



# 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  
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Washington, DC 20472

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**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)

**Announcement Type:**

Initial

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# 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  
Deputy Associate Administrator for Mitigation  
Federal Insurance and Mitigation Administration

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# CONTENTS

<b>Part I. Introduction.....</b>	<b>1</b>
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
<b>Part II. Frontloading HMA Program Eligibility Requirements .....</b>	<b>13</b>
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
<b>Part III. Eligibility Information.....</b>	<b>25</b>
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
<b>Part IV.</b>	<b>Application and Submission Information.....</b>	<b>52</b>
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
<b>Part V.</b>	<b>Application Review Information .....</b>	<b>74</b>
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
<b>Part VI.</b>	<b>Award Administration Information.....</b>	<b>81</b>
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
<b>Part VII.</b>	<b>FEMA Contacts.....</b>	<b>95</b>
<b>Part VIII.</b>	<b>Additional Program Guidance.....</b>	<b>96</b>
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

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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
<b>Part IX. Appendices.....</b>	<b>119</b>
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

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## 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

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# 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

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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*

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*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>.

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## 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**.



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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

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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

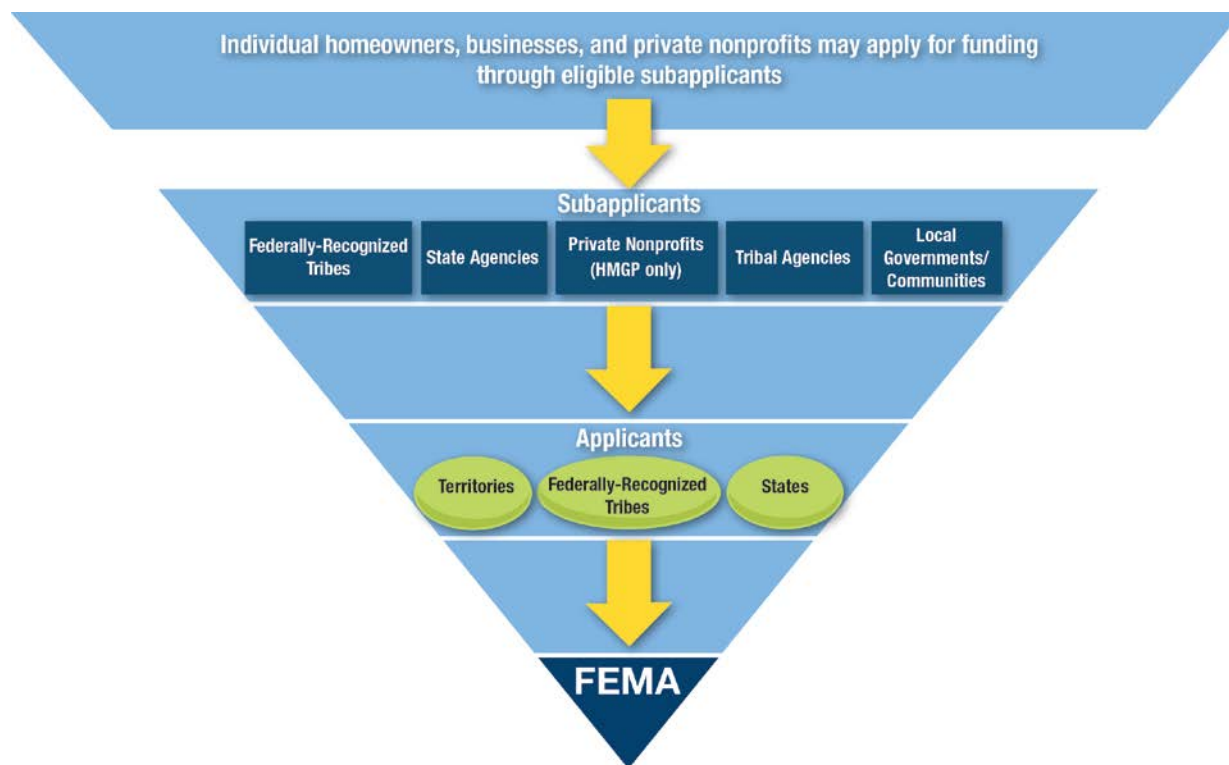
Applicants determine mitigation priorities. These priorities are broad strategies that mitigate natural threats in their respective jurisdictions. Contacting the State Hazard Mitigation Officer (SHMO), or equivalent representative for a respective federally-recognized tribe or territory, can be helpful 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.



