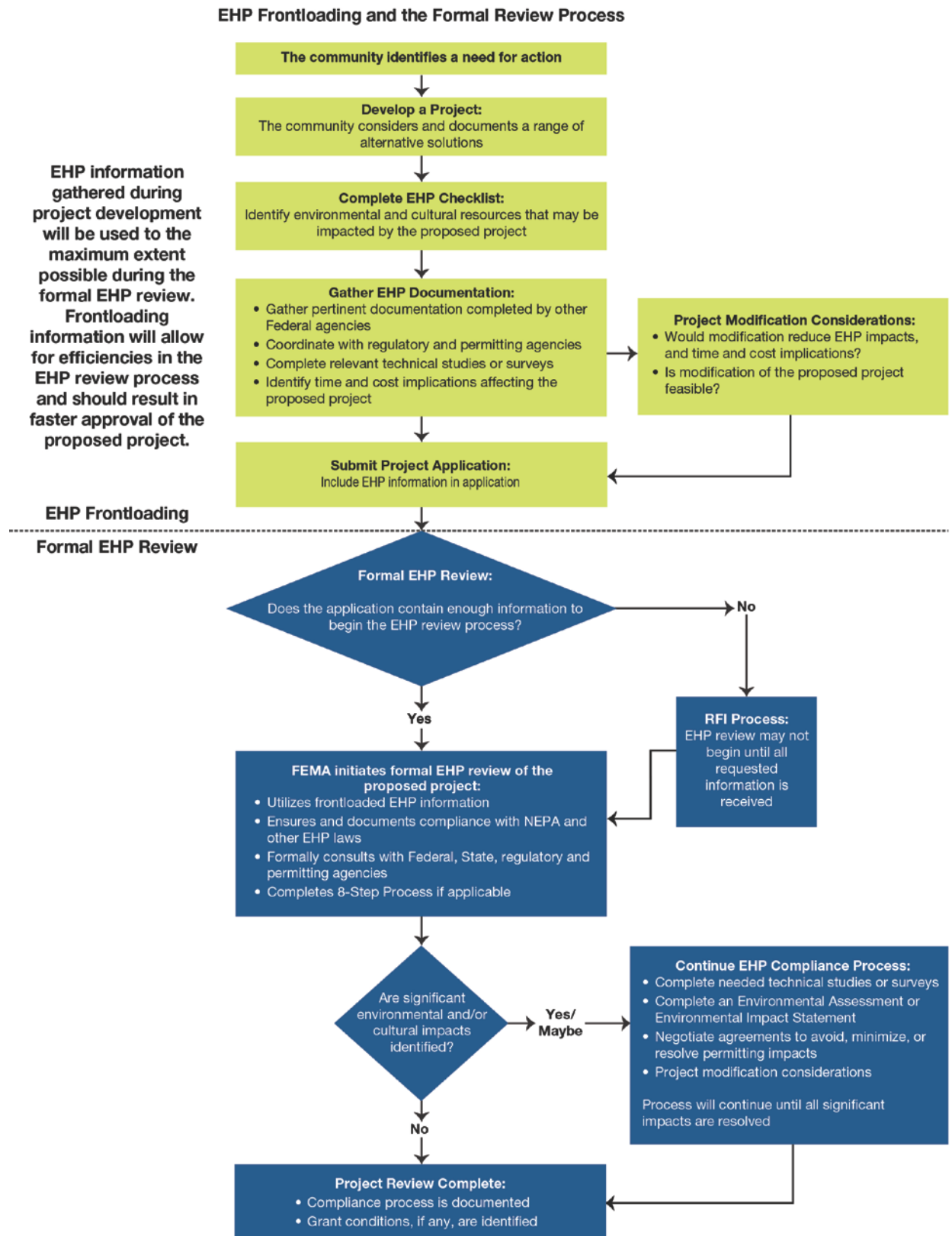
The completion of the EHP Checklist (Part IX, Appendix E) does not substitute for EHP compliance. FEMA has the responsibility to ensure that a project is in compliance with laws related to the environment and historic preservation. However, Applicants and subapplicants are able to assist FEMA and frontload the process by identifying EHP reviews previously completed by other agencies, gathering data, and reaching out to stakeholders and regulatory agencies for pertinent information.

The Sandy Recovery Improvement Act of 2013 (SRIA) added Section 429 to the Stafford Act, directing the development of an expedited and unified interagency EHP review process, also known as Unified Federal Review, to ensure that Federal agencies coordinate EHP compliance for projects. When two or more Federal agencies are involved with a project, or if any Applicant EHP coordination has occurred, relevant environmental and cultural resource considerations may have already been identified and addressed in previous EHP project planning activities. FEMA is able to utilize and/or adopt EHP documentation if that documentation addresses the scope of the FEMA-approved activity and FEMA verifies that it meets FEMA's EHP compliance

requirements. Applicants and subapplicants should identify for FEMA whether their project will involve another Federal agency or agency with delegated Federal authority and provide any relevant information to help streamline and inform the EHP review. In some cases, HMA may approve funding for a portion of a larger project that involves other FEMA programs (e.g., Public Assistance [PA] or Individual Assistance [IA]), other Federal agencies (e.g., U.S. Army Corps of Engineers) or agencies with delegated Federal authority (e.g., the U.S. Department of Housing and Urban Development's Responsible Entity).

The frontloading of EHP requirements into the decision-making process allows for the consideration of measures that reduce or eliminate the proposed project's impact to the human environment; see **Figure 4** for an overview of frontloading the EHP and NEPA process. To determine whether any EHP issues may be associated with the proposed project, Applicants and subapplicants should review FEMA's *HMA EHP Resources At-a-Glance Guide*, located at <https://www.fema.gov/media-library/assets/documents/30805?id=6976>, and FEMA's *HMA EHP at-a-glance Guide: Project Planning with Considerations for EHP Compliance*, located at <http://www.fema.gov/media-library/assets/documents/26621>. For more information on EHP, see the general program requirements in Part III, E.6, the documentation summary in Part IV, K, and application review information in Part V, A.2.3.

Figure 4: Frontloading EHP and the Formal Review Process



G. Cost-Effectiveness

Mitigation activities are required by statute and regulation to be cost effective or be in the interest of the NFIF. Consideration of the cost-effectiveness requirement at the earliest possible stage of the decision-making process can facilitate project scoping and improve project design. For more information on cost-effectiveness, see Part III, E.3 and Part IV, I.

H. Cost Review

All costs included in the subapplication should be reviewed to ensure that they are necessary, reasonable, and allocable consistent with the provisions of 2 CFR Part 200. Conducting this cost review at the earliest possible stage allows for improved project scoping and facilitates project development, which facilitates FEMA project review.

I. Project Development

Project scoping is not a separate, stand-alone process from project development. It can be considered the initial stage of project development, during which the details of mitigation activities are evaluated and developed. State, territory, federally-recognized tribe, and local governments that actively participate in and document their project scoping process put themselves in a greater position for success during project development. The information gathered in the scoping process serves as the basis for the development of a more detailed and robust technical design, cost, and EHP compliance components of the mitigation activity.

During the project development process, the subapplicant may encounter project considerations such as technical feasibility, cost-effectiveness, and EHP requirements that necessitate the refinement or adjustment of the mitigation activity. When these situations are encountered, the reason for the refinement or re-scoping should be fully documented and included with the subapplication.

J. Section 404 and Section 406

During the project development phase, two types of FEMA hazard mitigation funding should be considered for post-disaster implementation: Section 404, **HMGP** funding and Section 406, PA funding. They are two distinct funding programs but can sometimes be used together to more completely fund a hazard mitigation project and to promote resilience. Section 404 funding can be used to fund structural and non-structural projects, and a facility does not need to be damaged to use these funds. Section 406 funding is used to restore the parts of a facility that were damaged during a disaster, and the restoration must provide protection from subsequent events. For example, a combination of Section 404 and 406 funding may be appropriate where Section 406 hazard mitigation funding is used to provide protection to the parts of a facility that were damaged and Section 404 hazard mitigation funding is used to provide protection to the undamaged parts of the facility (see additional information in callout box to the right). In these instances, the application for Section 404 hazard mitigation funding must be submitted in a timely manner, consistent with State and local, or tribal, hazard mitigation plans and approved by the SHMO. Evaluating opportunities to leverage Section 404 and 406 funds in projects can facilitate project scoping and development. Additionally, exploring these opportunities can extend the use of limited Section 404 funds.

EXAMPLES OF 404 AND 406 MITIGATION

The following project examples illustrates how an Applicant or subapplicant can mitigate the damaged elements of a facility or infrastructure with Section 406 funds (PA) and mitigate the undamaged elements with Section 404 funds (**HMGP**).

- A damaged school can be repaired with PA funds and enhanced with an **HMGP**-funded Tornado Safe Room.
- A damaged culvert can be upsized with PA funds and further enhanced with the flood risk reduction measures funded under **HMGP**.
- A damaged building can be repaired with PA funds and enhanced with the addition of a generator funded under **HMGP**.

K. Advance Assistance

Section 1104 of the SRIA authorizes the use of Advance Assistance, which allows advancing up to 25 percent of the **HMGP** ceiling or \$10 million (whichever is less) to Applicants/subapplicants, to accelerate the implementation of the **HMGP**. Applicants and subapplicants may use Advance Assistance to develop mitigation strategies and obtain data, including for EHP compliance considerations, to prioritize, select, and develop complete **HMGP** applications in a timely manner. Using Advance Assistance can help Applicants

ADVANCE ASSISTANCE

Advance Assistance can be used to develop mitigation strategies and obtain data to prioritize, select, and develop complete **HMGP** applications. Consideration of Advance Assistance early in the decision-making process can help facilitate the development of a viable project, as well as project administration.

and subapplicants develop eligible and complete applications that include a feasible project budget and an appropriate project milestone. See Part VIII, A.12 for additional information on Advance Assistance.

L. Strategic Funds Management

In 2012, FEMA implemented a new initiative called SFM or incremental funding. SFM is designed to provide **HMGP** funding in increments, based on the subrecipient's work schedule and ability to execute eligible activities.

All pending and future **HMGP** projects over \$1 million Federal share must be reviewed to determine whether the project is a candidate for SFM. If an **HMGP** project is appropriate for SFM, FEMA and the non-Federal entities will review the budget and work schedule to ensure that the project supports incremental obligation. Obligations are executed in increments, based on the project meeting an established project milestone schedule, until the project is completed.

STRATEGIC FUNDS MANAGEMENT

SFM does not change the project eligibility process. It is a new method of approving work and providing funds as they are needed.

Considering SFM early in the decision-making process can help facilitate the development of a feasible project budget and appropriate project milestones.

See Part VIII, A.9 for additional information on SFM.

M. Project Monitoring

After a grant or subaward is awarded, both the pass-through entity and the subrecipient are required to monitor and evaluate the progress of the mitigation activity in accordance with the:

- ◆ Approved SOW and budget
- ◆ Administrative requirements of 2 CFR Part 200
- ◆ Applicable State requirements

Sound project monitoring improves the efficiency of the project implementation process and the obligation of funds process. The satisfactory use of quarterly reporting facilitates project management and allows the pass-through entity and FEMA to monitor obligations and any unliquidated funds. For additional information on project monitoring reporting requirements see Part VI, E.

N. Closeout

Upon project completion, the Recipient and subrecipient are required to close out the subaward or Federal award in accordance with 2 CFR Sections 200.343 and 200.344. The project file should document that:

- ◆ The approved SOW was fully implemented
- ◆ All obligated funds were liquidated and in a manner consistent with the approved SOW
- ◆ All EHP compliance grant conditions were implemented and documented as required
- ◆ The project was implemented in a manner consistent with the Federal award or subaward agreement
- ◆ The pass-through entity submitted the required quarterly financial and performance reports
- ◆ The Federal award and subaward were closed out in accordance with the provisions outlined in Part VI, E and F (subaward and Federal award closeout)

For more information on closeout, see Part VI, F.

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-specific requirements are found in Part VIII of this guidance. Additional project-specific requirements can be found in the Addendum to this guidance. 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 federally-recognized tribes. Each State, territory, commonwealth, or federally-recognized tribe shall designate one agency to serve as the Applicant for each HMA program. For the definition of the term federally-recognized tribe (Indian Tribal government), refer to Appendix B, Glossary.

A federally-recognized tribe has the option to apply for HMA grants through the State as a subapplicant (when permitted) or directly to FEMA as an Applicant. 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 a federally-recognized tribe chooses to apply directly to FEMA and an award is made, it bears the full responsibility of a Recipient. For plan requirements relevant to the options to apply as a subapplicant or an Applicant, see Part III, E.5.4 and the HMA Job Aid (*Federally-Recognized Tribes and Hazard Mitigation Grant Program – Option to Submit as an Applicant or Subapplicant*).

B. Eligible Subapplicants

All interested subapplicants must apply to the Applicant. **Table 1** 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**. For **HMGP** and **PDM**, see 44 CFR Section 206.2(a)(16) or 2 CFR Section 200.64.

Individuals and businesses are not eligible to apply for HMA funds; however, an eligible Applicant or subapplicant may apply for funding on behalf of individuals and businesses.

PRIVATE NONPROFIT DEFINITION

Private Nonprofit (PNP) is defined as any private nonprofit educational, utility, emergency, medical, or custodial care facility, including a facility for older adults and people with disabilities, and other facility providing *essential governmental services* to the general public, and such facilities on Indian reservations. For further information see 44 CFR Sections 206.221(e) and 206.434(a)(2).

For additional information about the eligibility of PNPs for **HMGP**, see Part VIII, A.6.

Table 1: Eligible Subapplicants

Entity	HMGP	PDM	FMA
State agencies	✓	✓	✓
Federally-recognized tribes	✓	✓	✓
Local governments/communities ⁽¹⁾	✓	✓	✓
Private nonprofit organizations (PNPs)	✓		

⁽¹⁾ Local governments/community may include non-federally recognized tribes, or consistent with definition of local government at 44 CFR 201.2, may include any Indian tribe or authorized tribal organization, or Alaska Native village or organization that is not federally recognized per 25 U.S.C. 479a et seq.

C. 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 cost shares must be for eligible costs used in direct support of the approved activities under this guidance and the award. Contributions of cash, third-party in-kind services, materials, or any combination thereof, may be accepted as part of the non-Federal cost share.

FEMA administers cost-sharing requirements consistent with 2 CFR Sections 200.29, 200.306, and 200.434. To meet cost-sharing requirements, the non-Federal contributions must be verifiable from the subrecipient's records, 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 2**) are as follows:

- ◆ **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.
- ◆ **FMA**
 - FEMA may contribute up to 100 percent Federal cost share for severe repetitive loss properties.
 - For acquisition or relocation activities for severe repetitive loss properties that are not determined to be cost effective using FEMA-approved cost-effectiveness options (e.g., BCA version 5.0 or higher, pre-calculated benefits), property owners may alternatively receive the calculated expected savings to the NFIF as provided by the GSTF value. For more information on this provision, see Part VIII, C.3.
 - FEMA may contribute up to 90 percent Federal cost share for repetitive loss properties.

- FEMA may contribute up to 75 percent Federal cost share for properties that are NFIP-insured but do not meet the repetitive loss or severe repetitive loss definitions.

- ◆ **Insular areas, including American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, 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 and not an individual subaward. 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 PA under the Presidential major 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.

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

- ◆ For **HMGP**, available **HMGP** management costs are calculated as a percentage of the Federal funds provided. There is no additional cost-share requirement for management costs.
- ◆ Under **PDM**, only tribal Recipients and subrecipients meeting the definition of small and impoverished are eligible for a non-Federal cost share of 10 percent for management costs.

See Part VIII, A.8 for further information about **HMGP** cost-share requirements and Part IV, E.4 for further information on funding restrictions for management costs.

Table 2: Cost-Share Requirements

Programs	Mitigation Activity (Percent of Federal/Non-Federal Share)	Recipient Management Costs (Percent of Federal/Non-Federal Share)	Subrecipient Management Costs (Percent of Federal/Non-Federal Share)
HMGP	75/25	100/0	—/(¹)
PDM	75/25	75/25	75/25
PDM – subrecipient is small and impoverished community	90/10	75/25	90/10
PDM – Tribal Recipient/subrecipient is small and impoverished	90/10	90/10	90/10
FMA – insured properties and planning grants	75/25	75/25	75/25
FMA – repetitive loss property ⁽²⁾	90/10	90/10	90/10
FMA – severe repetitive loss property ⁽²⁾	100/0	100/0	100/0

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

(2) To be eligible for an increased Federal cost share, a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan that addresses repetitive loss properties must be in effect at the time of award, and the property that is being submitted for consideration must be a repetitive loss property.

C.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.

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

Increased Cost of Compliance (ICC) coverage is one of several resources for flood insurance policyholders who need additional help rebuilding after a flood. It provides up to \$30,000 to help cover the cost of mitigation measures that will reduce flood risk. ICC coverage is a part of most standard flood insurance policies available under the NFIP.

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 timelines allowed by the NFIP. ICC payments can only be used for costs that are eligible for ICC benefits, which are elevation, floodproofing, relocation, or demolition (or any combination of these activities). 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 property 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/national-flood-insurance-program/steps-assignment-coverage-d-increased-cost-compliance-coverage>. In some cases, individual policyholders can take advantage of Federal grant money to supplement the cost of mitigation activities. Policyholders can assign their ICC benefits to their community and enable the community to file a single claim on behalf of a community mitigation project. FEMA will count the ICC claim monies as non-Federal matching funds in mitigation grant applications, because ICC coverage is a direct contract between the policyholder and the insurer. The community can then use FEMA mitigation grant funds to help pay for any additional portion of the cost of elevation, floodproofing, relocation, or demolition that is more than the ICC claim payment. It is extremely important for policyholders and community officials to work closely together at every stage of this process. Individual participation in a FEMA-funded community mitigation project is voluntary and the community is required to provide mitigation funds to any property owner whose ICC payment was counted towards the matching funds.

C.2.1 Steps for the Assignment of Coverage D – Increased Cost of Compliance Coverage

Policyholders should follow the following steps for the assignment of Coverage D:

1. Policyholder consents to the assignment of the ICC claim payment.
2. The community official provides the policyholder with an Assignment of Coverage D Form.
3. The policyholder signs the form and provides the signed form to the community official.
4. The community official sends a copy of the completed form, along with the community's signed declaration of Substantial Damage to the NFIP Bureau & Statistical Agent at the following address:

NFIP Bureau & Statistical Agent
8400 Corporate Drive, Suite 350
Landover, MD 20785

5. The NFIP Bureau & Statistical Agent maintains a database of the ICC information submitted by the community. The Bureau then sends the documents to the appropriate WYO (or Write Your Own) company with instructions. The company will then assign an adjuster.
6. The assigned adjuster contacts the policyholder to advise s/he has the claim and contacts the local community official to coordinate and help complete the claim.
7. The adjuster receives/reviews the contract for demolition, elevation, relocation, or floodproofing to determine the cost.
8. The adjuster has the community official sign the proof of loss once the claim value has been determined.
9. The adjuster sends the final report, along with the proof of loss, to the insurance company for payment.
10. The insurance company issues the check to the community and advises the NFIP Bureau & Statistical Agent of the amount of the claim payment.

For additional information on ICC, go to <https://www.fema.gov/media-library/assets/documents/12170?id=3010>.

D. Restrictions

This section presents information on Non-discrimination Compliance, Conflict of Interest, Procurements by States and other entities, DOP, and Duplication of Benefits (DOB).

D.1 Non-discrimination Compliance

In accordance with Section 308 of the Stafford Act; Sections 503, 504, and 508 of the Rehabilitation Act of 1973, as amended; 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.

D.2 Conflict of Interest

Recipients and pass-through entities must follow their own policies and procedures regarding the elimination or reduction of conflicts of interest when making subawards. Recipients and pass-through entities are also required to follow any applicable State, local, or tribal statutes or regulations governing conflicts of interest in the making of subawards.

Conflicts of interest may arise during the process of FEMA making a Federal award—for instance, in situations where an employee, officer, or agent; any members of the individual's immediate family; or his or her partner has a close personal relationship, a business relationship, or a professional relationship, with an Applicant, subapplicant, Recipient, subrecipient, or employee.

The Recipient or pass-through entity must disclose to FEMA in writing any real or potential conflict of interest, as defined by the Federal, State, local, or tribal statutes or regulations or their own existing policies, that arise during the administration of the Federal award. Recipients and pass-through entities must disclose any real or potential conflicts to the Federal Approving Official within 15 days of learning of the conflict of interest. Similarly, subrecipients must disclose any real or potential conflict of interest to the pass-through entity as required by the Recipient's conflict of interest policies or any applicable State, local, or tribal statutes or regulations. This requirement starts when the application period opens, continues during the entire POP, and ends when the last audit is completed.

D.3 Procurement

For conflict of interest requirements for procurement under awards, all Applicants, sub-applicants, and non-Federal entities must follow the requirements under the procurement regulations at 2 CFR Sections 200.317 through 200.326. When procuring property and services under a Federal award, a State Recipient or subrecipient must follow the same policies and procedures it uses for procurements from its non-Federal funds and the requirements outlined in 2 CFR Section 200.317. All other Recipients and subrecipients (not a State) must follow 2 CFR Sections 200.318 through 200.326. For more information on the procurement process, see HMA Job Aid (*HMA Procurement Standards*).

D.4 Duplication of Programs

FEMA will not provide assistance for activities for which it determines the 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., IA, PA) and programs under other Federal agencies, such as the U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and the Natural Resources Conservation Service. FEMA may disallow or recoup amounts that duplicate other authorities.

For additional information about DOP for wildfire mitigation projects, see Addendum, Part B.2.4. For additional information about DOP under flood risk reduction measures, see Addendum, Part F.2.

D.5 Duplication of Benefits

HMA funds cannot duplicate funds received by or available to Applicants or subapplicants from other sources for the same purpose. Examples of other sources include insurance claims, other assistance programs (including previous project or planning grants and subawards from HMA programs), legal awards, or other benefits associated with properties or damage that are subject of litigation.

Because the availability of other sources of mitigation grant or loan assistance is subject to available information and the means of each individual Applicant, HMA does not require that property owners seek assistance from other sources (with the exception of insurance). However, it is the responsibility of the property owner to report other benefits received, any applications

DUPLICATION OF BENEFITS

DOB is used to describe assistance that is from more than one source and that is used for the same purpose or activity. The purpose may apply to the entire project or only part of it.

DOB may apply when assistance for the same purpose:

- Has been received
- Will be received
- Is reasonably available from another source, such as insurance or legal settlements due to the property owners

for other assistance, the availability of insurance proceeds, or the potential for other compensation, such as from pending legal claims for damage relating to the property.

Where the property owner has an insurance policy covering any loss to the property that relates to the proposed HMA project, the means are available for receiving compensation for a loss or, in the case of ICC, assistance toward a mitigation project. FEMA will generally require that the property owner file a claim prior to the receipt of HMA funds.

Information regarding other assistance received by properties in HMA projects may be shared under 5 U.S.C. 552a (b) of the Privacy Act of 1974. Uses may include sharing with custodians of property records, such as other Federal or other governmental agencies, insurance companies, or any public or private entity, for the purposes of ensuring that the property has not received money that is duplicative of any possible HMA awards received. When obtaining information from property owners about other sources of assistance, a Privacy Act statement must be distributed to each owner. For more information about the process of verifying potential duplication, access the *Hazard Mitigation Assistance (HMA) Tool for Identifying Duplication of Benefits* at <http://www.fema.gov/library/viewRecord.do?id=6815>, and for a copy of the Privacy Act statement, see Appendix F of that document.

For additional information on DOB for property acquisition and structure demolition or relocation projects, see Addendum, Part A.6.9.3.

E. General Program Requirements

This section presents information on Eligible Activities, Ineligible Activities, Cost-Effectiveness, Feasibility and Effectiveness, Hazard Mitigation Plan Requirement, EHP Requirements, NFIP Eligibility Requirements, and Statutory, Regulatory, and Other Requirements.

E.1 Eligible Activities

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 (all HMA programs)
- ◆ Technical assistance (**FMA** only)
- ◆ Management costs (all HMA programs)

Table 3 summarizes eligible activities that may be funded by the HMA programs. Detailed descriptions of these activities follow the table in Part III, E.1.1.

Table 3: Eligible Activities by Program

Eligible Activities	HMGP	PDM	FMA
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	✓	✓	✓
Generators	✓	✓	
Localized Flood Risk Reduction Projects	✓	✓	✓
Non-localized Flood Risk Reduction Projects	✓	✓	
Structural Retrofitting of Existing Buildings	✓	✓	✓
Non-structural Retrofitting of Existing Buildings and Facilities	✓	✓	✓
Safe Room Construction	✓	✓	
Wind Retrofit for One- and Two-Family Residences	✓	✓	
Infrastructure Retrofit	✓	✓	✓
Soil Stabilization	✓	✓	✓
Wildfire Mitigation	✓	✓	
Post-Disaster Code Enforcement	✓		
Advance Assistance	✓		
5 Percent Initiative Projects	✓		
Miscellaneous/Other ⁽¹⁾	✓	✓	✓
2. Hazard Mitigation Planning	✓	✓	✓
Planning Related Activities	✓		
3. Technical Assistance			✓
4. Management Cost	✓	✓	✓

⁽¹⁾ Miscellaneous/Other indicates that any proposed action will be evaluated on its own merit against program requirements. Eligible projects will be approved provided funding is available.

Additional information regarding eligible projects for **HMGP** is included in Part VIII, A.11 and A.12, and for **FMA**, in Part VIII, C.1.

Costs for eligible activities must be reasonable, allowable, allocable, and necessary as required by 2 CFR Part 200 Subpart E, applicable program regulations, and this guidance.

E.1.1 Mitigation Projects

This section briefly describes the mitigation projects eligible under one or more of the three HMA programs. **Table 3** summarizes the eligibility of the following project types for each program:

- ◆ **Property Acquisition and Structure Demolition:** The voluntary acquisition of an existing flood-prone 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 Addendum, Part 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 Addendum, Part A.
- ◆ **Structure Elevation:** Physically raising and/or retrofitting an existing structure in accordance with ASCE 24-14 (Base Flood Elevation [BFE] plus freeboard) or higher when required by FEMA or local ordinance. 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 requires Recipients and subrecipients to design all structure elevation projects in accordance with ASCE 24-14. For additional information about structure elevation projects, see Addendum, Part 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 mitigation reconstruction requirements. FEMA requires Recipients and subrecipients to design all mitigation reconstruction projects in accordance with ASCE 24-14. For additional information about structure elevation projects, see Addendum, Part D.
- ◆ **Dry Floodproofing:** Techniques applied to keep structures dry by sealing the structure to keep floodwaters out. For all dry floodproofing activities, FEMA requires Recipients and subrecipients to design all dry floodproofing projects in accordance with ASCE 24-14. Dry floodproofing is not permitted in the Coastal V Zone.

- **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).

◆ **Generators:** Generators are emergency equipment that provide a secondary source of power. Generators and related equipment (e.g., hook-ups) are eligible provided that they are cost effective, contribute to a long-term solution to the problem they are intended to address, and meet other program eligibility criteria.

- Under **PDM**: A generator that is a stand-alone project can be considered for **PDM** funding if the generator protects a critical facility. Generators and/or related equipment purchases (e.g., generator hook-ups) are eligible when the generator directly relates to the hazards being mitigated and is part of a larger project.
- Under **HMGP**: A generator that is a stand-alone project can be considered under regular **HMGP** funding if the generator protects a critical facility. Critical facilities may include police and fire stations, hospitals, and water and sewer treatment facilities (for the definition of critical facilities, see Appendix B, Glossary). A generator that is a component of a larger project (e.g., elevation of a lift station) can also be funded under regular **HMGP** funding and the use of aggregation is permitted. Stand-alone generator projects that cannot be determined to be cost effective via standard HMA benefit-cost methodology may be eligible under the 5 Percent Initiative. See Part VIII, A.14 for additional information about the 5 Percent Initiative.

GENERATORS

- Stand-alone generators and related equipment (e.g., generator hook-ups) are eligible under the 5 Percent Initiative.
- Stand-alone generators (including related equipment) are eligible for regular **HMGP** and **PDM** funding if the generator protects a critical facility and meets all other program eligibility criteria.
- Generators (including related equipment) that constitute a functional portion of an otherwise eligible mitigation measure are eligible for **HMGP** and **PDM** funding.

For additional information on generators, see HMA Job Aid (*Eligibility of Generators as a Fundable Project by the Hazard Mitigation Grant Program and Pre-Disaster Mitigation Program*).

HMA funds are not available as a substitute for emergency, temporary, or partial solutions under the Stafford Act Section 403, Essential Assistance (42 U.S.C. 5170b) and/or the Stafford Act, Title VI Emergency Preparedness (42 U.S.C. 5195).

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- ◆ **Localized Flood Risk Reduction Projects:** Projects to lessen the frequency or severity of flooding, and decrease predicted flood damage, within an isolated and confined drainage or catchment area that is not hydraulically linked or connected to a larger basin. These projects include but are not limited to installation or modification of culverts and other stormwater management facilities; construction or modification of retention and detention basins; and construction or modification of floodwalls, dams, and weirs. Modifications must be for the purpose of increasing risk reduction capabilities of the existing structures and cannot constitute only repairs. Localized flood risk reduction projects must not duplicate the flood prevention activities of other Federal agencies and may not constitute a section of a larger flood control system.
 - Under **FMA**, localized flood reduction projects should benefit NFIP-insured properties. Projects will be prioritized based on the number of NFIP-insured properties included in the project. Projects that do not include NFIP-insured properties will not be considered for funding. Documentation must be provided in the subapplication to verify the NFIP insurance coverage, including the flood insurance policy and property locator numbers as appropriate.
 - ◆ **Non-localized Flood Risk Reduction Projects:** Projects that lessen the frequency or severity of flooding, and decrease predicted flood damage, within an area that is hydraulically linked or connected to a drainage basin that is regional in scale. These projects reduce flood hazards in areas larger than that of localized flood reduction projects and may include the construction, demolition, or rehabilitation of dams; construction or modification of dikes, levees, floodwalls, seawalls, groins, jetties, breakwaters, and stabilized sand dunes; and large-scale channelization of a waterway. Modifications must be for the purpose of increasing risk reduction capabilities of the existing structures and cannot constitute only repairs. These projects cannot constitute a section of a larger flood control system or duplicate the flood prevention activities of other Federal agencies on the same site. These projects types are only eligible under **HMGP** and **PDM**.
 - ◆ **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 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 utilities.
 - ◆ **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 dual-use facilities. For additional information, see Addendum, Part C.

- ◆ **Wind Retrofit Projects:** Wind retrofit projects of one- and two-family residential buildings must be designed in conformance with the design criteria found in FEMA P-804, *Wind Retrofit Guide for Residential Buildings* (2010). This document is available in the FEMA Library at <http://www.fema.gov/library/viewRecord.do?id=4569>.
- ◆ **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 geotextiles, 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 at-risk structures and associated loss of life from the threat of future wildfire through:
 - **Creation of Defensible Space:** Projects creating perimeters around homes, structures, and critical facilities through the removal or reduction of flammable vegetation. For additional information, see Addendum, Part B.4.1.
 - **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 Addendum, Part B.4.2.
 - **Hazardous Fuels Reduction:** Projects that remove vegetative fuels proximate to at-risk structures that, if ignited, pose a significant threat to human life and property, especially critical facilities. For additional information, see Addendum, Part B.4.3.
- ◆ **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 used and enforced. For additional information, see Part VIII, A.11.
- ◆ **Advance Assistance:** Section 1104 of the SRIA authorizes the use of Advance Assistance to accelerate the implementation of **HMGP**. Applicants and subapplicants may use Advance Assistance to develop mitigation strategies and obtain data to prioritize, select, and develop complete **HMGP** applications in a timely manner. See Part VIII, A.12 for additional information on Advance Assistance.

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- ◆ **5 Percent Initiative Projects:** These projects, which are only available pursuant to an **HMGP** disaster, 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** requirements, but for which it may be difficult to conduct a standard BCA to prove cost-effectiveness. For additional information, see Part VIII, A.14.
 - ◆ **Miscellaneous/Other:** FEMA encourages Applicants and subapplicants to pursue activities that best address mitigation planning and priorities in their community; however, these eligible activities are not limited to those that are described under Part III, E of the HMA Guidance. Miscellaneous/Other project activities will be reviewed according to Part V of the HMA Guidance for application eligibility, cost-effectiveness, feasibility and effectiveness, and EHP compliance.

FEMA encourages mitigation projects that fall into the Miscellaneous/Other category to address climate change adaptation and resiliency. Mitigation projects must adapt to new challenges posed by more powerful storms, frequent heavy precipitation, heat waves, prolonged droughts, extreme flooding, higher sea levels, and other weather events. Miscellaneous/Other projects can also address projects that could benefit from sustainable development practices focusing on ecosystem-based and hybrid approaches to disaster risk reduction.

Any mitigation activities prohibited in Part III, E.2 of the HMA Guidance will remain ineligible. It is important for Applicants and subapplicants to provide thorough descriptions of project activities because of the unique nature of this eligibility category.

- ◆ **Technical Assistance (FMA):** For information on Technical Assistance, see Part III, E.1.4.
- ◆ **Management Costs:** For information on Management Costs, see Part III, E.1.5, and Part IV, E.4.

E.1.2 Ineligible Stand-Alone Activities

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

- ◆ For **PDM**, eligible information dissemination activities in project or planning subapplications. The information dissemination activities are limited to a maximum of 10 percent of the total cost of a subapplication.
- ◆ For **PDM**, generator-related equipment purchases (e.g., generator hook-ups), unless the generator-related equipment directly relates to the hazards being mitigated and is part of a larger project
- ◆ Real property or easement purchases required for the completion of an eligible mitigation project

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- ◆ Studies that are integral to the development and implementation of a mitigation project, including hydrologic and hydraulic, engineering, or drainage studies

E.1.3 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 decision-makers as they commit resources.

MITIGATION PLANNING-RELATED ACTIVITIES

Planning activities can include assessing risk, updating the mitigation strategy, and promoting resilience to reflect current disaster recovery goals (**HMGP** only).

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 subaward must result in a mitigation plan adopted by the jurisdiction(s) and approved by FEMA or it must result in a planning-related activity (eligible under **HMGP only**) approved by FEMA (e.g., incorporating new data into the risk assessment or updating the mitigation strategy to reflect current disaster recovery goals) consistent with the requirements in 44 CFR Parts 201 and 206.

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 IX, C.2.

E.1.3.1 Eligible Hazard Mitigation Planning–Related Activities

Eligible activities that can be funded as mitigation planning–related activities under **HMGP** (these activities are not eligible under **PDM** and **FMA**) include but are not limited to:

- ◆ Updating or enhancing sections of the current FEMA-approved mitigation plan, such as:
 - The risk and vulnerability assessment based on new information, including supporting studies, such as economic analyses
 - The mitigation strategy, specifically strengthening the linkage to mitigation action implementation, with emphasis on available HMA project grant funding

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- The risk assessment and/or mitigation strategy, incorporating climate adaptation, green building, smart growth principles, or historic properties and cultural resources information
 - ◆ Integrating information from mitigation plans, specifically risk assessment or mitigation strategies, with other planning efforts, such as:
 - Disaster recovery strategy (pre- or post-), preparedness, or response plans
 - Comprehensive (e.g., land use, master) plans
 - Capital improvement or economic development plans
 - Resource management/conservation plans (e.g., stormwater, open space)
 - Other long-term community planning initiatives (e.g., transportation or housing)
 - ◆ Building capability through delivery of technical assistance and training
 - ◆ Evaluating adoption and/or implementation of ordinances that reduce risk and/or increase resilience

E.1.3.2 Ineligible Hazard Mitigation Planning–Related Activities

The following activities cannot be funded as mitigation planning–related activities:

- ◆ Hazard identification or mapping and related equipment for the implementation of mitigation activities (eligible under 5 Percent Initiative)
- ◆ Geographic Information System (GIS) software, hardware, and data acquisition whose primary aim is mitigation activity (eligible under 5 Percent Initiative)
- ◆ Public awareness or education campaigns about mitigation (eligible under 5 Percent Initiative)
- ◆ Project scoping or development (also referred to as “project planning”), such as BCA, engineering feasibility studies, application development, construction design, or EHP data collection
- ◆ Activities not resulting in a clearly defined product or products

E.1.4 Technical Assistance

The Biggert-Waters Flood Insurance Reform Act of 2012 allows FEMA to provide a technical assistance grant to any Applicant that was awarded at least \$1,000,000 (Federal share) in **FMA** grants in the prior fiscal year. A technical assistance award cannot exceed \$50,000 (Federal share) to any single Applicant in any fiscal year.

Eligible technical assistance activities may include:

- ◆ Promoting **FMA** to communities
- ◆ Visiting sites with communities/Applicants
- ◆ Developing and reviewing project applications and mitigation plans
- ◆ Participating in planning meetings
- ◆ Providing planning workshops/materials
- ◆ Performing BCAs and providing grants management workshops/materials
- ◆ Funding, in part, salaries and expenses of staff working to develop, review, monitor, and close **FMA** grants

Essentially, a technical assistance award and a management costs award can achieve many of the same objectives. A technical assistance award is meant to allow Recipients to maintain a viable **FMA** program over time. Applicants must ensure that activities are not duplicated between the two awards. For instance, duplication would exist if a technical assistance award provides funding for project development that the Applicant seeks reimbursement for under management costs. Proper record-keeping is important to ensure activities are not duplicated.

E.1.5 Management Costs

Management costs are any indirect costs and administrative expenses that are reasonably incurred by a Recipient or subrecipient in administering an award or subaward.

Eligible Applicant or subapplicant management cost activities may include:

- ◆ Solicitation, review, and processing of subapplications and subawards
- ◆ Subapplication development and technical assistance to subapplicants regarding feasibility and effectiveness and BCA
- ◆ 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 awards (e.g., quarterly reporting, closeout)
- ◆ Technical monitoring (e.g., site visits, technical meetings)

EXAMPLES OF INDIRECT COSTS CATEGORIES

- Depreciation or use allowances on buildings and equipment
- Costs of operating and maintaining facilities
- General administration and general expenses
- Personnel and accounting administration

-
- ◆ Purchase of equipment, per diem and travel expenses, and professional development that is directly related to the implementation of HMA programs
 - ◆ Staff salary costs directly related to performing the activities listed above

Management costs are only awarded in conjunction with project or planning grants and subawards. For more information regarding management costs for **HMGP**, see Part VIII, A.5. For **PDM** and **FMA**, FEMA may provide up to 25 percent of the Applicant's anticipated management costs upon the award and final approval of the first subaward. The remaining management costs will be obligated as additional subawards are awarded.

E.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 a contingent action 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 with the sole purpose of open space acquisition of unimproved land
- ◆ Property acquisition projects that are not compatible with open space and do not maintain open space for the conservation of natural floodplain functions or properties that include encumbrances that may allow for horizontal drilling or fracking
- ◆ Non-localized flood risk reduction projects specific to **FMA**
- ◆ Flood control projects related to the repair or replacement of dams and other flood control structures and repair of dams for the purpose of regular pre-scheduled or damage-induced maintenance
- ◆ 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 PA 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)
- ◆ Projects that create revolving loan funds
- ◆ Activities required as a result of negligence or intentional actions that contributed to the conditions to be mitigated; activities 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 Coastal Barrier Resources System (CBRS) Units, other than property acquisition and structure demolition or relocation projects for open space under HMA. For details on CBRS Units see Addendum, Part A.6.
- ◆ Projects located in an OPA that require flood insurance after project completion
- ◆ Activities on Federal lands or associated with facilities owned by another Federal entity
- ◆ Projects related to beach nourishment or re-nourishment
- ◆ Projects for hazardous fuels reduction in excess of 2 miles from at-risk buildings and 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). However, a place of worship may be included in a property acquisition and structure demolition or relocation project provided that the project benefits the entire community, such as when a significant part of the community is being removed from the hazard area.
- ◆ Activities that only address manmade hazards
- ◆ Projects that address, without an increase in the level of protection, the operation, deferred or future maintenance, rehabilitation, restoration, or replacement of existing structures, facilities, or infrastructure (e.g., dredging, debris removal, replacement of obsolete utility systems or bridges, maintenance/rehabilitation of facilities, including dams and other flood control structures)
- ◆ Projects for the purpose of:
 - Landscaping for ornamentation (e.g., trees, shrubs)
 - 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 for disposal at an approved landfill)
 - Water quality infrastructure
 - Projects that primarily address ecological or agricultural issues
 - Forest management
 - Prescribed burning or clear-cutting
 - Creation and maintenance of fire breaks, access roads, or staging areas
 - Irrigation systems

-
- ◆ Studies not directly related to the design and implementation of a proposed mitigation project
 - ◆ Preparedness measures and response equipment (e.g., response training, electronic evacuation road signs, interoperable communications equipment)

FEMA may, at its discretion, choose not to fund projects subject to ongoing litigation if such litigation may affect eligibility of the project or may substantially delay implementation of the project. All projects must also comply with any additional project-specific guidance provided in the Addendum.

E.3 Cost-Effectiveness

Mitigation program authorizing statutes (Flood Mitigation Assistance at 42 U.S.C. 4104c, Pre-Disaster Hazard Mitigation at 42 U.S.C. 5133, and Hazard Mitigation at 42 U.S.C. 5170c) require that FEMA provide funding for mitigation measures that are cost effective or are in the interest of the NFIF. FEMA has specified minimum project criteria via regulation (44 CFR Part 79 and 44 CFR Section 206.434), including that Applicants must demonstrate mitigation projects are cost effective. The determination of cost-effectiveness is performed in a variety of ways. It is typically demonstrated by the calculation of a benefit-cost ratio (BCR), dividing total annualized project benefits by total annualized project cost. Projects where benefits exceed costs are generally considered cost effective (see Part III, E.3 and Part V, A.3 for additional information).