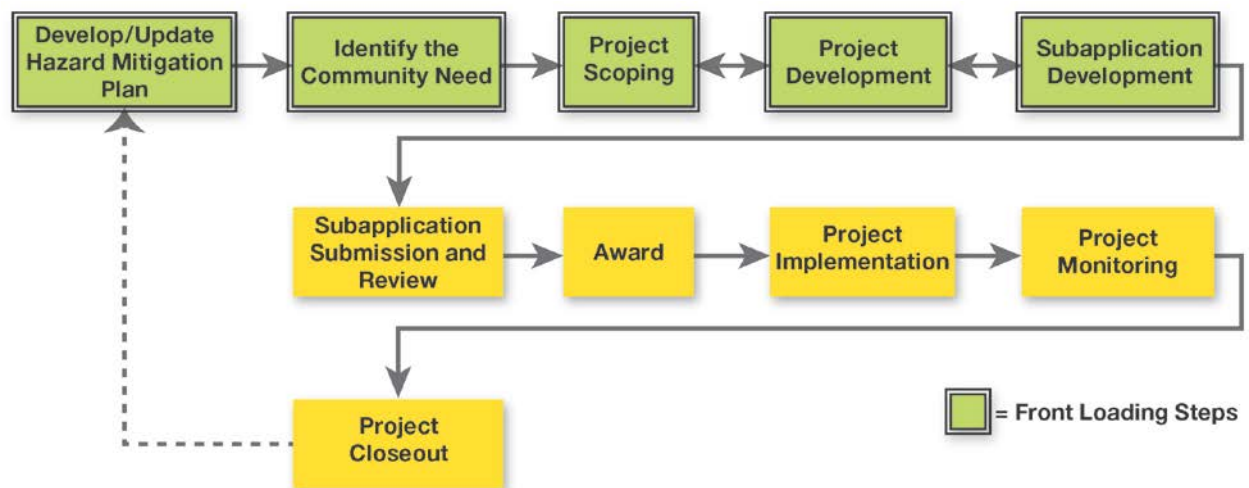
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- ◆ *Limits on Subsurface Uses of Hazard Mitigation Assistance Acquired Lands*, published May 5, 2014, has been incorporated into this guidance. With the release of this guidance, the policy has been superseded. (Addendum, Part A.2, A.4.4, and A.6.2)
    - 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.

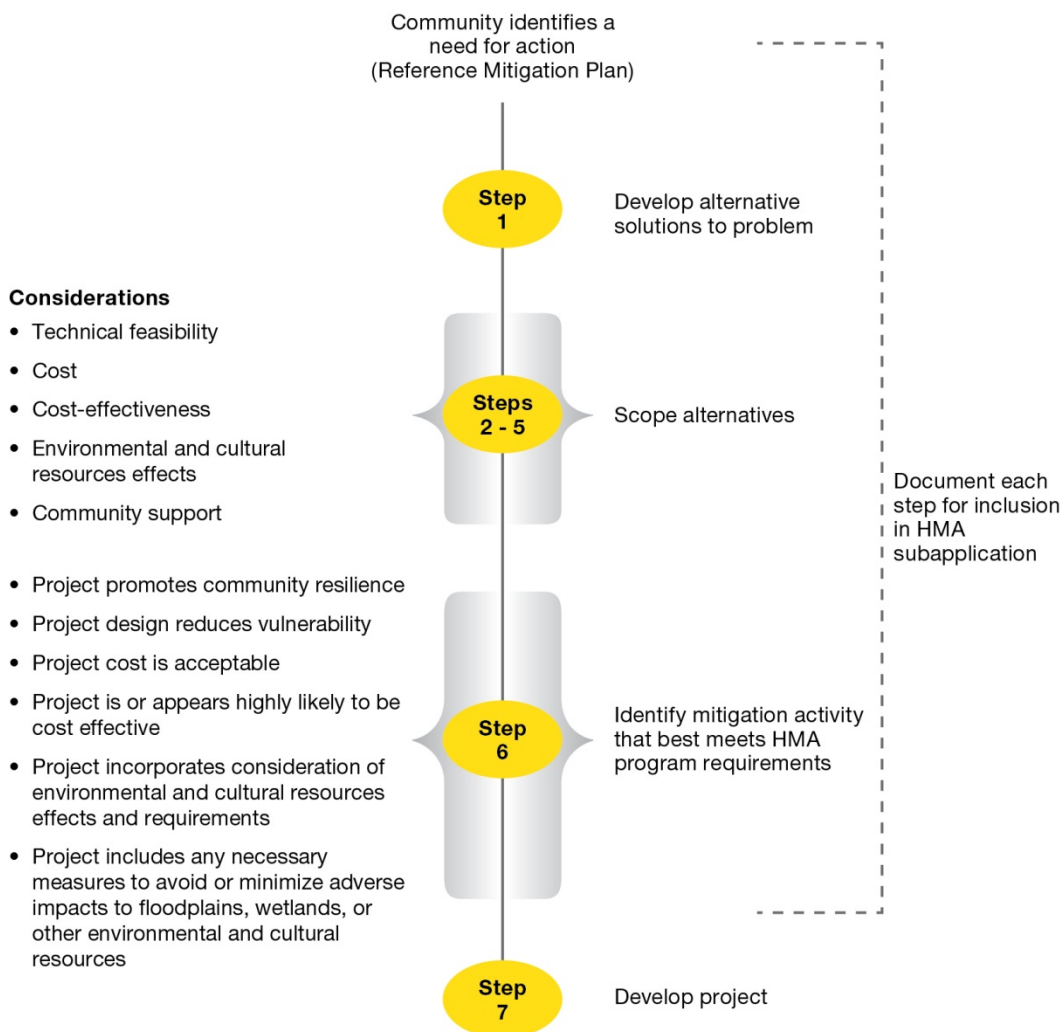
Part II provides general information on the importance of “frontloading” HMA program eligibility requirements in the project scoping and the overall decision-making process. Frontloading or addressing requirements at the earliest point in the decision-making process will increase the efficacy of the 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

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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.

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## 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.

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## 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.

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## 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