E.4 Feasibility and Effectiveness

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 the Addendum, Part D.2.1; for additional feasibility and effectiveness resources, see Part IX, C.4.

E.5 Hazard Mitigation Plan Requirement

This section presents information on plan requirements for Recipient mitigation plans, subrecipient mitigation plans, and Tribal Mitigation Plans. It also presents information on extraordinary circumstances and conformance with hazard mitigation plans.

E.5.1 Applicant Mitigation Plan Requirement

In accordance with 44 CFR Part 201, all Applicants for **PDM** and **FMA** 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 award. State agencies and federally-recognized tribes applying for **HMGP** funding must have a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan at the time of the Presidential major disaster declaration and at the time **HMGP** funding is obligated to the Recipient or subrecipient.

E.5.2 Subapplicant Mitigation Plan Requirement

There is no mitigation plan requirement for development of a new mitigation plan.

All subapplicants for **PDM** and **FMA** must have a FEMA-approved local or Tribal Mitigation Plan by the application deadline and at the time of obligation of grant funds for mitigation projects. All subapplicants for **HMGP** must have a FEMA-approved local or Tribal Mitigation Plan at the time of obligation of grant funds for mitigation projects.

State agencies are eligible subapplicants under **HMGP**, **PDM**, or **FMA**, and a State Mitigation Plan under 44 CFR Part 201 is required as a condition of the State agencies receiving assistance as defined in 44 CFR Section 201.4. State agencies with assets identified in the State Mitigation Plan meet the mitigation planning requirement. PNP subapplicants are eligible for **HMGP** but do not have mitigation plan requirements as a condition of subapplicant eligibility.

E.5.3 Extraordinary Circumstances

For **HMGP** project subawards, the Regional Administrator 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 of the project subaward to that community.

For **PDM** and **FMA** project subawards, the Region may grant an exception to the local or Tribal Mitigation Plan requirement in extraordinary circumstances. For **PDM** and **FMA** project subawards, the Region may apply extraordinary circumstances when justification is provided and with concurrence from FEMA Headquarters (Risk Reduction and Risk Analysis Divisions) prior to granting an exception. If this exception is granted, a local or Tribal Mitigation Plan must be approved by FEMA within 12 months of the award of the project subaward to that community.

For **HMGP**, **PDM**, and **FMA**, 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 and that the jurisdiction meets at least one of the criteria below. If the jurisdiction does not meet at least one of the following criteria, the Region must coordinate with FEMA Headquarters (Risk Reduction

and Risk Analysis Divisions) for **HMGP**; however, for **PDM** and **FMA** the Region must coordinate and seek concurrence prior to granting an exception:

- ◆ The jurisdiction meets the small impoverished community criteria (see Part VIII, B.2).
- ◆ The jurisdiction has been determined to have had insufficient capacity due to lack of available funding, staffing, or other necessary expertise to satisfy the mitigation planning requirement prior to the current disaster or application deadline.
- ◆ The jurisdiction has been determined to have been at low risk from hazards because of low frequency of occurrence or minimal damage from previous occurrences as a result of sparse development.
- ◆ The jurisdiction experienced significant disruption from a declared disaster or another event that impacts its ability to complete the mitigation planning process prior to award or final approval of a project award.
- ◆ The jurisdiction does not have a mitigation plan for reasons beyond the control of the State, federally-recognized tribe, or local community, such as Disaster Relief Fund restrictions that delay FEMA from granting a subaward prior to the expiration of the local or Tribal Mitigation Plan.

For **HMGP**, **PDM**, and **FMA**, the Applicant must provide written justification that identifies the specific criteria from above or circumstance, explains why there is no longer an impediment to satisfying the mitigation planning requirement, and identifies the specific actions or circumstances that eliminated the deficiency.

When an **HMGP** project funding is awarded under extraordinary circumstances, the Recipient shall acknowledge in writing to the Regional Administrator that a plan will be completed within 12 months of the subaward. The Recipient must provide a work plan for completing the local or Tribal Mitigation Plan, including milestones and a timetable, to ensure that the jurisdiction will complete the plan in the required time. This requirement shall be incorporated into the award (both the planning and project subaward agreements, if a planning subaward is also awarded).

E.5.4 Tribal Hazard Mitigation Plan Requirement

Federally-recognized tribes with an approved Tribal Mitigation Plan in accordance with 44 CFR Section 201.7 may apply to FEMA for assistance as an Applicant. Non-federally recognized tribes with an approved Tribal Mitigation Plan in accordance with 44 CFR Section 201.7 also may apply to FEMA for assistance as a subapplicant. If a federally-recognized tribe with an approved Tribal Mitigation Plan in accordance with 44 CFR Section 201.7 coordinates the review of its Tribal Mitigation Plan with the State, it has the option to apply as a subapplicant through that State or another federally-recognized tribe.

E.5.5 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 as well as the local or Tribal Mitigation Plan for the jurisdiction in which the activity is located.

Often, States as subrecipients administer awards for State assets. In these instances, the State is required to have a FEMA-approved State Mitigation Plan, and there is no local or Tribal Mitigation Plan requirement. A local or Tribal Mitigation Plan is not required where the State or PNP is a subapplicant and the State or PNP provides justification demonstrating the following conformance criteria with the State Mitigation Plan:

- ◆ The statewide initiative or program is consistent with the goals and objectives identified in the current, FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan.
- ◆ The project(s) will be administered by the State or PNP as a statewide initiative or program.
- ◆ The State or PNP is not applying on behalf of a local government or federally-recognized tribe that is eligible for extraordinary circumstances or otherwise circumventing the local or Tribal Mitigation Plan requirement.
- ◆ The communities in which the projects are located do not have any financial interest in the subaward (e.g., property ownership, long-term maintenance) or significant authority over the projects (with the exception of permits under current building codes).

For example, the State may be the subrecipient for statewide initiatives such as statewide safe room or generator programs on behalf of individuals, businesses, and/or PNPs, not on behalf of jurisdictions. Where there is a local or tribal planning requirement (as subrecipient), statewide plans will not be accepted as multi-jurisdictional plans per 44 CFR Section 201.6(a)(4).

E.6 Environmental Planning and Historic Preservation Requirements

HMA programs, and grants awarded pursuant to these programs, must conform to 44 CFR Parts 9 and 10 (or FD 108-1) and with all applicable EHP laws, implementing regulations, and EOs, including but not limited to 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

and document appropriate consideration of reasonable alternatives by taking the project's impacts to the human environment into account in the decision-making process. The project, when completed, must comply with all applicable EHP laws and regulations as a condition of

PRACTICABLE ALTERNATIVES DEFINITION

Practicable means capable of being done within existing constraints. The test of what is practicable depends on the situation and includes consideration of all relevant factors, such as environment, cost, and technology.

award eligibility, in addition to any conditions that may be imposed on the award during the EHP review compliance process.

FEMA reviews the completeness of the responses to the questions in the EHP review section of the project subapplication and any supporting documentation. HMA project subapplications must include the required information for each property identified in the subapplication. For example, information needs may include detailed scopes of work, clearly labeled maps, photos of buildings, ages of all buildings and structures, and copies of any coordination letters with other agencies. FEMA utilizes this information to complete and document the EHP compliance review process. A lack of information may delay the identification of outstanding EHP compliance requirements and project implementation. Also, failing to provide the required information by the application deadline may prohibit FEMA from making an award or subaward.

FEMA has developed guidance to assist in completing the EHP information section of a project subapplication, including an eLearning Tool, online training, and information about historic preservation. For links to these EHP resources, see Part IX, C.5. Technical assistance is also available via the toll-free Project Technical Assistance for Environmental & Historic Preservation Helpline (866) 222-3580 or via e-mail at ehhelpline@fema.dhs.gov.

E.6.1 Floodplain Management and Protection of Wetlands

As noted in Part III, E.6, all activities funded by HMA programs must conform to 44 CFR Part 9. Proposed actions triggering the 8-Step Decision Making Process for Floodplain Management and Wetlands Considerations (see HMA Job Aid, *8-Step Decision Making Process for Floodplain Management and Wetlands Considerations*) will only be eligible for a grant if the Applicant or subapplicant demonstrates that there is no practicable alternative in accordance with 44 CFR Sections 9.9 through 9.11. HMA funds cannot be used to fund new construction or Substantial Improvements in a floodway or new construction in a Coastal High Hazard Area unless it constitutes a functionally dependent use or facilitates an open space use. 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).

DECISION-MAKING FOR CRITICAL ACTION VS. CRITICAL FACILITY

Critical action is an action for which even a slight chance of flooding poses too great of a risk. It may or may not be associated with a critical facility. FEMA is responsible for determining if an action is a critical action. If a critical action is identified, FEMA must evaluate potential harm to the action from the 500-year flood.

Critical facilities are structures and institutions that are deemed by the local community and other jurisdictions as critical to the continuity of the community before, during, and after an event. Although the affected jurisdiction has the primary responsibility for determining what structures and institutions are critical facilities, FEMA reserves the right to make a final determination as needed to support the review and approval of an HMA project application.

E.7 National Flood Insurance Program Eligibility Requirements

HMA eligibility is related to the NFIP as follows:

- ◆ **Subapplicant Eligibility:** All subapplicants for **FMA** must be participating in the NFIP, and not be withdrawn or suspended, to be eligible to apply for grant funds. Certain political subdivisions (i.e., regional flood control districts or county governments) may apply and act as subrecipients if they are part of a community that is participating in the NFIP 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.
- ◆ **Mitigation Planning Eligibility:** There are no NFIP participation requirements for **HMGP** and **PDM** hazard mitigation planning subapplications. However, under **FMA**, the subapplicant must be participating in the NFIP to be eligible for planning funding.
- ◆ **Property Eligibility:** 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 for the life of the structure.

E.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. The maximum limit of coverage made available is defined as the replacement cost value of the structure up to \$250,000 for residential and \$500,000 for non-residential. Insurance coverage on the property must be maintained during the life of the property regardless of transfer of ownership of such property.

The subrecipient (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, notwithstanding any other provision of law, no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for

repair, replacement, or restoration for damage to any personal, residential, or commercial property if that person at any time has received flood disaster assistance that was conditional on the person first having obtained flood insurance under applicable Federal law and subsequently having failed to obtain and maintain flood insurance as required under applicable Federal law on such property. The property owner is also required to maintain this property in accordance with the floodplain management criteria of 44 CFR Section 60.3 and any city/county ordinance.

Applicants/subapplicants receiving assistance for projects sited in an SFHA must ensure that these requirements are met by requesting that the participating property owner(s) 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 website at <http://www.fema.gov/library/viewRecord.do?id=3592> or can be provided by 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 an applicable Flood Insurance Rate Map (FIRM) or requires a map amendment to meet a locally adopted floodplain management ordinance, the subrecipient is responsible for ensuring that the appropriate map amendments or revisions are made. Costs associated with these map amendments are to be identified in the cost estimate section of a subaward application and may be eligible costs under the HMA programs.

E.8 Statutory, Regulatory, and Other Requirements

Mitigation activities must adhere to all relevant statutes, regulations, and requirements, including (this list is not all inclusive, See Part IX, Appendix D for full citations):

- ◆ Sections 203 (**PDM**) and 404 (**HMGP**) of the Stafford Act
- ◆ Section 1366 (**FMA**) of the NFIA
- ◆ Section 322 of the Stafford Act (Mitigation Planning)
- ◆ Section 324 of the Stafford Act (Management Costs)
- ◆ NHPA (36 CFR Part 800)

FEDERAL LAWS PROHIBITING DISCRIMINATION IN EMERGENCY PROGRAMS ON THE BASIS OF DISABILITY

- Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Stafford Act of 1988
- Post-Katrina Emergency Management Reform Act of 2006
- Fair Housing Act Amendments of 1988
- Architectural Barriers Act of 1968
- Individuals with Disabilities Education Act (IDEA) of 1975
- Telecommunications Act of 1996
- Twenty-First Century Communications and Video Accessibility Act of 2010

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- ◆ NEPA (44 CFR Part 10 or FD 108-1)
 - ◆ URA and Real Property Acquisition Policies Act of 1970
 - ◆ Floodplain Management and Protection of Wetlands (EO 11988, EO 11990, 44 CFR Part 9)
 - ◆ Other EHP Considerations (including ESA)
 - ◆ CBRA (44 CFR Part 206, Subpart J)
 - ◆ Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)
 - ◆ 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)
 - ◆ **HMGP** (44 CFR Part 206, Subpart N)
 - ◆ Management Costs (44 CFR Part 207)
 - ◆ OMB Circular A-94, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs*
 - ◆ Federal Acquisition Regulations (FAR) Subpart 31.2, Contracts with Commercial Organizations
 - ◆ Other applicable Federal, State, territory, 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 NEMIS. Applicants must 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 IX, C.6.

Applications for **PDM** and **FMA** are processed through the *eGrants* system. The *eGrants* 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 *eGrants* at <https://portal.fema.gov/famsVuWeb/home>.

The FEMA Enterprise Service desk (for *eGrants* issues) phone number is 1 (877) 611-4700. For *eGrants* Helpdesk resources, see Part IX, C.6.

For more information about using NEMIS or *eGrants*, 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. Applicants must submit the information required in FEMA Form (FF) 009-0-111A, *Grantees and Sub-Grantees Quarterly Progress Reports HMGP*, before **HMGP** funding can be obligated. The Applicant submits the subapplications in digital format via NEMIS and in hard copy format.

Applications and subapplications for **PDM** and **FMA** are submitted via the *eGrants* system. If a subapplicant does not use the *eGrants* system, the Applicant must enter the paper subapplication(s) into the *eGrants* system on the subapplicant's behalf. Blank applications that conform to the *eGrants* format are available for printing from the *eGrants* system and the FEMA website. Supporting documentation that cannot be electronically attached to the *eGrants* application (e.g., engineering drawings, photographs, maps) must be submitted to the appropriate FEMA Regional Office. The entire application, including FF 009-0-111A, and 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 Presidential major disaster declaration date. For submission of an application for **HMGP**, see Part VIII, A.1 and A.7.

Completed applications for **PDM** and **FMA** must be submitted to FEMA through *eGrants*. Application submission due dates and times are posted to the HMA website at <https://www.fema.gov/hazard-mitigation-assistance>. 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. For additional information on HMA application cycles, contact FEMA or go to <http://www.grants.gov/>.

D. Intergovernmental Review

Allowing sufficient time for an intergovernmental review of an application may be necessary as established by EOs 12372 and 12416 (*Intergovernmental Review of Federal Programs*). 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 POCs as listed by OMB, is available at http://www.whitehouse.gov/omb/grants_spoc.

E. Funding Restrictions

HMA programs allow the funding of eligible costs for mitigation activities as outlined in Part III, E.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

For **HMGP**, the following funding restrictions apply:

- ◆ Up to 7 percent of the Recipient'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 Recipient's **HMGP** ceiling may be used for mitigation measures that are difficult to evaluate against traditional program cost-effectiveness criteria (i.e., the 5 Percent Initiative).
- ◆ For Presidential major disaster declarations for all hazards, an additional 5 percent of the Recipient's **HMGP** ceiling may be used to fund hazard mitigation measures. Recipients and subrecipients must adopt disaster-resistant building codes or an improved Building Code

Effectiveness Grading Schedule (BCEGS) score as a condition of the award (prior to closeout).

For more information on the 5 Percent Initiative and the additional 5 percent for all hazards, see Part VIII, A.14.

E.2 PDM Funding Restrictions

For **PDM**, the following funding restrictions apply:

- ◆ 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** funds for that application cycle.

E.3 FMA Funding Restrictions

For **FMA**, the following funding restrictions apply:

- ◆ Individual planning grants using **FMA** funds shall not exceed \$50,000 to any Applicant or \$25,000 to any subapplicant.
- ◆ **FMA** funds can only be used for the flood hazard component of a hazard mitigation plan that meets the planning criteria outlined in 44 CFR Part 201.

MAXIMUM AMOUNTS OF FMA MITIGATION PLANNING GRANT

Under **FMA**, the maximum individual planning grant is \$50,000 for any Applicant and \$25,000 for any subapplicant.

E.4 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.

For **HMGP** only: The Recipient may request a flat percentage rate (4.89 percent) of the projected eligible program costs for management costs. The Recipient is responsible for determining the amount, if any, of funds that will be passed through to the subrecipient(s) for their management costs. For further information on **HMGP** management costs, see Part VIII, A.2.5 and A.5.

Applicants for **PDM** and **FMA** 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 eGrants. 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** and **FMA** 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 *eGrants*. Subapplicants who are not awarded subawards for project or planning activities will not receive reimbursement for the corresponding costs incurred in developing and submitting subapplications.

F. Other Submission Requirements

This section discusses the consideration of applications under multiple HMA programs and pre-award costs.

F.1 Application Consideration under Multiple HMA Programs

FEMA will only consider applications and subapplications submitted to a specific HMA program. If an Applicant would like to have a subapplication considered under multiple HMA programs, the Applicant must submit that subapplication to each HMA program separately.

F.2 Pre-award Costs

Costs incurred after the HMA application period has opened, but prior to the date of the Federal 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 the Presidential major disaster declaration. The opening of the application period for **PDM** and **FMA** is established annually by FEMA via the Notice of Funding Opportunity announcement.

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 Federal award or final approval are not eligible (projects initiated or completed prior to Federal award or full approval of the project are not eligible). Pre-award management costs count towards the 5 percent limit for subrecipient management costs. 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 subawards will not receive reimbursement for the corresponding pre-award costs.

G. Applicant Guidance

This section discusses general Applicant guidance and minimum eligibility criteria.

G.1 General Applicant Guidance

FEMA will not direct the Applicant on how to submit its applications. The Applicant may submit a single application representing all subapplications or they may submit multiple applications. When multiple subapplications are submitted, they should be ranked in priority order. Before forwarding subapplications to FEMA, Applicants also should review subapplications to document that:

- ◆ The subapplicant has documented its capacity to manage the subaward funds.
- ◆ The subapplicant has documented its capacity to complete the mitigation activity in the time specified.
- ◆ 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 cost-effectiveness data are accurate and complete.
- ◆ All program- and project-specific requirements have been met and are documented as appropriate.

If the subapplication is considered to be deficient, the Applicant may revise or augment the subapplication in consultation with the subapplicant. Applicants must certify that they have evaluated the activities included in each subapplication and that activities will be implemented in accordance with 2 CFR Part 200 and other applicable program or activity type requirements.

G.2 Minimum Eligibility Criteria

FEMA does not accept incomplete and placeholder project applications. Incomplete applications or subapplications delay project approval because they do not contain sufficient information for FEMA to make program eligibility determinations.

Applications and subapplications submitted to

FEMA must meet the minimum eligibility criteria for all submittals as eligibility cannot be determined without these data. Additional information may be requested during FEMA review.

The following list of eligibility criteria is not all inclusive. For more detailed minimum eligibility criteria, see Part IX, Appendix F for projects and Part IX, Appendix G for plans.

MINIMUM ELIGIBILITY REQUIREMENTS

Applications and subapplications submitted to FEMA must meet the minimum eligibility criteria. See updated Minimum Eligibility Checklists in Part IX, Appendices F and G.

Unless otherwise noted, the following criteria apply to applications and subapplications:

- ◆ Eligible Applicant and Subapplicant
- ◆ FEMA-Approved Mitigation Plan
 - Meets all plan requirements per 44 CFR Parts 201 and 206
- ◆ SOW
 - Provides a detailed SOW as described in Part IV, H
- ◆ Work Schedule
 - Provides a work schedule of 3 years or less
- ◆ Cost Estimate
 - Provides a detailed cost estimate/budget that supports the SOW and documents required non-Federal cost share
- ◆ Cost Share
 - Provides non-Federal cost share that meets program eligibility requirements (see Part III, C)
- ◆ Cost-Effectiveness and Feasibility (projects)
 - Includes a FEMA-approved BCA or FEMA-approved alternate cost-effectiveness documentation (see Part IV, I)
 - Is feasible and effective as demonstrated through conformance with accepted engineering practices, established codes, standards, modeling techniques, or best practices (see Part IV, J)
- ◆ EHP Compliance (projects)
 - Includes information and documentation for each property identified in the subapplication to demonstrate conformance with all applicable laws and regulations (e.g., NEPA and NHPA)
 - Demonstrates that project avoids or minimizes harm to the environment and is the best alternative from a range of options considered (see Part IV, K)
- ◆ Assurance Forms
 - FF-112-0-2, *Budget Information Construction Programs*
 - FF-112-0-3, *Summary Sheet for Assurances and Certifications*
 - FF-112-0-3A, *Assurances – Non-construction Programs*
 - FF-112-0-3B, *Assurances – Construction Program*
 - FF-112-0-3C, *Certifications Regarding Lobbying, Debarment, Suspension and Other*

H. Scoping Narrative: Scope of Work, Schedule, and Cost Estimate

This section discusses information on the required components of the scoping narrative, consideration for management costs, planning applications for new or updated plans, schedule- and planning-related activities, and project applications.

H.1 Required Components

The application must include a description of the activities and anticipated outcomes as a means for FEMA to determine whether the activities are eligible, whether the Applicant can complete the activities within the POP, and whether the proposed costs are reasonable.

A scoping narrative describes the proposed activity and includes three elements:

- ◆ SOW
- ◆ Schedule
- ◆ Cost estimate

The scoping narrative stipulates the deliverables, identifies the tasks required to complete the proposed activity, and defines the tasks to be accomplished in clear, concise, and meaningful terms. All cost elements must match tasks and provide sufficient detail for FEMA to determine whether the subapplication is eligible. The scoping narrative will become part of the conditions of the award.

All activities must be identified in the scoping narrative prior to the close of the application period.

The following are required elements of a scoping narrative for a planning or project subapplication:

- ◆ **Introductory Statement:** The SOW starts with a short statement that describes the proposed activity and what will be accomplished by the end of the POP.
- ◆ **Activities Description:** The SOW describes the proposed approach, outcomes, and level of effort, including key milestones and schedule, and the relationship of each activity to the cost estimate. The description explains how the outcomes will be reached. The responsible party for each task is identified.
- ◆ **Deliverables, Key Milestones, and Schedule:** The schedule includes all tasks identified in the SOW and the relationship of each activity to the cost estimate. The schedule identifies major milestones with targets dates for meeting each milestone, including anticipated quarterly usage of Federal funds. Proposed schedules must not exceed the POP for the grant. Sufficient detail is provided so FEMA can determine whether the proposed activities can be accomplished within the POP. See Part VI, D.4.

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- ◆ **Personnel:** The SOW narrative identifies proposed staff and describes relevant experience in managing proposed activities, contractors, and Federal awards.
 - ◆ **Task Management:** The SOW narrative describes the methods the subapplicant will use to manage the tasks and contractors, and monitor and report on progress, including proposed accountability measures.
 - ◆ **Cost Estimate:** The cost estimate matches the proposed level of effort from the SOW and work schedule. Cost estimates include various cost item categories, such as labor, materials, equipment, and subcontractor costs. Source materials used to support the cost estimate are referenced and include sufficient detail so FEMA can determine whether costs are reasonable based on proposed activities and level of effort.
 - **Cost Share:** The cost estimate identifies the cost categories and value for anticipated cash and third-party in-kind contributions for meeting the non-Federal cost share.
 - **Pre-award Costs:** To be eligible for HMA funding and/or as a cost-share, pre-award costs must be included as separate line items in the cost estimate.
 - **Closeout:** The subapplicant must document actual costs for eligible activities at closeout.
 - **Ineligible Format:** Lump-sum cost estimates are not eligible and will be NOT be accepted.
 - **Contingency Cost:** An allowance in the total cost estimate to cover situations that cannot be fully defined at the time the cost estimate is prepared, but that will likely result in additional eligible costs. See Part VI, D.3.4. A contingency cost should be included as a line item in the budget section of a project application. As with other line items in the budget, the subapplicant should justify the contingency estimate based on the nature of the proposed project.
 - ◆ **Considerations for Management Cost, Project, or Planning Applications:** The SOW addresses unique considerations for the type of activities proposed. See Part IV, H.2, H.3, and H.4.
 - ◆ **Ranking Factors:** The SOW explains how the activities will address the goals and objectives or ranking factors of the relevant HMA program. For **PDM** and **FMA**, FEMA will identify funding priorities in the Notice of Funding Opportunity announcement. For **HMGP**, the pass-through entity may identify funding priorities.

H.2 Considerations for Management Costs

Applicants will submit a separate management cost application if requesting managing costs. Subapplicants who are requesting management costs include management costs in their project or planning subapplication cost estimate. To determine whether management costs are available, see Part IV, E.4. For more information on **HMGP** management costs, see Part VIII, A.5.

H.2.1 Activities Description

For the Applicant management cost subapplication, the SOW narrative describes the activities and specific tasks related to the entire grant cycle, from soliciting and developing subapplications to closing out Federal awards and audits.

H.2.2 Personnel

The narrative describes personnel requirements for the proposed activities and indicates whether contract support or consultants will be used.

H.2.3 Cost Estimate

The cost estimate describes costs for which the Recipient and/or subrecipient will use management cost funding. The estimate provides information on how the funds will be expended and monitored and shows that sufficient funds will be available for closeout.

H.3 Considerations for Planning Subapplications

Applicants and subapplicants must use applicable State, tribal, or local mitigation planning guidance to determine the specific requirements for new plans and plan updates regarding the planning process; hazard identification and risk assessment; mitigation strategy; plan review, evaluation, and implementation; and plan adoption. For State, tribal, or local mitigation planning guidance, see the FEMA Mitigation Planning webpage for current guidance:

<http://www.fema.gov/mitigation-planning-laws-regulations-guidance>. The information below supplements Part IV, H.1 and provides specific requirements for planning subapplications.

H.3.1 Activities Description

The following elements must be included in the Activities Description:

- ◆ **Planning Area:** The narrative describes the planning area, including any non-contiguous land holdings or assets, and demographics. The description includes the proposed number and names of participating governments, PNPs, or other partners.
- ◆ **Planning Process:** The narrative includes a description of the proposed planning process to engage stakeholders and the public. The description explains the proposed role of the

planning team (steering committee). The description provides the anticipated number of meetings for the planning team, identifies stakeholders, and explains public outreach.

- ◆ **Previous Mitigation Planning:** The narrative includes a description of previous mitigation planning efforts, including an evaluation of the past plan as a basis to identify priorities for plan updates.
- ◆ **Available Data and Risk Assessment Process:** The narrative identifies the process the planning team will use to research, collect, analyze, and summarize hazard and risk data. If a specific risk assessment methodology or software (e.g., Hazus) will be used in the risk assessment process, the narrative describes how this will influence the level of effort, timeframe, and planning costs. Subapplicants are advised to make use of existing data and risk assessments when developing a new mitigation plan or updating a mitigation plan; the narrative describes any known data sources to be used in the risk assessment. Similarly, if the subapplicant intends to develop new risk data, the proposed process and sources must be described as well.
- ◆ **Development of Mitigation Strategy:** The narrative describes the proposed process to develop a mitigation strategy for each participating jurisdiction based on the risk assessment completed for the plan. For State Mitigation Plans, this narrative can include Coordination of Local Mitigation Planning, Severe Repetitive Loss Strategy, and Comprehensive State Hazard Mitigation Planning Program.
- ◆ **Plan Adoption:** The narrative describes the plan drafting process, including State and FEMA reviews (i.e., approval pending adoption), adoption by participating jurisdictions, and final approval by FEMA.

H.3.2 Deliverables, Tasks, and Schedule

The following task-related elements must be included in the narrative:

- ◆ **Deliverables:** The narrative describes the deliverables for the proposed activity:
 - A new or updated FEMA-approved mitigation plan consistent with mitigation planning regulations for State (44 CFR Sections 201.4 or 201.5), tribal (44 CFR Sections 201.7 or 201.5), or local governments (44 CFR Section 201.6), as well as the applicable mitigation planning guidance. See the FEMA Mitigation Planning webpage for current State, tribal, or local mitigation planning guidance: <http://www.fema.gov/mitigation-planning-laws-regulations-guidance>.
 - Any mitigation planning–related activities eligible under **HMGP** only that enhance an existing mitigation plan consistent with mitigation planning regulations for State (44 CFR Sections 201.4 or 201.5), tribal (44 CFR Sections 201.7 or 201.5), or local governments (44 CFR Section 201.6), as well as the applicable mitigation planning guidance. See the FEMA Mitigation Planning webpage for current State, tribal, or

local mitigation planning guidance: <http://www.fema.gov/mitigation-planning-laws-regulations-guidance>.

- ◆ **Tasks:** The tasks narrative describes the tasks, including the proposed planning process, as well as any procurement.
- ◆ **Schedule:** The timeframe matches all tasks noted in the SOW. If the proposed activity is a new or updated mitigation plan, the schedule includes tasks for draft review and allows sufficient time for State and FEMA reviews; preparation of required revisions, if needed; formal adoption by the jurisdiction(s); and FEMA approval within the POP.

H.3.2.1 Cost Estimate

The cost estimate includes a line-item breakdown of costs associated with all elements described in the SOW, such as:

- ◆ Meetings and public outreach, including the costs associated with what is necessary and reasonable
- ◆ Data research and collection, including eligible mapping activities or risk assessment; if using Hazus for flood, earthquake, or hurricane risk assessments, include costs for user defined/provided hazard and inventory data
- ◆ Mitigation strategy development and prioritization
- ◆ Plan drafting, State and FEMA review, revisions, and final production
- ◆ Information dissemination activities (**PDM** only), including printing and advertising
- ◆ Professional development training, tuition, and travel for the purpose of carrying out the planning tasks
- ◆ Administrative costs for the subapplicant to manage the planning process and contractor
- ◆ Management costs and pre-award costs, if applicable

H.3.2.2 Flood Mitigation Assistance

FMA requires the completion of a FEMA-approved mitigation plan for mitigation projects. **FMA** funds can only support activities related to the flood portion of the plan. The narrative provided in the planning subapplication SOW must differentiate between activities that will be supported by **FMA** from other non-flood related tasks.

H.4 Considerations for Project Subapplications

Applicants and subapplicants must use applicable project guidance to determine the specific requirements for the project type proposed and incorporate these requirements into the SOW narrative, schedule, and cost estimate documentation. See the Addendum for property acquisition or relocation for open space, wildfire mitigation, safe rooms, mitigation reconstruction, structural elevation, and flood risk reduction projects. The information below supplements Part IV, H.1 and provides specific requirements for project subapplications.

H.4.1 Property Location

All properties to be mitigated must be identified, including alternate properties that may be substituted should a property be withdrawn. All properties, including alternate properties, must have all the required information to be considered complete.

- ◆ **Latitude/Longitude:** Coordinates for proposed properties must be provided. This is an eligibility requirement.
- ◆ **Site Photographs:** Pictures of the sides of buildings, foundation, roof, both sides of infrastructure projects, and the surrounding project areas are required.
- ◆ **Site Maps and Project Plans and Specifications:** Refer to project-specific guidance in the Addendum to determine the level of documentation needed for eligibility. Supporting documentation must be from qualified, credible sources, such as design professionals or government records.

H.4.2 Activities Description

The following elements must be included in the Activities Description:

- ◆ **Methodology:** Proposed conceptual designs must be provided either through an identified industry standard or project plans and specifications.
 - **Deviations from Standard Procedures:** Deviations from standard procedures, methods, techniques, and technical provisions of the applicable codes or best practices must be thoroughly explained and documented to determine eligibility and feasibility.
 - **Project Components:** Project-specific guidance is provided in the Addendum for a number of mitigation activities. Applicants should review the guidance to determine what elements should be addressed in the SOW narrative.

H.4.3 Cost Estimate

The project cost estimate includes 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
- ◆ All other costs required to implement the mitigation project, including any applicable project-type specific costs identified in the Addendum of this guidance

EXAMPLES OF DIRECT COST CATEGORIES

- Compensation of employees for work performed under the award
- Costs of materials acquired, consumed, or expended specifically for award purposes

For additional information about cost estimates for property acquisition and structure demolition or relocation projects, see Addendum, Part A; for safe room construction projects, see Addendum, Part C.3.2; for mitigation reconstruction, see projects Addendum, Part D.3.5; and for structure elevation projects, see Addendum, Part E.4.2.

I. Cost-Effectiveness

FEMA will only consider applications that use a FEMA-approved methodology to demonstrate cost-effectiveness. This is typically demonstrated by the calculation of a BCR. Projects for which benefits exceed costs are generally considered cost effective. Benefits may include avoided damage, loss of function, and displacement.

FEMA provides BCA software that allows Applicants to calculate a project BCR. Written materials and training are also available. The FEMA BCA software utilizes the OMB Circular A-94, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs*. FEMA requires the use of approved BCA software (Version 5.0 or greater) to help ensure that calculations are consistent with OMB Circular A-94. The current software is available at the FEMA Regional Office or from the BCA Technical Assistance Helpline (see Part IV, I.11).

If FEMA standard values are used, then no additional documentation is required. If non-standard values are used, then documentation is required. Documentation must be accurate and sufficiently detailed for the analysis to be validated. FEMA recommends that supporting documentation be obtained from credible sources, such as a Flood Insurance Study.

FEMA requires the submission of the BCA export file (.zip file format) for mitigation projects submitted to HMA programs. For **HMGP**, the BCA export file (.zip file format) is required prior to FEMA approval. For the **PDM** and **FMA** programs, the BCA export file (.zip file format) is

required at the time of project submission. Applicants and subapplicants that do not have the ability to submit a BCA export file in a .zip file format can submit a .pdf of the BCA file and submit a Data Documentation Template.

Data associated with the various methodologies for analyzing cost-effectiveness are available from the appropriate FEMA Regional Office (see Part VII) or the BCA Technical Assistance Helpline (see Part IX, C.3).

I.1 Substantial Damage Waiver

An expedited cost-effectiveness methodology is available for property acquisition projects when certain conditions are met. The acquisition of structures that are declared Substantially Damaged (from any origin) and located in a riverine SFHA on a preliminary or effective FIRM is considered cost effective. If this methodology is used, the project application should include a certification that the structures meet these conditions.

I.2 Aggregation

An evaluation of the cost-effectiveness of a project should include all activities included in the SOW. This may include activities in multiple jurisdictions. It may also include combining benefits from multiple activities and multiple hazards, such as wind and flood, if part of the same project.

I.3 5 Percent Initiative

For 5 Percent Initiative subapplications for **HMGP** funding, a narrative description of the project's cost-effectiveness must be provided. For more information on the 5 Percent Initiative, see Part VIII, A.14.

I.4 Pre-calculated Benefits (Safe Rooms)

For safe room construction projects, an expedited cost-effectiveness methodology is available that identifies the benefits associated with certain types of safe rooms (see HMA Job Aid, *Safe Room Project Application Using Pre-Calculated Benefits*). If this methodology is used, the submitted project application should include a copy of the data relevant to the project location.

I.5 Greatest Savings to the Fund

FEMA also allows for the use of the GSTF data and methodology to demonstrate cost-effectiveness for properties included in mitigation projects under HMA.

The GSTF calculation measures the expected savings of a mitigation project over a specific time period, usually 30 years or 100 years, depending on the mitigation project. For instance, an elevation project would use the 30-year GSTF value, and an acquisition project would use the

100-year GSTF value. Using past NFIP claims, the total expected future insurance claims can be projected. GSTF is calculated by subtracting total expected future insurance premiums from expected future claim payments.

I.6 Environmental Benefits

FEMA has identified and quantified environmental benefits for mitigation activities. Incorporating environmental benefits into the overall quantification of benefits for acquisition-related activities supports the Flood Insurance and Mitigation Administration's (FIMA's) mission of risk reduction, environmental compliance, and preservation of the natural and beneficial functions of the floodplain.

INCLUSION OF ENVIRONMENTAL BENEFITS INTO THE BCA TOOLKIT

Green open space and riparian benefits have been identified and quantified for acquisition projects. The BCR for an acquisition project must be at least 0.75 before the environmental benefit can be incorporated.

Specifically, FEMA developed economic values for green open space and riparian areas. FEMA incorporated the environmental benefits for green open space and riparian areas into the BCA toolkit for acquisition projects.

The economic value for green open space is \$7,853 per acre per year. For riparian areas, the economic value is \$37,493 per acre per year. When incorporating these values into FEMA's BCA, the yearly benefits accrue over the 100-year project useful life and are discounted at 7 percent per year to meet OMB requirements. **Table 4** provides the green open space and riparian benefits per acre per year and per square foot.

Table 4: Green Open Space and Riparian Benefits

Land Use	Total Estimated Benefits (per acre per year)	Total Estimated Benefits ⁽¹⁾ (per square foot)
Green Open Space	\$7,853	\$2.57
Riparian	\$37,493	\$12.29

⁽¹⁾ Projected for 100 years with 7 percent discount rate

For an acquisition project, the BCR for a project must be at least 0.75 before incorporating the environmental benefit. This ensures projects funded by HMA are primarily associated with risk reduction activities. Once a project's BCR reaches at least 0.75, the appropriate environmental benefit can be included for the individual properties.

I.7 Pre-calculated Benefits for Acquisitions and Elevations in Special Flood Hazard Areas

Based on extensive analysis, pre-calculated benefits have been determined for acquisition and elevation projects located in SFHAs. This analysis demonstrates a national average for benefits of \$276,000 for acquisition projects and of \$175,000 for elevation projects. Therefore, FEMA

has determined that the acquisition or elevation of a structure located in the 100-year floodplain for which costs are equal to or less than the amount of benefits noted above is cost effective. For projects that contain multiple structures, the average cost of all structures in the project must meet the stated criterion. There is no need for Recipients to conduct a separate BCA for a structure that meets this criterion.

Additionally, the specific geographic location of structures can greatly increase acquisition and elevation costs. The benefits identified above may be adjusted by the Recipient and subrecipient using locality multipliers that are included in industry-accepted cost and pricing guides for construction. If a multiplier is used, a copy of the source document must be included as part of the grant application for review and the methodology demonstrated for the increase of benefits. Also, the Recipient or subrecipient should use the most up-to-date locality multiplier at the time of application.

To qualify for these pre-calculated benefits, Recipients must include maps with each structure's footprint clearly identified and the SFHA delineated as part of the grant application. If the structure or any part of the structure lies in the 100-year SFHA, the structure can utilize the pre-calculated benefits.

If the Applicant cannot clearly demonstrate the structure is located in the SFHA, then the finished floor elevation (FFE) and BFE should be included in the BCA for each structure. If the FFE is less than BFE, structures can use the pre-calculated benefits. No other detailed analysis will be required. These pre-calculated benefits can be used for both riverine and coastal areas.

I.8 Integrating Sea Level Rise in Mitigation

Pursuant to 2011-OPPA-01, *FEMA Climate Change Adaptation Policy Statement*, the FEMA Administrator requires that considerations for climate change be incorporated into programs, policies, and operations. FEMA will now fund hazard mitigation projects that include sea level rise (SLR) estimates.

INTEGRATING SEA LEVEL RISE IN MITIGATION

FEMA will now fund hazard mitigation projects that include SLR estimates.

To incorporate considerations for SLR in the development of a BCA, Recipients and subrecipients should add the estimated SLR to the current 10-, 25-, 50-, and 100-year flood elevations for their area. Generally, SLR can be included in flood elevations when conducting BCAs in coastal areas using the full data flood module. SLR can be applied to projects in any U.S. coastal area where relative SLR data are available. This includes areas subject to coastal flooding as identified in the current NFIP flood study or coastal rivers and streams located as far inland as the extent of estimated tidal influence or storm surge.

When performing structure elevation projects or projects that have freeboard requirements, SLR estimates should be added to the freeboard requirements that may have been adopted in local or State building codes. Refer to *Incorporating Sea Level Rise (SLR) into Hazard Mitigation*

Assistance (HMA) Benefit Cost-Analysis FAQs for additional information on the SLR (<http://www.fema.gov/media-library/assets/documents/89659>).

I.9 Landslide Property Acquisition

HMA has developed a new methodology for calculating the BCR for the acquisition of properties in landslide hazard areas where there is an immediate threat of catastrophic slope failure (within 5 years of application development). This methodology is not included in Version 5.0 of the FEMA BCA Tool. Applicants are required to complete the BCA based on the building replacement value, number of occupants, and the project costs; the BCA tool will calculate all other values automatically using standard FEMA values and methodologies. The BCR calculation is demonstrated in a spreadsheet (see *Landslide Acquisition Benefit Cost*, Version 2 at www.fema.gov/media-library/assets/documents/97249), and is based on having no recurrence interval, because once the landslide occurs, a catastrophic failure would occur, and the structure would not be subject to any further landslides.

IMMEDIATE THREAT

An *immediate threat* is defined in 44 CFR Section 206.221(c) as “the threat of additional damage or destruction from an event which can reasonably be expected to occur within five years” (e.g., a 20 percent chance of occurrence per year.)

Benefits are based on the replacement value of the house, contents value, displacement costs, and 5 percent of the economic value of fatalities. Costs are based on expenses required to purchase the house at the pre-event market value (similar to routine flood-hazard acquisitions). Applicants are required to attest that the structure is within 5 years of imminent collapse because of landslide hazards. They may obtain this determination from a State or local professional geologist or engineer. If they hire a professional geologist or engineer to make the determination, the cost for those services is an eligible project activity.

I.10 Pre-calculated Benefits for Residential Hurricane Wind Retrofit Measures

Hurricane wind retrofit projects are eligible for funding under the HMGP and PDM grant programs. The HMA Job Aid, *Cost Effectiveness Determination for Residential Hurricane Wind Retrofit Measures Funded by FEMA*, establishes the use of pre-calculated benefits, in lieu of conducting a complete BCA, for certain residential wind retrofit projects submitted to HMA for funding. A wind retrofit project is considered cost effective as long as the total project costs are less than the costs listed in **Table 5**. Applicants are not required to use the pre-determined benefit amounts to show cost-effectiveness, but using them will streamline the grant application process as an individual BCA will not need to be completed for every structure.

Table 5: Pre-determined Benefit Amounts for Wind Retrofit Projects

Mitigation Package Type	Roof Replacement Project	Maximum Costs
Intermediate Protection	No	\$13,153
Intermediate Protection	Yes	\$24,920
Advanced Protection	No	\$40,252
Advanced Protection	Yes	\$52,018

To use these benefit amounts, the Applicant must meet the following requirements:

- ◆ Wind retrofit projects must be for residential buildings, excluding manufactured homes, and must comply with FEMA P-804.
- ◆ Residential structures must be located within the 120-mile-per-hour wind speed zone (per ASCE 7-10), and Applicants must submit a map showing the location of the project within the 120-mile-per-hour wind speed zone.

- Areas that are eligible to use the pre-determined benefits are identified on the list of States and territories, and their associated counties, parishes, and boroughs, which is included in the HMA Job Aid, *Cost Effectiveness Determination for Residential Hurricane Wind Retrofit Measures Funded by FEMA*.

PRE-DETERMINED BENEFITS FOR WIND RETROFITS

Pre-calculated benefits can be used for hurricane wind retrofit projects under the **HMGP** and **PDM** grant programs. These pre-determined benefits will streamline the cost-effectiveness determination for residential wind retrofit projects.

The pre-determined benefits for wind retrofit projects cannot be combined with other benefits, such as those from the cost-effectiveness determination for acquisition and elevations or from the BCA toolkit.

Eligible costs include inspection of the structure, determination of the appropriate mitigation package type, design of the retrofits and the associated labor and materials, and construction/post-construction inspections and certifications.

I.11 Alternative BCA Methodologies

Other methods to demonstrate cost-effectiveness may be used when they address a non-correctable flaw in the FEMA-approved methodologies or propose a new approach that is unavailable using current tools. New methodologies may be used only if FEMA approves the methodology before application submission. For more information on resources, see Part IX, C.3.

For BCA policies, overview, and software, see <http://www.fema.gov/benefit-cost-analysis>.

J. 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 feasibility and effectiveness of the proposed mitigation activity. FEMA accepts the engineering design for a project if a registered Professional Engineer (or other registered design professional) certifies that the design meets the appropriate code or industry design and construction standards. FEMA will accept the certified engineering design in lieu of a comprehensive technical feasibility review (see Part V, A.3). If accepted codes/standards are used, no additional documentation is required. See Part IX, Appendix D for examples of codes and standards used for various projects types.

If an alternative design is proposed, the application/subapplication should contain:

- ◆ 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 or infrastructure protection projects, an assessment of the vulnerabilities of the existing building
- ◆ Any remaining risk to the structure after project implementation
- ◆ Proposed schematic drawings or designs (as applicable)

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 must be included certifying that the project will be designed in conformance with ASCE 24-14 and will meet the feasibility and effectiveness requirement.

K. Environmental Planning and Historic Preservation Documentation

Below is a general summary of the EHP compliance review process, including the requirements the Applicant/subapplicant must be complete before a Federal award may be made:

- ◆ Evaluate any potential effects to EHP resources and provide the required information and documentation to identify the impact on these resources.
- ◆ Complete any required consultation and/or coordination with the appropriate agencies (e.g., the State Historic Preservation Officer, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service) to evaluate potential effects of the proposed project and to identify any measures necessary to avoid or minimize these effects.

-
- ◆ Complete an evaluation of and document alternatives to the proposed action that will avoid or minimize these impacts, including consideration of the environmental impact of taking no action.
 - ◆ Demonstrate that the project will incorporate any mitigation measures required to mitigate the adverse effects on EHP resources.
 - ◆ Ensure the costs of known measures to treat adverse effects are reflected in the project budget estimate.

EHP compliance considers and documents the following resource types or actions: biological, water, coastal, pollution control, debris management, socioeconomic, historic, and cultural.

The Applicant and subapplicant should ensure that the project SOW takes into account all potential EHP compliance issues and costs. To assist in the preparation of the subapplication, the Applicant/subapplicant must complete the EHP Checklist and provide information and documentation about potential impacts on the pertinent environmental and cultural resources in the project area. Any relevant information or studies related to EHP considerations identified and addressed in previous project planning activities by FEMA, another Federal agency, or an agency with designated Federal authority should also be provided and may be used to satisfy the EHP compliance requirements at FEMA's discretion. For additional information, see **Figure 4: Frontloading EHP**, the Formal Review Process in Part II, the EHP Checklist in Part IX, Appendix E, and HMA Job Aids: (1) *8-Step Decision Making Process for Floodplain Management Considerations and Protection of Wetlands*, (2) *Section 106 Process under the National Historic Preservation Act*, and (3) *NEPA Flow Chart for HMA Projects*.

By utilizing the EHP Checklist, the Applicant/subapplicant will identify applicable information that must be provided to FEMA, such as a complete SOW narrative, documentation, maps, studies, or correspondence related to:

- ◆ **Biological resources:** Any identified federally listed threatened or endangered species and/or designated critical habitat potentially affected by the proposed project
- ◆ **Water and biological resources:** Vegetation, including amount (area), type, and extent to be removed or affected
- ◆ **Water resources:** 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 on surface waters, if any.
- ◆ **Coastal resources:** Indication of whether the proposed project is located in a State's designated coastal zone or within a CBRS Unit or OPA
- ◆ **Pollution control and debris management:** Identification of any hazardous or toxic materials that will affect the project, including studies, investigations, or enforcement actions related to the project's location

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- ◆ **Socioeconomic resources:** A description of any adverse effects on low-income or minority populations in the project area
 - ◆ **Historic or cultural resources:** The property address, original date of construction, and two color photographs for any buildings, structures, objects, or manmade sites/landscapes features that are 50 years or more in age. At least one of the two photographs of a building should be the front or primary façade showing the elevation.

Should technical assistance be required to determine whether there are any EHP resources associated with the proposed project, consult the following:

- ◆ *HMA EHP Resources At-a-Glance Guide: A Practical Guide to Environmental & Historic Preservation Laws, Rules, and Tools:* <http://www.fema.gov/media-library/assets/documents/30805>
- ◆ *HMA EHP at-a-Glance Guide Project Planning with Considerations for EHP Compliance:* <http://www.fema.gov/media-library/assets/documents/26621>
- ◆ *NFIP Floodplain Management Bulletin: Historic Structures*, FEMA P-467-2, May 2008
- ◆ *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning: State and Local Mitigation Planning How-To Guide*, FEMA 386-6, May 2005
- ◆ eLearning Tool for FEMA Grant Applicants: <http://www.fema.gov/environmental-planning-and-historic-preservation-program/elearning-tool-fema-grant-applicants-45>
- ◆ IS-253.A: Overview of FEMA's Environmental and Historic Preservation Review: <http://training.fema.gov/EMIWeb/IS/courseOverview.aspx?code=is-253.a>
- ◆ *Unified Federal EHP Review Process:* <http://www.fema.gov/media-library/assets/documents/98911>
- ◆ FEMA EHP 2-page fact sheets: <http://www.fema.gov/media-library/assets/documents/93034>
- ◆ EHP Helplines: (866) 222-3580 or ehhelpline@fema.dhs.gov

Although FEMA ultimately has the responsibility to ensure that a project is in compliance with Federal laws related to the environment and historic preservation, Applicants/subapplicants should assist FEMA by identifying EHP reviews previously completed by other agencies, gathering data, and reaching out to stakeholders and regulatory agencies for pertinent information. If EHP issues are identified, the Applicant/subapplicant should initiate coordination with the relevant State and Federal agencies as early in the project planning stages as possible to address any potential EHP issues associated with proposed projects. This coordination does not substitute, and shall not be interpreted to mean, that formal consultation has occurred between FEMA and the applicable resource agency.

FEMA may identify additional EHP compliance review activities necessary to facilitate project approval, such as the completion of 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 analyses or determinations. Unanticipated costs and delays may occur if, during the formal EHP compliance review, FEMA identifies an award condition (e.g., acquiring permits, timing restrictions) or scope change necessary for the project to remain in compliance with EHP laws or determines that a project will adversely impact an environmental or cultural resource. The resolution of adverse impacts will be resolved through a consultation process potentially involving Federal, State, federally-recognized tribe, and external stakeholders. The exact outcome of consultation, and, therefore, the costs and time to resolve the impacts, will not be known until after project selection and consultation has concluded. The HMA program has the discretion to determine, on a project-by-project basis, whether FEMA or the Applicant/subapplicant will fund EHP mitigation measures to resolve adverse impacts.

Applicants/subapplicants may incur costs for significant EHP compliance review activities and/or EHP mitigation measures. FEMA will consider the following factors to determine whether to reimburse costs:

- ◆ Nature of the analysis or study required (e.g., environmental impact statement) and the degree to which the activity is related to accomplishing the mitigation goals
- ◆ Costs of EHP activities compared to project costs
- ◆ Complexity of the proposed project
- ◆ 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 that 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/subapplicant has not dedicated resources and/or provided required and requested documentation in a timely manner.

For additional information on required EHP documentation, see Part IX, Appendix E.

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:

- ◆ Application eligibility review
- ◆ Technical review
 - Cost-effectiveness
 - Feasibility and effectiveness
 - EHP compliance

A.1 Application Eligibility 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, IV, and IX, Appendices F and G.

A.2 Technical Review

FEMA will conduct a technical review for the following for all project subapplications that are forwarded from the initial FEMA review: cost-effectiveness, feasibility and effectiveness, and EHP compliance.

A.2.1 Cost-Effectiveness Review

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

A.2.2 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 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)
- ◆ Reasonableness of the cost estimate

A.2.3 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 laws, 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, other than planning or preparatory work not involving construction or alteration of the land, until FEMA has completed this review and determines that the project, when completed, will comply with all EHP laws and regulations.

A.3 HMA Efficiencies

FEMA accepts the engineering design for a project if a registered Professional Engineer (or other design professional) certifies that the design meets the appropriate code or industry design and construction standards. FEMA will accept the certified engineering design in lieu of the FEMA

comprehensive technical feasibility review. For example, if a registered Professional Engineer certifies that design of a community safe room project meets or exceeds FEMA P-361 standards

HMA EFFICIENCIES

FEMA provides opportunities to streamline application requirements by allowing Applicants/subapplicants to use:

- FEMA technical publications
- National standards and codes
- ASCE 24-14 criteria
- Inclusion of environmental benefits in BCA calculations
- Acquisition of properties in landslide hazard areas
- Acquisition–Elevation pre-calculated benefits
- Safe Room pre-calculated benefits
- Wind Retrofit pre-calculated benefits

for design and construction, FEMA will not perform a detailed design review to ensure compliance with the standard.

Additionally, in the development of applications and subapplications, the following resources and approaches should be considered as they will promote efficiencies in FEMA review and approval.

A.3.1 Safe Room Projects

Applicants must document that the proposed safe room project is consistent with the requirements of FEMA P-320, *Taking Shelter from the Storm: Building a Safe Room for Your Home or Small Business* (2014), or FEMA P-361. Applicants must use the expedited **HMGP** application for Residential Safe Rooms to apply pre-calculated benefits under **HMGP** (see HMA Job Aid, *Safe Room Project Application Using Pre-Calculated Benefits*). This pre-calculated benefit provides standardized benefits associated with residential safe rooms so that individual BCAs are not required, as long as the project costs do not exceed the benefits. If a subapplication complies with FEMA P-320 or FEMA P-361, no additional technical information is required in the subapplication.

A.3.2 Wind Retrofit Projects

FEMA P-804 provides design guidance for wind-retrofit projects on existing one- and two-family dwellings in coastal areas. Mitigation projects funded under **HMGP** and **PDM** are required to be implemented in conformance with FEMA P-804. If a subapplication complies with FEMA P-804, no additional technical information is required in the subapplication.

A.3.3 Certain Flood Mitigation Projects

FEMA requires that certain HMA flood mitigation projects be designed and constructed in conformance with the design criteria of ASCE 24-14 as a minimum standard. FEMA will consider a project application that utilizes ASCE 24-14 as consistent with HMA engineering feasibility and effectiveness requirements. Project applications that do not use ASCE 24-14 must submit documentation to demonstrate the project meets the engineering feasibility and effectiveness requirement (see Addendum, Part F).

B. Selection and Notification Process

This section presents information on the technical review, requests for information, selection, notification, and the reconsideration process.

B.1 Selection

FEMA selects eligible subapplications based on priorities set by the Applicant or program priorities, if applicable. For more information for **HMGP**, see Part VIII, A.4; for more information for **PDM**, see Part VIII, B.5; and for more information for **FMA**, see Part VIII, C.5.

PDM and **FMA** have specific ranking criteria in addition to those described in this part. For information about ranking criteria and the review and selection process for **PDM**, see Part VIII, B.4, and for **FMA**, see Part VIII, C.4.

B.2 Notification

For **PDM** and **FMA**, 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.

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

B.3 Reconsideration Process

For **PDM** and **FMA**, FEMA will reconsider its determination of a subapplication evaluated on a competitive basis only when there is an indication of a substantive technical or procedural error by FEMA. Only information provided in the submitted subapplication is considered supporting documentation for the request for reconsideration. The amount of funding available for Applicant management costs will not be reconsidered.

FEMA may evaluate subapplications on a competitive basis when:

- ◆ Submitted subapplications exceed available funds
- ◆ Laws or regulations require the administration of a competitive program
- ◆ Circumstances merit the administration of funds in a competitive manner

Applicants must send requests for reconsideration based on technical or procedural error to FEMA within the time specified in the notification letter to the Applicant. A FEMA decision to uphold or overturn a decision regarding a subapplication evaluated on a competitive basis is final.

B.3.1 Consideration of Additional Information

FEMA may, at its discretion, notify Applicants that it will consider additional information in support of a subapplication.

FEMA will accept supplemental or corrected data in support of a subapplication when:

- ◆ Submitted subapplications do not exhaust available program funds
- ◆ Laws or regulations do not require the administration of a competitive program
- ◆ Determined appropriate by the program office

Instructions for submitting supplemental data will be provided within the FEMA notification letter, if applicable.

For information on appeal and administration of **HMGP** subapplications, see Part VIII, A.15.

C. Requests for Information

FEMA may request additional information or documentation from Applicants to resolve outstanding administrative, procedural, or EHP requirements. For **PDM** and **FMA**, an RFI will not occur until after selection because of the competitive nature of the programs. RFIs can take various forms, including email requests, documented telephone calls, or formal letters. Failure to provide requested information by the final deadline identified in the request will result in denial, because eligibility cannot be determined. Technical assistance is available, if requested.

FEMA may ask for additional information or documentation from the Applicant/subapplicant, potentially through the RFI process, if information is lacking. FEMA may remove projects from consideration for full approval and/or funding when EHP compliance review activities are not progressing and the Applicant/subapplicant has not dedicated resources and/or provided required documentation in a timely manner.

REQUEST FOR INFORMATION

If a subapplication does not meet the administrative or procedural information requirements, FEMA may request additional information in the form of an RFI. If the Regional Administrator does not receive the requested information by the final deadline, the project will be denied.

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

C.1 Request for Information Timelines

Table 6 provides timelines for stepwise information requests and assistance offers. **Figure 5** outlines the RFI process and assigned responsible party. The RFI process involves an eligibility review to determine whether the subapplication and subapplicant are eligible. Then a completeness review is conducted to determine whether a complete subapplication was

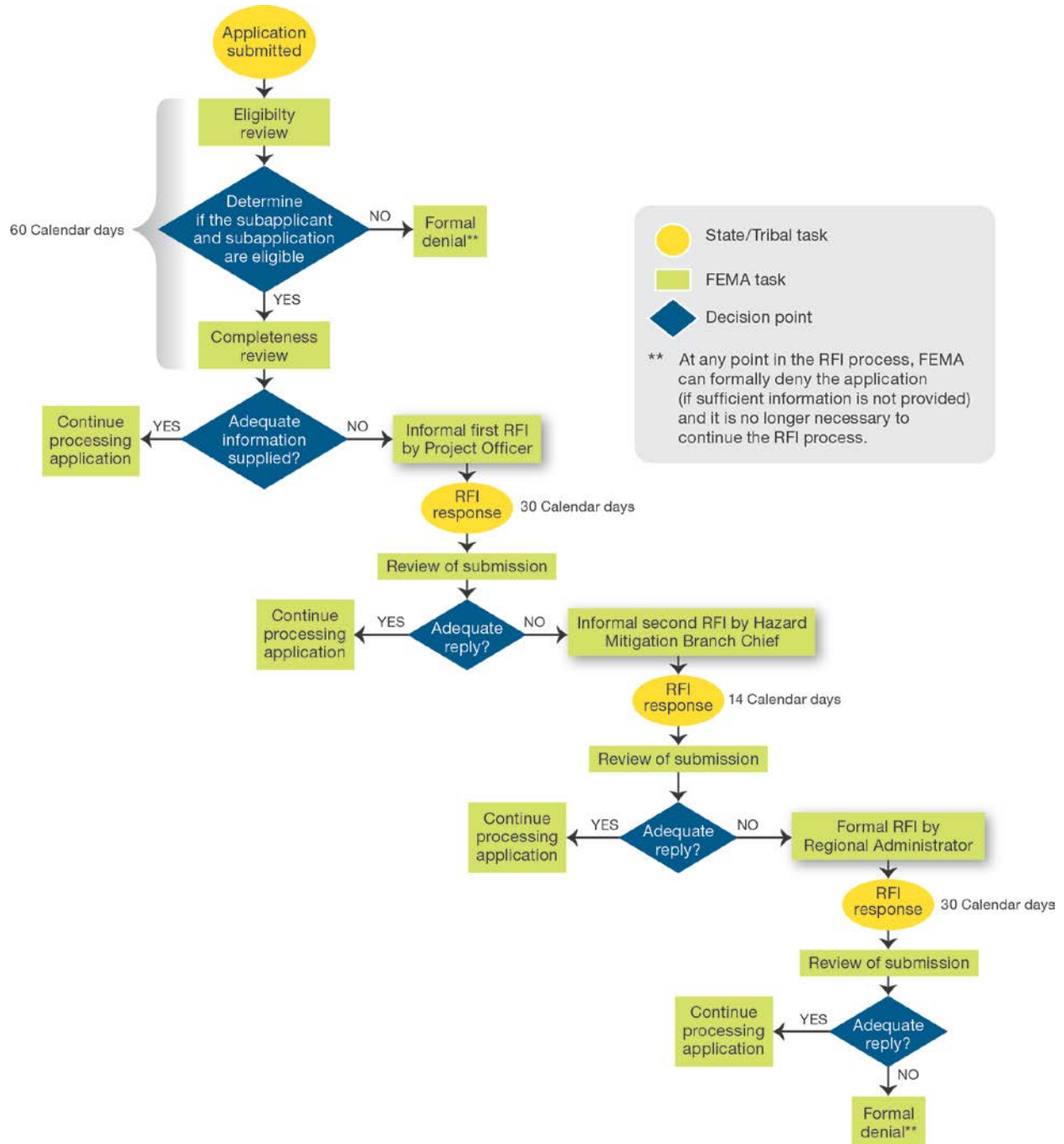
submitted. If the subapplication is determined to be incomplete, FEMA will request further information from the subapplicant. At each step of the RFI process, FEMA will work with the Applicant and subapplicant to determine available options to develop a viable project. Some options include technical assistance from FEMA or implementing a phased project. If the requested information is not received by the Regional Administrator before the deadline, the project will be denied as FEMA will have no basis to make an eligibility determination. Upon receipt of the requested information and confirmation it adequately addresses the RFI, FEMA will proceed with making a determination of project eligibility.

Table 6: RFI Timelines

Request Format	Timeline
Informal – First Request	The Project Officer requests additional information from the Applicant. If the requested information is not received within 30 calendar days from the date of the request, FEMA will consider the application to be incomplete and not approvable. Unless the HMA program is competitive, FEMA may provide technical assistance if requested to help the Applicant respond to the RFI and set a new timeframe for the Applicant response. The Applicant may consider phasing the project if it is feasible to do so.
Informal – Second Request	The Hazard Mitigation Branch Chief requests additional information. If the requested information is not received within 14 calendar days from the date of the request, FEMA will consider the application to be incomplete and not approvable. FEMA may provide technical assistance if requested, unless the HMA program is competitive. FEMA, Recipient, and Applicant staff should meet to resolve any open items within the allotted timeframe, if necessary.
Formal	In a formal letter to the Applicant, the Regional Administrator requests additional information and documents previous requests. If the requested information is not received within 30 calendar days from the date of the request, FEMA will consider the application to be incomplete and not approvable.
Formal	If the Regional Administrator does not receive the requested information within 30 calendar days, he or she will determine the requested project application to be ineligible for funding. The second formal letter is a denial.

The Regional Administrator may choose to allow more time, with justification. FEMA encourages subapplicants to coordinate early with the Applicant to identify potential technical assistance needs. If technical data is not readily available, the subapplicant should coordinate with the Applicant to determine whether the project should be phased to develop required data. Applicants may contact the FEMA Regional Office to request technical assistance, relevant training, or other needed support.

Figure 5: RFI Flowchart



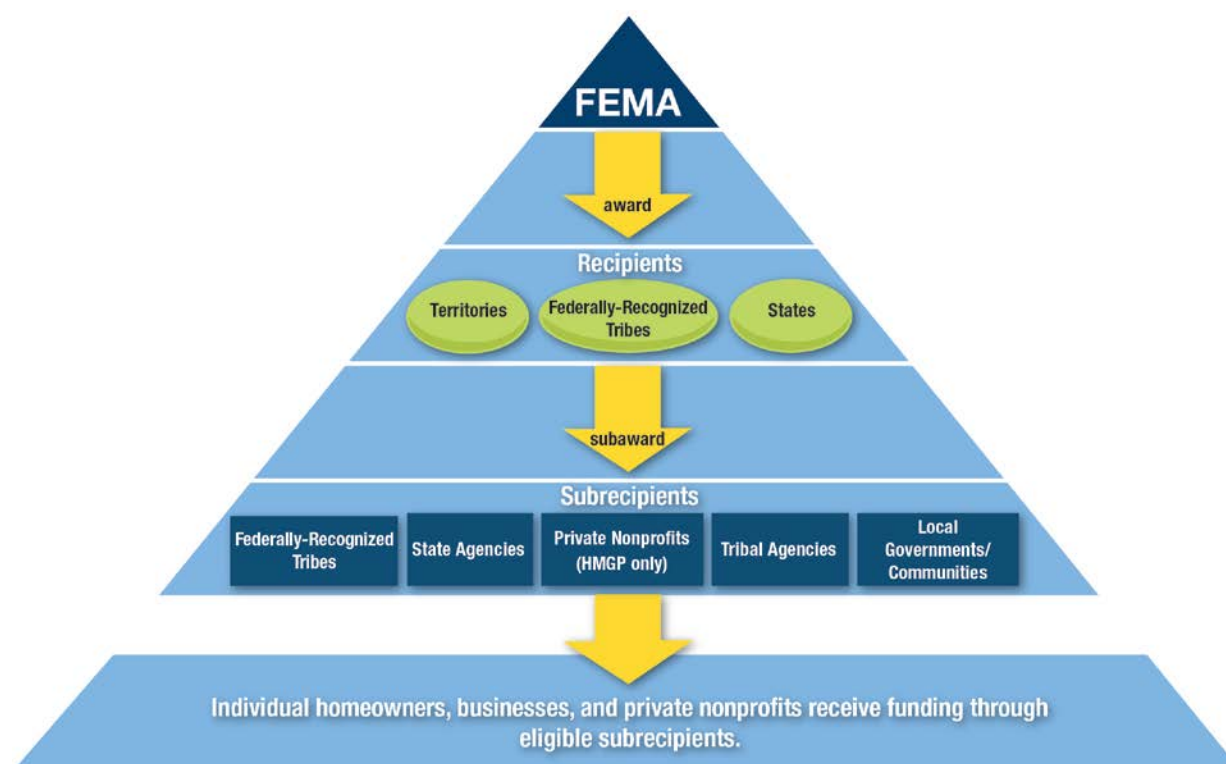
PART VI. AWARD ADMINISTRATION INFORMATION

Part VI describes how successful Applicants will receive award information (see **Figure 6**). 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 Recipient for successful subapplications. Subrecipients will receive notice of award from the Recipient.

Figure 6: Award Process



Award packages for **PDM** and **FMA** include an award letter, FF 112-0-7, *Obligating Document for Awards/Amendments*, Articles of Agreement, EHP award conditions, and/or other conditions that must be signed by the Applicant in *eGrants* and returned to FEMA for approval before funds can be obligated.

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

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

B. Risk Assessment Prior to PDM and FMA Award

Prior to making an award, FEMA will evaluate a pass-through entity to determine the level of risk when there is a history of failure to comply with general or specific terms and conditions of a Federal award or failure to meet the expected performance goals. If FEMA determines that a Federal award will be made, special conditions that correspond to the degree of risk assessed may be applied to the award. Pass-through entities must also conduct risk assessments of their subrecipients.

Additional conditions or requirements may include:

- ◆ Requiring payments as reimbursement rather than advance payments
- ◆ Withholding authority to proceed to the next phase until receipt of evidence of acceptable progress is provided
- ◆ Requiring additional, more detailed financial reports
- ◆ Requiring additional project monitoring
- ◆ Requiring the pass-through entity to obtain technical or management assistance
- ◆ Establishing additional prior approvals, such as requiring the preparation of a management plan

For **PDM** and **FMA**, pass-through entities can appeal using the reconsideration process, see Part V, B.3. FEMA will remove special conditions if the circumstances that prompted them have been corrected.

C. Requirements for Pass-Through Entities

All pass-through entities must:

- ◆ Collect and review financial and programmatic reports
- ◆ Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes information required in 2 CFR Section 200.331
- ◆ Evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring described 2 CFR Section 200.331
- ◆ Consider imposing additional specific subaward conditions on a subrecipient, if appropriate, and notify subrecipient, as described in 2 CFR Section 200.207

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- ◆ Monitor the activities of the subrecipient as necessary to ensure that the subaward is used for authorized purposes; that the activities are in compliance with Federal statutes, regulations, and the terms and conditions of the subaward; and that subaward performance goals are achieved. Pass-through entity monitoring of the subrecipient must include the requirement found in 2 CFR Section 200.331. Monitoring must include:
 - Reviewing financial and programmatic reports
 - Following-up and ensuring that the subrecipient takes prompt and appropriate action for any deficiencies discovered through audits, on-site reviews, and other monitoring activity
 - Issuing a management decision for audit findings as required by 2 CFR Section 200.521
 - ◆ Verify that every subrecipient is audited as required by 2 CFR Subpart F when it is expected that the subrecipient's Federal awards expended during the respective fiscal year equaled or exceeded the threshold set forth in 2 CFR Section 200.501
 - ◆ Consider whether the results of the subrecipient's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records
 - ◆ Consider taking enforcement action against noncompliant subrecipients as described in 2 CFR Section 200.338

C.1 Termination

The Federal Award may be terminated in whole or in part by FEMA or the pass-through entity if the non-Federal entity fails to comply with the terms and conditions of the award, for cause, with consent of the non-Federal entity when all parties agree with the termination conditions, or by the non-Federal entity upon sending to FEMA or the pass-through entity written notification of the termination including the reason for the termination.

C.1.1 Additional Specific Award Conditions or Terminations in the PDM and FMA Programs

FEMA will reconsider determinations of noncompliance, additional award conditions, or its decision to terminate a Federal award. The pass-through entity must send information for reconsideration to FEMA Headquarters within the time specified in the notification from FEMA. A FEMA decision will uphold or overturn a decision regarding an award based on information provided by the pass-through entity and subrecipient, and application, award, and subaward management records collected by FEMA.

D. Administrative and National Policy Requirements

This section discusses cost-share documentation, SOW changes, budget changes, program POP, requests for advances and reimbursements, program income, Federal tax income on mitigation project funds, noncompliance, and the Davis-Bacon Act.

D.1 Cost-Share Documentation

Requirements for cash and third-party in-kind contributions can be found in 2 CFR Section 200.306. Cash and third-party in-kind contributions are only allowable for eligible program costs. The following documentation is required for cash and third-party in-kind contributions:

- ◆ Identification of contributions in the cost estimate
- ◆ Record of donor
- ◆ Dates of donation
- ◆ Rates for staffing, equipment usage, supplies, etc.
- ◆ Amounts of donation or value of donation (also see 2 CFR Section 200.434)
- ◆ Deposit slips for cash contributions

Such documentation must be kept on file by the non-Federal entity.

D.2 Scope of Work Changes

Failure on the part of the pass-through entity to obtain prior written approval when required may result in the disallowance of costs. Even in cases where the pass-through entity has authority for rebudgeting (less than 10 percent of non-construction activities), if a program audit determines that the costs do not meet the required allowable and reasonable determination, the costs may be disallowed.

SCOPE CHANGE

Recipients and subrecipients must request FEMA's approval for a change in scope after the award has been made. The change must be consistent with the intent of the program. Requests must be made in writing and demonstrate the need for a change.

In accordance with 2 CFR Section 200.308, pass-through entities must obtain FEMA's prior approval whenever there is a proposed SOW change. Requests for changes to the SOW after award are permissible as long as they are consistent with the intent of the program. Requests must be made in writing and demonstrate the need for the scope change. The request also should include a revised scope, schedule, and budget. Any SOW changes are subject to all programmatic requirements, including EHP review requirements. All approvals will be at FEMA's discretion.

D.3 Budget Changes

Pass-through entities are permitted to rebudget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved budget. For more information on direct cost categories, see 2 CFR Section 200.308 and 2 CFR Subpart E. The following types of post-award changes to budgets will require the prior written approval of FEMA. When budget changes are made, all programmatic requirements continue to apply. Additional information regarding budget adjustments and revisions can be found in 2 CFR Section 200.308.

BUDGET CHANGE

In limited cases, for non-construction projects, Recipients and subrecipients are permitted to make adjustments within the approved direct cost category to meet unanticipated requirements.

D.3.1 Non-construction Projects

- ◆ Non-construction subaward adjustments of more than 10 percent in any direct cost categories where the awarding Agency's share exceeds \$100,000
- ◆ Any changes that would result in additional funding to the grant

D.3.2 Construction Projects

- ◆ All construction cost adjustments that lead to the need for additional funds
- ◆ Any changes to access contingency funds and rebudget to another direct cost category

D.3.3 Cost Overruns and Underruns

A cost overrun or underrun to a subaward can result from a scope, schedule, or budget change. The pass-through entity must notify FEMA as soon as an underrun or overrun is identified. Prior to re-directing underrun funds to overrun requests within the same award, the pass-through entity must request approval from FEMA for **PDM** and **FMA**. The pass-through entity may request additional Federal funds for identified overruns, which FEMA may approve if program funds are available. The subaward must continue to meet cost share and eligibility requirements. For projects, a new BCA may be required.

D.3.4 Contingencies

A contingency cost is an allowance in the total cost estimate to cover situations that cannot be fully defined at the time the cost estimate is prepared but that will likely result in additional eligible costs. Allowances for major project scope changes, unforeseen risks, or extraordinary events may not be included as contingency costs.

For project applications, cost estimates may include contingencies; however, the recommended total contingency range is 1 to 5 percent. Contingency costs may be raised to 7 percent for historic properties as defined under the NHPA. A Contingency cost should be included as a line item in the budget section of a project application. As with other line items in the budget, the subapplicant should justify the contingency estimate based on the nature of the proposed project. The total project cost, which may include contingencies, will be the one used to compute the BCA.

Contingency funds are not automatically available for use. Prior to their release, contingency funds must be rebudgeted to another direct cost category. Post-award changes to the budget require prior written approval from FEMA (see Part VI, D.3). The written request should demonstrate what unforeseen condition related to the project arose that required the use of contingency funds.

D.4 Program Period of Performance

The POP is the period of time during which the non-Federal entity may incur new obligations to carry out all administrative actions and award activities, and incur costs. The Federal awarding agency or pass-through entity must include start and end dates of the POP in the Federal award. The Recipient is expected to complete the Federal award activities and to incur and expend approved funds within the POP. The POP for **HMGP** begins with the opening of the application period and ends no later than 36 months from the close of the application period. The POP for the **PDM** and **FMA** programs begins with the opening of the application period and ends no later than 36 months from the date of subapplication selection.

FEMA will not establish activity completion timelines for individual subawards. Pass-through entities are responsible for ensuring that all approved activities are completed by the end of the POP award.

The POP does not include the 90-day report submission period and costs incurred during that period are not chargeable to the FEMA award. HMA Recipients and subrecipients must complete all administrative actions within the POP if they seek Federal funds to cover the costs.

D.4.1 Extensions

Requests for extensions to an award POP will be evaluated by FEMA but will not be automatically approved. The Regional Administrator can extend the POP for up to 12 months with justification. All requests to extend the award POP beyond 12 months from the original grant POP end 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 award POP and justifications must be submitted in writing. The justification must include:

- ◆ Verification that progress has been made as described in quarterly reports

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- ◆ Reason(s) for delay
 - ◆ Current status of the activity/activities
 - ◆ Current 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 updated schedule

D.5 Requests for Advances and Reimbursements

The Recipient's responsibility for an HMA grant is to process requests for advances and reimbursements of funds. The pass-through entity should establish accounting procedures to disburse money to subrecipients in a timely manner and should provide to subrecipients a POC for information on requesting and receiving the funds, records that must be maintained, forms to be used, and timelines for requesting the funds.

For **PDM** and **FMA**, the Payment and Reporting System (PARS) is used to transfer funds between FEMA and Recipients. Recipients shall submit a copy of Standard Form (SF) 425, *Federal Financial Report* (FFR), to FEMA via the eGrants system.

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 Recipients. Recipients shall submit a copy of the SF-425 to FEMA.

D.6 Program Income

FEMA encourages non-Federal entities to generate program income to help defray program costs. Program income is gross income received by the non-Federal entity directly generated by an award-supported activity or earned only as a result of the award during the award POP. Program income may be derived from use or rental of real or personal property acquired with award funds, and sale of commodities or items fabricated under the award. Subrecipients must deduct this income from total project costs as specified in 2 CFR Sections 200.80 and 200.307.

D.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.

D.8 Remedies for Noncompliance

If a pass-through entity fails to comply with Federal statutes, regulations, or terms or conditions of a Federal award, whether stated in an assurance, a State Administrative Plan or application, a notice of award, this guidance, or elsewhere, FEMA may take one or more of the following actions, as appropriate:

- ◆ Temporarily withhold cash payments pending correction of the deficiency
- ◆ 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 Federal award
- ◆ Initiate suspension or debarment proceedings
- ◆ Withhold further awards for HMA grant program(s)
- ◆ Take other remedies that may be legally available

Additional details can be found in 2 CFR Section 200.338.

D.9 Davis-Bacon Act

The Davis-Bacon and Related Acts apply to contractors and subcontractors performing on federally funded or assisted, or District of Columbia, contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Act directs the U.S. Department of Labor to determine such locally prevailing wage rates. The prevailing wage provisions apply to the “Related Acts,” under which Federal agencies assist construction projects through grants, loans, loan guarantees, and insurance.

The Davis-Bacon Act applies only to work for which FEMA contracts directly with a contractor and does not apply to Recipient/pass-through entity–contracted work.

E. Reporting Requirements

Recipients and subrecipients must maintain records of work and expenditures. Recipients 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 award. FEMA may waive the initial reports. The Recipient 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. Recipients are encouraged to contact FEMA should this occur.

Recipients must use the FFR (SF-425) and the Standard Form Performance Progress Report (SF-PPR). **PDM** and **FMA** quarterly financial reports must be submitted via PARS. The SF-PPR must be submitted for **PDM** and **FMA** grants via the *eGrants* system. The SF-PPR must be submitted for **HMGP** via NEMIS by directly entering data into the Quarterly Report module or by sending a pre-approved Excel spreadsheet. Recipients without access to NEMIS should coordinate with their Region for further guidance. Hard copies are no longer accepted.

E.1 Federal Financial Reports

Recipients shall submit a quarterly FFR. Obligations and expenditures must be reported on a quarterly basis using 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 activity occurs. Future awards and fund drawdowns 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 SF-269, SF-269A, SF-272, and SF-272A. The 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 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

For the **HMGP** program, quarterly financial reports must be submitted via SMARTLINK. For the **PDM** and **FMA** program, quarterly financial reports must be submitted via PARS.

E.2 Performance Reports

The Recipient shall submit a quarterly performance report for each award.

Performance reports should include:

- ◆ Reporting period, date of report, and Recipient POC name and contact information
- ◆ SF-PPR must be used for **PDM** and **FMA** and must be submitted via *eGrants*

-
- ◆ Project identification information, including FEMA project number (including disaster number and declaration date for **HMGP**), subrecipient, and project type using standard eGrants/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 subaward
 - ◆ 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 timelines stated in the subaward; 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 subrecipient by activity.
 - ◆ A statement of whether a request to extend the award POP is anticipated
 - ◆ Incremental funding amounts (SFM) and progress completed
 - ◆ For acquisition projects, the current status of each property for which settlement was completed in that quarter
 - ◆ Additional information as required by FEMA to assess the progress of an award

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

E.3 Final Reports

The pass-through entity must submit final reports when it determines that all administrative actions and required work have been completed. This final report may be submitted prior to the end of the POP. The pass-through entity must submit a final SF-425 and Performance Report no later than 90 days after the end date of the POP, per 2 CFR Section 200.343.

F. Closeout

This section discusses subaward and award closeout.

F.1 Subaward Closeout

As required by 44 CFR 206.438(d), the Recipient will submit a letter signed by the Governor's Representative or equivalent certifying that:

- ◆ The reported costs were incurred in the performance of eligible work
- ◆ The approved work was completed and the mitigation measure is in compliance with the provisions of the FEMA-State Agreement

Additionally, the subaward closeout request must include the following:

- ◆ Verification that any program income has been deducted from total project costs as specified in 2 CFR Section 200.307
- ◆ Final site inspection report that includes photographs of the completed project
- ◆ Final project costs, including Federal share, non-Federal share, administrative allowance (if applicable), and cost underrun and overruns
- ◆ Geospatial coordinates, in the form of latitude and longitude with an accuracy of +/- 20 meters (64 feet), have been provided for the project. For 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), must be submitted.
- ◆ Certification and documentation to support that the project was completed in compliance with environmental conditions, required permits, and applicable building codes
- ◆ Certification that the project meets NFIP insurance requirements (if applicable)
- ◆ For new or updated hazard mitigation plans, a final copy of the FEMA-approved and community-adopted plan has been submitted
- ◆ For planning-related activities, the activity is consistent with 44 CFR Part 201 or 206 (HMGP)
- ◆ Other supporting documents required by FEMA to close mitigation project types as outlined in the HMA Job Aids: (1) *Closeout Toolkit: Checklist for Hazard Mitigation Grant Program* and (2) *Closeout Toolkit: Hazard Mitigation Grant Program Subaward Closeout FAQs*

FEMA will review all closeout documentation for compliance and may send the Recipient a request for additional supporting documentation, if needed.

For project-specific requirements, see the Appendices and the Addendum to this HMA Guidance. Recipients should closeout subawards as activities are completed. In addition, as cost underruns are identified, the Recipient should submit de-obligation requests to FEMA.

F.1.1 Subrecipient Records Retention

Financial records, supporting documents, statistical records, and all other subrecipient records pertinent to a Federal award must be retained for a period of 3 years from the date of submission of the final expenditure report in accordance with 2 CFR Sections 200.333 through 200.337. There are some exceptions where the retention period may be longer than 3 years as noted in 2 CFR Sections 200.333 through 200.337 and as required by the Recipient. The following examples are the most common instances:

- ◆ When the non-Federal entity is notified in writing by FEMA, the cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to

extend the retention period, non-Federal entities must keep records for as long as indicated in the notification, which may be longer than 3 years.

- ◆ Records for real property and equipment acquired with Federal funds must generally be retained for 3 years after disposition. Records for project types where property may be acquired include safe rooms, flood risk reduction measures, and property acquisition and structural demolition/structure relocation.

For additional information about closeout for property acquisition and structure demolition or relocation projects, see Addendum, Part A.5. For additional information about closeout for mitigation reconstruction projects, see Addendum, Part D.5.

F.2 Award Closeout

The Recipient has up to 90 days following the expiration of the award POP to submit all financial, performance, and other reports required by FEMA. All administrative actions must also be completed during the award POP, except the actual submission of the required reports. The Recipient must liquidate all obligations incurred under the award no later than 90 days after the POP expiration. The closeout process for the Recipient involves the following steps:

- ◆ The Recipient ensures all subawards have been closed out as identified in Part VI, F.1.
- ◆ The Recipient reconciles/adjusts subaward costs, ensures that non-Federal share costs are documented, and ensures that all costs submitted are eligible according to the FEMA-approved SOW.
- ◆ The Recipient receives and processes cost adjustments or returns unobligated funds to FEMA via SMARTLINK or PARS. Final payment is made to the Recipient.
- ◆ The Recipient notifies FEMA that the award is ready for final closeout.
- ◆ The Recipient submits a closeout letter, signed by the GAR, to FEMA with supporting documentation, including:
 - Statement that the SOW(s) has been completed as approved
 - 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
 - SF-428, *Report on Government Property*, if applicable
 - Statement that no inventions were made or patents applied for in the implementation of the award

F.2.1 Recipient Records Retention

The Recipient must maintain the complete Federal award closeout records file for at least 3 years from the submission date of its final expenditure report in accordance with 2 CFR Sections 200.333 through 200.337. FEMA recommends that Recipients remind subrecipients of the 3-year records retention requirement and communicate the submission date of the final expenditure reports to FEMA.

FEMA retains the right to disallow costs and recover funds on the basis of a later audit or other review after closeout. FEMA must make any cost disallowance determination and notify the pass-through entity within the record retention period.

F.2.2 Update of Repetitive Loss Database

Recipients with projects that mitigate a repetitive loss property, as identified by the NFIP, must update the NFIP Repetitive Loss Database as project activities are completed:

- ◆ For acquisition and demolition or relocation projects, Recipients must provide this update when there is no longer an insurable structure on the property.
- ◆ For elevation, reconstruction, floodproofing, and localized flood control projects, Recipients must provide this update when the approved activity is complete or otherwise effective.

The NFIP defines a repetitive loss property as 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.

Note the NFIP definition of repetitive loss property described in this section is different from the FMA definition after the passage of Biggert-Waters Flood Insurance Reform Act of 2012, Section 1370. Biggert-Waters created a new definition for a repetitive loss property for FMA. For further information on repetitive loss property, see Part VIII, C.1.

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. Currently, only two access accounts are permitted per State and are reserved for the SHMO and the State NFIP Coordinator or their designee. To obtain a User Name and Password for access to Data Exchange, send an email 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 email.

To maintain accurate, up-to-date records for all repetitive loss properties mitigated as a result of HMA grant funds, FEMA requires that the Recipient 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 award funds prior to closeout. The AW-501 form and instructions for completing and submitting it can be found on the FEMA website: <http://www.fema.gov/library/viewRecord.do?id=3244>. Detailed AW-501 forms for individual repetitive loss properties can be obtained by accessing Data Exchange and selecting the link to AW-501 data after selecting to look up property by property locator or repetitive loss number.

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 prevent the release of the data to unauthorized users. When the data are 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 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 State 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
- ◆ Feasibility and effectiveness, cost-effectiveness, and EHP compliance during the application period
- ◆ The eGrants application processes

For additional technical assistance resources, including HMA application and award resources, see Part IX.C.7.

FEMA encourages Applicants and subapplicants to seek technical assistance early in the application period by contacting their appropriate FEMA Regional Office. **Table 7** shows which States are served by each FEMA Region.

Contact information for FEMA Regional Offices is provided at <http://www.fema.gov/regional-operations>.

Contact information for each SHMO is provided at <http://www.fema.gov/state-hazard-mitigation-officers>.

Table 7: FEMA Regions

FEMA Region	Serving
I	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont
II	New Jersey, New York, Puerto Rico, U.S. Virgin Islands
III	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
IV	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
V	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
VI	Arkansas, Louisiana, New Mexico, Oklahoma, Texas
VII	Iowa, Kansas, Missouri, Nebraska
VIII	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming
IX	Arizona, California, Hawaii, Nevada, American Samoa, Guam, the Northern Mariana Islands
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 the Addendum. 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 Recipient or subrecipient needs to manage an **HMGP** award is provided in Parts I through VII. This section contains supplemental guidance specific to **HMGP**.

A.1 Recipient 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, or equivalent may request that **HMGP** funding be available throughout the State, territory, or tribal area 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.

TRIBAL HMGP PRESIDENTIAL MAJOR DISASTER DECLARATION REQUEST

Per the SRIA, federally-recognized tribes can submit their own request for a Presidential major disaster declaration within their impacted areas. Because federally-recognized tribes do not follow designated State or regional boundaries, all geographic areas covered by a tribal plan will still be eligible for **HMGP** funding after a disaster, even if the area crosses State lines.

The GAR or equivalent serves as the grant administrator for all funds provided under **HMGP** (44 CFR Section 206.438(d)). The GAR responsibilities include providing technical advice and assistance to eligible subapplicants and/or subrecipients and ensuring that all potential subapplicants are aware of available assistance for the submission of all documents necessary for award.

A.2 State Administrative Plan

The State Administrative Plan is a procedural guide that details how the Recipient will administer **HMGP**. Recipients 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 Recipient
- ◆ Identify the SHMO, or equivalent
- ◆ Identify staffing requirements and resources, including a procedure for expanding staff temporarily following a disaster, if necessary
- ◆ Establish procedures to guide implementation activities, including Recipient management costs and distribution of subrecipient management costs
- ◆ Comply with 44 CFR Section 206.437

A.2.1 Designation of Recipient and State Hazard Mitigation Officer

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

A.2.2 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 mitigation planning and the implementation of mitigation activities and 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 using **HMGP** management costs.

The mitigation team may include representatives of agencies involved with emergency management, natural resources, floodplain management, environmental issues, historic preservation and archeology, 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 nonprofit 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 Recipient agency and increase the availability of resources. The mitigation team may support the Recipient agency by:

- ◆ Developing a comprehensive mitigation strategy
- ◆ Supporting development and implementation of the State Mitigation Plan
- ◆ 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
- ◆ Seeking funding for implementation of mitigation measures

A.2.3 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 with information on the application process, program eligibility, and deadlines
- ◆ Determine subapplicant eligibility
- ◆ Provide information for EHP and floodplain management reviews in conformance with 44 CFR Parts 9 and 10 (or FD 108-1)
- ◆ 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 subrecipients
- ◆ Comply with the administrative requirements of 44 CFR Part 206 and 2 CFR Part 200
- ◆ Comply with audit requirements of 2 CFR Part 200 Subpart F
- ◆ Provide quarterly progress reports to FEMA on funded mitigation activities

A.2.4 Sliding Scale

The maximum amount of **HMGP** funding available is calculated 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
- ◆ Up to 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.

A.2.5 Management Costs

The Recipient 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 subrecipient, 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 Recipient will determine the amount, if any, of management costs it will pass through to the subrecipient. FEMA has not established any minimum for what constitutes a reasonable amount.

A.2.6 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 its plan annually and must review and update the plan 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 Recipient should notify FEMA of this within 90 days of the Presidential major disaster declaration.

A.3 Program Administration by States

The SRIA amends the Stafford Act, which authorizes **HMGP**, and provides FEMA with the authority to implement the provisions of Program Administration by States (PAS) as a pilot program. It can also apply to a Presidential major disaster declaration before that date if the **HMGP** application period is still open. States or federally-recognized tribes wishing to participate in the PAS pilot may be delegated certain, traditional FEMA responsibilities.

Recipients that wish to participate in the PAS pilot may be delegated additional defined responsibilities by FEMA based on an analysis of their staffing plan, grants management and hazard mitigation experience, and demonstrated past performance. In return for assuming

additional responsibilities, Recipients will have increased control and oversight to implement their **HMGP**.

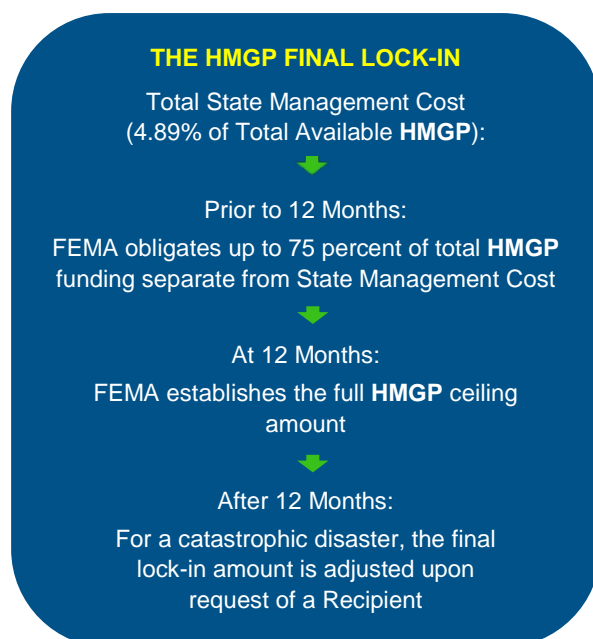
Many of the potential tasks that could be delegated to a State under PAS are already being completed by the Recipients. For example, the Recipient is responsible for preparing a BCA for project subapplications. Under the pilot program, FEMA's role would change. The current practice is that FEMA reviews and approves all applications. Under the pilot, the Recipient may opt to conduct the agreed upon reviews without seeking approval from FEMA. Additionally, under this pilot program, Recipients will have increased control of approval of SOW changes, cost overruns and underruns, reimbursement claims to subrecipient communities, and local mitigation plans. FEMA will have a reduced role but will maintain oversight responsibilities. The PAS pilot is intended to facilitate and accelerate the review and approval process.

For the PAS pilot, EHP review of **HMGP** applications and amendments, including amendments made post-award will not be delegated to the Recipients. FEMA is authorized to delegate EHP reviews to States for compliance with **HMGP** eligibility and EHP requirements. FEMA retains the final review and approval authority on the environmental impact of any proposed Federal action or undertaking. However, Recipients may assist FEMA with preparation of the EHP review. For additional information, see the *Addendum to the Hazard Mitigation Assistance Unified Guidance: Program Administration by States Pilot, Hazard Mitigation Grant Program* at <http://www.fema.gov/media-library/assets/documents/32765>. Additionally, an FAQs document on PAS is available on the HMA website.

A.4 HMGP Funding

FEMA will determine the funding it will make available for **HMGP** by a lock-in, which will act as a ceiling for funds available to a Recipient, including its subrecipients. The level of **HMGP** funding available for a given disaster is 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).

An initial estimate will be provided within 35 days of the Presidential major disaster declaration or soon thereafter, in conjunction with calculation of the preliminary lock-in amount(s) for management costs.



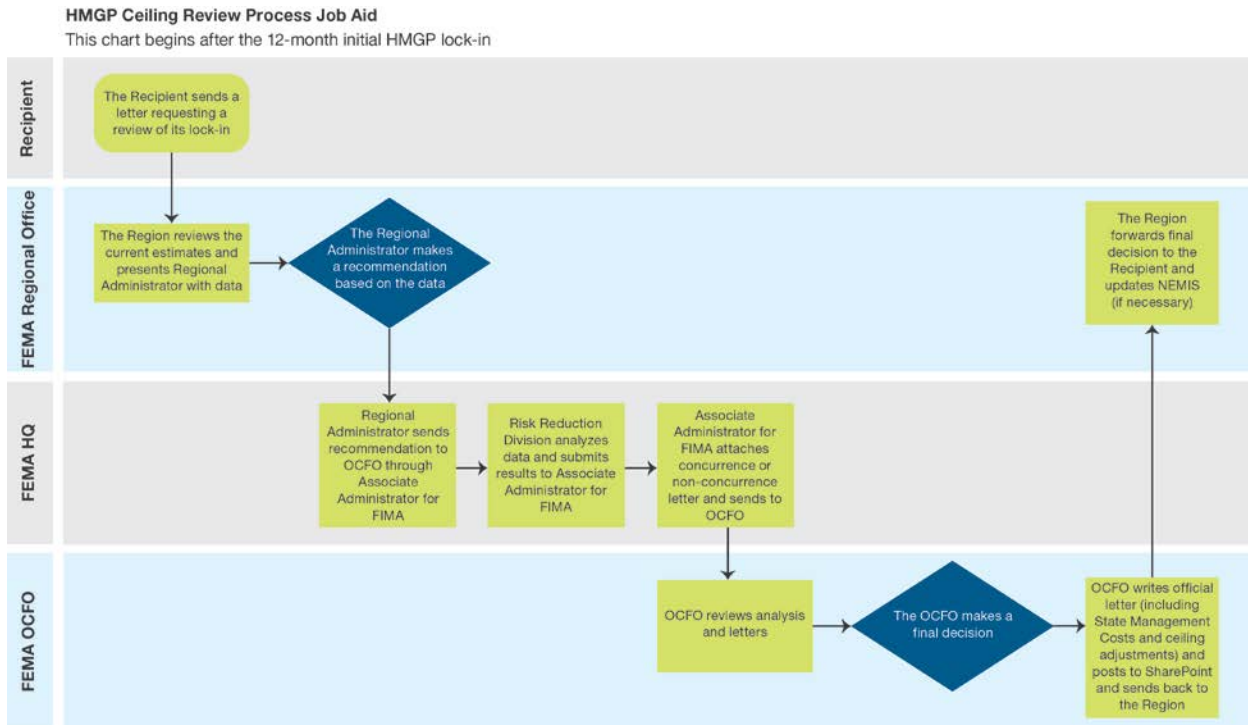
The 6-month estimate is no longer the floor or a guaranteed minimum funding for **HMGP**. The 12-month lock-in is the maximum amount available. Prior to 12 months, total obligations are limited to not more than **75 percent** of any current estimate, without the concurrence of the Regional Administrator or Federal Coordinating Officer (FCO) with Disaster Recovery Manager authority and the Office of the Chief Financial Officer (OCFO).

FEMA will establish the **HMGP** funding ceiling for each disaster at 12 months after the Presidential major disaster declaration. This amount, also known as the “lock-in” value for **HMGP**, is the maximum that FEMA can obligate for eligible **HMGP** activities. The OCFO will continue to provide **HMGP** estimates prior to 12 months; however, these estimates will not represent a minimum or floor amount.

In rare circumstances, when a catastrophic disaster has resulted in major fluctuations of projected disaster costs, FEMA, at the request of the Recipient, may conduct an additional review after the 12 month lock-in. If the resulting review shows that the amount of funds available for **HMGP** is different than previously calculated, the final lock-in amount will be adjusted accordingly.

The Recipient must justify in writing to the Regional Administrator any requests to change the amount of the lock-in or perform subsequent reviews. The Regional Administrator will recommend to the Chief Financial Officer whether to approve the change. Changes to the lock-in will not be made without the approval of the Chief Financial Officer. The Chief Financial Officer may change the amount of the lock-in if it is determined that the projections used to determine the lock-in were inaccurate to such a degree that the change to the lock-in would be material, or for other reasons in his or her discretion that may reasonably warrant such changes. The Chief Financial Officer will not make such changes without consultation with the Recipient and the Regional Administrator. The **HMGP** ceiling review process is summarized below (see **Figure 7**).

Figure 7: HMGP Ceiling Review Process



A.5 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, E.1.5. **HMGP** management costs will be provided at a rate of 4.89 percent of the **HMGP** ceiling. The Recipient, in its State Administrative Plan, will determine the amount, if any, of management costs it will pass through to the subrecipient (see Part VIII, A.2.5). 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 calculating a lock-in, which will act as a ceiling for management cost funds available to a Recipient, including its subrecipients. FEMA will determine, and provide to the Recipient, a preliminary management cost lock-in estimate at 30 days after the date of declaration (or soon thereafter). For planning purposes, FEMA will revise the lock-in amount at 6 months. FEMA will determine the final lock-in amount 12 months after the declaration, or after determination of the final lock-in ceiling, whichever is later.

Upon receipt of the initial 30-day lock-in, Recipients may request that FEMA obligate 25 percent of the estimated lock-in amount(s) to the Recipient. No later than 120 days after the date of declaration, the Recipient 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 Recipient to submit supporting documentation after 120 days.

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

The documentation for management costs must include:

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

Upon receipt of the 6-month management costs lock-in, and if the Recipient can justify a bona fide need for additional management costs, the Recipient 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 Recipient 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 change the amount of the lock-in or the cap, approve the extension, or approve an interim obligation. Changes to the lock-in, extensions, or interim obligations will not be made without the approval of the Chief Financial Officer.

The available period to expend management costs is 8 years from the declaration date. The Recipient may expend management cost funds for allowable costs for a maximum of 8 years from the date of a Presidential major disaster declaration or 180 days after the latest performance period of a non-management cost **HMGP** project expires, whichever is sooner. The period of availability may be extended only at the written justified request of the Recipient, with the recommendation of the Regional Administrator and with the approval of the Chief Financial Officer.

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

A.6 Eligible Subapplicants

In addition to the eligible subapplicants described in Part III, A, PNP organizations may act as the subapplicant for **HMGP**. PNP organizations or institutions that provide an essential government service 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
- ◆ State certification, under State law, of nonprofit 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.7 Submission of HMGP Subapplications

The Recipient must submit all **HMGP** subapplications to FEMA within 12 months of the date of the Presidential major disaster declaration. Upon written request and justification from the Recipient, FEMA may extend the application submission timeline 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. Additional time may be available based on meeting the criteria of the Stafford Act, Section 301. To qualify, the requestor must justify how the event for which the additional time is needed created the situation in which the Recipient cannot meet the regulatory administrative deadline.

Extensions beyond regulatory time limits will be considered on a case-by-case basis. Stafford Act Section 301 (Waiver of Administrative Conditions) provides relief for the rare circumstance when the magnitude of the event for which the extension is requested prevents the Recipient from meeting program administrative requirements. The Recipient must submit the request to the FIMA Associate Administrator through the Regional Administrator or, if there is a Joint Field Office, through the FCO. The Regional Administrator or FCO will provide his or her comments or concurrence and forward the request. The maximum time available is 90 days. The request must describe the conditions that preclude the Recipient from meeting the administrative requirements and must include a summary of current status, planned actions to meet the extension, and any resources that may be required. FEMA will consider the request and will provide a decision within 30 days.

A.8 Award Cost-Share Requirements

HMGP awards are required to have at least a 25 percent non-Federal cost share.

The Recipient may choose to meet the cost-share requirement by ensuring a minimum 25 percent non-Federal share for the overall **HMGP** award, rather than on an individual activity basis.

Recipients choosing this option should develop a cost-share strategy as part of their Administrative Plan for review and approval by FEMA.

If an Applicant chooses to fund individual projects with non-Federal cost shares below 25 percent, the Applicant must notify FEMA. If an Applicant intends to implement this approach, the State Administrative Plan must explain how the Applicant will:

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

If, at closeout, the non-Federal cost share of the award 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.

STRATEGIC FUNDS MANAGEMENT, PHASED PROJECTS, PRE-AWARD COSTS, AND ADVANCE ASSISTANCE

SFM is designed to provide incremental funding for eligible activities when the funds are required.

Phased projects are those that receive funding for only certain complex activities that are approved to allow the Applicant to develop a full work scope/data package to support the full project description.

Pre-award costs are eligible costs incurred by the Applicant in advance of receiving funds. These activities are reimbursed when the project is approved and funded.

Advance Assistance provides Applicants/subapplicants with resources to develop mitigation strategies and obtain data to prioritize, select, and develop complete **HMGP** applications in a timely manner.

A.9 Strategic Funds Management

SFM is a tool that FEMA uses to manage the Disaster Relief Fund more efficiently. SFM promotes fiscal responsibility and better project management by incrementally funding activities as each project milestone is reached. SFM allows FEMA to reduce the amount of unexpended obligations over time by obligating project funds when subrecipients will use them. This business practice supports FEMA's goal of maintaining Disaster Relief Fund solvency.

All pending and future **HMGP** projects over \$1 million Federal share must be reviewed to determine whether the project is a candidate for SFM. If an **HMGP** project is appropriate for SFM, FEMA and the non-Federal entities will review the budget and work schedule to ensure that the project supports incremental obligation. Obligations are executed in increments, based on the project meeting an established project milestone schedule, until the project is completed.

FEMA recognizes that certain projects may not be suitable for incremental funding.

The following projects are not required to use SFM:

- ◆ Projects with a Federal share of less than \$1 million
- ◆ Projects that require an approved source of funding (full obligation) by the State procurement process in order for the Applicant to enter procurement and contracting

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- ◆ Projects for which most of the funds will be disbursed within 6 months

Although those projects are not required for SFM, they should be evaluated because there may be some value in incremental funding. If SFM is not used on a large project, the Recipient must provide proper justification to FEMA.

For additional information, refer to the SFM toolkit at <http://www.fema.gov/media-library/assets/documents/98885>.

A.10 HMGP Disaster Spend Plan

The **HMGP** Disaster Spend Plan is a forecasting tool that FEMA uses to evaluate the funding needs of **HMGP** during a disaster. FEMA is able to manage the timing of **HMGP** project awards and ensure that funding is available for obligation of approved projects.

It is critical that the Recipient is an active participant in the Spend Plan. The Recipient identifies funding priorities for projects, forecasts funding needs for future months, and revises projections each month in coordination with FEMA. This process induces a more collaborative working relationship between FEMA and the Recipient.

A.11 Post-Disaster Code Enforcement Projects

Extraordinary post-disaster code enforcement costs may be eligible under **HMGP**. 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 the performance of Substantial Damage determinations under the NFIP. Usually, it is most advantageous for a local community to use post-disaster code enforcement during the response and recovery phase.

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

HMGP FISCAL PROCESSES

Lock-In is the amount of funding eligible to be used for **HMGP** on a given disaster and determined at 12 months after the declaration date.

Management Costs are eligible funds to be used by the Recipient to manage the disaster Awards and are finalized at the same time as the lock-in.

Disaster Spend Plan is modified monthly and reports funding needed throughout the life cycle of the disaster.

QPRs are filed quarterly and track the progress of projects programmatically as well as financially.

EXTRAORDINARY POST-DISASTER CODE ENFORCEMENT COSTS

Under certain conditions, **HMGP** will fund extraordinary post-disaster code enforcement costs. It is most advantageous for a local community to use post-disaster code enforcement during the response and recovery phase.

Extraordinary post-disaster code enforcement costs are the costs to ensure disaster-resistant codes are implemented during disaster reconstruction after the normal costs of the building department are deducted.

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- ◆ The Recipient assesses existing building code and/or zoning and land use management regulations and determines that they adequately address the identified natural hazard risks. The Recipient 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 Recipient 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 Recipient 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 subaward. This agreement can be a simple statement attached to the evaluation and should include an implementation schedule that is mutually satisfactory to the Recipient, the subrecipient, and FEMA. The agreement should include an acknowledgment by the subrecipient 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 assessment 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
- ◆ Requesting FEMA technical assistance regarding building codes and proper building department administration (former local building officials can often provide the requisite knowledge)
- ◆ Requesting the Hazard Mitigation Technical Assistance Program

HMGP funds only extraordinary post-disaster code enforcement costs. Extraordinary post-disaster code enforcement costs are the costs to ensure disaster-resistant 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 include Federal, State, or local disaster declarations. If a community has already received Federal assistance for meeting emergency building inspection needs (such as determining habitability), these costs must be deducted in determining extraordinary costs.

A.12 Advance Assistance

Advance Assistance is authorized by the SRIA, which allows advancing up to 25 percent of the **HMGP** ceiling or \$10 million to Applicants and subapplicants, whichever is less. The purpose of Advance Assistance is to provide States and federally-recognized tribes with resources to develop mitigation strategies and obtain data to prioritize, select, and develop complete **HMGP** applications in a timely manner. FEMA expects Applicants and subapplicants that receive Advance Assistance to submit complete project applications up to or over the **HMGP** ceiling by the application deadline.

ADVANCE ASSISTANCE

FEMA may provide up to 25 percent (with a limit of \$10 million) of the amount of estimated **HMGP** costs to Applicants and subapplicants in advance of incurring eligible costs.

FEMA expects States that receive Advance Assistance to submit complete project applications up to or over the available **HMGP** ceiling by the final **HMGP** project application deadline.

FEMA will continue to implement Advance Assistance on a pilot basis for any State or federally-recognized tribe having a declaration with an open application period. Advance Assistance is not automatic. States and federally-recognized tribes may request Advance Assistance by submitting an **HMGP** application form to the Regional Mitigation Division Director. The application must identify the proposed use of the funds, including costs in sufficient detail for each proposed activity and milestones for submitting completed **HMGP** applications to FEMA. Advance Assistance is subject to the **HMGP** cost-share requirements and SFM (i.e., FEMA will not obligate funds until the Recipient has an immediate need for the funds). Advance Assistance is part of the **HMGP** ceiling amount.

Applicants and subapplicants may use Advance Assistance for the following activities:

- ◆ Obtain staff or resources to develop a cost-share strategy and identify potential match funding
- ◆ Evaluate facilities or areas to determine appropriate mitigation actions
- ◆ Incorporate EHP considerations early into program decisions
- ◆ Collect data for BCAs, EHP compliance, and other program requirements

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- ◆ Scope and prioritize hazard mitigation projects (including State coordination of local projects) to incorporate sustainability, resilience, and renewable building concepts
 - ◆ Develop hazard mitigation projects, including engineering design and feasibility actions
 - ◆ Incorporate SFM principles into mitigation project work schedules and budgets that will facilitate compliance with the legislative requirement to expend obligated funds within 24 months
 - ◆ Conduct meetings, outreach, and coordination with potential subapplicants and community residents to identify potential participants for property acquisition and demolition or relocation projects
 - ◆ Conduct engineering design and feasibility studies for larger or complex community drainage projects or critical facility retrofits (such as for phased projects)
 - ◆ Conduct hydrologic and hydraulic studies for unmapped flood zones or Approximate Zone A areas where communities propose to submit hazard mitigation projects
 - ◆ Perform professional cost estimation services to aid consistency in project budgeting across subapplications
 - ◆ Rectify data consistency needs for other project application categories, such as EHP compliance, cost-sharing mechanisms, and work schedules
 - ◆ Complete necessary documents for deed restricting properties such as acknowledgement of voluntary participation or *Model Acknowledgement of Conditions for Mitigation of Property in a Special Flood Hazard Area with FEMA Grant Funds* for property acquisition projects

Requirements and deliverables associated with Advance Assistance and resulting **HMGP** applications may include:

- ◆ **Documentation of Advance Assistance Accomplishments:** Applicants and subapplicants must submit documentation to FEMA to support that they accomplished all activities listed in their Advance Assistance application.
- ◆ **Submission of Projects up to the HMGP Ceiling:** FEMA expects States that receive Advance Assistance to submit complete project applications up to or over the available **HMGP** ceiling by the final **HMGP** project application deadline.
- ◆ **Accounting for Use of Advance Assistance Funds:** For accounting and audit purposes, the State must submit sufficient financial detail to demonstrate that no costs claimed under Advance Assistance are duplicated in subsequent **HMGP** project applications or in State Management Cost budgets.
- ◆ **Documentation of EHP Considerations:** The Applicant and subapplicant must document that effects to environmental and historic resources were considered early in the planning and project scoping processes. This requirement is in addition to ensuring EHP compliance.

For additional information on Advance Assistance, see HMA Job Aid (*Hazard Mitigation Grant Program Advance Assistance Pilot - Optional Application*).

A.13 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.2 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 EHP 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, EHP, 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 EHP 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.

A.13.1 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. The subapplicant must be 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:** An initial review to identify major EHP compliance issues and information needs is required to complete the formal review process. The Phase I study is categorically excluded from NEPA review.

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- ◆ **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.

A.13.2 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 on 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.
- ◆ **EO 11988:** If applicable, based on 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 on 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 all the 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 requirements before Phase II approval.

A.13.3 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.14 The 5 Percent Initiative

Some mitigation activities are difficult to evaluate using FEMA-approved cost-effectiveness methodologies. Up to 5 percent of the total **HMGP** funds may be set aside by the Recipient to pay for such activities. These funds are not eligible to be used in situations where the mitigation

activities can be evaluated under FEMA-approved cost-effectiveness methodologies but do not meet the required BCA threshold.

To be eligible for the 5 Percent 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) Mitigation Plans and local mitigation plans
- ◆ 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 Percent 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 generators or related equipment, such as generator hook-ups
- ◆ Hazard identification or mapping and related equipment for the implementation of mitigation activities
- ◆ Acquisition of GIS software, hardware, and data whose primary aim is mitigation
- ◆ Public awareness or education campaigns about mitigation
- ◆ Evaluation of model building codes in support of future adoption and/or implementation

A.14.1 Availability of Additional Funds for Mitigation Activities

FEMA allows increasing the 5 Percent Initiative amount up to 10 percent for a Presidential major disaster declaration at the discretion of the Recipient. The increased initiative funding can be used for activities that address promoting disaster-resistant codes for all hazards. To qualify for this funding, the Recipient or subrecipient must agree to adopt and promote disaster-resistant codes or improve their BCEGS rating during the POP. The Recipient must document the increase in BCEGS prior to the closeout of the project award.

ADDITIONAL 5 PERCENT INITIATIVE FUNDING

The additional 5 percent set-aside for tornadoes and high winds has been modified to address all hazards and to promote resilience through the use of disaster-resistant building codes.

The additional funds can be used for following activities:

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- ◆ Adopting and enforcing the latest International Building Code/International Residential Code
 - ◆ Improving a BCEGS score
 - ◆ Upgrading existing code to incorporate disaster-resistant code provisions
 - ◆ Integrating flood-resistant elements of the building code into local floodplain management ordinances

A.15 Appeal Process

An eligible subapplicant, subrecipient, or Recipient may appeal any FEMA determination regarding subapplications or applications submitted for funding under **HMGP**. FEMA will only consider written appeals that justify 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 originated with the Recipient or with a subapplicant/subrecipient, the appeal must be submitted in writing to the Regional Administrator by the Recipient. The Regional Administrator is the decision-maker on first appeals. An appeal of the Regional Administrator's decision on any first appeal (the second appeal) is decided by the Deputy Associate Administrator for Mitigation. 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.

To begin the appeal process (including second appeals), appellants must submit documentation within 60 days after receiving the initial notice of the action on the first appeal. The Recipient must forward all appeals from a subapplicant/subrecipient with a written recommendation to the Regional Administrator within 60 days of receipt. The Region will forward second appeals with recommendation and associated documentation to FEMA Headquarters. Within 90 days following the receipt of an appeal, FEMA will notify the Recipient 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 Recipient in writing of the disposition of the appeal.

FEMA will provide its decision to the Recipient 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 and in the HMA Job Aid (*Second Appeal Job Aid for the Hazard Mitigation Grant Program*).

B. Pre-Disaster Mitigation Program

Most of the information that an Applicant or subapplicant needs to apply for a **PDM** award or that a Recipient or subrecipient needs to manage a **PDM** award is provided in Parts I through VII. This section contains supplemental guidance specific to **PDM**.

B.1 Allocation

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

B.2 Small Impoverished Communities

Small and impoverished communities may receive a Federal cost share of up to 90 percent of the total amount approved under the Federal 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 Applicant as a rural community that is not a remote area within the corporate boundaries of a larger city or jurisdictional area or boundary
- ◆ 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 on the national income, see <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 unemployment information, see <http://www.bls.gov/eag/eag.us.htm>.
- ◆ Meet other criteria required by the Applicant

Applicants must certify and provide documentation of the community or jurisdictional 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 and must be identified separately in the cost estimate.

B.4 Applicant Ranking of Subapplications

Applicants must rank each subapplication included in their grant application in order of their priority for funding. Each subapplication must be assigned a unique rank in *eGrants*. 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 Selection

FEMA will consider subapplications for further review based on Applicant rank. 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 the Applicant's compliance with FEMA-requested pre-award activities is not considered notification or guarantee of an 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 Recipient or subrecipient needs to manage an **FMA** award is provided in Parts I through VII. This section contains supplemental guidance specific to **FMA**.

C.1 Eligible Properties

Properties included in a project subapplication for **FMA** funding must be NFIP-insured at the time of the application submittal and prior to the period of availability or application start date. Flood insurance must be maintained through completion of the mitigation activity and for the life of the structure.

To receive an increased Federal cost share, properties must meet one of the definitions below (consistent with the legislative changes made in the Biggert-Waters Flood Insurance Reform Act of 2012):

- ◆ **A severe repetitive loss property** is a structure that:
 - (a) Is covered under a contract for flood insurance made available under the NFIP
 - (b) Has incurred flood related damage –
 - (i) For which 4 or more separate claims payments (includes building and contents) have been made under flood insurance coverage with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000
 - or
 - (ii) For which at least 2 separate claims payments (includes only building) have been made under such coverage, with the cumulative amount of such claims exceeding the market value of the insured structure
- ◆ **A repetitive loss property** is a structure covered by a contract for flood insurance made available under the NFIP that:
 - (a) Has incurred flood-related damage on 2 occasions, in which the cost of the repair, on the average, equaled or exceeded 25 percent of the market value of the structure at the time of each such flood event
 - and
 - (b) At the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage

The Biggert-Waters Flood Insurance Reform Act of 2012 cites the repetitive loss structure definition located in Section 1370 of the Flood Insurance Act. This is the definition that communities typically reference when trying to determine eligibility for ICC when a property has sustained multiple losses that cumulatively equal or exceed 50 percent of the structure's

value. For a structure to be eligible for the increased Federal cost share of 90 percent, a property must meet the **FMA** repetitive loss definition in the Biggert-Waters Flood Insurance Reform Act of 2012.

C.2 Repetitive Loss Strategy

To be eligible for an increased Federal cost share, a FEMA-approved State or Tribal (Standard or Enhanced) Mitigation Plan that addresses repetitive loss properties must be in effect at the time of Federal award and the property that is being submitted for consideration must be a repetitive loss property. 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, F.2.2.

C.3 Cost Sharing

Consistent with the legislative changes made in the Biggert-Waters Flood Insurance Reform Act of 2012, cost-share availability under **FMA** depends on the type of properties included in the subapplication. For example, severe repetitive loss properties may receive up to 100 percent Federal funding and repetitive loss properties may receive up to 90 percent Federal funding. FEMA contributions to the Federal share are as follows:

- ◆ In the case of mitigation activities to severe repetitive loss structures:
 - FEMA may contribute up to 100 percent Federal funding of all eligible costs, if the activities are technically feasible and cost effective.
 - The expected savings to the NFIF from expected avoided damage through acquisition or relocation activities, if the activities will eliminate future payments from the NFIF for severe repetitive loss structures through an acquisition or relocation activity.
 - Under **FMA**, acquisition or relocation projects may utilize the GSTF as an alternative when projects are not cost effective using other techniques (i.e., BCA, pre-calculated benefits). This means property owners may voluntarily elect to accept the GSTF calculation in lieu of the market value of the structure, not to exceed the GSTF value, as the Federal cost share contribution. For example, if a severe repetitive loss property has a GSTF of \$75,000 and a BCR of 0.52 using the FEMA BCA Toolkit (\$100,000 in future losses avoided and \$189,000 in project costs), they may choose to accept the GSTF value of \$75,000 even though the project is not cost effective.

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- Additional information on GSTF is available in Part IV, I.5.
 - ◆ In the case of mitigation activities to repetitive loss structures, FEMA may contribute up to 90 percent Federal funding of all eligible costs.
 - ◆ In the case of all other mitigation activities, FEMA may contribute up to 75 percent Federal funding of all eligible costs.

Structures with varying cost-share requirements can be submitted in one application. Applicants must provide documentation in the project application showing how the final cost share was derived. The final cost share will be entered into the *eGrants* system and documentation showing how the final cost share was derived must be attached to the application.

C.4 Applicant Ranking of Subapplications

Applicants must rank each subapplication included in their grant application in order of priority for funding. Each subapplication must be assigned a unique rank in *eGrants*. 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.

C.5 Selection

FEMA will identify subapplications for further review based on a number of criteria, including but not limited to savings to the NFIF, Applicant rank, and property status (e.g., repetitive loss property, severe repetitive loss property). FEMA also may identify a subapplication for further review out of rank order based on considerations such as program priorities, available funds, and other factors.

FEMA will notify Applicants whose subapplications are identified for further review. However, this notification and the Applicant's compliance with FEMA-requested pre-award activities is not considered notification or guarantee of an award.

C.6 Failure to Make Federal Award within 5 Years

Any subapplication not awarded within 5 years of the date of the application is considered to be denied. Any funding amounts allocated for such applications will remain in the NFIF and will be made available for future awards.

PART IX. APPENDICES

A. Acronyms

ASCE	American Society of Civil Engineers
BCA	Benefit-Cost Analysis
BCEGS	Building Code Effectiveness Grading Schedule
BCR	Benefit-Cost Ratio
BFE	Base Flood Elevation
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CFDA	Catalog of Federal Domestic Assistance
CFR	Code of Federal Regulations
CRS	Community Rating System
CWA	Clean Water Act
DHS	Department of Homeland Security
DOB	Duplication of Benefits
DOP	Duplication of Programs
EHP	Environmental Planning and Historic Preservation
EO	Executive Order
EOC	Emergency Operation Center
ESA	Endangered Species Act
FAR	Federal Acquisition Regulations
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FF	FEMA Form
FFE	Finished Floor Elevation
FFR	Federal Financial Report
FIMA	Federal Insurance and Mitigation Administration
FIRM	Flood Insurance Rate Map
FMA	Flood Mitigation Assistance
GAR	Governor's Authorized Representative

GIS	Geographic Information System
GSTF	Greatest Savings to the Fund
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program
IA	Individual Assistance
ICC	Increased Cost of Compliance
IDEA	Individuals with Disabilities Education Act
IRS	Internal Revenue Service
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
OCFO	Office of the Chief Financial Officer
OMB	Office of Management and Budget
OPA	Otherwise Protected Area
PA	Public Assistance
PAS	Program Administration by States
PARS	Payment and Reporting System
PDM	Pre-Disaster Mitigation
PNP	Private Nonprofit
PPD-8	Presidential Policy Directive 8
POC	Point of Contact
POP	Period of Performance
QPR	Quarterly Progress Reporting
RFI	Request for Information
Risk MAP	Risk Mapping, Assessment, and Planning
SEI	Structural Engineering Institute
SF	Standard Form
SFHA	Special Flood Hazard Area

SFM	Strategic Funds Management
SF-PPR	Standard Form Performance Progress Report
SHMO	State Hazard Mitigation Officer
SLR	Sea Level Rise
SOW	Scope of Work
SRIA	Sandy Recovery Improvement Act of 2013
Stafford Act	Robert T. Stafford Disaster Relief and Emergency Assistance Act
TB	Technical Bulletin
URA	Uniform Relocation Assistance
U.S.C.	United States Code

B. Glossary

Access and Functional Needs: Circumstances that are met for providing physical, programmatic, and effective communication access to the whole community by accommodating individual requirements through universal accessibility and/or specific modifications. Access and functional needs include assistance, accommodation, or modification for mobility, communication, transportation, safety, health maintenance, etc.; and assistance, accommodation, or modification due to any situation (temporary or permanent) that limits an individual's ability to take action in an emergency.

Adverse Impact: In general terms related to Environmental Planning and Historic Preservation (EHP) laws, a negative impact (e.g., loss, destruction, modification) to an environmental or historic resource that can have a direct, indirect, or cumulative effect on that resource. Impacts may be short term or long term in duration.

Applicant: The entity, such as a State, territory, or federally-recognized tribe, applying to the Federal Emergency Management Agency (FEMA) for a Federal award that will be accountable for the use of the funds. Once funds are awarded, the Applicant becomes the Recipient or pass-through entity or both.

Approximate Zone A: An area subject to inundation by the 1-percent-annual-chance flood event. Because detailed hydraulic analyses have not been performed, no Base Flood Elevations (BFEs) or flood depths are shown.

Award: A grant of financial assistance for a specified purpose by the Federal government to an eligible Recipient.

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 Flood Insurance Rate Map (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 damage 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.

Biomass: Biological material derived from living or recently living organisms.

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 letter from the appropriate local, State, territory, federally-recognized tribe, or Federal entity determining that no further remedial action is required to protect human health or the environment.

Coastal Barrier Resources Act (CBRA): This Act passed in 1982 and amended in 1990 aims to remove the Federal incentive to allow for development within coastal barrier areas within the United States, Puerto Rico, and the U.S. Virgin Islands, as well as preserve the ecological integrity of areas that serve as storm buffers. The Act designates Coastal Barrier Resources System (CBRS) units and made these areas ineligible for most Federal expenditures and financial assistance, including Federal flood insurance; the law does provide for funding exceptions within Section 6. The law also designates Otherwise Protected Areas (OPAs) for which only flood insurance is prohibited.

Coastal Barrier Resources 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. Flood insurance is unavailable in these areas unless exceptions of Section 6 of CBRA apply. CBRS units are identified on FEMA Flood Insurance Rate Maps (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.

Combustible material: Any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn or will add appreciable heat to an ambient fire.

Community Rating System (CRS): A program developed by FEMA to provide incentives for those communities in the National Flood Insurance Program (NFIP) that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Cost-effectiveness: Determined by a systematic quantitative method for comparing the costs of alternative means of achieving the same stream of benefits for a given objective. The benefits in the context of hazard mitigation are avoided future damage and losses. Cost-effectiveness is determined by performing a BCA.

Critical action: An action for which even a slight chance of flooding is too great. The minimum floodplain of concern for critical actions is the 500-year floodplain, i.e., critical action floodplain. Critical actions include, but are not limited to, those which create or extend the useful life of structures or facilities such as:

- ◆ Those which produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials
- ◆ Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events
- ◆ Emergency Operation Centers (EOCs) or data storage centers, which contain records or services that may become lost or inoperative during flood and storm events
- ◆ Generating plants and other principal points of utility lines

Critical facilities: Structures and institutions necessary, in the community's opinion, for response to and recovery from emergencies. Critical facilities must continue to operate during and following a disaster to reduce the severity of impacts and accelerate recovery. These would include, but not be limited to:

- ◆ Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, and/or chemically-reactive materials
- ◆ Hospitals, nursing homes, and housing likely to have occupants who may not be sufficiently mobile to avoid injury or death during an emergency
- ◆ Police stations, fire stations, vehicle and equipment storage facilities, and EOCs that are needed for emergency response activities before, during, and after the event
- ◆ Public and private utility facilities that are vital to maintaining or restoring normal services to affected areas before, during, and after the event
- ◆ Other structures or facilities the community identifies as meeting the general criteria above

This definition is for HMA program use and clarification and is not meant to provide a definition for use under other programs or supersede any FEMA regulation.

Defensible space: An area that is either natural or manmade, where material capable of allowing a fire to spread unchecked has been treated, cleared, or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire-suppression operations to occur.

Direct costs: Costs that can be identified specifically with a particular final cost objective, such as a Federal award or cost that can be linked to a specific project.

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 benefits: Direct or indirect contributions that ecosystems make to the environment and human populations. For FEMA BCA, certain types of environmental benefits may be realized when homes are removed and land is returned to open space uses. Benefits may include flood hazard reduction; an increase in recreation and tourism; enhanced aesthetic value; and improved erosion control, air quality, and water filtration.

Equipment: Tangible personal property (including information technology systems) having a useful life of more than 1 year and a per-unit acquisition cost that equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000.

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 award: The Federal financial assistance that a non-Federal entity receives directly from FEMA or indirectly from a pass-through entity or the instrument such as the FEMA-State Agreement, cooperative agreement, or other agreement setting forth the terms and conditions of the financial assistance.

Federal award date: The date when the Federal award is signed by the authorized official of the Federal awarding agency.

Federal awarding agency: The Federal agency that provides a Federal award directly to a non-Federal entity.

Federally-recognized tribe: The governing body of any 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 et seq. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Firebreak: A strip of cleared land that provides a gap in vegetation or other combustible material that is expected to slow or stop the progress of a wildfire.

Fire-proofing: Removal or treatment of fuels to reduce the danger of fires igniting or spreading (e.g., fire-proofing roadsides, campsites, structural timber).

Fire-resistant material: Material that has a property that prevents or retards the passage of excessive heat, hot gases, or flames under conditions of use.

Fire retardant: A chemical applied to lumber or other wood products to slow combustion and flame spread.

Fire Severity Zone: Three concentric zones around a building used to determine the most effective design for defensible space.

Flammability: The relative ease with which fuels ignite and burn regardless of the quantity of the fuels.

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: Freeboard is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Fuel break: A natural or manmade change in fuel characteristics that affects fire behavior so that fires burning into them can be more readily controlled.

Fuel condition: Relative flammability of fuel as determined by fuel type and environmental conditions.

Governor’s Authorized Representative (GAR): The individual, designated by the Governor, who serves as the grant administrator for all funds provided under the Hazard Mitigation Grant Program (HMGP); the person empowered by the Governor to execute, on behalf of the State, all necessary documents for disaster assistance.

Green open space: Green open space is land that does not directly touch a natural body of water, such as a river, lake, stream, creek, or coastal body of water.

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.

Hazardous fuels reduction: An activity in an area strategically located in relation to predicted fire hazard and occurrence for which the vegetation has been permanently modified or replaced so that fires burning into it can be more easily controlled (e.g., vegetation management activities).

HMGP lock-in ceiling: The level of **HMGP** funding available to a Recipient 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.

Ignition-resistant construction: Construction standards based on use of fire-resistant materials, non-combustible materials, and 1-hour fire-rated assemblies.

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 tribe: The governing body of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (25 U.S.C. 450b(e)). This definition is for HMA program use and clarification and is not meant to provide a definition for use under other programs or supersede any FEMA regulations.

Indirect cost: Costs incurred for a common or joint purpose benefitting more than one cost objective, and not readily assignable to the cost objectives specifically benefited, without effort disproportionate to the results achieved.

Indirect cost rate: Percentage established by a Federal department or agency for a non-Federal entity to use in computing the dollar amount it charges to the award to reimburse itself for indirect costs incurred in doing the work of the award activity.

Local government: Per 44 CFR 201.2, Local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization that is not a federally-recognized tribe; and any rural community, unincorporated town or village, or other public entity.

Management costs: Any indirect costs, administrative expenses, and any other expenses not directly chargeable to a specific project that are reasonably incurred by a Recipient or subrecipient in administering and managing an award or subaward 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): Federal program that 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-combustible material: Material of which no part will ignite and burn when subjected to fire, such as any material conforming to ASTM International Standard E136.

Non-Federal cost share: The portion of the costs of a federally assisted project or program not borne by the Federal Government.

Non-Federal entity: A State, local government, federally-recognized tribe, or private nonprofit organization that carries out a Federal award as a Recipient or subrecipient (or a grantee or subgrantee as referenced in the previous guidance).

Nonflammable: Material unlikely to burn when exposed to flame under most conditions.

Non-Federal funds: Financial resources provided by sources other than the Federal Government. The term does not include 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.

Office of Environmental Planning and Historic Preservation: A FEMA office that 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 EHP laws and Executive Orders; and provides EHP technical assistance to FEMA staff, local, State, and Federal partners, and Recipients and subrecipients.

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.

Pass-through entity: A non-Federal entity that provides a subaward to a subrecipient to carry out part of a Federal program.

Period of performance (POP): The time during which the non-Federal entity may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the POP in the Federal award.

Pile burning: Piling removed vegetation into manageable piles and burning the individual piles during safe and approved burning conditions.

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.

Practicable: An action that is capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of all pertinent factors, such as environment, cost, and technology.

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.

Prescribed burning: The deliberate and managed use of fire ignited by management actions to meet specific fuels management objectives.

Presidentially declared 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 that, in the determination of the President, causes damage of sufficient severity and magnitude to warrant 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.

Private nonprofit (PNP): Any nongovernmental agency or entity that currently has (i) an effective ruling letter from the Internal Revenue Service 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 nonprofit 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 (PA): Supplementary Federal assistance provided under the Stafford Act to State and local governments or certain PNP 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 PA.

Recipient: A non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. The term Recipient does not include subrecipients.

Replacement cost value: The cost to replace property with materials of like kind and quality, without any deduction for depreciation.

Riparian area: The land that directly abuts a natural body of water, such as a river, lake, stream, creek, or coastal body of water.

Slash: The accumulation of vegetative materials such as tops, limbs, branches, brush, and miscellaneous residue results from forest management activities such as thinning, pruning, timber harvesting, and wildfire hazard mitigation.

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 point of contact with FEMA, other Federal agencies, and local units of government in the planning and implementation of pre- and post-disaster mitigation activities.

Structural fire protection: The protection of homes or other buildings from wildland fire.

Subapplicant: The entity, such as a community/local government, federally-recognized tribe, or PNP, that submits a subapplication to the Applicant for FEMA assistance. Once funding is awarded, the subapplicant becomes the “subrecipient.”

Subaward: An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subrecipient: A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a Recipient of other Federal awards directly from a Federal awarding agency.

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.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “Substantial Damage,” regardless of the actual repair work performed.

Termination: The Federal award may be terminated, in whole or in part, by the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of the award:

- ◆ For cause
- ◆ With the consent of the non-Federal entity, in which case the two parties must agree to the terms and conditions
- ◆ By the non-Federal entity, upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for termination, the effective date, and the portion to be terminated in the case of partial termination. The award may be wholly terminated where the Federal awarding agency or pass-through entity determines an award modified by a partial termination will not accomplish the purposes for which it was made.

Whole Community: The National Mitigation Framework addresses individuals, nonprofit entities and nongovernmental organizations, the private sector, communities, critical infrastructure interests, governments, and the Nation as a whole. Engaging the whole community is critical to success, and individual and community preparedness is a key component. The whole community includes children; individuals with disabilities and others with access and functional needs; those from religious, racial, and ethnically diverse backgrounds; and people with limited English proficiency. Their contributions must be integrated into mitigation/resilience efforts, and their needs must be incorporated as the whole community plans and executes its core capabilities.

Wildfire: An uncontrolled fire spreading through vegetative fuels, exposing and possibly consuming structures.

Wildland-Urban Interface Area: That geographical area where structures and other human development meet or intermingle with wildland or vegetative fuels.

All terms not listed above are used consistent with the term definitions used in 44 CFR unless otherwise specified.

C. Additional Resources

Description	Web Link or Contact Information
1. National Flood Insurance Program Resources	
National Flood Insurance Program (NFIP)	http://www.floodsmart.gov
Floodplain Management	http://www.fema.gov/national-flood-insurance-program
Map Service Center	http://msc.fema.gov Telephone: (877) FEMA-MAP (336-2627)
Flood Insurance Rate Maps (FIRMs)	https://www.fema.gov/floodplain-management/flood-insurance-rate-map-firm
Flood Insurance Studies (FISs)	https://www.fema.gov/floodplain-management/flood-insurance-study
FEMA NFIP Repetitive Loss Update Worksheet, Form AW-501	http://www.fema.gov/national-flood-insurance-program-1/mitigated-properties-updates
2. Mitigation Planning and Risk Assessment Resources	
Hazard Mitigation Planning Overview	http://www.fema.gov/hazard-mitigation-planning-overview
Local Mitigation Planning Handbook (FR302-094-1)	http://www.fema.gov/library/viewRecord.do?id=7209
Local Mitigation Plan Review Guide	http://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=4859
Mitigation Planning Laws, Regulations, & Guidance	http://www.fema.gov/mitigation-planning-laws-regulations-guidance
Tribal Multi-Hazard Mitigation Planning Guidance	https://www.fema.gov/media-library/assets/documents/18355
Mitigation Ideas: A Resource for Reducing Risk to Natural Hazards	http://www.fema.gov/library/viewRecord.do?id=6938
Integrating Hazard Mitigation Into Local Planning: Case Studies and Tools for Community Officials	http://www.fema.gov/library/viewRecord.do?id=7130
Mitigation Planning How-To Guides (FEMA)	https://www.fema.gov/media-library/resources-documents/collections/6
Hazard Mitigation Planning Risk Assessment	http://www.fema.gov/hazard-mitigation-planning-risk-assessment
IS-318: Mitigation Planning for Local and Tribal Communities	http://training.fema.gov/EMIWeb/IS/courseOverview.aspx?code=is-318
IS-328: Plan Review for Local Mitigation Plans	http://training.fema.gov/EMIWeb/IS/courseOverview.aspx?code=IS-328
Hazus	http://www.fema.gov/hazus
U.S. Geological Survey National Map	http://nationalmap.gov/
U.S. Geological Survey Natural Hazards	http://www.usgs.gov/natural_hazards/

Description	Web Link or Contact Information
3. Benefit-Cost Analysis Resources	
BCA Software and Helpline	Telephone: 1-855-540-6744 Email: bchelp@fema.dhs.gov
Program Guidelines, Methodologies, Software Modules, and Training Materials	http://www.fema.gov/benefit-cost-analysis
BCA Policies	http://www.fema.gov/benefit-cost-analysis
4. Feasibility and Effectiveness Resources	
Helpline for guidance on FEMA Building Science publications	Email: FEMA-BuildingScienceHelp@fema.dhs.gov
Helpline for guidance on FEMA Safe Room publications	Email: Saferoom@fema.dhs.gov
Building Science	https://www.fema.gov/building-science
Engineering Case Studies	http://www.fema.gov/grant-applicant-resources
Property Acquisition Projects	http://www.fema.gov/library/viewRecord.do?id=1861
Structure Elevation Projects	http://www.fema.gov/library/viewRecord.do?id=1862
Minor 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
5. Environmental Planning and Historic Preservation Resources	
PPD-8 (Definition of Resilience)	http://www.dhs.gov/presidential-policy-directive-8-national-preparedness
President's Climate Action Plan	http://www.whitehouse.gov/sites/default/files/image/president27/sclimateactionplan.pdf
Environmental Planning and Historic Preservation (EHP) Program	http://www.fema.gov/environmental-planning-and-historic-preservation-program
EHP Helpline	Telephone: (866) 222-3580 Email: ehhelp@fema.dhs.gov
EHP Guidance for FEMA Grant Applicants	http://www.fema.gov/environmental-planning-and-historic-preservation-program/environmental-historic-preservation-1
EHP eLearning Tool	http://www.fema.gov/environmental-planning-and-historic-preservation-program/elearning-tool-fema-grant-applicants-45
EHP Policies	http://www.fema.gov/hazard-mitigation-assistance-policy
IS-253.A: Overview of FEMA's EHP Review	http://training.fema.gov/EMIWeb/IS/IS253a.asp
EHP Resources At-a-Glance: Laws, Rules and Tools	http://www.fema.gov/media-library/assets/documents/30805
EHP at-a-Glance Guide for Project Planning	http://www.fema.gov/media-library/assets/documents/26621
Historic Properties and Hazard Mitigation Planning	http://www.fema.gov/environmental-planning-and-historic-preservation-program/integrating-historic-property-cultural
NFIP and Historic Properties	http://www.fema.gov/media-library/assets/documents/13411

Description	Web Link or Contact Information
National Register of Historic Places	http://www.nps.gov/nr/
6. eGrants and NEMIS (HMGP) Resources	
FEMA Enterprise Service Desk – for HMGP (NEMIS-MT) issues	Telephone: (888) HLP-FEMA (1-888-457-3362) Email: fema-enterprise-service-desk@fema.dhs.gov
FEMA eGrants Helpdesk	Telephone: (877) 611-4700
eGrants Applicant Resources	http://www.fema.gov/application-development-process/grant-applicants-resources
eGrants Subapplicant Resources	http://www.fema.gov/subgrant-applicants-resources
eGrants Applicant Quick Reference Guide	http://www.fema.gov/library/viewRecord.do?id=3266
eGrants Subapplicant Quick Reference Guide	http://www.fema.gov/library/viewRecord.do?id=3267
eGrants System for Grant Applicants online course (IS-31)	http://training.fema.gov/EMIWeb/IS/is31a.asp
eGrants System for Subgrant Applicants online course (IS-30)	http://training.fema.gov/EMIWeb/IS/is30a.asp
eGrants Internal System online course (IS-32)	http://training.fema.gov/EMIWeb/IS/courseOverview.aspx?code=is-32
MT eGrants Internal Quick Reference Guide	http://www.fema.gov/library/viewRecord.do?fromSearch=fromsearch&id=5885
NEMIS-MT Frequently Asked Questions:	http://www.fema.gov/library/viewRecord.do?id=4913
NEMIS-MT User Manual	http://www.fema.gov/library/viewRecord.do?id=4909
7. HMA Application and Award Resources	
HMA Overview	http://www.fema.gov/hazard-mitigation-assistance
HMA Helpline	Telephone: (866) 222-3580 Email: hmagrantshelpline@fema.dhs.gov
HMA Policies	http://www.fema.gov/hazard-mitigation-assistance-policy
8. Acquisition Project Resources	
Model Deed Restriction	http://www.fema.gov/library/viewRecord.do?id=6327
Model Acknowledgement of Conditions for Mitigation in Special Flood Hazard Area	http://www.fema.gov/library/viewRecord.do?id=3592
Model Statement of Assurances	http://www.fema.gov/library/viewRecord.do?id=6365
Notice of Voluntary Interest	http://www.fema.gov/library/viewRecord.do?id=3595 http://www.fema.gov/library/viewRecord.do?id=3596
Statement of Voluntary Participation	http://www.fema.gov/library/viewRecord.do?id=3333

Description	Web Link or Contact Information
9. Mitigation Reconstruction References	
<ul style="list-style-type: none"> • ASCE/SEI 24-14, <i>Flood Resistant Design and Construction</i>, 2014 • ASCE/SEI 7-10, <i>Minimum Design Loads for Buildings and Other Structures</i>, 2010 • International Building Code (IBC), 2015 edition • International Code Council, <i>Reducing Flood Losses Through the International Codes</i>, 4th Edition, 2014 • FEMA P-55, <i>Coastal Construction Manual</i>, 4th Edition, August 2011 • FEMA P-424, <i>Design Guide for Improving School Safety in Earthquakes, Floods and High Winds</i>, December 2010 • FEMA 489, <i>Mitigation Assessment Team Report: Hurricane Ivan in Alabama and Florida</i>, August 2005 • FEMA P-499, <i>Home Builder's Guide to Coastal Construction Technical Fact Sheet Series</i>, December 2010 • FEMA 543, <i>Design Guide for Improving Critical Facility Safety from Flooding and High Winds</i>, January 2007 • FEMA 549, <i>Mitigation Assessment Team Report: Hurricane Katrina in the Gulf Coast</i>, July 2006 • FEMA P-550, <i>Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations</i>, 2nd Edition, December 2009 • FEMA 551, <i>Selecting Appropriate Mitigation Measures for Floodprone Structures</i>, March 2007 • FEMA 577, <i>Design Guide for Improving Hospital Safety in Earthquakes, Floods, and High Winds: Providing Protection to People and Buildings</i>, June 2007 • <i>Guidance for Applying ASCE 24 Engineering Standards to HMA Flood Retrofitting and Reconstruction Projects</i>, November 2013 	
10. Structure Elevation References	
<ul style="list-style-type: none"> • ASCE/SEI 24-14, <i>Flood Resistant Design and Construction</i>, 2014 • FEMA P-55, <i>Coastal Construction Manual</i>, 4th Edition, August 2011 • FEMA P-259, <i>Engineering Principles and Practices of Retrofitting Floodprone Residential Structures</i>, 3rd Edition, January 2012 • FEMA P-312, <i>Homeowners Guide to Retrofitting</i>, 3rd Edition, June 2014 • FEMA 347, <i>Above the Flood: Elevating Your Flood Prone House</i>, May 2000 • FEMA P-499, <i>Home Builder's Guide to Coastal Construction Technical Fact Sheet Series</i>, December 2010 • FEMA Technical Bulletin TB-1, <i>Openings in Foundation Walls and Walls of Enclosures</i>, 2008 • FEMA Technical Bulletin TB-5, <i>Free-of-Obstruction Requirements</i>, 2008 • FEMA Technical Bulletin TB-9, <i>Design and Construction Guidance for Breakaway Walls</i>, 2008 • FEMA Form 81-31, <i>NFIP Elevation Certificate</i>, February 2013 • <i>Guidance for Applying ASCE 24 Engineering Standards to HMA Flood Retrofitting and Reconstruction Projects</i>, November 2013 • Hurricane Sandy Recovery Advisory #7, <i>Reducing Flood Risk and Flood Insurance Premiums for Existing Residential Buildings in Zone A</i> 	
11. Dry Floodproofing, Non-residential References	
<ul style="list-style-type: none"> • FEMA P-936, <i>Floodproofing Non-Residential Buildings</i>, July 2013 • <i>Guidance for Applying ASCE 24 Engineering Standards to HMA Flood Retrofitting and Reconstruction Projects</i>, November 2013 • FEMA P-312, <i>Homeowner's Guide to Retrofitting</i>, 3rd Edition, June 2014 • NFIP Technical Bulletin (TB) 3-93, <i>Non-Residential Floodproofing—Requirements and Certification</i> 	

Description	Web Link or Contact Information
12. HMA Job Aids	
<ul style="list-style-type: none"> • <i>Homeowner's Guide to the Hazard Mitigation Grant Program</i> • <i>Strategic Funds Management Toolkit</i> • <i>Program Administration by States (PAS) Pilot FAQs</i> • <i>HMGP Advance Assistance Pilot Optional Application</i> • <i>Federally-Recognized Tribes and Hazard Mitigation Grant Program – Option to Submit as an Applicant or Subapplicant</i> • <i>NEPA Flow Chart for HMA Projects</i> • <i>Section 106 Process under the National Historic Preservation Act</i> • <i>8-Step Decision Making Process for Floodplain Management Considerations and Protection of Wetlands</i> • <i>ICC Fact Sheet</i> • <i>ICC Assignment of Coverage D Form, National Flood Insurance Program</i> • <i>Safe Room Project Application Using Pre-Calculated Benefits</i> • <i>Eligibility of Generators (HMGP and PDM)</i> • <i>HMGP Second Appeals Process</i> • <i>Quarterly Progress Report FAQs</i> • <i>Cost Effectiveness Determination for Residential Hurricane Wind Retrofit</i> • <i>Closeout Toolkit</i> • <i>HMA Procurement Standards</i> • <i>Climate Change Adaptation</i> 	

D. Referenced Regulations, Statutes, Directives, and Guidance

Reference	Description
REGULATIONS	
2 CFR Part 200 Subparts A to F, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards	The Office of Management and Budget (OMB) has developed regulations that streamline language from eight existing OMB Circulars (A-21 [2 CFR Part 220], A-87 [2 CFR Part 225], A-89, A-102 [45 CFR Part 92], A-110 [2 CFR Part 215], A-122 [2 CFR Part 230], A-133, and A-50) concerning Federal financial assistance, cost principals, and audit and administrative requirements into one document called the SuperCircular (2 CFR Part 200 Subparts A to F).
26 CFR Section 1.170A-14, Qualified Conservation Contributions	Discusses deductions allowable for charitable contributions of interests in properties.
40 CFR Part 312, Innocent Landowners, Standards for Conducting All Appropriate Inquiries	Provides 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).
44 CFR Part 9, Floodplain Management and Protection of Wetlands	Sets forth policy, procedure, and responsibilities to implement and enforce Executive Order (EO) 11988, <i>Floodplain Management</i> , and EO 11990, <i>Protection of Wetlands</i> .
44 CFR Part 10, Environmental Considerations	FEMA procedures for implementing the National Environmental Policy Act (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.
44 CFR Section 59.1, General Provisions, Definitions	Defines terms used in the Emergency Management and Assistance Federal Regulations.
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, and the minimum standards for the adoption of floodplain management regulations in flood-prone areas.
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.
44 CFR Part 79, Flood Mitigation Grants	Prescribes actions, procedures, and requirements for the administration the Flood Mitigation Assistance (FMA) program.
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 Hazard Mitigation Assistance (HMA) programs.
44 CFR Part 201, Mitigation Planning	Provides information on requirements and procedures for mitigation planning as required by the Stafford Act, specifically Section 201.4 Standard State Mitigation Plans, Section 201.5 Enhanced State Mitigation Plans, Section 201.6 Local Mitigation Plans, and Section 201.7 Tribal Mitigation Plans.

Reference	Description
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 the Hazard Mitigation Grant Program (HMGP).
44 CFR Part 207, Management Costs	Implements Section 324, Management Costs, of the Stafford Act, providing actions, procedures, and policies for HMGP management costs.
49 CFR Part 24, URA 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.
49 CFR Part 29, Governmentwide Debarment and Suspension (Nonprocurement)	This part adopts a government-wide system of debarment and suspension for nonprocurement activities.
Federal Acquisition Regulations (FAR) Subpart 31.2	The FAR codify and publish uniform policies and procedures for acquisition by all executive agencies. Subpart 31.2 refers to Contracts with Commercial Organizations.
Internal Revenue Code of 1954, as amended, Sections 170(h) (3) and (4)	Provides definitions for qualified conservation organizations and conservation purposes, including specific information regarding historic structure certification.
Internal Revenue Code of 1954, as amended, Sections 501(c), (d), and (e)	Provides criteria for tax-exempt organizations.
STATUTES	
Immigration and Nationality Act	Provides a definition for the term “National of the United States.”
Americans With Disabilities Act of 1990 (Public Law 101-336, as amended by Public Law 110-325 [September 25, 2008]; 104 Stat. 327)	Prohibits discrimination against people with disabilities in employment, transportation, public accommodation, communications, and governmental activities.
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.
Architectural Barriers Act of 1968 (Public Law 94-541; 42 U.S.C. 4151 et seq.)	Requires that certain buildings financed with Federal funds be designed and constructed to be accessible to the physically handicapped.
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.
Biggert-Waters Flood Insurance Reform Act (Public Law 112-141) July 6, 2012	Flood Insurance Reform and Modernization Act that proposed changes to Mitigation Assistance Grants related to flood mitigation.
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.

Reference	Description
Coastal Barrier Resources Act (CBRA) (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 Resources System (CBRS). 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.
Endangered Species Act (ESA) (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.
Fair Housing Amendments Act 1988 (42 U.S.C. 3601; Title VIII of the Civil Rights Act)	Prohibits housing discrimination on the basis of race, color, religion, sex, disability, familial status, and national origin.
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.
Individuals with Disabilities Education Act (IDEA) of 1975 (Public Law 94-142; 20 U.S.C. 1400 et seq.)	The Education for All Handicapped Children Act of 1975 is now called Individuals with Disabilities Education Act. Guarantees a free appropriate public education to each child with a disability.
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.
National Flood Insurance Act of 1968, as amended (NFIA), 42 U.S.C. 4001 et seq.	The NFIA 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 Special Flood Hazard Area.
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.
National Historic Preservation Act (NHPA) (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.
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.
Non-Insured Crop Disaster Assistance Program, 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.
Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) (Public Law 109-295; 120 Stat. 1357)	Significantly reorganized FEMA, provided it with substantial new authority to remedy gaps in response, and established a more robust preparedness mission for FEMA.
Privacy Act of 1974 (5 U.S.C. 552a)	Regulates the collection, maintenance, use, and dissemination of personal information by Federal executive branch agencies.

Reference	Description
Public Health and Welfare, 42 U.S.C. 5133, Pre-Disaster Hazard Mitigation	Authorizes the Pre-Disaster Mitigation Program (PDM).
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.
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.
Rehabilitation Act of 1973 (Public Law 93-112; 29 U.S.C. 701 et seq.)	Replaces the Vocational Rehabilitation Act. Prohibits discrimination on the basis of disability in programs conducted by Federal agencies, in programs receiving Federal financial assistance, in Federal employment, and in the employment practices of Federal contractors.
Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143-164, as amended, 42 U.S.C. 5121 et seq.)	This Act constitutes the statutory authority for most Federal disaster response activities, especially as they pertain to FEMA and FEMA programs.
Secure Rural Schools and Community Self-Determination Act of 2000, 16 U.S.C. 500	Contains information regarding payment and evaluation of receipts to a State or territory for schools and roads, moneys received, projections of revenues, and estimated payments.
Telecommunications Act of 1996 (Public Law 104-104; Stat. 110-56)	Promotes competition and reduces regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourages the rapid deployment of new telecommunications technologies.
Twenty-first Century Communications and Video Accessibility Act of 2010 (Public Law 111-260; 124 Stat. 2751)	Increases the access of persons with disabilities to modern communication. Amends the Communications Act of 1934 to require the Federal Communications Commission to require that customer premises equipment provide internal means for effective use with hearing aids that are designed to be compatible with telephones that meet established technical standards for hearing aid compatibility.
Uniform Relocation Assistance (URA) 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.
DIRECTIVES	
EO 11988, <i>Floodplain Management</i>	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.
EO 11990, <i>Protection of Wetlands</i>	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.
EO 12898, <i>Environmental Justice for Low-Income and Minority Populations</i>	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.”

Reference	Description
EO 12372, July 14, 1982, <i>Intergovernmental Review of Federal Programs</i>	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.
EO 12416, April 8, 1983, <i>Intergovernmental Review of Federal Programs</i>	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.
EO 12699, January 5, 1990, <i>Seismic Safety of Federal and Federally assisted or Regulated New Building Construction</i>	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 accordance with appropriate seismic design and construction standards.
GUIDANCE	
FEMA P-85, <i>Protecting Manufactured Homes from Floods and Other Hazards</i> (2nd Edition, November 2009)	Provides a best practices approach in reducing damage from natural hazards to assist in protecting manufactured homes from floods and other hazards.
FEMA 317, <i>Property Acquisition Handbook for Local Communities</i> (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").
FEMA P-320, <i>Taking Shelter from the Storm: Building a Safe Room for Your Home or Small Business</i> (4th Edition, 2014)	Guide to help homeowners decide if they should build a safe room in their house; provides various safe room designs that can be given to a contractor/builder.
FEMA P-361, <i>Safe Rooms for Tornadoes and Hurricanes: Guidance for Community and Residential Safe Rooms</i> (3rd Edition, 2015)	A guidance manual for engineers, architects, building officials, and prospective safe room owners that presents important information about the design and construction of residential and community safe rooms that protect people during tornado and hurricane events.
FEMA P-424, <i>Design Guide for Improving School Safety in Earthquakes, Floods, and High Winds</i> (December 2010)	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 P-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.
FEMA 489, <i>Mitigation Assessment Team Report: Hurricane Ivan in Alabama and Florida</i> (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.
FEMA P-499, <i>Home Builder's Guide to Coastal Construction Technical Fact Sheet Series</i> (December 2010)	Presents information aimed at improving the performance of buildings subject to flood and wind forces in coastal environments.
FEMA 543, <i>Design Guide for Improving Critical Facility Safety from Flooding and High Winds: Providing Protection for People and Buildings</i> (January 2007)	Provides building professionals and decision-makers 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).
FEMA 549, <i>Mitigation Assessment Team Report: Hurricane Katrina in the Gulf Coast</i> (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.

Reference	Description
FEMA P-55, <i>Coastal Construction Manual</i> , (4th Edition, August 2011)	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.
FEMA P-550, <i>Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations</i> (2nd Edition, 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.
FEMA 551, <i>Selecting Appropriate Mitigation Measures for Floodprone Structures</i> (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.
FEMA 577, <i>Design Guide for Improving Hospital Safety in Earthquakes, Floods, and High Winds: Providing Protection to People and Buildings</i> (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.
FEMA P-804, <i>Wind Retrofit Guide for Residential Buildings</i> (December 2010)	The purpose of this Guide is to provide guidance on how to improve the wind resistance of existing residential buildings. The content of this document should serve as guidance on retrofitting existing buildings for improved performance during high-wind events in all coastal regions.
<i>Mitigation Planning Guidance</i>	This guidance provides information on preparing and updating mitigation plans in compliance with the mitigation planning regulations found at 44 CFR Part 201.
Mitigation Planning How-To Guides (FEMA)	These guides focus on initiating and maintaining a planning process that will result in safer communities and are applicable to jurisdictions of all sizes and all resource and capability levels.
<i>Uniform Standards of Professional Appraisal Practice</i> (2012–2013)	The generally accepted standards for professional appraisal practice in North America. Standards are included for real estate, personal property, business, and mass appraisal.
<i>Hazard Mitigation Assistance Tool for Identifying Duplication of Benefits</i> (January 2013)	This guide provides instruction on what constitutes Duplication of Benefits (DOB) in the use of HMA funds for property mitigation. It gives direction regarding verification processes and actions that can be taken to ensure that DOB does not occur.
OTHER RESOURCES	
Government-to-Government Relations with American Indian and Alaska Native Tribal Governments. January 12, 1999 (<i>Federal Register</i> vol. 64 no. 7)	Guides FEMA interactions with American Indian and Alaska Native Tribal governments.
OMB Circular A-94, <i>Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs</i> (October 29, 1992)	Specifies certain discount rates that will be updated annually when the interest rate and inflation assumptions in the budget are changed.
ASCE/SEI 24-14, <i>Flood Resistant Design and Construction</i> (2014)	Provides minimum requirements for flood-resistant design and construction of structures located in flood hazard areas.
ASCE/SEI 7-05, <i>Minimum Design Loads for Buildings and Other Structures</i> (2005)	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.

Reference	Description
ASTM International Standard E1527-05, <i>Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process</i> (2005)	Defines good commercial and customary practices for conducting an environmental site assessment of a parcel of commercial real estate.
ASTM International Standard E2247-08, <i>Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process for Forestland or Rural Property</i> (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.
<i>International Building Code</i> (International Code Council)	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.
<i>International Residential Code for One- and Two-Family Dwellings</i> (International Code Council)	A comprehensive code for homebuilding that brings together all building, plumbing, mechanical, and electrical provisions for one- and two-family residences.
<i>International Wildland-Urban Interface Code</i> (International Code Council; 2012)	Contains provisions addressing fire spread, accessibility, defensible space, water supply, and more for buildings constructed near wildland areas.
International Code Council, <i>Reducing Flood Losses through the International Codes</i> (4th Edition, 2014)	This guide is intended to help community officials decide how to integrate the 2012 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.
National Fire Protection Association (NFPA) 225, <i>Model Manufactured Home Installation Standard</i> (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.
NFPA 703, <i>Standard for Fire-Retardant Treated Wood and Fire-Retardant Coatings for Building Materials</i>	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.
NFPA 914, <i>Code for Fire Protection of Historic Structures</i>	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.
NFPA 1141, <i>Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas</i>	Provides recommendations for planning and installing fire protection infrastructure for new developments in a community.
NFPA 1144, <i>Standard for Reducing Structure Ignition Hazards for Land Development in Suburban and Rural Areas</i>	Covers minimum design, construction, and landscaping elements for structures in the wildland/urban interface.
NFPA 5000 Code, <i>Building Construction and Safety Code</i> (2012 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.
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.

Reference	Description
National Flood Insurance Program (NFIP) Technical Bulletin 3-93, <i>Non-Residential Floodproofing – Requirements and Certification</i>	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 Base Flood Elevation.
U.S. Department of Commerce, Bureau of Economic Analysis	Produces economic account statistics that enable government and business decision-makers, researchers, and the American public to follow and understand the performance of the Nation’s economy.
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.

E. EHP Checklist

“Yes” indicates that the environmental regulation or statute may apply to your project. Please provide relevant information and/or documentation to support your answers. This list is not all-inclusive.

Environmental Regulation or Statute		Yes	No
National Historic Preservation Act (NHPA)			
1.A	Would the proposed project affect, or is the proposed project in close proximity to, any buildings or structures 50 years or more in age?		
1.B	Will the proposed project involve disturbance of ground?		
Endangered Species Act (ESA)			
2.A	Are federally listed or endangered species, or their critical habitat, present in or near the project area and, if so, which species are present?		
2.B	Will the proposed project remove or affect vegetation?		
2.C	Is the proposed project in or near (within 200 feet), or likely to affect, any type of waterbody or body of water?		
Clean Water Act (CWA) and Rivers and Harbors Act			
3.A	Will the proposed project involve dredging or disposal of dredged material, excavation, the addition of fill material, or result in any modification to water bodies or wetlands designated as “waters of the United States” as identified by the U.S. Army Corps of Engineers or on the National Wetland Inventory?		
Executive Order 11988 (Protection of Floodplains) and Executive Order 11990 (Protection of Wetlands)			
4.A	Does a Flood Insurance Rate Map, Flood Hazard Boundary Map, hydrological study, or some other source indicate that the project is located in, or will affect, a 100-year floodplain, a 500-year floodplain (if a critical action), an identified regulatory floodway, or an area prone to flooding?		
4.B	Is the proposed project located in, or will it affect, a wetland as listed in the National Wetland Inventory?		
4.C	Will the proposed project alter a watercourse, water flow patterns, or a drainage way, regardless of its floodplain designation?		
4.D	Is the proposed project located in, or will it affect, a floodplain or wetland? If yes, the 8-step process summarized in HMA Job Aids must be completed.		
Coastal Zone Management Act (CZMA) and Coastal Barrier Resources Act (CBRA)			
5.A	Is the proposed project located in the State’s designated coastal zone?		
5.B	Is the proposed project located in a Coastal Barrier Resources System Unit or Otherwise Protected Area?		
Farmland Protection Policy Act (FPPA)			
6.A	Will the proposed project convert more than 5 acres of “prime or unique” farmland outside city limits to a non-agricultural use?		

Environmental Regulation or Statute		Yes	No
Resource Conservation Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act			
7.A	Is there reason to suspect there are contaminants from a current or past use on the property associated with the proposed project?		
7.B	Are there are any studies, investigations, or enforcement actions related to the property associated with the proposed project?		
7.C	Will any project construction or operation activities involve the use of hazardous or toxic materials?		
7.D	Are any of the current or past land uses of the property associated with the proposed project or are any of the adjacent properties associated with hazardous or toxic materials?		
Executive Order 12898 (Environmental Justice for Low Income and Minority Populations)			
8.A	Are there any low-income or minority populations in the project's area of effect or adjacent to the project area?		
Other Environmental/Historic Preservation Laws (including applicable State laws) or Issues			
9.A	Are other environmental/historic preservation requirements associated with this project?		
9.B	Are any controversial issues associated with this project?		
9.C	Have any public meetings been conducted, public notices been circulated, or public comments been solicited on the proposed project?		

F. Minimum Criteria Checklist for Project Subapplications

Subapplications submitted to FEMA that do not contain at least the basic components listed below may be immediately denied because there is no method to determine eligibility without these data. Additional information may be requested during FEMA review. This information is required for all submittals, including potential substitutions, but further details may be requested to complete the subapplication.

Subapplication Component	Yes	No	Comment
Applicant and Subapplicant			
Are the Applicant and subapplicant eligible?			
Plan Requirement			
Does the project conform to the State and Local Mitigation Plan under 44 CFR Part 201?			
Does the project conform to the Tribal Mitigation Plan under 44 CFR Section 201.7?			
Scope of Work			
Does the project address a problem that has been repetitive or a problem that poses a significant risk to public health and safety if left unsolved?			
Does the project consider long-term changes to the areas and entities it protects?			
Does the project have manageable future maintenance and modifications requirements?			
Does the project contribute to the extent practicable to a long term solution to the problem it is intended to address?			
Does the project include site location, maps, and GPS coordinates?			
Does the project solve a problem independently or constitute a functional portion of a solution and is there assurance that the project as a whole will be completed? (Projects that merely identify or analyze hazards or problems are not eligible.)			
Cost Review			
Does the project include a detailed budget?			
Does the project identify information on cost-share and match sources?			
Schedule			
Does the project include a work schedule for 3 years or less that conforms to period of performance requirements?			

Subapplication Component	Yes	No	Comment
Cost-Effectiveness			
Does the project include a benefit-cost analysis, or alternate cost-effectiveness documentation, such as Substantial Damage verification, and located in a riverine floodplain; or a narrative supporting cost-effectiveness and request for consideration under 5 percent HMGP discretionary funding?			
Is the project cost effective and does it substantially reduce the risk of future damage, hardship, loss, or suffering?			
Does the project cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur?			
Environmental and Historical Preservation			
Project includes information to demonstrate conformance with 44 CFR Part 9 and Part 10 (or FEMA Directive Number: FD 108-1, <i>Environmental and Historic Preservation Planning, Responsibilities and Program Requirements</i>)			
Project includes information and documentation required by the EHP Checklist, including all available information relating to known historic, archaeological, or environmentally sensitive areas (e.g., Coastal Barrier Resources System Units or Otherwise Protected Areas)			
Project includes EHP information for each property identified in the subapplication, including the construction date for each property			
Project demonstrates and documents consideration of alternatives that avoid or minimize harm to the environment or historic resources			
Project includes documentation of all coordination, correspondence, consultation, or previous EHP reviews with appropriate Federal, State, and local agencies			
Project includes all known EHP costs			
Acquisition / Demolition / Relocation Information			
Does the project confirm compliance with timelines and all other criteria set forth in 44 CFR Part 80 requirements?			
Does the project include Voluntary Interest documentation for each property?			
For relocated projects, will the structure be relocated outside of the Special Flood Hazard Area?			
Elevation Information			
Does the project identify the Base Flood Elevation or Advisory Base Flood Elevation?			
Does the project include finished floor elevation (Elevation Certificate is preferred)?			
Does the project include proposed elevation height of the structure?			

Subapplication Component	Yes	No	Comment
Is the project consistent with the design and implementation of ASCE 24-14?			
Safe Room Information			
Does the project include the population size to be protected?			
Is the project consistent with the design and implementation criteria of FEMA P-320 or FEMA P-361?			
Wind Retrofit Information			
Does the project include the proposed level of protection as per FEMA P-804?			
Is the project consistent with the design and implementation criteria of FEMA P-804?			
Drainage Information			
Does the project include initial technical information to support size, costs, and local permitting requirements?			

G. Minimum Criteria Checklist for Planning Subapplications

Subapplications submitted to FEMA that do not contain at least the basic components listed below may be immediately denied because there is no method to determine eligibility without these data. Additional information may be requested during FEMA review prior to award if selected.

Subapplication Component	Yes	No	Comment
Subapplication Number and Title			
Scope of Work (SOW)			
Is the proposed mitigation planning activity, as described in the SOW, eligible for the program?			
Is the proposed planning activity described, including whether it will result in a new or updated hazard mitigation plan or enhance an existing mitigation plan in accordance with the FEMA Mitigation Planning regulation at 44 CFR Part 201 and HMA Guidance?			
Are participating jurisdiction(s) and private nonprofits, if applicable, identified and described?			
Does the narrative describe procedures to engage stakeholders and participating jurisdictions?			
Does the SOW discuss approaches, outcomes, and level of effort, including key milestones and schedule, and the relationship of each activity to the cost estimate?			
Mitigation Plan Updates			
Does the SOW describe the process that each jurisdiction will complete to review each section of the previous plan and address gaps, as needed; new information (including hazard, land use, and development trends); how the previous plan was implemented; and what process will be used?			
Schedule			
Does the application include a work schedule for 3 years or less that conforms to POP requirements and allows sufficient time for State or tribal and FEMA reviews; preparation of required revisions, if needed; formal adoption by the jurisdiction(s); and FEMA approval?			
Cost Review			
Does the application include a detailed cost estimate that supports the SOW and is reasonable for the jurisdiction(s) participating? <i>Lump-sum cost estimates are not eligible and will be NOT be accepted.</i>			
Does the application or subapplication identify information on the required non-Federal cost share and contribution sources?			



Hazard Mitigation Assistance Guidance Addendum

Hazard Mitigation Grant Program, Pre-Disaster Mitigation
Program, and Flood Mitigation Assistance Program

February 27, 2015

*This guidance was effective from February 27, 2015
through March 22, 2023.*



FEMA

Federal Emergency Management Agency
Department of Homeland Security
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CONTENTS

A. Property Acquisition and Structure Demolition or Relocation for Open Space	1
A.1 Overview	1
A.2 Additional Project Eligibility Requirements	1
A.2.1 Limits on Subsurface Uses Affecting Eligibility	2
A.2.2 Open Space Restrictions	3
A.3 Property Acquisition Application Package	4
A.3.1 General Application Requirements	4
A.3.2 Allowable Property-Related Costs.....	4
A.3.3 Non-allowable Property-Related Costs.....	5
A.4 Implementation.....	7
A.4.1 Clear Title	7
A.4.2 Statement of Voluntary Participation.....	8
A.4.3 Final Mitigation Offer	8
A.4.4 Open Space Land Use Requirements.....	8
A.4.4.1 Competing Federal Interests	9
A.4.5 Subsequent Transfer of a Property Interest.....	10
A.5 Property Acquisition Closeout	11
A.5.1 Future Federal Benefits	11
A.5.2 Open Space Monitoring, Reporting, and Inspection.....	11
A.5.3 Enforcement.....	12
A.6 Supplemental Guidance.....	13
A.6.1 Allowable Uses of Open Space.....	13
A.6.1.1 Allowable Uses of Open Space in Coastal Barrier Resources System	14
A.6.2 Non-allowable Land Uses of Open Space	15
A.6.2.1 Non-allowable Uses of Open Space in the Coastal Barrier Resources System.....	15
A.6.3 Statement of Assurances	16
A.6.4 Deed Restriction Language.....	16
A.6.5 Property Owner Documentation	16

A.6.5.1	Voluntary Interest Documentation.....	17
A.6.5.2	Certification of Owner Status for Pre-event Value.....	17
A.6.6	Consultation Regarding Other Ongoing Federal Activities.....	17
A.6.6.1	U.S. Army Corps of Engineers	18
A.6.6.2	Department of Transportation.....	19
A.6.6.3	Other Federal Agencies.....	19
A.6.6.4	Consultation Regarding Properties in the Coastal Barrier Resources System.....	19
A.6.7	Relocation and Removal of Existing Buildings.....	20
A.6.8	Hazardous Materials	21
A.6.9	Purchase Offer: Value of the Property.....	22
A.6.9.1	Valuation Methodology	23
A.6.9.2	Purchase Offer and Nationality.....	24
A.6.9.3	Deductions from the Purchase Offer.....	25
A.6.9.4	Additions to the Purchase Offer.....	26
A.6.10	Tenants	27
A.6.10.1	Rental Increase Payment.....	28
A.6.10.2	Rental Assistance for Homepad Tenants	29
A.6.10.3	Requirements for Applications Involving Mobile Home Owners	30
A.6.10.4	Tenant Businesses	30
B.	Wildfire Mitigation	31
B.1	Overview	31
B.2	Additional Project Eligibility Requirements	31
B.2.1	Feasibility and Effectiveness Requirement.....	31
B.2.2	Eligible Activities	31
B.2.3	Ineligible Wildfire Mitigation Activities	32
B.2.4	Duplication of Programs	33
B.3	Wildfire Mitigation Project Application Package.....	34
B.4	Implementation.....	34
B.4.1	Defensible Space.....	34
B.4.2	Structural Protection through Ignition-Resistant Construction.....	35

B.4.3	Hazardous Fuels Reduction	36
B.4.4	Additional Wildfire Mitigation Resources.....	37
B.5	Wildfire Mitigation Closeout	38
C.	Safe Rooms	39
C.1	Overview	39
C.2	Additional Project Eligibility Requirements	40
C.2.1	Application Requirements for Safe Rooms	40
C.2.2	Recognized Design Standards.....	42
C.2.3	Cost-Effectiveness of Safe Rooms.....	43
C.2.4	Flood Hazard Siting Limitations.....	44
C.3	Safe Room Project Application Package	44
C.3.1	Populations Served by the Safe Room.....	44
C.3.1.1	Safe Room Sizing Criteria	46
C.3.1.2	Population Impacted by Hurricanes	47
C.3.1.3	Population Impacted by Tornadoes	50
C.3.2	Cost Estimates.....	52
C.3.2.1	Program Funding Limits	52
C.4	Implementation.....	52
C.4.1	Environmental Planning and Historic Preservation Review and Compliance.....	52
C.4.2	Americans with Disabilities Act Compliance for Residential and Community Safe Rooms.....	53
C.4.3	Eligible and Ineligible Components of Residential and Community Safe Rooms.....	53
C.4.4	Eligible and Ineligible Costs.....	54
C.5	Safe Room Closeout.....	55
C.5.1	Operations and Maintenance Plans for Community Safe Rooms.....	55
C.5.1.1	Descriptive Statement of an Operations and Maintenance Plan	56
C.5.2	Development of an Operations and Maintenance Plan.....	56
C.5.2.1	Operations Components.....	57
C.5.2.2	Maintenance Components.....	57
C.5.2.3	Development of a Final Operations and Maintenance Plan.....	58
C.5.3	Recipient Review of Final Operations and Maintenance Plan	58

C.5.4	FEMA Review of Final Operations and Maintenance Plan.....	58
D.	Mitigation Reconstruction Projects	59
D.1	Overview	59
D.2	Additional Project Eligibility Requirements	59
D.2.1	Feasibility and Effectiveness Requirement.....	59
D.2.2	Eligible Activities	60
D.2.3	Eligible Demolition/Removal Activities.....	62
D.2.4	Ineligible Costs	62
D.3	Mitigation Reconstruction Project Application Package	63
D.3.1	Scope of Work	63
D.3.2	Mitigation Reconstruction Project Scoping	64
D.3.3	Design Parameters	64
D.3.4	Codes and Standards	65
D.3.5	Cost Estimate	67
D.4	Implementation.....	68
D.4.1	Pre-construction Activities.....	69
D.4.1.1	Plan Review and Inspections	69
D.4.1.2	Site Preparation	70
D.4.2	Construction Activities	70
D.4.2.1	Foundation Construction.....	70
D.4.2.2	Structural Shell Construction.....	70
D.4.2.3	Interior Finishes	71
D.4.2.4	Construction Completion	71
D.4.2.5	Builder Certification	71
D.4.2.6	Certificate of Occupancy	71
D.5	Mitigation Reconstruction Closeout	73
E.	Structure Elevation.....	74
E.1	Overview	74
E.2	Additional Project Eligibility Requirements	74
E.2.1	Eligible Design Standards.....	74
E.3	Elevation Project Application Package	75

E.4	Implementation.....	76
E.4.1	Elevation Methods	76
E.4.2	Eligible Structure Elevation Costs	77
E.4.3	Ineligible Structure Elevation Costs	78
E.4.4	Survey and Inspection Considerations.....	79
E.5	Elevation Closeout	79
F.	Supplemental Guidance	81
F.1	Flood Risk Reduction Projects	81
F.1.1	Localized Flood Risk Reduction Projects.....	81
F.1.2	Non-localized Flood Risk Reduction Projects.....	81
F.2	Duplication of Programs Considerations	82
F.3	Use of ASCE 24-14 as Minimum Design Requirements for Certain Flood Risk Reduction Activities.....	83
F.3.1	Process for Use during the Grant Life Cycle	83
F.3.2	Eligible Costs	84
F.3.3	Ineligible Costs	85
F.3.4	Flood Risk Reduction Closeout	85
G.	Acronyms and Abbreviations	86

List of Tables

Table 1: Generally Allowable Costs for Property Acquisition and Structure Demolition or Relocation for Open Space	6
Table 2: HMA-Funded Safe Room Minimum Usable Floor Area per Safe Room Occupant.....	46
Table 3: Example Community Safe Room Size	47
Table 4: Eligible and Ineligible Components of Residential and Community Safe Rooms.....	53
Table 5: Eligible Mitigation Reconstruction Activities	60

List of Figures

Figure 1: Inspection and Survey Considerations	79
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A. Property Acquisition and Structure Demolition or Relocation for Open Space

Part A of the Addendum supplements the information provided in Parts I through IX of the Hazard Mitigation Assistance (HMA) Guidance. The project-specific guidance in this section does not provide all of the information necessary to apply for funding through an HMA program and must be read in conjunction with all other relevant sections of this guidance.

A.1 Overview

For property acquisition and structure demolition or relocation projects for the purpose of creating open space, Applicants and subapplicants must comply with Title 44 of the Code of Federal Regulations (CFR) Part 80 and this guidance. A project may not be framed in a manner that has the effect of circumventing these requirements.

Generally, Federal Emergency Management Agency (FEMA)-funded property acquisition and structure demolition or relocation projects with the purpose of creating open space consist of the following: the community purchases a flood-prone structure from a willing seller and then demolishes or relocates it to a site outside the floodplain. The purchased property is deed restricted and maintained as open space in perpetuity to restore and/or conserve the natural floodplain functions. Although some communities elect to develop a site outside the floodplain and relocate structures to the new site, simpler acquisition and structure demolition projects require minimal environmental review, are considerably less expensive, and allow the homeowner to determine where to relocate.

Federal law requires properties acquired with FEMA funds in structure demolition or relocation projects to be maintained as open space in perpetuity and Recipients and subrecipients to be 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 the development of an acquisition 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 of the information requested by the subapplicant, and they must complete all of the actions that are required to complete the subapplication and to implement the property acquisition and structure demolition or relocation.

A.2 Additional Project Eligibility Requirements

For a property to be eligible for FEMA-funded acquisition, the subapplicant must acquire the [full] fee title of the property (except for any easements and encumbrances that FEMA determines are compatible with open space) from a willing, voluntary seller or must retain such interest. The subapplicant must commit not to use eminent domain if the property owner chooses not to participate and must verify that the property is not needed as a part of an intended

or planned HMA project. Once funds have been awarded for the project, a property may not be subdivided before it is acquired except for portions outside the Special Flood Hazard Area (SFHA) or any risk zone identified by FEMA.

A property is eligible for acquisition if it:

- ◆ Will be acquired from a willing, voluntary seller
- ◆ Contains a structure that may or may not have been damaged or destroyed as a result of a hazard event
- ◆ Is undeveloped, flood-prone land that is part of a project with an adjacent eligible property with one or more existing structure(s) and the total project remains cost effective
- ◆ Has easements that are incompatible with open space or encumbrances that can all be extinguished
- ◆ Is not contaminated with hazardous materials at the time of acquisition other than incidental demolition or household waste
- ◆ 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 use that is inconsistent with the open space deed restrictions and FEMA acquisition requirements (e.g., roads, flood control levees)

Other eligibility requirements are as follows:

- ◆ Per the Coastal Barrier Resources Act (CBRA) FEMA HMA programs may fund projects in Otherwise Protected Areas (OPAs) if they do not require flood insurance after project completion. Acquisitions in a Coastal Barrier Resources System (CBRS) unit are eligible only if they qualify for one of the exceptions in Section 6 of CBRA, Title 16 United States Code (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) and 44 CFR Section 206.345. Acquisitions are subject to the regulatory restrictions of allowable uses under 44 CFR Section 80.19 and eligibility requirements of 44 CFR Section 206.434.
- ◆ Any structure that is relocated must be placed outside the SFHA and outside any regulatory erosion zone or other mapped hazard area, and the relocation must conform to any other applicable State or local land use regulations.

A.2.1 Limits on Subsurface Uses Affecting Eligibility

Any incompatible easements or other encumbrances to the property must be extinguished before acquisition. Subsurface hydraulic fracturing and horizontal directional drilling (HDD) generally are not authorized uses of properties acquired with FEMA HMA funds. FEMA generally will not approve property acquisition for open space projects involving properties with underground oil,

gas, or other mineral encumbrances that may allow hydraulic fracturing/HDD to occur. Subrecipients cannot enter into leases or other encumbrances that permit oil, gas, or other mineral extraction by hydraulic fracturing/HDD. Owners, or holders of previously acquired HMA properties, generally cannot encumber the property with or transfer underground oil, gas, or other mineral rights that may allow hydraulic fracturing/HDD to occur on or under that property.

Consistent with applicable statutes and regulations, properties for which funds have not been approved and obligated are subject to these restrictions. These limits are not applicable for those properties in approved projects that have already reached the point of obligation. However, for approved projects, any future actions, such as a subsurface lease renewal or creation of a new encumbrance involving hydraulic fracturing/HDD on or under the surface of a property, would be subject to FEMA approval. HDD generally is not an allowable use.

A.2.2 Open Space Restrictions

To be eligible, a project must result in property acquisition and structure demolition or relocation, and the acquisition and demolition or relocation must meet all of the requirements of 44 CFR Part 80 and adhere to the following guidance on open space restrictions governing the use of award funds and the use of acquired real property.

The subrecipient will dedicate and maintain the property in perpetuity for uses that are compatible with open space, recreational, or wetlands management practices and that are consistent with conservation of natural floodplain functions by recording deed restrictions consistent with the FEMA Model Deed Restriction (see Addendum Part A.6.4 for information on the FEMA Model Deed Restriction). Hydraulic fracturing/HDD is a practice with currently unresolved environmental impacts and unknown open space compatibility; therefore, it is generally not an allowable use.

No new structures will be built on the property, except:

- ◆ 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 use and applicable floodplain management policies and practices, and for which compatibility is confirmed in writing by the FEMA Regional Administrator before construction of the structures begins
- ◆ Structures described in the three bullets above that will be elevated or floodproofed to the Base Flood Elevation (BFE) plus 1 foot of freeboard and that meet the applicable requirements of the National Flood Insurance Program (NFIP) floodplain management regulations at 44 CFR Section 60.3

A.3 Property Acquisition Application Package

Subapplicants are responsible for meeting the requirements and timeframes in 44 CFR Section 80.13 and for providing the information that is necessary for the Applicant and FEMA to determine the eligibility of the project as described in the subapplication. The subapplication must contain property and project information, including the project description and Environmental Planning and Historic Preservation (EHP) information.

FEMA may request additional information after the subapplication has been 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.3.1 General Application Requirements

For property acquisition projects, the project Scope of Work (SOW) in the subapplication must include the following:

- ◆ For all HMA programs, the value of each property (pre-event or current, as appropriate) and documentation demonstrating how the market value was determined
- ◆ An appeal or reconsideration process for property owners who dispute the purchase offer property valuation

Additional subapplication requirements include:

- ◆ Statement of Assurances
- ◆ A sample of the deed restriction
- ◆ Property owner documentation
- ◆ Voluntary interest documentation
- ◆ Certification of owner status for pre-event value
- ◆ Consultation regarding other ongoing Federal activities

A.3.2 Allowable Property-Related Costs

Allowable costs are 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 on the scope of the project. Allowable costs are listed in **Table 1**.

A shortfall is the difference between the amount the subrecipient pays an owner for a damaged residence and the cost of a comparable replacement home in a non-hazard-prone location if the cost of the replacement home is higher. A shortfall is an allowable cost up to \$31,000 per property. See Addendum Part A.6.9.4.

A.3.3 Non-allowable Property-Related Costs

Property-related 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, even if the eligible entity is not the subapplicant for the project; however, compensation for development rights (e.g., obtaining an open space easement) may be an allowable cost (see **Table 1**)
- ◆ Property acquisition and structural demolition projects where State and/or local laws or ordinances create a legal condition that requires structure demolition and/or prohibits future development of the property (e.g., a coastal setback requirement)
- ◆ Remediation, remediation plans, and environmental cleanup and certification of contaminated properties; however, permitted disposal of incidental demolition, household hazardous wastes, and fuel tanks that support a residential use only may be an allowable cost
- ◆ Aesthetic improvements and landscaping, new site property acquisition, and public infrastructure and utility development

Table 1: Generally Allowable Costs for Property Acquisition and Structure Demolition or Relocation for Open Space

Both Structure Demolition and Relocation	Structure Demolition Only	Structure Relocation Only
<ul style="list-style-type: none"> • Removal of demolition debris and household hazardous wastes to an approved landfill (including 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 the tank must be filled with sand or other clean fill • Permitted disposal of fuel tanks that support 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 the trees, if any, 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 • Grading, leveling, and site stabilization of all demolition sites 	<ul style="list-style-type: none"> • 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, provided State/local laws do not prohibit future improvements and/or require structure demolition • For land already owned by an eligible entity, compensation is for the structure and for development rights only, not for the land. This includes any entity eligible to apply for award or subaward funding under the relevant funding program, even if the entity is not the Applicant or subapplicant for the project. • Fees for necessary appraisals, title searches, title insurance, property inspections, and surveys • Property tax liens or tax obligations can be extinguished with proceeds from property sale while performing the transfer of title • Fees associated with the title transfer, contract review, and other costs associated with conducting the real estate settlement, including recordation of the deed and deed restrictions • Demolition, site restoration, and site stabilization of the acquired site 	<ul style="list-style-type: none"> • Market value of the real property (land only) • For land already owned by an eligible entity, compensation is for the development rights. This includes any entity eligible to apply for award or subaward funding under the relevant funding program, even if the entity is not the Applicant or subapplicant for the project. • Fees for necessary appraisals, title searches, title insurance, property inspections, plan reviews, permit fees, and surveys • Property tax liens or tax obligations can be extinguished with proceeds from property sale while performing the transfer of title • Fees associated with the 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 the structure to a different site • The reasonable cost of disassembling, moving, and reassembling any attached appurtenances such as porches, decks, skirting, ramps, and awnings • Necessary site preparations, including foundation, water, sewer, and utility hookups • Site restoration and site stabilization of the acquired site

A.4 Implementation

This section discusses clear title, statement of voluntary participation, final mitigation offer, open space land use requirement, and subsequent transfer of a property interest.

A.4.1 Clear Title

The subrecipient 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, to identify other persons with a property interest if the owner is not the sole and actual titleholder, and to ensure that the title is clear (i.e., there are no mortgages or liens outstanding on the sale of the property). In addition, the property must not have easements or other encumbrances that are incompatible with open space and that would make the property either ineligible for acquisition or noncompliant with FEMA's open space land use restrictions (see Addendum Part A.6.2).

All known encumbrances that are incompatible with open space use must be revised or extinguished to ensure that the property use is consistent with the open space requirements in 44 CFR Part 80 and this guidance. Encumbrances include any encumbrance providing an interest in subsurface resource rights whether or not the interest involves an implicit right for surface access to the subsurface resource. The Applicant will obtain a title insurance policy reflecting that all incompatible easements or other encumbrances to the title have been extinguished to demonstrate a clear fee title in conformance with 44 CFR Section 80.17(b).

If evidence obtained during the review indicates long-dormant subsurface rights (usually in excess of 50 years or beyond the reach of a standard title search) and the identity of the subsurface owner is unknown or otherwise not reasonably ascertainable, FEMA may approve the eligibility of the acquisition on a case-by-case basis. If a right to access a subsurface resource is discovered and asserted after the acquisition, the Recipient and subrecipient are required to take all appropriate action to enforce the open space restrictions required by 44 CFR Section 80.19.

Other title-related requirements are as follows:

- ◆ A title insurance policy demonstrating that a clear title conveys must be obtained for each approved property that will be acquired
- ◆ A physical site inspection for each property must be conducted to verify that there are no physical encumbrances to the property (a site survey may be necessary to clearly establish property boundaries)
- ◆ The property title must be transferred by a warranty deed in all jurisdictions that recognize warranty deeds
- ◆ All incompatible easements or encumbrances must be extinguished
- ◆ The subrecipient must take possession at settlement

-
- ◆ The subrecipient 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 the settlement
 - ◆ All property transfers must be consistent with 44 CFR Part 80 and this guidance

A.4.2 Statement of Voluntary Participation

The Statement of Voluntary Participation formally documents the Notice of Voluntary Interest and information related to the purchase offer. The Statement of Voluntary Participation is available on the FEMA website at <https://www.fema.gov/media-library/assets/documents/13708>. The subrecipient must provide FEMA with a signed copy of the Statement of Voluntary Participation for each property post-award. For more information on voluntary interest documentation, see Addendum Part A.6.5.1. For more information on the purchase offer, see Addendum Part A.6.9.

Participation is not voluntary for tenants of properties to be acquired; for information about considerations for tenants, see Addendum Part A.6.10.

A.4.3 Final Mitigation Offer

The final Mitigation Offer to a property owner is based on the value assigned to a property (“purchase offer”) and applicable additions and deductions. Deductions to the purchase offer may include Duplication of Benefits (DOB) deductions, and additions may include any supplemental housing or insurance incentive payments. The subrecipient must ensure that all property owners are treated fairly and are offered an equitable package of benefits. The subrecipient (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 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 subrecipient should coordinate the release of property valuation information and purchase offers to property owners for the various programs. The subrecipient may wish to set a time limit with the property owner for the validity of a purchase offer. The subrecipient must provide an appeal or reconsideration process for property owners who dispute the amount of the purchase offer property valuation.

A.4.4 Open Space Land Use Requirements

Subrecipients must apply deed-restriction language to all acquired properties to ensure that the property is maintained in perpetuity as open space consistent with natural floodplain functions, as agreed to by accepting FEMA mitigation award funding. Deed-restriction language is applied

to acquired properties by recording the open space and deed restrictions. Modifications to the language in the FEMA Model Deed Restriction can be made only with prior approval from the FEMA Office of Chief Counsel through the appropriate FEMA Regional Office. The FEMA Model Deed Restriction is available on the FEMA website at <https://www.fema.gov/media-library/assets/documents/28496?id=6327>.

Allowable land uses for open space generally 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 that FEMA determines are compatible with the award and deed restrictions. See Addendum Part A.6.1 for a more detailed list of allowed uses. FEMA makes a determination of the open space compatibility of access to a subsurface resource on a case-by-case basis.

Land uses that are not allowable include:

- ◆ Hydraulic fracturing/HDD
- ◆ 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
- ◆ Other uses that obstruct the natural and beneficial use of the floodplain

See Addendum Part A.6.2 for a more detailed list of land uses that are generally not allowed.

A.4.4.1 Competing Federal Interests

In rare circumstances, when the Administrator has determined that competing Federal interests are unavoidable and has analyzed floodplain impacts for compliance with 44 CFR Section 60.3 or higher standards, the Administrator may find that only U.S. Army Corps of Engineers (USACE) projects recognized by FEMA in 2000 and improvements to pre-existing Federal-aid transportation systems are allowable uses. A pre-existing Federal aid transportation system includes roads and bridges that are eligible for Federal aid under 23 U.S.C., including National Highway System component projects, Surface Transportation Program projects, and Highway Safety Improvement Program projects. These projects may be subject to additional EHP review.

A.4.5 Subsequent Transfer of a Property Interest

Post-Federal award, the subrecipient may transfer 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 subrecipient, including successors in interest, may convey any interest in the property only if the appropriate FEMA Regional Administrator, through the Recipient, gives prior written approval of the transferee. The transferee must be another public entity or a qualified conservation organization. Property transfer to private citizens and corporations will not be approved. A qualified conservation organization is an organization whose purpose has been conservation for at least 2 years before the opening of the application period that resulted in the transfer of the property interest to the subrecipient, 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 that contains documentation of the following:

- ◆ The proposed transferee acknowledges and agrees to be bound by the terms of the original mitigation award/subaward conveyance according to 44 CFR Part 80 and this guidance.
- ◆ The statement references and incorporates the original deed restrictions providing notice of the conditions in this section.
- ◆ The statement incorporates a provision for the property interest to revert to the subrecipient or Recipient in the event 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 subrecipient may convey an easement or lease to a private individual or entity for purposes that are 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 that are 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.5 Property Acquisition Closeout

At completion of the award/subaward activity, FEMA and the Recipient shall verify that all required subaward 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 subrecipient shall provide to FEMA, through the Recipient, the following property 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
- ◆ A signed Statement of Voluntary Participation from the owner of each property identified in the subaward SOW (see Addendum Part A.6.5.1)
- ◆ For each property identified in the FEMA Repetitive Loss database, a completed FEMA Form AW-501 documenting the completion of mitigation on the repetitive loss property is required. The form is available on the FEMA website at <https://www.fema.gov/media-library/assets/documents/13146>.

For more information about project closeout, see Part VI, F of the HMA Guidance.

A.5.1 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 the requirements in 44 CFR Part 80.

In addition, 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 (7 U.S.C. 7333) for damage to crops for which insurance is not available is considered "disaster assistance" and, as such, is not 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. 1501 et seq.), are not considered disaster assistance and are available to owners of open space-restricted land.

A.5.2 Open Space Monitoring, Reporting, and Inspection

The Recipient will work with subrecipients to ensure that the property is maintained in accordance with land use restrictions. The Recipient and subrecipients should jointly monitor

and inspect acquired properties every 3 years to ensure that the inspected parcels continue to be used for allowable open space purposes.

Every 3 years, the subrecipient, the Recipient, and FEMA must coordinate to ensure that the subrecipient submits documentation to the appropriate FEMA Regional Administrator certifying that the subrecipient 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 award/subaward. If the property subsequently transfers to an allowable transferee, the subrecipient, the Recipient, and FEMA will coordinate with that entity to submit the information.

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

A.5.3 Enforcement

If the required monitoring (or other information) results in the determination that the subject property is not being maintained according to the terms of the award, the subrecipient, Recipient, 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 Recipient shall notify the subrecipient (which includes successors in interest) that they have 60 days to correct the violation. If the subrecipient fails to demonstrate a good faith effort within the terms of the grant agreement within 60 days, the Recipient 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 Recipient fails to bring the property into compliance, 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 Recipient, subrecipient, and current holder of the property interest (if different) pending corrective action
- ◆ Requiring the transfer of title
- ◆ Bringing an action of law or equity in a court of competent jurisdiction against the Recipient, subrecipient, and/or their respective successors

FEMA also reserves the right to transfer the property title and/or easement to a qualified third party for future maintenance. For additional information, see 44 CFR Section 80.19(e)(ii).

A.6 Supplemental Guidance

Allowable land uses for properties acquired for open space under all HMA programs for projects within CBRs units are identified in Addendum Part A.6.1.1. FEMA may prohibit additional post-acquisition uses that it determines, in consultation with the U.S. Fish and Wildlife Service, are inconsistent with the purposes of the CBRA.

After settlement, no Federal disaster assistance for any purpose from any Federal source and no flood insurance payments may be made with respect to the property, and no person or entity shall seek such amounts.

The subrecipient must obtain the approval of the Recipient and the FEMA Regional Administrator before conveying ownership (fee title) of the property to another public agency or 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 subrecipient or other public entity.

By accepting award funds, the subrecipient 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 more information on managing open space after a property acquisition and structure demolition or relocation project, see Addendum Part A.5.2. For the FEMA Model Deed Restriction see Addendum Part A.6.4.

A.6.1 Allowable Uses of Open Space

The list below is a guide to open space use that addresses typical situations, but the subrecipient and Recipient should review every situation for adherence to the relevant regulations, open space intent, and floodplain management principles. The local floodplain administrator should review all proposed uses of acquired floodplain land. The Recipient and subrecipient, 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.

The generally allowable land uses of acquired open space are:

- ◆ Vegetative site stabilization, natural dune restoration, agricultural cultivation, and grazing
- ◆ Public picnic shelters, pavilions, and gazebos with associated foundations, provided the structures do not have walls

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- ◆ 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 localized flood 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 and sewer, water, and power line crossings where there is no floodwater obstruction created and there are no other readily available locations for these systems
 - ◆ Simple structures used exclusively for agricultural purposes in connection with the production, harvesting, storage, drying, or raising of certain agricultural commodities, including livestock, such as a pole-frame building (any such structure cannot be constructed so as to make it eligible for NFIP insurance), and steel grain bins and steel-frame corn cribs
 - ◆ Reuse of existing paved surfaces for recreational uses on the acquired property consistent with allowable uses is generally acceptable, but 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 are 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 is not necessary and converting 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 is possible.

A.6.1.1 Allowable Uses of Open Space in Coastal Barrier Resources System

Allowable land uses for acquired open space in CBRS units 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

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- ◆ 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 that is related to the study, management, protection, and enhancement of fish, wildlife, plants, and their habitats
 - ◆ Minor construction activities, excavation, and other flood control structures necessary for wetlands restoration or restoration of natural floodplain floodwater storage functions

A.6.2 Non-allowable Land Uses of Open Space

The land uses of acquired open space that are not generally allowed are:

- ◆ Hydraulic fracturing/HDD
- ◆ 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 the floodway must be designed to minimize trapping 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 that 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

A.6.2.1 Non-allowable Uses of Open Space in the Coastal Barrier Resources System

For projects in CBRS units, the following land uses of acquired open space are generally not allowed:

- ◆ Any use FEMA determines is inconsistent with the allowable land uses identified above

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- ◆ Any uses determined by the Recipient and/or FEMA as inconsistent with the regulations, this guidance, or deed restrictions
 - ◆ Paved surfaces

Communities may creatively salvage pre-existing structures on the acquired property. In some cases, the complete demolition of a structure may not be necessary; converting 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 is possible.

A.6.3 Statement of Assurances

Subapplications for assistance for property acquisition and structure demolition or relocation must include the FEMA Statement of Assurances. 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 in the model Statement of Assurances, which is available at <http://www.fema.gov/media-library/assets/documents/28695>.

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

A.6.4 Deed Restriction Language

The subapplication must 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, which is available on the FEMA website at <http://www.fema.gov/media-library/assets/documents/28496>.

If the subapplicant makes any changes to the language in the Model Deed Restriction, the subapplicant must seek approval from the FEMA Office of Chief Counsel, through the FEMA Regional Office, for the changes. Changes may be made to comply with local requirements, but changes to substantive, programmatic provisions will not be approved.

The subapplicant must follow the procedure described in the previous two paragraphs for acquisitions for open space in CBRS units. The subapplication must include a sample of the deed restriction for review and approval by the FEMA Office of Chief Counsel, through the Regional Office, to ensure compliance with all deed restriction requirements specific to these areas.

A.6.5 Property Owner Documentation

Documentation of the property owner's voluntary interest and certification that the property owner is a National of the United States or qualified alien must be submitted during the application process. See Addendum Part A.6.9.2 for definitions of a National of the United States and qualified alien.

A.6.5.1 Voluntary Interest Documentation

Participation in property acquisition and structure demolition or relocation projects by property owners is voluntary. 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 if negotiations fail and the property owner chooses not to participate.

Documentation of voluntary interest must be signed by each property owner and should be obtained as early in the project development as possible. The documentation must be submitted as specified in 44 CFR Section 80.13.

A Notice of Voluntary Interest can be documented using individually signed statements or a group sign-up sheet. An Example Notice of Voluntary Interest is available at <https://www.fema.gov/media-library/assets/documents/15689?id=3596>.

The documentation must include the name and signature of the interested property owners associated with each property and clear acknowledgement by every property owner of 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.

During project implementation, the subrecipient must execute a more formal Statement of Voluntary Participation with the owner of each property identified in the subapplication SOW (see Addendum Part A.3.1).

A.6.5.2 Certification of Owner Status for Pre-event Value

Before the property owner can receive a pre-event value for the property, the subrecipient must provide certification obtained from the property owner that the property owner is a National of the United States or a qualified alien (see Addendum Part A.6.9.2). For property owners who are not Nationals of the United States or qualified aliens, or who refuse to provide certification, the subrecipient will offer no more than the appraised current market value for the property.

A.6.6 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 with the appropriate Federal agency or agencies in accordance with 44 CFR Section 80.13 to ensure that other Federal actions are not anticipated that would affect the parcels under consideration for acquisition for open space.

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

Consultation with the USACE, Department of Transportation (DOT), and other Federal agencies is discussed below.

A.6.6.1 U.S. Army Corps of Engineers

The allowed uses of open space that have been created as a result of an acquisition project do not include flood levee systems, and subapplicants will be required to reject consideration of such use if they accept FEMA assistance to convert a property to permanent open space. The subapplicant must demonstrate in the subapplication that it has consulted with USACE regarding each subject property's potential use for the construction of a flood levee system (including berms, floodwalls, and dikes). FEMA will not award funds for any property without this documentation. This restriction does not generally apply to structures for ecosystem preservation, restoration, or enhancement.

If the initial 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 undertake an expanded consultation 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. The local government may be able to pursue open space acquisition and flood damage reduction levee projects in the same community when there are no land use conflicts (i.e., the levee would not cross acquired land). However, if the local government determines that a conflict exists and that it 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 award funding for property acquisition and structure demolition or relocation.

If, after the consultation, the local government decides to pursue a FEMA-funded property acquisition and structure demolition or relocation project, the subapplication must include an assurance, resolution, or equivalent document adopted by the governing body of the local government that indicates the following:

- ◆ In consultation with USACE, the local government has identified and considered the future potential use of acquired land for the construction of flood damage reduction levees and has chosen to proceed with acquisition of permanent open space.
- ◆ 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.6.6.2 Department of Transportation

The subapplicant must demonstrate in the subapplication that it has coordinated with the relevant State DOT to ensure that future plans do not contain any improvements or enhancements to Federal aid systems or other State transportation projects that would affect the proposed project area under consideration. The construction of such transportation improvements, enhancements, or projects on open space land is incompatible with open space uses and, therefore, is not allowed.

A.6.6.3 Other Federal Agencies

The Applicant and subapplicant must demonstrate in the application and subapplication, respectively, that they have consulted with other Federal agencies, as appropriate, regarding other program requirements and/or activities and have identified the relationship between the requirements and activities to FEMA mitigation grant activities and funding. Other Federal agency requirements may apply to mitigation grant activities if other agency funds are used for activities related to the project in the community or for matching the mitigation grant funding, such as Community Development Block Grant funds.

Other Federal agency funds may be used to contribute to the non-Federal share of a FEMA-funded mitigation project if the requirements of both programs apply to the project. The Applicant is responsible for coordinating with the programs that are available in the State. The coordination should include local program representatives and approaches and schedules. The objective should be to make the process as simple and consistent as possible for subapplicants and property owners.

A.6.6.4 Consultation Regarding Properties in the Coastal Barrier Resources System

For any proposed action that involves the acquisition of a structure for open space purposes that is within or attached to the CBRs, the FEMA Regional Administrator, as required by Section 6 of the CBRA, consults with the designated representative of the U.S. Department of the Interior (DOI) at the regional level before approving the action.

The request for consultation is in the form of a memorandum to the DOI representative that contains the following:

- ◆ Identification of the CBRs unit
- ◆ Description of the structure and the property to be acquired and demolished or relocated, including the identification of the structure as an exception under Section 6 of CBRA and full justification of its status as an exception

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- ◆ Amount of proposed Federal funding
 - ◆ Any additional required mitigation measures
 - ◆ A determination of the action’s consistency with the purposes of the CBRA, in accordance with 44 CFR Section 206.349

Pursuant to FEMA’s understanding with the DOI, the DOI representative provides technical information, an opinion as to whether the proposed action meets the criteria for a CBRA exception, and an opinion as to whether the action is consistent with the purposes of CBRA, if 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 in a timely manner, the FEMA Regional Administrator will contact the DOI representative to determine whether the request for consultation was received.

When the opinion of the regional DOI representative is that the proposed action should not be taken and the issue cannot be resolved at the regional level, the FEMA Regional Administrator submits the issue to the Director, Office of Environmental Planning and Historic Preservation, Federal Insurance and Mitigation Administration for review. Consultation is accomplished at FEMA Headquarters with the DOI consultation officer and the Office of Environmental Planning and Historic Preservation, Federal Insurance and Mitigation Administration in coordination with the FEMA Office of Chief Counsel. The Director, Office of Environmental Planning and Historic Preservation, Federal Insurance and Mitigation Administration, then approves or does not approve the proposed action.

A.6.7 Relocation and Removal of Existing Buildings

Existing buildings that are part of an open space acquisition and demolition or relocation project must be removed and disposed of in accordance with applicable laws within 90 days of closing and settlement of the property acquisition transaction. The Recipient and subrecipient are responsible for the removal and disposal.

Even if numerous properties are purchased on different dates, the Recipient and subrecipient are still responsible for structure disposal or removal within 90 days of settlement for each property. The FEMA Regional Administrator may grant an exception in accordance with 44 CFR Section 80.17(d) for multiple properties in a single project when the properties are individually identified and the need for an exception is justified, in accordance with the regulations.

All relocated structures in open space acquisition and relocation projects must be placed on a site outside an SFHA, outside any regulatory erosion zones at a distance at least 60 times the average annual erosion rate measured from an appropriate “erosion reference feature,” and outside any other identified hazard areas. The owner is responsible for ensuring that the building is brought into compliance with all applicable laws and regulations.

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

After a disaster, the demolition and debris removal of acquired structures may be eligible for reimbursement under the FEMA Public Assistance (PA) Program if the structures represent a health and safety hazard as a result of the disaster. States/Recipients and subrecipients should coordinate with the appropriate FEMA Regional Office to determine whether these costs are eligible under the PA Program. If the costs of demolition do not qualify for PA Program funding, they are eligible project costs under the relevant mitigation grant program. If any parts of the structure are sold for salvage value, the total cost of the project will be reduced by the salvage value before cost shares are calculated.

A.6.8 Hazardous Materials

In accordance with 44 CFR Section 80.11(e), properties that are contaminated with hazardous materials are not eligible for acquisition. The subrecipient must ensure that a property with past or present commercial or industrial use and any adjacent properties suspected of having hazardous materials at the site are not contaminated when the project application is approved. If the subapplication is selected for further review by FEMA, the subrecipient must meet the requirements of the Environmental Protection Agency's "all appropriate inquiries" rule, 40 CFR Part 312, including contracting with an appropriate qualified environmental professional to perform a Phase I Environmental Site Assessment (ESA), as defined by the rule. 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 budget.

In accordance with these criteria and 44 CFR Section 80.17(a), the subrecipient shall:

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

The purpose of the ESA is to identify conditions that are 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

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- ◆ 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
 - ◆ Properties adjoining or near the subject property that have environmental circumstances that could have resulted in conditions indicative of releases or threatened releases of hazardous substances to the subject property

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

If the Phase I ESA “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 subrecipient shall require the owner to remove the materials or remediate the property in accordance with any applicable Federal, State, federally-recognized tribal, or local requirements. If a Phase II ESA (to evaluate suspected areas and to identify the nature and extent of contamination on, at, in, or to the property) is required, the costs of this study are not eligible mitigation grant project costs. Additionally, the cost of a Phase III ESA (to determine remediation plans, cleanup, and certification of the property) are not eligible mitigation grant project costs.

A contaminated property must be “certified clean,” per 44 CFR Section 80.17(a). Certified clean, in this case, is a letter from the appropriate local, State, federally-recognized tribal, or Federal entity determining that no further remedial action is required to protect human health or the environment. A contaminated property must be certified clean before any interest in the property is purchased. The seller must also agree to indemnify the Recipient, FEMA, and the subrecipient for any liability arising from previous contamination of the property.

A.6.9 Purchase Offer: Value of the Property

For each property identified for acquisition, the subrecipient 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 the Hazard Mitigation Grant Program (**HMGP**), the relevant event for assistance is the major disaster under which funds are available. For the Pre-Disaster Mitigation (**PDM**) Program, pre-event market value is the value before the most recent declared Presidential 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 Flood Mitigation Assistance (**FMA**) Program, 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 relevant event may vary under the HMA programs, but the pre-event market value or current market value may be used at the Applicant's discretion for all HMA programs. The Recipient should coordinate with the subrecipient to determine whether the valuation should be based on the pre-event market value or current market value. The current market value may be the most efficient method if no damage has occurred to the property or if a reasonable amount of time has elapsed since the event.

The benefit of the pre-event market value is available only to owners who owned the property during the event and are Nationals of the United States or qualified aliens. If the current property owner purchased or took possession of the disaster-damaged property after the major relevant event or is not a National of the United States or qualified alien, the subrecipient may not offer the owner more than the current market value.

FEMA generally does not include subsurface mineral valuations in the current market value. However, there is no legal or regulatory requirement to exclude those values. Costs associated with surface or subsurface land appraisal are considered part of the overall cost-effectiveness evaluation of any acquisition project.

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

A.6.9.1 Valuation Methodology

The following appraisal methodology must be used to determine property value:

- ◆ The appraisal 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 have the appropriate certification, qualifications, and competencies based on the type of property being appraised

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- ◆ The subrecipient must coordinate with the Recipient to determine the assumptions that will be used in the appraisal (i.e., current or pre-event market value), and the assumptions must be applied consistently throughout the project area for all properties to be acquired
 - ◆ When determining the value for a large number of structures, the subrecipient may conduct 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 Addendum Parts A.6.9.3 and A.6.9.4, respectively).

A.6.9.2 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 the current market value.

“National of the United States” is defined in 8 U.S.C. 1101 as a citizen of the United States or a person who is not a citizen but who owes permanent allegiance to the United States. “Qualified alien” is defined in 8 U.S.C. 1641 as:

[A]n 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. 1101 et seq.],*
- 2. an alien who is granted asylum under section 208 of such Act [8 U.S.C. 1158],*
- 3. a refugee who is admitted to the United States under section 207 of such Act [8 U.S.C. 1157],*
- 4. an alien who is paroled into the United States under section 212(d)(5) of such Act [8 U.S.C. 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. 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. 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 the award or final approval, subrecipients will ask all property acquisition and structure demolition or relocation project participants (property owners) to certify that they are a National of the United States or a qualified alien. Subrecipients will offer participants who refuse to

provide such certification, 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 who are not Nationals of the United States or qualified aliens, may not receive supplemental housing payments.

Subrecipients may use FEMA Form 009-0-3, *Declaration and Release* (available at <http://www.fema.gov/pdf/assistance/process/00903.pdf>), as certification of the nationality of participating property owners. At the time of certification, the subrecipient will ask the property owner to show a form of identification (any government-issued identification displaying the signer's name is sufficient). If the property owner has applied for FEMA disaster assistance, Form 009-0-3 will already be on file at FEMA, and the subrecipient will instead request verification from FEMA through the Recipient that a certification is on file.

A.6.9.3 Deductions from the Purchase Offer

The Recipient, subrecipient, and property owner must identify any potential DOB. FEMA deducts benefits from other sources from the purchase offer. Repair assistance that has been used for its intended purpose is generally not deducted if documentation of the use is provided. Examples of when DOB may occur in a property acquisition and structure demolition or relocation project are as follows:

- ◆ The subrecipient offers the full pre-event market value to the property owner, but the property owner cannot provide documentation to demonstrate that assistance such as insurance, loans, repair grants, compensation in compliance with a court order, or other such assistance has been used for its intended purpose. This is because payment of the full pre-event market value compensates the owner for the loss of value that has occurred.
- ◆ The subrecipient offers the full pre-event market value to the property owner, but legal claims are appropriate or legal obligations arise in connection to the property that may provide a benefit to the property owner. The parties involved in pending legal disputes must take reasonable steps to recover benefits available to them.
- ◆ 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 the pre-event market value, the following procedures can help prevent mitigation grant funds from duplicating benefits available from other sources:

- ◆ The subrecipient establishes the purchase offer property value as of a certain date.

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- ◆ The subrecipient provides the Recipient with a list of property owners participating in the property acquisition and structure demolition or relocation project, and a list of tenants who may be affected by the acquisition.
 - ◆ The Recipient and FEMA inform the subrecipient of the amount of repair or replacement assistance available to each property owner and rental or relocation assistance available to tenants. FEMA provides NFIP coverage information to the Recipient and subrecipient, including the amount paid on a claim and the amount of coverage available.
 - ◆ The subrecipient coordinates with property owners who must disclose all funding received for the same purpose, as described above, including repair or replacement assistance received, all insurance benefits available to them under an existing policy (whether or not they submitted a claim), and any potential recovery of funds based on litigation or other legal obligations. The property owner must take reasonable steps to recover such amounts. The subrecipient must coordinate with tenants who must disclose any amounts received from rental or relocation assistance.
 - ◆ Property owners who have a Small Business Administration loan are required to repay the loan or roll it over to a new property at closing.
 - ◆ The subrecipient identifies any other potential sources of benefits to the subrecipient, property owner, or tenant.

The subrecipient shall reduce the purchase offer by the amount of any DOB. Deductions are not taken for any amounts the owner can verify with receipts that were expended on repairs or cleanup. Subrecipients may not credit property owners for their own labor hours for repair work.

For insurance payments made for which the purpose is unspecified, property owners may submit (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. If the property owner submits an affidavit, upon receipt of the affidavit, the Recipient and subrecipient will treat the payment as a personal property settlement that is not subject to a DOB deduction.

A.6.9.4 Additions to the Purchase Offer

If the purchase offer for a property is less than the amount the property owner must pay to purchase a comparable replacement dwelling in a non-hazard-prone site in the same community, the Recipient and subrecipient may choose to make available to the property owner a supplemental payment of up to \$31,000 that would be applied to the difference. Subrecipients should consider the cost of relocating to a permanent residence that is of comparable value and that is functionally equivalent.

In order for the property owner to receive a supplemental payment, the Recipient and subrecipient must demonstrate that the following circumstances exist:

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- ◆ Funds cannot be secured from other more appropriate sources, such as housing agencies or voluntary groups.
 - ◆ 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.
 - ◆ The project would otherwise have a disproportionately high adverse effect on low-income or minority populations because project participants in these populations would not be able to secure comparable decent, safe, and sanitary housing.

For **HMGP**, the Recipient has the option of allowing subrecipients to provide a credit to property owners who have flood insurance. The subrecipient provides an incentive payment that is 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.6.10 Tenants

Although the property owner must voluntarily agree to participate in an open space project, participation is not voluntary for residential and business tenants and owners of mobile homes who rent homopads (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 (42 U.S.C. 4601 et seq.). The implementing Federal regulations are in 49 CFR Part 24. Property 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 regulations define “tenant” as a person who has the temporary use and occupancy of real property that is owned by another.

URA relocation benefits to displaced tenants include moving expenses, replacement housing rental payments, and relocation assistance advisory services. Displaced tenants include owners of manufactured homes who lease a pad site.

The amount of assistance the subrecipient must pay the tenant is provided in 49 CFR Part 24, Subpart E. An eligible displaced tenant is entitled to:

- ◆ Reasonable out-of-pocket (or fixed schedule) moving expenses
- ◆ 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 toward 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 toward the down payment.

An alien who is 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. Subrecipients 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. Subrecipients will not provide URA assistance to participants who refuse to certify that they are, or who are not a U.S. citizen or lawfully present.

Refer to 49 CFR Part 24 for instructions on implementing URA requirements. Subrecipients must coordinate closely with the Recipient and FEMA when implementing URA requirements. The State DOT is often a good resource in determining how to calculate the appropriate URA payment because the Federal Highway Administration oversees the applicability of the URA.

A.6.10.1 Rental Increase Payment

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

- ◆ The 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 subrecipient wants to purchase a particular property. Any tenant who occupied the dwelling before a disaster event is usually eligible. The exception is if the project negotiations are unrelated to the 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. A signed lease is preferable for proving tenancy, but other documentation, such as utility bills, may be used to prove tenancy if a signed lease is not available because of the disaster event.

Compensation for a 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 rental increase payment may not exceed a total of \$7,200.

Subrecipients 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 comparable unit that is decent, safe, and sanitary (as defined at 49 CFR Section 24.2(a)(8)) outside a high-hazard area. A rental assistance payment may, at the subrecipient's discretion, be disbursed in a lump sum or in installments. If any U.S. Department of Housing and Urban Development programs are providing partial funding for the project, the subrecipient should verify the program requirements to ensure proper coordination with mitigation grant program requirements.

A.6.10.2 Rental Assistance for 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 entitled to URA relocation benefits and/or replacement housing payments. Payments to mobile home owners may 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 calculation of benefits.

Displaced mobile home owners who rent their homepads are entitled to assistance as described below. In some cases, the combination of the two types of URA assistance may exceed URA's statutory maximum replacement housing differential of \$31,000.

The displaced mobile home owner/homepad tenant is entitled to compensation for rental and utility increases resulting from renting a comparable homepad and moving expenses as described in this section. 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 the average monthly cost of utilities for a comparable replacement homepad. The rental increase payment may not exceed a total of \$7,200.

Displaced mobile home owners may also be entitled to the following:

- ◆ **Replacement Housing Assistance:** For URA purposes, the mobile home owner is considered to be involuntarily displaced from his or her residence as a result of the homepad owner (landlord) selling the property. In addition, if the mobile home is also purchased, the displaced mobile home owner is 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 purchased mobile home from the cost of a new replacement mobile home.

In some cases, it may not be possible to secure a comparably located site for a replaced/displaced mobile home; thus, the site on which the home is ultimately placed is called "last resort

housing.” The cost to find and/or obtain such a site may exceed the statutory maximum differential replacement housing payment of \$31,000. Last resort housing cases can result when the subapplicant has not adequately planned for the relocation of mobile homepad tenants. If a comparable location for a replacement mobile home cannot be found, the homepad tenant may be eligible for replacement housing payments up to the cost of a traditionally constructed home that is comparably located.

A.6.10.3 Requirements for Applications Involving Mobile Home Owners

Subapplicants seeking funds for mobile home park acquisitions must demonstrate capacity to administer the subaward within the project cost estimate. To demonstrate capacity, the subapplication should include:

- ◆ An estimate of the number of mobile homes that will be involuntarily displaced
- ◆ Identification of in-house URA experience or an estimate of the cost of obtaining URA expertise shown as a line item in the project budget
- ◆ A preliminary relocation analysis discussing whether an adequate stock of potential replacement sites and/or dwellings is available

A.6.10.4 Tenant Businesses

Tenant businesses that are involuntarily relocated as a result of a FEMA-funded property acquisition and structure demolition or relocation project are entitled to URA benefits. Assistance provided to a tenant business cannot duplicate payments from insurance or any other source. Thus, Small Business Administration loans and other types of financial assistance received after the disaster must be subtracted from benefits received under the URA. The Recipient and subrecipient should seek assistance from the appropriate FEMA Regional Office in determining benefits for tenant businesses. The State DOT can be a good resource for determining benefits for tenants because the Federal Highway Administration oversees the applicability of the URA.

B. Wildfire Mitigation

Part B of the Addendum supplements the information provided in Parts I through IX of the HMA Guidance. The project-specific guidance in this section does not provide all of the information necessary to apply for funding through an HMA program and must be read in conjunction with all other relevant sections of this guidance.

B.1 Overview

Wildfire mitigation projects are any actions undertaken to decrease the risk of damage or loss of life from wildfires. FEMA wildfire mitigation activities can be funded by **HMGP** and **PDM**. Funding under these programs is not available for wildfire mitigation beyond the parameters described in this guidance and Addendum.

B.2 Additional Project Eligibility Requirements

This section addresses project eligibility requirements and lists the types of projects that FEMA will fund.

B.2.1 Feasibility and Effectiveness Requirement

As with any HMA-funded project, wildfire mitigation projects must be technically feasible, effective at reducing risk, and designed and implemented in conformance with all local, State, and Federal requirements, including local and State building codes and land use restrictions. FEMA urges the community or any entity implementing wildfire mitigation to use the materials and technologies that are in accordance with International Code Council (ICC), FEMA, U.S. Fire Administration, and the National Fire Protection Association (NFPA) Firewise recommendations, whenever applicable.

Eligible wildfire mitigation projects must clearly demonstrate mitigation of the risk from wildfire to residential and non-residential buildings and structures, including public and commercial facilities. Projects must be located in a Wildland-Urban Interface, must be adjacent to or intermingled with the built environment, and must provide protection to life and the built environment from future wildfires.

B.2.2 Eligible Activities

FEMA will only fund specific wildfire mitigation activities and FEMA funding will only be considered for clearly defined vulnerable buildings and structure. The eligible activities are:

- ◆ **Defensible space measures** – The creation of perimeters around residential and non-residential buildings and structures through the removal or reduction of flammable vegetation

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- ◆ **Ignition-resistant construction** – The application of non-combustible building envelope assemblies, the use of ignition-resistant materials, and the use of proper retrofit techniques in new and existing structures
 - ◆ **Hazardous fuels reduction** – Vegetation management to reduce hazardous fuels, vegetation thinning, and the reduction of flammable materials to protect life and property beyond defensible space perimeters but proximate to at-risk structures

FEMA may fund above-code projects in communities with fire-related codes and may also fund activities that meet or exceed codes currently in effect for buildings and structures that were constructed or activities that were completed prior to the establishment of the local building codes.

B.2.3 Ineligible Wildfire Mitigation Activities

The following project activities and their associated costs are not eligible for FEMA funding:

- ◆ Projects that do not protect homes, neighborhoods, structures, or infrastructure
- ◆ Projects on federally owned land and land adjacent to Federal lands when the proposed project falls under the primary or specific authority of another Federal agency
- ◆ 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, infestations, damage from extreme weather events affecting the forest-wide health)
- ◆ Irrigation of vegetation to avoid disease or drought-related infestation
- ◆ Projects to protect the environment or watersheds
- ◆ Projects for prescribed burning or clear-cutting activities
- ◆ Projects for maintenance activities, deferred or future, without an increase in the level of protection
- ◆ Projects for the purchase of fire-related equipment (e.g., vehicles, fire trucks) or communications equipment
- ◆ Projects for the creation and maintenance of fire breaks, access roads, and staging areas
- ◆ Purchase of equipment to accomplish eligible work (e.g., chainsaws, chippers)
- ◆ Projects for vegetation irrigation systems installed on the ground and designed to moisten the surface
- ◆ 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, dip ponds)

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- ◆ Activities intended solely to remedy a code violation without an increase in the level of protection
 - ◆ Activities on Federal land

B.2.4 Duplication of Programs

Before submitting a grant application, the Applicant must ensure that Duplication of Programs (DOP) between Federal agencies will not occur. FEMA will not provide assistance for activities for which it determines the specific authority lies with another Federal agency or program. Wildfire mitigation is addressed by the Federal government through a comprehensive legislative framework. FEMA recognizes that other Federal departments and agencies, such as the U.S. Department of Agriculture (USDA), U.S. Forest Service, Natural Resources Conservation Service (NRCS), U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, and the Bureau of Indian Affairs, have primary wildland fire management responsibilities. These departments and agencies also have the primary responsibility for addressing ongoing forest management conditions, such as those caused by forest age, disease, and pest infestation spreading to and from the Federal lands onto adjacent non-Federal lands.

While these and other Federal agencies have the specific authority to protect the watersheds, forests, soils, and timber resources and address forest management conditions, they also have authority to address wildfire hazard reduction, including hazardous fuels reduction, with primary attention on areas that are on or near Federal lands. They may also assist State and local jurisdictions in efforts to protect the built environment in fire-prone areas of forests, ranges, and grasslands.

If projects proposed for FEMA HMA hazardous fuels reduction are located in a Wildland-Urban Interface area, the Applicant can check for potential duplication by contacting a local office of the USDA and DOI for information. HMA applicants are expected to be aware of any current or proposed hazardous fuels reduction projects under the DOI or USDA Forest Service and should provide an assurance to FEMA that there is no DOP. If a project is already under consideration for funding by another agency, the community should await the outcome of that decision before applying for an HMA grant. If an agreement is already in place with another agency to perform hazardous fuels reduction but there is a delay in funding, HMA funds cannot be made available to substitute or replace other assistance. If Congress has specifically authorized another Federal agency to perform a project, there is a DOP and HMA funds cannot be used regardless of whether there is a current appropriation.

FEMA does not have authority to fund projects on Federal land 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, damage from extreme weather events affecting the forest-wide health, pest infestations). FEMA mitigation authority targets at-risk buildings and structures without regard to the benefits to Federal land and

activities in areas outside the primary focus of other Federal agency wildfire risk reduction programs. FEMA hazard mitigation assistance for wildfires is focused on cost-effective, functional mitigation actions taken to reduce the risk to specific properties or buildings and structures from future wildfires. FEMA's goal of reducing the risk from wildfire hazards to human life and property, including loss of function to critical facilities, is intended to complement, and not duplicate, the programs of numerous other Federal agencies, such as the U.S. Forest Service or Bureau of Land Management, that fund wildfire risk reduction on non-Federal lands.

B.3 Wildfire Mitigation Project Application Package

Wildfire mitigation projects can be funded by **HMGP** or **PDM** funds. If an Applicant would like to have a subapplication considered under multiple HMA programs, the Applicant must submit the subapplication to each HMA program separately.

In addition to the application requirements addressed in Part IV of the HMA Guidance, the following information must be included in a wildfire mitigation application:

- ◆ A description of the wildfire mitigation activities and the method used to accomplish the activities
- ◆ Map(s) showing the project area (e.g., property address, polygon, quadrangle) and the relationship of the structures to the Wildland-Urban Interface or forested, range, or grassland area
- ◆ Property-level rating of wildfire risk for each home or community and the scale used to measure the rating levels (if applicable)
- ◆ Documentation that demonstrates that no DOP will occur, that other Federal programs have been investigated, and that the Applicant has coordinated with other appropriate Federal agencies
- ◆ A statement acknowledging that a final Operations and Maintenance (O&M) Plan will be submitted to FEMA before project closeout

B.4 Implementation

Project implementation entails putting the planned activities for wildfire mitigation into practice. All projects should be implemented using all current codes and best practices. This section addresses applicable codes and best practices for the FEMA-approved mitigation project types and provides additional resources for further information.

B.4.1 Defensible Space

Creating defensible space involves creating a perimeter around a residential or non-residential building or structure by removing or reducing the volume of flammable vegetation, including

clearing tree branches, vertically and horizontally. The volume of vegetation is minimized, flammable vegetation is replaced with less flammable species, and combustibles are cleared in accordance with all applicable codes and best practices. A description of the proposed defensible space activities must be provided for each property. FEMA recommends that ingress and egress to the building be maintained.

FEMA recognizes the importance of creating defensible space for residential and non-residential buildings and structures in accordance with local fire codes; standards and design criteria provided by ICC, FEMA, the U.S. Fire Administration, and the NFPA; well-established and proven techniques; and Firewise practices.

The required radius of defensible space around a building is related to the degree of the hazard, and the radius that is needed for an effective defensible space may, therefore, vary from one jurisdiction or building to another. In addition, the topography, specifically slope steepness and direction, and the arrangement, amount, and flammability of the vegetation may require extending the perimeter. When the proposed perimeter extends beyond what is required, the effectiveness of the proposed defensible space must be demonstrated in the project application.

Defensible space projects for residential structures, commercial buildings, public facilities, and infrastructure must be implemented in conformance with local code requirements for defensible space. FEMA recommends that projects use the design guidance in FEMA P-737, *Homebuilder's Guide to Construction in Wildfire Zones* (2008), or FEMA P-754, *Wildfire Hazard Mitigation Handbook for Public Facilities* (2008) if the latter presents a stricter standard.

B.4.2 Structural Protection through Ignition-Resistant Construction

Structural protection through ignition-resistant construction involves the use of noncombustible materials, technologies, and assemblies on new and existing buildings and structures. FEMA will consider a subapplication for an ignition-resistant construction project only when:

- ◆ The property owner has previously created defensible space and agrees to maintain the defensible space in accordance with this guidance. The subapplicant must include documentation describing 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 (i.e., photographs and description of the defensible space); or
- ◆ The subapplication includes both the defensible space and ignition-resistant construction projects as part of the same subapplication. The subapplicant must include a description of the defensible space for each property in the subapplication, and each property owner must agree to maintain the defensible space in accordance with this guidance.

Protection of homes, structures, and critical facilities through the use of ignition-resistant construction techniques or non-combustible building materials must be implemented in

conformance with the local fire-related codes and standards. FEMA recommends that projects use FEMA P-737 or FEMA P-754 as appropriate.

FEMA may fund above-code projects in communities if the project is cost effective and in conformance with all applicable eligibility criteria. Eligible activities include:

- ◆ **Roof assemblies:** Installation of roof coverings; roof sheathing; roof flashing; roof skylights; roof, attic, and wall 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 noncombustible, and (3) construction materials constitute an assembly that has a minimum 1-hour fire-resistant rating
- ◆ **Wall components:** 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 noncombustible, and (3) construction materials constitute an assembly that has a minimum 1-hour fire-resistant rating
- ◆ **Protection of fuel tanks:** Protection of propane tanks or other external fuel sources
- ◆ **External water hydration and thermal insulation systems:** Purchase and installation of external, structure-specific water hydration and thermal insulation systems (foam, fire-retardant, and water sprinkler systems) with a dedicated delivery system and dedicated self-contained foam or retardant in sufficient volume to protect the structure. For water sprinklers, a cistern is acceptable if a dry hydrant with a fire department connection or other water source (e.g., lake, river, swimming pool) is available. FEMA will only consider the project when assurance is provided in the O&M plan that a system (e.g., geographic information system) will be maintained to identify property addresses with wildfire sprinkler systems and will be made available to the appropriate fire department.

B.4.3 Hazardous Fuels Reduction

Hazardous fuels reduction involves the removal or modification of vegetative fuels proximate to the at-risk buildings or structures that, if ignited, pose a significant threat to human life and property, especially critical facilities. Hazardous fuels reduction includes thinning vegetation, removing ladder fuels, reducing flammable vegetative materials, and replacing flammable vegetation with fire-resistant vegetation for the protection of life and property. Vegetation may include excess fuels or flammable vegetation.

Hazardous fuels reduction projects are implemented at the community level and extend beyond defensible space perimeters. However, FEMA will consider funding hazardous fuels reduction projects only if they are within 2 miles of homes and other structures that meet or exceed

applicable fire-related codes and standards and the risk reduction for the target community or buildings is demonstrated.

Hazardous fuels reduction projects will be designed to moderate fire behavior and reduce the risk of damage to life and property in the target area for mitigation. The natural variation in vegetation, topography, and climate does not lend itself to a national design standard for hazardous fuels reduction activities. Hazardous fuels reduction projects will be designed and implemented in accordance with local and State codes and standards and best practices. The project design should include consideration of the landscape and intended function of the project, and the location and orientation of the project site should be designed with consideration of the likely direction and severity of a wildfire.

Hazardous fuels reduction may be accomplished using community-owned, rental, or contract resources and equipment for mechanical treatments, such as disking, mowing, and chopping. Chopping equipment may include chippers and saws. The equipment may not pose a risk of fire ignition (e.g., spark arrestor).

Eligible activities include community-level vegetation management, vegetation removal, vegetation clearing and/or thinning, slash removal, and vertical and horizontal clearance of tree branches to reduce the threat to human life and structures from future wildfires. Such activities must 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 in accordance with applicable codes and best practices
- ◆ Biomass removal, including clearing straw, removing dead or dry vegetation, thinning, removal of brush and pine straw, or removing blown-down timber from wind throw, ice, or a combination
- ◆ Other industry-accepted techniques with FEMA's approval

B.4.4 Additional Wildfire Mitigation Resources

The NFPA Firewise program provides resources for communities and property owners to use in the creation of defensible space and in making building modifications. The resources are available at www.firewise.org and www.nfpa.org. Additional resources for wildfire projects are as follows:

- ◆ *International Wildland-Urban Interface Code (IWUIC)*
- ◆ *Standard for Reducing Structure Ignition Hazards from Wildland Fire (NFPA 1144)*

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- ◆ *Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas* (NFPA 1141)
 - ◆ *Standard for Fire-Retardant Treated Wood and Fire-Retardant Coatings for Building Materials* (NFPA 703)
 - ◆ *Code for Fire Protection of Historic Structures* (NFPA 914)
 - ◆ *Homebuilder's Guide to Construction in Wildfire Zones* (FEMA P-737)
 - ◆ *Wildfire Hazard Mitigation Handbook for Public Facilities* (FEMA P-754)

B.5 Wildfire Mitigation Closeout

In addition to the typical HMA closeout process, closeout of wildfire mitigation projects includes the submittal of an O&M plan to FEMA for review prior to project closeout. In the O&M plan, the Recipient must confirm that the plan is consistent with this guidance, meets or exceeds local codes, and is in conformance with appropriate fire-related codes.

At a minimum, the O&M plan must include all of the following information:

- ◆ Information demonstrating that the requested wildfire project will be maintained to achieve the proposed hazard mitigation
- ◆ A description of the maintenance activities in the mitigation project (e.g., defensible space, hazardous fuels reduction, ignition-resistant construction)
- ◆ The period of time the community is committing to maintain the area and/or project site, which must be consistent with the project useful life in the Benefit-Cost Analysis
- ◆ A discussion of the post-closeout activities that will be undertaken to maintain the area and/or project site for the duration of the project useful life
- ◆ The schedule for implementation of the maintenance activities

C. Safe Rooms

Part C of the Addendum supplements the information provided in Parts I through IX of the HMA Guidance. The project-specific guidance in this section does not provide all of the information necessary to apply for funding through an HMA program and must be read in conjunction with all other relevant sections of this guidance.

This section is applicable to **HMGP** and **PDM** and supersedes the following:

- ◆ FEMA Mitigation Policy MRR-2-07-01, *Hazard Mitigation Assistance for Safe Rooms*
- ◆ FEMA Interim Policy MRR-2-09-1, *Hazard Mitigation Assistance for Safe Rooms*
- ◆ FEMA Memorandum, *Waiver of Two Provisions of Mitigation Interim Policy MRR-2-09-1, Hazard Mitigation Assistance for Safe Rooms*

C.1 Overview

In extreme wind events, such as tornadoes, there may be little or no warning to allow the general population to leave the area of immediate impact, and they must, therefore, seek immediate life-safety protection. Little or no warning limits the potential occupancy of tornado residential and community safe rooms to the people who are onsite or nearby.

When there is sufficient warning time in extreme wind events, such as hurricanes, the general population can be expected to leave the area of anticipated immediate impact and seek shelter outside of the impacted area. However, first responders and those who are physically unable to leave the area remain in harm's way. Therefore, for hurricane threats, FEMA considers funding only for extreme wind mitigation projects that are designed for populations that cannot remove themselves from harm's way during a land-falling hurricane.

Safe room construction projects are designed to provide immediate life-safety protection for a limited population that cannot evacuate out of harm's way before an event. These mitigation activities are available for public and private structures for severe wind events, such as tornadoes and hurricanes. For the purposes of **PDM** and **HMGP**, "safe room" applies only to the following:

- ◆ Extreme wind (combined tornado and hurricane) residential safe rooms
- ◆ Extreme wind (combined tornado and hurricane) community safe rooms
- ◆ Tornado community safe rooms
- ◆ Hurricane community safe rooms

Safe room construction projects include retrofits of existing facilities and new safe room construction and apply to both single- and multi-use facilities.

This section provides information on HMA-funded safe room construction projects, including eligible parameters, design standards, flood hazard siting limitations, protected populations, period of protection, eligible costs, O&M plans, cost-effectiveness, and compliance with EHP regulations.

PDM and **HMGP** funds may only be used for safe room projects designed to achieve “near-absolute protection” as described in the current editions of FEMA P-320, *Taking Shelter From the Storm: Building a Safe Room For Your Home or Small Business* (2014), and FEMA P-361, *Safe Rooms for Tornadoes and Hurricanes: Guidance for Community and Residential Safe Rooms* (2015). Any lower threshold of protection exposes safe room occupants to a greater degree of risk than is acceptable. 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. Some of these projects also provide 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 and recovery shelters. Safe rooms and general population shelters are different in two ways. First, shelters are generally not intended to withstand extreme wind events and are, therefore, 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 P-320 and P-361. Second, shelters are intended to provide longer term services and housing for people who have left the anticipated impact area of an extreme wind event or because their homes have been damaged or destroyed by extreme wind, wildfire, flooding, or other disaster event; safe rooms are intended to provide protection for only approximately 2 hours in tornado events and 24 hours in hurricane events.

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 projects 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.2 Additional Project Eligibility Requirements

This section discusses application requirements for safe rooms, recognized design standards, cost-effectiveness of safe rooms, and flood hazard siting limitations.

C.2.1 Application Requirements for Safe Rooms

To be eligible for FEMA grant funding, safe room applications and subapplications must include:

- ◆ Documentation that demonstrates compliance with relevant **HMGP** and **PDM** guidance requirements

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- ◆ Documentation that demonstrates compliance with local planning, zoning, building, and other applicable codes
 - ◆ Identification of the impacted population as follows
 - Documentation on the composition, size, and rationale for including each group designated as a disproportionately impacted population
 - For tornado residential and community safe rooms, documentation that demonstrates how the designated population would reach the safe room within the prescribed time limit after notification
 - For hurricane safe rooms, documentation that demonstrates that each group composing the affected 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 a maximum distance of 0.5 mile from the safe room for those driving. This means that 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.
 - For hurricane safe rooms, travel times are not limited
 - ◆ A cost-effectiveness analysis using approved FEMA methodology
 - ◆ Description of the approach the subapplicant will use in preparing the O&M plan
 - ◆ Safe Room Project Closeout requirements
 - Final signed O&M Plan
 - Photos of the project site before and after construction
 - Latitude/longitude of the project site
 - Vicinity map and map of the SFHA if applicable
 - Certification from a licensed Professional Engineer or a Registered Architect that the safe room and all items that contribute to the operation of the safe room have been constructed to meet or exceed operation FEMA P-320 (if following a prescriptive design found in P-320) or FEMA P-361 (for all other designs not following the designs in P-320), including, but not limited to, the foundation and safe room anchoring requirements, doors, windows, exterior aboveground generators and attendant fuel sources, electrical or passive ventilation, communications equipment, signage, steps, stairs, elevators, lifts, and eligible below-ground electrical lines
 - Any structural and non-structural design peer review reports as required by FEMA P-361

More information on each required item can be found in the remainder of this section.

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

- ◆ The safe room project provides immediate life-safety protection in the projected impact area of a hurricane and/or tornado.
- ◆ The safe room project is constructed with criteria recognized by FEMA to afford near-absolute protection and is verified by a licensed design professional. See Addendum Part C.2.2.
- ◆ The safe room project is not located in certain high-hazard areas where flood waters have the potential to endanger occupants of the safe room. See Addendum Part C.2.4.
- ◆ 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 use the facility during a storm event, and the design is to accommodate this population for a limited period. See Addendum Part C.3.1.1.
- ◆ Allowable safe room project costs are directly related to and necessary for the hazard mitigation purpose of providing immediate life-safety protection by means of the structure and the building envelope for the limited population required to remain in the impact area during an extreme wind event. See Addendum Part C.3.1.
- ◆ Community safe room projects have or will have an O&M plan developed. At a minimum, the process to include O&M plans includes the following:
 - Descriptive statement of the O&M plan at the time of the application along with a Statement of Assurances that the O&M plan will be developed during project implementation
 - Final O&M Plan prior to project closeout. See Addendum Part C.5.1.
- ◆ The safe room project demonstrates cost-effectiveness. See Addendum Part C.2.3.
- ◆ The safe room project complies with all relevant EHP regulations. See Addendum Part C.4.1.
- ◆ The safe room project adheres to other program conditions as described in this guidance. See Addendum Parts C.4.1 and C.4.2.

C.2.2 Recognized Design Standards

To qualify for **PDM** or **HMGP** funding, a safe room must provide near-absolute protection. It does so when it complies with FEMA-recognized design and construction criteria, codes, or standards. A safe room that is designed to lower design criteria provides a lower level of

protection, resulting in a greater degree of risk than is acceptable to FEMA and, therefore, is not eligible for **PDM** or **HMGP** funding. FEMA recognizes acceptable life-safety protection for safe room occupants if the project application documentation shows that the safe room project meets or exceeds the criteria set forth in FEMA P-361. Residential, site-built safe rooms may be considered to meet the criteria in FEMA P-361 if they conform to the prescriptive solutions provided in FEMA P-320. Safe rooms constructed in small businesses are considered community safe rooms and must meet the additional requirements for community safe rooms as provided in FEMA P-361.

In addition, the *ICC/NSSA Standard for the Design and Construction of Storm Shelters* (ICC 500), 2014 edition, is a consensus standard from ICC and is incorporated into the 2009, 2012, and 2015 model I-Codes. The 2014 edition of ICC 500 is acceptable for use in designing **PDM** and **HMGP** safe rooms only when incorporating the recommended criteria in FEMA P-320 and P-361. ICC 500-2014 is very similar to FEMA P-361 in design criteria; however, FEMA has identified certain design criteria in FEMA P-361 to be more conservative than the criteria in ICC 500-2014 because of emergency management and near-absolute protection considerations. See Appendix D of FEMA P-361 for a list of all differences between ICC 500-2014 and FEMA P-361.

C.2.3 Cost-Effectiveness of Safe Rooms

PDM and **HMGP** safe room project applications must demonstrate project cost-effectiveness through an acceptable BCA. This section discusses the total project costs required to demonstrate compliance with cost-effectiveness requirements. The total project cost for BCA purposes is the sum of all eligible costs necessary to achieve life-safety protection. Applicants and subapplicants should refer to Addendum Part C.4.4 to identify the full range of components that make up these necessary costs. As identified in Addendum Part C.4.4, eligible project costs generally 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
 - Other retrofit hardening activities that meet FEMA-approved performance criteria
- ◆ Functional components such as
 - Permanent electrical lighting, heating, ventilation, air conditioning, and toilets and hand-washing facilities consistent with FEMA-approved performance criteria

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- Fire suppression sprinkler systems
 - Signage, emergency communications equipment, and backup power generation for the safe area
- ◆ O&M plan development
 - ◆ Costs associated with the acquisition of land

In some cases, the total project cost of a safe room for a large community may exceed **HMGP** or **PDM** funding limits. In these cases, the actual total project cost must be used in the BCA. The 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 BCA 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.2.4 Flood Hazard Siting Limitations

To be considered for funding, **PDM** and **HMGP** safe room projects must include maps or other documentation that identify the project location relative to the floodplain. FEMA does not support the placement of safe rooms where floodwaters have the potential to endanger occupants. FEMA P-320 and P-361 include flood hazard siting limitations. FEMA will only consider safe rooms that are located outside the high-hazard areas as detailed in FEMA P-361 for both community and residential siting restrictions.

Where the 1-percent- and/or 0.2-percent-annual-chance flood elevations have not been determined by a flood hazard study but are applicable to the safe room elevation criteria as established in FEMA P-361, those elevations should be obtained from the authority having jurisdiction to calculate the elevations.

C.3 Safe Room Project Application Package

The following sections provide detail on specific components of the application package. Further information on these topics, including commentary and discussion on safe room sizing criteria, susceptible populations, and reasonable considerations for travel time can be found in FEMA P-361. A statement acknowledging the requirement for an O&M plan for the community safe room must be included in the application; this requirement is discussed in detail in Addendum Part C.5.1.1.

C.3.1 Populations Served by the Safe Room

FEMA will only consider **PDM** and **HMGP** applications for safe room projects that identify the safe room population that must remain behind or will not have time to leave and must face an imminent threat of a tornado or hurricane or both. The Applicant will identify and quantify this

population so the size of the safe room can be verified during the application review process. The size of the safe room is demonstrated by risk assessment information, such as information that is developed as part of a mitigation plan or evacuation plan.

As discussed earlier, Applicants and subapplicants should be mindful that **PDM** and **HMGP** funds are not available for general population shelters, including evacuation and recovery shelters. The emergency management measures necessary to afford protection to thousands of occupants of large, public venues, such as stadiums or amphitheaters, are beyond the scope of **PDM** and **HMGP** community safe rooms; therefore, shelters are not eligible for **PDM** or **HMGP** funding. Applicants and subapplicants must identify the hazard mitigation population to be protected; otherwise, the application review may be delayed or the application may be rejected.

This implementation guidance provides details to help Applicants and subapplicants identify, quantify, and document eligible populations needing hazard mitigation life-safety protection during extreme wind events. Addendum Parts C.3.1.2 and C.3.1.3 address hurricane and tornado hazards, respectively, and how susceptible populations are affected by them. This section further describes categories of populations that are affected by tornadoes, hurricanes, or both.

At a minimum the Applicant will demonstrate consideration of the following components in determining the eligible safe room population:

- ◆ Population to be protected within the area of impact by tornado and/or hurricane hazards
- ◆ Warning capabilities, logistics, and operation components that support basic safe room functions
- ◆ Travel times and routes for the population to be protected to reach the safe room so that people are not exposed to additional risk when moving to the protected area
- ◆ Hazard mitigation time of protection: approximately 2 hours for tornado and 24 hours for hurricane
- ◆ Relationship of the population to be protected by the safe room to State or local emergency evacuation requirements
- ◆ Effective and accessible warnings (alerts) that address the needs of individuals with access and functional needs and/or individuals who have limited English proficiency. See the FEMA Integrated Public Alert and Warning System document, *Alerting the Whole Community: Removing Barriers to Alerting Accessibility* (2013).

Community safe rooms are intended for a limited population, but the criteria for tornadoes and hurricanes differ in certain applications. When the limited population for tornadoes and hurricanes is identified, the respective mitigation activities should be considered separately and then combined (if both exist) using the most restrictive requirements between the two. This means that a combined safe room will be required to comply with the larger square footage area

per person and longer protection time, but will also have to comply with the more stringent debris impact protection. 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 impacted population 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 using the steps described in the following sections:

- ◆ Addendum Part C.3.1.2, Population impacted by hurricanes
- ◆ Addendum Part C.3.1.3, Population impacted by tornadoes

C.3.1.1 Safe Room Sizing Criteria

The identified population directly affects the proposed safe room design size and is verified during the grant review process. **PDM** and **HMGP** funding is not provided for safe rooms that are larger than the size that is required to accommodate the identified population. **PDM** and **HMGP** safe room project applications are subject to usable floor area per occupant space requirements and size limitations identified in the design criteria noted in this section. **Table 2** identifies the minimum required usable floor area per safe room occupant consistent with FEMA-recognized design criteria.

Table 2: HMA-Funded Safe Room Minimum Usable Floor Area per Safe Room Occupant

Type of Safe Room	Occupant	Minimum Usable Floor Area per Occupant* (square feet)
Tornado community safe room	Standing or seated	5
	Wheelchair User	10
	Medical Bed User	30
Hurricane community safe room	Standing or seated	20
	Wheelchair User	20
	Medical Beds User	40

* At least one wheelchair user-sized space is required for every 200 occupants or portion thereof.

In addition to the square footage requirement per person, Applicants and subapplicants must take into account the normal functional use of the area. The type of durable medical equipment and furniture in the dual purpose safe room will determine how to calculate the net usable area. The net usable area is the available area to be used by the occupants after reducing non-usable area from the gross area.

For example, a community may decide to build a multi-use facility that includes a tornado safe room function in a community center. The new facility may include an assembly or multi-purpose room that has 1,185 square feet. In order to use the space as a community tornado safe room, the gross square footage must be reduced to account for egress circulation, partitions, interior columns, furnishings, finishes, equipment, and other features. The calculation may be exact or estimated using the methodology in FEMA P-361. For this example, the area is considered an open floor plan, and only 85 percent of the gross area can be considered net usable area for the occupants seeking shelter. Using 85 percent of the gross square footage as usable square footage, the 1,185 square feet is reduced to 1,007 usable square feet:

$$1,185 (0.85) = 1,007 \text{ square feet}$$

Per FEMA P-361 design criteria, a minimum of 5 square feet per safe room occupant must be provided in a tornado community safe room (see **Table 2**). In this example, safe room designers must also account for the use of durable medical equipment, for example wheel chairs, walkers, or hospital beds, as well as consider individuals who are handlers of service animals.

A community safe room should be sized to accommodate a minimum of one wheelchair space (at 10 square feet) for every 200 occupants or portion thereof. Therefore, the 1,007-square-foot usable floor area would provide enough space for the protection of 200 occupants (see **Table 3**) and would be eligible for **HMGP** and **PDM** funding. It would not be reasonable for an application in this example to include a request for usable square footage of 2,000 square feet because that amount of space has not been demonstrated as being necessary for an identified at-risk population of 200 occupants.

Table 3: Example Community Safe Room Size

Occupants	Required Square Feet per Person	Total Square Footage
199 occupants	5	995
1 occupant in a wheelchair	10	10
Total 200 occupants	—	1,005

Applicants and subapplicants should refer to FEMA P-361 for further guidance on sizing criteria.

C.3.1.2 Population Impacted by Hurricanes

This section provides information to help Applicants and subapplicants identify and define the population impacted by hurricanes and identify who may require a safe room facility.

C.3.1.2.1 Information Sources

Determining the hurricane safe room population depends on the assumptions used in the 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 that developed the plans. In addition, local or federally-recognized tribal mitigation plans are required to include a risk assessment that defines the hazard characteristics within an area and the specific needs for the affected population. Evacuation plans are likely to be 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 impacted population may be directly related to the planning tools mentioned above and should be included in the application.

C.3.1.2.2 Hurricane Population Categories

Generally, two broad categories of potential hurricane safe room occupants may be identified as part of the limited population in need of life-safety protection: (1) first responders, critical and essential services personnel, and facility occupants and (2) those that cannot evacuate because of limitations.

The impacted population should be accommodated within the safe room for a minimum of 24 hours (the FEMA P-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, Critical and Essential Services Personnel, and Facility Occupants

The civilian personnel of emergency response services, also known as first responders, may be required to remain in harm's way. First responders include, but are not limited to, fire and police department personnel, rescue squads, Emergency Operations Center (EOC) personnel, emergency medical and ambulance service providers, search and rescue teams, and similar personnel whom a local community may depend upon for a successful response to an extreme wind event.

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 material storage facilities, communications and data centers, and others that a local community may depend on for a successful response to an extreme wind event.

Category 2: Individuals that Cannot Evacuate

This category may include occupants of facilities, such as patients in hospitals, residents of long-term care facilities, and other occupants for which evacuation would be detrimental to their well-being. This category also could include jail/inmates who are unable to be evacuated safely.

Documentation

Applicants and subapplicants must provide documentation to support the identified population for the safe room and must also submit adequate documentation in support of their risk assessments to allow grant program reviewers to determine whether the proposed safe room size is appropriate for the identified population. 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 documentation requirements, but in general, documents that can be used to quantify the disproportionately impacted population, such as evacuation plans, emergency response plans, and meeting notes, are acceptable. For example, the population categories listed above may be part of the affected population identified in an emergency evacuation plan.

In all cases, 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 Time 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 the anticipated area of impact, and any other plans that affect the movement of at-risk populations. Further guidance is provided in FEMA P-361.

Warning Capabilities

In addition to design and construction criteria, an accessible and effective 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 that meets the siting and elevation requirements in FEMA P-361 are assumed to use that room and require no evacuation and only minimal travel time. Applicants and subapplicants for community safe room projects must demonstrate that the population can be properly notified to allow sufficient travel time to the community safe room.

Period of Protection

As identified in FEMA P-361, the hazard mitigation time of protection for safe rooms is a minimum of 24 hours for hurricane events. Therefore, any ancillary equipment required to operate during an event for the safe room must also be properly sized and protected to the same level as the safe room.

C.3.1.3 Population Impacted by Tornadoes

This section provides information to help identify and define the population impacted by tornadoes.

Populations impacted by tornadoes are generally limited to the family or group of families who live in the dwelling or dwellings served by the safe room, workers who have access to a safe room at their place of business, and individuals who have access to an onsite community safe room. In addition, because of the short period between tornado identification and impact, these at-risk populations must be close to the safe room in order to benefit from it.

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. These populations that cannot reach the safe room within a reasonable time are not considered as potential occupants of the safe room.

Tornadoes strike without timely warning, often depriving the affected population 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 susceptibility.

The following two aspects of higher risk should be considered when identifying and quantifying the population impacted by a tornado:

- ◆ The physical characteristics of the built environment (buildings or other structures) in which the population resides. Because buildings differ in their susceptibility to damage from a tornado, 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.
- ◆ The ability of the population to mobilize to the safe room during a tornado, irrespective of where they are located. A 20-minute warning may not be sufficient time for all to get access to the safe room. Children and adults with disabilities and others with access and functional needs may require a greater level of assistance, time to mobilize, and attention during an emergency. These considerations should be factored into planning.

C.3.1.3.1 Documentation

Applicants and subapplicants must provide documentation to support the identified population for the safe room and must also submit adequate documentation in support of their risk assessments to allow grant program reviewers to determine whether the proposed safe room size is appropriate for the identified population. 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 documentation requirements, but in general, emergency response plans, area maps, building construction drawings, and meeting notes that can be used to quantify the population are acceptable. In addition, local or federally-recognized tribal mitigation plans are required to describe the susceptibility of the community and structures, in particular high-risk populations, and may also be sources for this information. Applicants and subapplicants must provide this information; otherwise, the application review may be delayed or the application may be rejected.

C.3.1.3.2 Travel Time Considerations

The two aspects of higher risk listed above will facilitate identifying and targeting high concentrations of impacted populations. The most effective tornado safe rooms minimize occupant 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 susceptible populations are the 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 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 multi-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 that a pedestrian or a driver will be required to follow. The pathway should not be restricted, bottlenecked, or obstructed by barriers such as multi-lane highways, railroad tracks, bridges, or similar facilities or by topographic features. Traffic congestion (including parking constraints) during the movement of the potential affected population to the safe room once a storm watch/warning notification is issued should be considered when defining the limited 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.

C.3.1.3.3 Period of Protection

As identified in FEMA P-361, the hazard mitigation time of protection for safe rooms is a minimum of 2 hours for tornado events. Therefore, any ancillary equipment required to operate during an event for the safe room must also be properly sized and protected to the same level as the safe room.

C.3.2 Cost Estimates

Applications for safe room projects must include detailed, line-item costs in the project cost estimates. 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 **HMGP** and **PDM**, project cost estimates include unit costs related to the proposed square footage of the protected area or areas of the safe room (see Addendum Part C.3.1.1 for safe room sizing criteria). Unit costs may also be related to the protected population (occupants) of the safe room.

C.3.2.1 Program Funding Limits

Potential Applicants and subapplicants should understand that **HMGP** or **PDM** 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 is provided in Part I, B of the HMA Guidance. Potential Applicants and subapplicants should also consult the appropriate State Hazard Mitigation Officer for details on funding limitations.

C.4 Implementation

The implementation guidance in this section is intended to ensure that Applicants and subapplicants pursuing **PDM** or **HMGP** funds for safe room projects adequately understand and address all of the requirements that are unique to this type of mitigation.

C.4.1 Environmental Planning and Historic Preservation Review and Compliance

Safe room project designs must take into consideration potential impacts on a wide variety of EHP resources, such as wetlands, floodplains, historic structures, and archaeological sites.

To assist with the EHP review, FEMA has prepared a Programmatic Environmental Assessment to help project application developers and reviewers streamline the evaluation of potential impacts to the human environment resulting from the construction of residential and non-residential (individual) safe rooms and community safe rooms that are proposed for **HMGP** or **PDM** funding. The Programmatic Environmental Assessment provides the public and decision-makers with helpful information necessary to understand and evaluate the potential environmental consequences of these hazard mitigation actions and helps streamline the National Environmental Policy Act (NEPA) review process. Additional EHP review, aside from compliance with NEPA, may still be required.

C.4.2 Americans with Disabilities Act Compliance for Residential and Community Safe Rooms

The needs of the whole community requiring safe room space must be considered. Safe room construction should integrate considerations for:

- ◆ Proximity of location to affected populations
- ◆ The size of the safe room
- ◆ Egress/ingress of the safe room to accommodate the affected populations
- ◆ Ensuring facilities within the safe room comply with Americans with Disabilities Act (ADA) regulations
- ◆ Accessible alerts and warnings

The appropriate access for persons with disabilities must be provided in accordance with all Federal, State, and local ADA requirements and ordinances.

C.4.3 Eligible and Ineligible Components of Residential and Community Safe Rooms

Safe room cost estimates contained in applications and subapplications should include only eligible costs. For examples of eligible and ineligible costs see Addendum Part C.4.4. **Table 4** shows eligible and ineligible components of residential and community safety rooms. This table can be referred to when determining whether a component is an eligible cost of a safe room application. Note that there are differences in what is considered an eligible cost for a residential safe room versus a community safe room because of the different scope of the projects.

Table 4: Eligible and Ineligible Components of Residential and Community Safe Rooms

Building Systems and Components	Residential	Community
Structural systems that directly support or protect the safe room to provide near-absolute, life-safety protection	Yes	Yes
Doors, windows, and opening protection	Yes	Yes
Protection of backup mechanical, electrical, ventilation, and communication equipment necessary to provide life-safety for the safe room	Yes	Yes
Signage	Yes	Yes
Communications, including LAN drops and wiring if used for emergency communication during an event	Yes	Yes
Alternate source of power	Yes	Yes
First aid supplies and equipment	No	Yes
Fire-suppression systems (sprinklers systems and fire extinguishers)	No*	Yes

Building Systems and Components	Residential	Community
Electrical lighting and outlets	Yes	Yes
ADA Requirements	Yes	Yes
Ventilation	Yes	Yes
HVAC used for required ventilation	Yes	Yes
HVAC not used for required ventilation	No	No
Accessible toilets and hand washing stations in safe room	No	Yes*
Planning/engineering/architecture design fees	Yes	Yes
Engineering study to calculate undefined flood elevations	Yes	Yes
Engineering peer review	Yes	Yes
Site preparation	Yes	Yes
Inspections, including special inspections	Yes	Yes
Soil test	No	Yes
Storage room for food, water, and safety equipment	No	Yes
Purchase of land	No	Yes
Safe room maintenance	No	No
Restroom fixtures not required by code or FEMA P-361	No	No
Paint on walls and ceilings of safe room	No	No
Floor coverings – subfloors not required for life safety	No	No
Removal of structures from developed land	No	No
Kitchen cabinets, countertops, and other equipment not required for life safety	No	No
Security cameras and EOC-type equipment	No	No
Landscaping	No	No
Parking and all non-building elements unless required for ADA compliance	No	No
Community-wide, mass notification systems	No	No

* Eligible if required by local codes

LAN = Local Area Network

ADA = Americans with Disabilities Act

HVAC = Heating, ventilation, and air conditioning

EOC = Emergency Operations Center

C.4.4 Eligible and Ineligible Costs

Allowable costs for **PDM** and **HMGP** safe room projects are costs for project components (e.g., design, construction, project administration) that are related directly to and necessary for the hazard mitigation purpose of providing immediate life-safety protection by means of the structure and the building envelope to the limited population that must remain in the impact area during an extreme wind event.

For each structure type, eligible project costs are limited to:

- ◆ **Protection by design components**, including and limited to the safe room portion of the envelope (walls, ceilings, doors, windows, as specified in FEMA P-320, FEMA P-361, ICC 500 and local building codes, such as the 2009 *International Building Code* [IBC], or later editions)
- ◆ **Ancillary components** required by P-361, including standby (backup) power, communications, and emergency electrical lighting limited to the safe room portion of the building, as well as protection of ancillary components to the same degree as the safe room
- ◆ **Design and construction components** for safe room portion only, including engineering fees, permit fees, special inspection fees, and excavation
- ◆ **Required features** necessary for safe room function and habitation, including ventilation, permanent electrical lighting, ADA requirements, and accessible toilets and hand washing stations

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 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 are flooring, seating, and food preparation facilities. This is a significant issue in multi-use community safe rooms, which are designed to provide other functions.

C.5 Safe Room Closeout

The following information covers the O&M plan, with the final plan required upon project closeout. For more information and guidance on considerations for an O&M plan, see FEMA P-361.

C.5.1 Operations and Maintenance Plans for Community Safe Rooms

To be considered for funding, **PDM** and **HMGP** community safe room project applications must include a written statement acknowledging that the requested community safe room will be operated and maintained in a manner that achieves the proposed hazard mitigation. FEMA will only consider O&M plans that have considered the guidance in FEMA P-361. O&M plans are not required for residential safe rooms.

Community safe rooms are built and operated to provide immediate life-safety protection during extreme wind hazards. To achieve this purpose, community safe rooms must be built to the design criteria specified in Addendum Part C.2.2, and they must admit occupants and provide them with the services they need in a timely manner. Subapplicants must provide an O&M Plan Statement of Assurances with the safe room project application acknowledging that the requested

community safe rooms will be operated and maintained in a manner that achieves the proposed hazard mitigation.

Prior to closeout, the Recipient and FEMA will review the subapplicant's final signed O&M Plan. FEMA will only consider O&M Plans that incorporate FEMA P-361.

The steps in meeting the O&M Plan requirements are as follows:

- Step 1. The subapplicant develops a description of the O&M Plan that includes an assurance that the O&M Plan will be developed during project implementation and includes the description in the application (see Addendum Part C.2.1)
- Step 2. The subapplicant develops the O&M Plan (see Addendum Part C.5.2.3)
- Step 3. The Recipient and FEMA review the Final O&M Plan, which is due before project closeout (see Addendum Part C.5.3)

C.5.1.1 Descriptive Statement of an Operations and Maintenance Plan

A statement acknowledging the requirement for an O&M plan for the community safe room must be included in the application. The statement should include:

- ◆ A description of the maintenance procedures
- ◆ A brief statement about the operation of the safe room when it is in use
- ◆ Basic information about how the safe room will be used, including how use is initiated, the warning system, and basic procedures for opening the doors to the public
- ◆ Key components of the safe room maintenance procedures
- ◆ The office that will be responsible for the operation and maintenance of the safe room
- ◆ Assurance that the O&M Plan will be developed and completed before project closeout

C.5.2 Development of an Operations and Maintenance Plan

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

The O&M Plan may be based on preliminary engineering drawings and should include, at a minimum, the components listed below. FEMA P-361 provides additional information on O&M Plan components.

C.5.2.1 Operations Components

The operations components of an O&M Plan should include the following, at a minimum:

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

C.5.2.2 Maintenance Components

The maintenance components of an O&M Plan should include 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, i.e., the approved safe room occupancy will be 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 necessary and appropriate for adequate safe room operations
- ◆ A redundant power source, such as batteries or generators, will be 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

C.5.2.3 Development of a Final Operations and Maintenance Plan

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

A Final O&M Plan is required before project closeout. The Final O&M Plan must include:

- ◆ The O&M components listed in Addendum Part C.5.2
- ◆ The signature of the subrecipient for the approved application
- ◆ The signature of authorized officials from the community organization(s) responsible for operating and maintaining the community safe room, if different from the subrecipient

C.5.3 Recipient Review of Final Operations and Maintenance Plan

FEMA requires that the Recipient affirm that the Final O&M Plan is consistent with FEMA P-361 criteria by:

- ◆ Reviewing the Final O&M Plan to ensure it addresses the O&M components and has the required signatures listed above
- ◆ Coordinating with the subrecipient to address any missing components
- ◆ Transmitting the Final O&M Plan to FEMA with a written statement affirming that it is consistent with FEMA P-361 guidance

C.5.4 FEMA Review of Final Operations and Maintenance Plan

The Recipient is informed in writing once FEMA has determined that the Final O&M Plan has considered the guidance in FEMA P-361. FEMA's comments on the Final O&M Plan must be addressed before FEMA makes a final determination of consistency. Recipients not completing a Final O&M Plan at closeout will be subject to recoupment of award funds as determined by FEMA.

D. Mitigation Reconstruction Projects

Part D of the Addendum supplements the information provided in Parts I through IX of the HMA Guidance. The project-specific guidance in this section does not provide all of the information necessary to apply for funding through an HMA program and must be read in conjunction with all other relevant sections of this guidance. For additional mitigation reconstruction resources, see Part IX, C of the HMA Guidance.

D.1 Overview

Mitigation reconstruction is 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. These projects include either total or partial demolition of the structure and result in the construction of code-compliant and hazard-resistant structures on elevated foundation systems. Mitigation reconstruction projects are not allowed in the regulatory floodway or Coastal High Hazard Area (Zone V). Mitigation reconstruction projects must be designed using the best available data, including Advisory Base Flood Elevations (ABFEs), if available. 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.

D.2 Additional Project Eligibility Requirements

Mitigation reconstruction projects can be funded by FEMA through **HMGP**, **PDM**, and **FMA**. For **FMA** only, all properties included in a subapplication for mitigation reconstruction funding must be NFIP-insured at the time of the application submittal. The flood insurance must be maintained through completion of the mitigation activity and for the life of the structure. Mitigation reconstruction projects cannot be combined with other activity types in the same project subapplication to ensure that the subapplication scope, schedule, and budget adhere to programmatic requirements.

D.2.1 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* (2007). All proposed mitigation measures in 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 P-550, *Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations* (2009), which also includes sample foundation design calculations and drawings and detailed descriptions of the considerations for determining

the feasibility of constructing to the required height. Although FEMA P-550 was developed in response to reconstruction needs after Hurricane Katrina, the design solutions can be used in both coastal and non-coastal flood zones. FEMA P-550 recommends that users choose the appropriate foundation by following the Foundation Selection Decision Tree and 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 licensed design professional should be consulted to determine feasibility for residential structures with required foundation heights that are greater than 15 feet.

D.2.2 Eligible Activities

Eligible mitigation reconstruction costs are limited to a \$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 that are eligible as part of a Federal award in mitigation reconstruction are divided into three categories: consultation and project scoping, pre-construction activities, and construction activities. The activities in each category that are eligible to the extent reasonable and necessary to perform the project purpose are identified in **Table 5**.

Table 5: Eligible Mitigation Reconstruction Activities

Eligible 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 (e.g., Can an existing structure be elevated? Is mitigation reconstruction feasible?)	No
Benefit-Cost Analysis	No
Title search (e.g., ownership verification)	No
2. Pre-construction Activities	
Site survey (i.e., boundaries, elevation)	No
Soils/geotechnical testing, testing for asbestos and lead-based paint	No
Archeological Assessment Phase 1	No
Local, State, and Federal permitting (e.g., Environmental Planning and Historic Preservation and U.S. Army Corps of Engineers)	No
Architectural / engineering design / plans / specifications	No
Plan review	No
3. Construction Activities	
Permitted disposal of routine asbestos, lead-based paint, and household hazardous wastes incidental to demolition	No

Eligible Activity	Subject to Federal Share Funding Limit of \$150,000?
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
Utility equipment	
Heating, ventilation, and air conditioning	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

Eligible Activity	Subject to Federal Share Funding Limit of \$150,000?
Tenant displacement costs	No
Prepare and record flood insurance requirement (after construction is finalized)	No

D.2.3 Eligible Demolition/Removal Activities

Mitigation reconstruction projects 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:

- ◆ Asbestos and lead-based paint must be dealt with appropriately
- ◆ Existing associated structures, garages, and above-grade concrete slabs must be removed
- ◆ Abandoned septic tanks, if not removed, must be emptied and the floors and walls must be cracked or crumbled to prevent the tank from holding water and the tank must be filled with sand or other clean fill
- ◆ All foundation and basement walls not included in the mitigation reconstruction project footprint shall be removed to at least 1 foot below the finished grade of the site or as necessary to construct the new foundations
- ◆ All basements not included in 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
- ◆ 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.2.4 Ineligible Costs

Some 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
 - ◆ Site remediation of hazardous materials

D.3 Mitigation Reconstruction Project Application Package

Subapplicants must indicate in the mitigation activity section of the subapplication why they have chosen mitigation reconstruction instead of the other available activity types.

D.3.1 Scope of Work

The SOW for mitigation reconstruction projects is expected to include the following six general construction-related activities:

- ◆ Pre-construction
- ◆ Site preparation
- ◆ Foundation construction
- ◆ Structural shell construction
- ◆ Interior finishes
- ◆ Construction completion

The activities are discussed further in the sections that follow.

In developing the mitigation reconstruction SOW, the subapplicant should consider:

- ◆ Health issues involved with working with asbestos, mold, and 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
- ◆ The square footage of a resulting structure shall be no more than 10 percent greater than that of the original structure. Breezeways, decks, garages, and other appurtenances are not considered part of the original square footage unless they were situated on the original foundation system. Original square footage must be documented in the subapplication through copies of tax records or other verifiable means.

To facilitate project development and to ensure that all potential costs have been estimated, a conceptual design of proposed activities must be prepared during subapplication development.

D.3.2 Mitigation Reconstruction Project Scoping

Project scoping involves identifying and evaluating all aspects of a mitigation reconstruction project from beginning to end. This includes developing detailed project specifications and a work plan and ensuring the project mitigates future damage to the reconstructed property. During project scoping, consideration should be given to all factors that have the potential to significantly affect project implementation, including work schedule, project location, project cost, and project effectiveness.

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.4.3 of the HMA Guidance).

All reasonable and necessary costs, including anticipated project costs, direct costs associated with project scoping and project review, changes suggested by a licensed design professional, and costs for the pre-construction and construction activities listed in **Table 5** are eligible project costs. All costs shall be based on the construction of fundamental, code-compliant structures as related to the codes and standards included or referred to in this guidance. Eligible activities must adhere to all Federal, State, and local requirements.

D.3.3 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 that is 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 in addition to the associated foundation design requirements; this will help subapplicants determine the appropriate foundation type. The type of foundation that is 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 P-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 P-550, which also includes sample foundation design calculations and drawings. In this document, FEMA recommends sample designs and associated height limitations for various foundation types. For residential structures with required foundation heights greater than these limits, a licensed design professional should be consulted to determine feasibility.

- ◆ **Wind Design Considerations:** All mitigation reconstruction activities must be completed in accordance with the 2009 International Codes, or latest edition, which include 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 areas with a design wind speed of 120 miles per hour or greater. During project scoping, projects located in 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 2009 International Codes, or latest edition, which include 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.
- ◆ **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, including:
 - Zoning requirements and other local ordinances
 - Soil conditions
 - Site access requirements
 - EHP considerations

Additional resources for mitigation reconstruction projects can be found in Part IX, C of the HMA Guidance.

D.3.4 Codes and Standards

Mitigation reconstruction projects shall be designed and constructed to the minimum standard as established by the requirements of the 2009 International Codes, or latest edition. 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. FEMA has published a document, *Guidance for Applying ASCE 24 Engineering Standards to HMA Flood Retrofitting and Reconstruction Projects* (November 2013), to assist Applicants with the practicalities of how to apply the American Society of Civil Engineers/Structural Engineering Institute [ASCE/SEI] 24-14, *Flood Resistant Design and Construction*, or latest edition, standard to their projects.

One- and two-family dwellings shall be designed and constructed, at a minimum, to meet the requirements of the 2009 *International Residential Code for One- and Two-Family Dwellings* published by ICC, and ASCE 24-14, or latest edition. FEMA encourages communities to use the 2009 or 2012 International Codes with referenced standards. The standards include Appendix G, Flood Resistant Construction, for all occupancies including residential, commercial, and other occupancies. The 2009 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 2009 International Codes. These codes 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 that does not meet 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 the U.S. Department of Housing and Urban Development 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 provides additional guidance, including recommended prescriptive pre-engineered foundation design in FEMA P-85, *Protecting Manufactured Homes from Floods and Other Hazards* (2009). FEMA P-85 has been updated to reflect the requirements of the most current codes and standards and to provide a best-practices approach in reducing damage 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 2009

International Codes or more recent editions. 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.3.5 Cost Estimate

A detailed project cost estimate shall be prepared by, or under the supervision of, the licensed design professional responsible for project design. Details pertaining to the project cost estimate, such as submittal format, cost ranges, preparation requirements, and source documentation, are included in Part IV, H.4 of the HMA Guidance.

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.

Federal share funding will be estimated and obligated on a per-square-foot basis; reimbursement will be in a manner consistent with standard Recipient 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 is 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 Recipient. 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 Recipient.

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 a comparative review of projects of varying types within a Region and will ensure that reasonable construction costs have been submitted.

D.4 Implementation

Project implementation includes everything needed to actually complete the project. Implementation includes the pre-construction activities of plan review and inspection, site preparation, and all construction activities, including building the foundation and structural shell, completing the interior finishes, as well as obtaining all builder certifications.

D.4.1 Pre-construction Activities

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 licensed design professional (i.e., a Registered Architect or Professional Engineer in the State of the project). The design must include 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 P-550, which describes in detail the considerations for determining the feasibility of constructing to the required height. Although FEMA P-550 was developed in response to the reconstruction needs after Hurricane Katrina, the design solutions provided can be used in both coastal and non-coastal flood zones.

The design process must also include 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:

- ◆ Zoning or land use approvals
- ◆ Environmental permits or required certifications
- ◆ Historic preservation approvals
- ◆ Building permits

D.4.1.1 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 licensed 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 where the project is located, as applicable.

D.4.1.2 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 subrecipient shall conduct an ASTM International's E2247-08 Phase I ESA in accordance with the U.S. Environmental Protection Agency'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.4.2 Construction Activities

The following information covers the requirements for foundation construction, structural shell construction, interior finishes, construction completion, builder certification, and certificate of occupancy.

D.4.2.1 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 P-550. FEMA P-550 describes in detail the considerations for determining the feasibility of constructing to the required height. Although FEMA P-550 was developed in response to the reconstruction needs after Hurricane Katrina, the design solutions provided can be used in both coastal and non-coastal flood zones.

Installation of an open foundation system must 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.4.2.2 Structural Shell Construction

Structural shell construction activities include all framing, load-carrying elements, attachments, and building envelope components above the foundation. Because 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 before the installation of interior walls or coverings. The engineering inspection must 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 licensed design professional or an independent agency must 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.4.2.3 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 heating, ventilation, and air conditioning (HVAC). Inspections of these interior finishes must be conducted in accordance with the requirements of the applicable ICC building code.

D.4.2.4 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.4.2.5 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.4.2.6 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 where the project is located. In communities that have not 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:** Inspections 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.
- ◆ **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 ICC’s *Reducing Flood Losses through the International Codes*. A sample inspection checklist is

available at <https://www.fema.gov/media-library/assets/documents/96634>. See Appendix D of the referenced document for the sample checklist.

D.5 Mitigation Reconstruction Closeout

In addition to the typical HMA grant 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, must also be submitted to the Recipient.
- ◆ A certification from a building official or licensed design professional verifying that the structure was designed and constructed to the minimum standard of the 2009 International Codes, or latest edition. These documents must be submitted before closeout can be completed. If a subrecipient fails to provide these documents, FEMA has the authority to recoup award 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
- ◆ Update of the property site information in the eGrants and National Emergency Management Information System (NEMIS) database for each structure

E. Structure Elevation

Part E of the Addendum supplements the information provided in Parts I through IX of the HMA Guidance. The project-specific guidance in this section does not provide all of the information necessary to apply for funding through an HMA program and must be read in conjunction with all other relevant sections of this guidance. See Part IX, C of the HMA Guidance for additional resources on structure elevation.

E.1 Overview

Structure elevation activities generally involve physically raising an existing structure to an elevation at 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 also be properly elevated. Buildings proposed for elevation must be structurally sound and capable of being elevated safely.

E.2 Additional Project Eligibility Requirements

At a minimum, FEMA requires Applicants and subapplicants to design all structure elevation projects in accordance with the NFIP standards in 44 CFR Part 60. For additional information about the NFIP and structure elevation projects, see Part III, E.7 of the HMA Guidance.

FEMA requires Applicants and subapplicants to design all structure elevation projects in accordance with ASCE 24-14, or latest edition, or its equivalent as minimum design criteria.

E.2.1 Eligible Design Standards

Buildings proposed for structure elevation must be structurally sound and capable of being elevated safely. Important design considerations for structure elevations consistent with 44 CFR Part 60 are as follows:

- ◆ The lowest floor of the structure 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 must be completed to ensure that the structure complies with the local floodplain ordinance and NFIP floodplain management and HMA requirements.
- ◆ Elevation projects must be designed and adequately anchored to prevent flotation, collapse, and 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.

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- ◆ 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 Technical Bulletin (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 the criteria 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.3 Elevation Project Application Package

In addition to the items identified in Part IV, H of the HMA Guidance, the following data are required for each structure:

- ◆ Physical address and property owner's name
- ◆ Estimated cost to elevate each structure
- ◆ Name and location of flooding source (e.g., creek, river, watershed, or location of stormwater ponding) and location on the applicable Flood Insurance Rate Map
- ◆ 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
- ◆ A statement that the project will be designed in compliance with NFIP standards in 44 CFR Part 60

E.4 Implementation

Elevation project implementation entails pre-construction activities, construction, inspection of the completed foundation and engineering certification, and obtaining a Certificate of Occupancy. Before construction of the foundation begins, it is very important to conduct an inspection of the condition of the structure, survey the site, and complete a soil inspection to make sure the proposed elevation project is feasible on the site.

E.4.1 Elevation Methods

Standard structure elevation methods are identified in FEMA P-312, *Homeowner's Guide to Retrofitting – Third Edition* (2014), and FEMA P-347, *Above the Flood: Elevating Your Floodprone House* (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 P-550, and is available for use with HMA structure elevation projects. Furthermore, FEMA requires Applicants and subapplicants to design all structure elevation projects in accordance with ASCE 24-14, or latest edition.

Available elevation methods, which are thoroughly described in FEMA P-312, Chapter 5, and FEMA P-347 include:

- ◆ Elevating the existing structure on piles, posts, or piers
- ◆ Filling in the basement and replacing it with an elevated floor
- ◆ 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 are considered only when they are consistent with mitigation reconstruction requirements described in Addendum Part E.2.1. Activities include structure elevations that abandon a lower enclosed area and add a second story above the BFE to an existing structure.

The method that is selected for elevating a house depends on 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
- ◆ Number of additions to the original structure

The most common foundation types are:

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- ◆ 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 P-55, *Coastal Construction Manual*, Fourth Edition (2011)
- ◆ FEMA P-259, *Engineering Principles and Practices of Retrofitting Floodprone Structures* (2012)
- ◆ FEMA P-499, *Home Builders Guide to Coastal Construction Technical Fact Sheet Series* (2010)
- ◆ ASCE 24-14, *Flood Resistant Design and Construction* (2014), or latest edition

This list is not a comprehensive list of publications on retrofitting and elevations. More documents are available at <http://www.fema.gov/building-science-publications>.

E.4.2 Eligible Structure Elevation Costs

Allowable costs are costs that are necessary and reasonable for the proper and efficient performance and administration of the Federal award. 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
- ◆ Construction of 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 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

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- ◆ Construction of a utility room above the BFE only if there is no existing space within the house for this purpose or there is no alternative cost-effective way to elevate the utilities
 - ◆ Elevation of existing decks, porches, or stairs
 - ◆ Construction of new stairs, landings, and railings to access the elevated living space per minimum code or local ordinance
 - ◆ Construction of ADA-compliant access facilities or ramps when an owner or a member of the owner's family has a permanent disability and a physician's written certification. An ADA-compliant access to ingress/egress 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, a mechanical chair lift may be installed.
 - ◆ Documented reasonable living expenses (except food and personal transportation) that are incurred while the owner is displaced by the elevation construction
 - ◆ Abatement of asbestos and lead-based paint
 - ◆ Filling basements with compacted clean fill

E.4.3 Ineligible Structure Elevation Costs

Certain structure elevation activities and their associated costs are not eligible. Ineligible costs for structure elevation include, but are not limited to, the following:

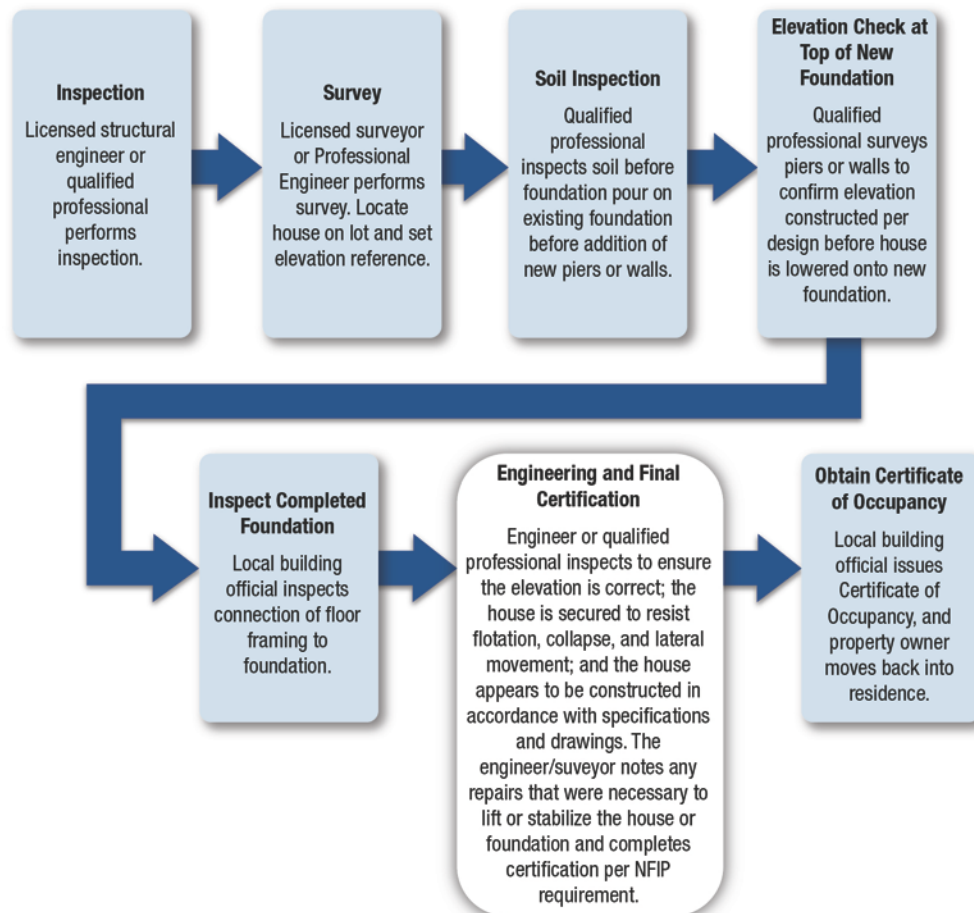
- ◆ Elevating structures that were not in compliance with current NFIP standards at the time of construction
- ◆ Costs related to building additions or auxiliary structures
- ◆ Construction of new decks or porches
- ◆ Any improvements for purely aesthetic reasons, unless required by the EHP compliance review
- ◆ Costs to replace or repair utility service components that are undersized, inadequately designed, or unsafe, unless required by code (except utility rooms noted as eligible costs)
- ◆ Exterior finish on the exposed foundation of the elevated building, unless required by EHP compliance review and or local code
- ◆ Additional landscaping for ornamentation beyond what existed on the site prior to construction of the project (e.g., trees, shrubs)

E.4.4 Survey and Inspection Considerations

Surveying and inspections are encouraged throughout the construction process. Certifications of the surveys ensure that 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: Inspection and Survey Considerations



E.5 Elevation Closeout

In addition to the typical HMA closeout procedures, closeout of structural elevation projects generally includes:

- ◆ Update of the property site information in the respective HMA system (i.e., eGrants or NEMIS) database for each structure
- ◆ A Certificate of Occupancy for each structure in the project to certify that the structure is code-compliant

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- ◆ 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, E.7.1 of the HMA 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
 - ◆ Verification of flood insurance for each structure

F. Supplemental Guidance

Part F of the Addendum supplements the information provided in Parts I through IX of the HMA Guidance. This section addresses flood risk reduction projects, DOP, and use of ASCE 24-14 for certain flood mitigation projects.

F.1 Flood Risk Reduction Projects

This section discusses localized and non-localized flood risk reduction projects.

F.1.1 Localized Flood Risk Reduction Projects

Localized flood risk reduction projects are eligible for funding under **HMGP**, **PDM**, and **FMA**. Eligible localized flood risk reduction efforts include measures that reduce flood losses for single structures or facilities, groups of structures, or whole neighborhoods within an isolated or confined drainage area that is not hydraulically linked to another area.

Examples of localized flood risk reduction efforts include, but are not limited to:

- ◆ Stormwater management projects, including the construction, installation, or improvement of culverts, drain pipes, pumping stations, floodgates, and detention or retention basins
- ◆ Flood protection measures for water and sanitary sewer systems or other utility systems
- ◆ Slope stabilization or grading to direct flood waters away from homes, schools, businesses, utilities, or governmental facilities
- ◆ Vegetation management for shoreline stabilization (coastal, riverine, riparian, and other littoral zones)
- ◆ Flood protection and stabilization measures for roads and bridges

F.1.2 Non-localized Flood Risk Reduction Projects

Non-localized flood risk reduction projects are eligible for funding under **HMGP** and **PDM** only. Therefore, any long-term non-localized flood risk reduction projects that are cost-effective, feasible, and designed to substantially reduce risk of future damage and loss of life from flooding are eligible for consideration under **HMGP** and **PDM**.

Non-localized flood risk reduction projects are ineligible activities under **FMA** because such projects are prohibited by **FMA** authorizing legislation and implementing regulations (Section 1366 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4104c(e)(5)(D) and 44 CFR Section 79.6(c)(2)(vi), respectively).

Examples of non-localized flood risk reduction projects include, but are not limited to, the construction, demolition, or rehabilitation of:

- ◆ Dams
- ◆ Dikes
- ◆ Levees
- ◆ Floodwalls
- ◆ Seawalls
- ◆ Groins
- ◆ Jetties
- ◆ Breakwaters
- ◆ Stabilized sand dunes
- ◆ Large-scale channelization of a waterway

For complex flood risk reduction projects, subapplicants are strongly encouraged to use a phased project approach (HMA Guidance, Part VIII, A.13).

F.2 Duplication of Programs Considerations

Federal law and FEMA HMA regulations prohibit DOP unless, in a post-disaster situation, there is an extraordinary threat to lives, public health or safety, or improved property (44 CFR Section 206.434(f)). For certain non-localized flood risk reduction projects, FEMA's authority to fund the project may overlap with USACE's or the NRCS's authority to fund a similar project. To avoid a DOP concerning a non-localized flood risk reduction project, Recipients and subrecipients should consult their local USACE or NRCS office prior to developing an HMA application for the project. In general, DOP should be evaluated at the project and site level. For more information on DOP, visit <http://www.fema.gov/media-library/assets/documents/96140>. Select the document titled *Eligibility of Flood Risk Reduction Measures under the Hazard Mitigation Assistance (HMA) Programs* then see the section titled *Clarification Concerning the Prohibition against DOP*.

The following represent the most common DOP situations with respect to non-localized flood risk reduction projects:

- ◆ If the USACE or NRCS is authorized to complete a specific structural flood risk reduction project, FEMA may not fund a structural flood risk reduction project of a similar nature in the area identified in the USACE or NRCS project plan. A DOP exists regardless of whether funds have been appropriated for the project.

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- ◆ If the USACE or the NRCS is authorized to perform a flood risk reduction study with the goal of exploring options for structural flood protection systems in a specified area, FEMA generally may not provide HMA funds for projects of a similar nature in the same area. When the other Federal agency has completed the study and selected a project alternative—as indicated by a public record of decision—the study no longer presents a DOP. At that point, generally only the selected project elements indicated in the public record of decision represent a DOP.
 - ◆ Generally, no DOP is presented by FEMA performing property acquisition for open space, elevation, or localized flood risk reduction measures within a USACE or NRCS flood risk reduction project or study area. However, FEMA regulations require subrecipients to coordinate with USACE to ensure that no levee projects are planned in areas proposed for HMA property acquisition for open space activities (44 CFR Section 80.13(b)).
 - ◆ FEMA may not use HMA funds to mitigate a portion of structure/facility owned or operated by another Federal agency. However, the structure/facility is only regulated by another Federal agency for a purpose other than flood risk reduction; mitigation of the structure is still eligible for consideration under HMA. For example, dams regulated by the U.S. Environmental Protection Agency for water quality may be eligible for **HMGP** and **PDM** flood protection improvements.
 - ◆ FEMA may not fund a project in an area if a statute states that another Federal agency has exclusive jurisdiction to construct flood risk reduction structures in that specific area of the United States.

F.3 Use of ASCE 24-14 as Minimum Design Requirements for Certain Flood Risk Reduction Activities

FEMA will use ASCE 24-14, or latest edition, or its equivalent as the minimum design criteria for all HMA-funded structure elevation, dry floodproofing, and mitigation reconstruction projects in flood hazard areas. ASCE 24-14, or latest edition, establishes minimum requirements for flood-resistant design and construction of structures that are subject to building code requirements and that are located, in whole or in part, in flood hazard areas. The use of the ASCE standard or its equivalent will allow Applicants to better demonstrate the technical feasibility and effectiveness of HMA projects in flood hazard areas and facilitate consistency in implementing HMA-funded projects in flood hazard areas. Subsequent editions of ASCE 24 will also be accepted.

F.3.1 Process for Use during the Grant Life Cycle

In the application development, review, and approval phases (pre-award stage), HMA Applicants and subapplicants will provide an affirmative certification statement (in narrative form) demonstrating their planned use of ASCE 24-14, or latest edition, in implementing the HMA project post-award. Because ASCE 24-14, or latest edition, is designed to guide new

construction as opposed to alterations to the building to achieve a higher level of flood protection, FEMA will consider a commitment by HMA Applicants and subapplicants to utilize ASCE 24-14, or latest edition, to the maximum extent practicable on alterations or alteration portions of projects, as being consistent with and “deemed-to-comply” with ASCE 24-14, or latest edition. *Deemed to comply* provisions must not apply to any new construction on structures or systems during alterations where ASCE 24-14, or latest edition, provisions can be implemented.

In the subsequent grant lifecycle phases (post-award and closeout stages), HMA Recipients shall submit verification and design documentation to demonstrate the project’s conformance with accepted engineering practices, established codes, standards, ordinances, modeling techniques, or best practices, including the utilization of ASCE 24-14, or latest edition, minimum design and construction requirements, or its equivalent.

If applicable, FEMA may require additional documentation to determine conformance with any of the eligibility criteria described above.

F.3.2 Eligible Costs

The costs necessary to design and construct HMA flood risk reduction projects in accordance with ASCE 24-14, or latest edition, are eligible costs. These costs may include:

- ◆ Professional services necessary to the design and implementation of the project
- ◆ Data analyses/investigations directly related to the mitigation project (including geotechnical investigations, engineering reports, and hydraulic analyses)
- ◆ Structure evaluation and inspection, including documentation such as an Elevation Certificate
- ◆ Cost to obtain a copy of the ASCE 24-14, or latest edition, or a publication for an equivalent flood-resistant design and construction standard
- ◆ Project planning and design activities, including construction verification
- ◆ Site preparation and building foundation materials and construction
- ◆ Structural systems capable of resisting the flood loads (including anchorage and connections, structural fill, slabs-on-grade and footings, grade beams, pile caps, piers, posts, columns, share walls, or piles)
- ◆ Other flood-resistant components that meet FEMA-approved performance criteria based on NFIP requirements
- ◆ Measures to avoid or treat adverse effects to historic properties
- ◆ Costs related to complying with local utility requirements

F.3.3 Ineligible Costs

Ineligible costs associated with an HMA project, include, but are not limited to:

- ◆ Project components not directly related to the hazard mitigation purpose of the project as described in this guidance, such as:
 - General geotechnical or hydraulic studies not specifically related to the project site of the proposed mitigation activity
- ◆ Project components not consistent with FEMA-approved performance criteria
- ◆ The cost of any functionality or outfitting not directly required for meeting FEMA-approved performance criteria, such as interior or exterior decorative elements and fixtures and floor treatments

F.3.4 Flood Risk Reduction Closeout

Upon completion of an HMA flood risk reduction project, the authority having jurisdiction over the project must submit to the Recipient a final verification assurance that the HMA flood risk reduction project was constructed as designed and in accordance with the approved SOW. This documentation is included as project closeout documentation and must confirm that the HMA flood risk reduction project provides the intended level of protection. If the HMA flood risk reduction project is located in an SFHA, the Recipient must provide to FEMA documentation of flood insurance for the elevated structure and a copy of the recorded deed amendment. All other HMA closeout requirements must also be addressed.

G. Acronyms and Abbreviations

ABFE	Advisory Base Flood Elevations
ADA	Americans with Disabilities Act
ASCE	American Society of Civil Engineers
BFE	Base Flood Elevation
CBRA	Coastal Barrier Resources Act
CBRS	Coastal Barrier Resources System
CFR	Code of Federal Regulations
DOB	Duplication of Benefits
DOI	U.S. Department of the Interior
DOP	Duplication of Programs
DOT	Department of Transportation
EHP	Environmental Planning and Historic Preservation
EOC	Emergency Operations Center
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FMA	Flood Mitigation Assistance
HDD	Horizontal Directional Drilling
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program
HVAC	Heating, Ventilation, and Air Conditioning
IBC	International Building Code
ICC	International Code Council
IWUIC	International Wildland Urban Interface Code National
NEMIS	Emergency Management Information System National
NEPA	Environmental Policy Act
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NRCS	Natural Resources Conservation Service
O&M	Operations and Maintenance
PA	Public Assistance

PDM	Pre-Disaster Mitigation
SFHA	Special Flood Hazard Area
SOW	Scope of Work
TB	Technical Bulletin
U.S.C.	United States Code
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture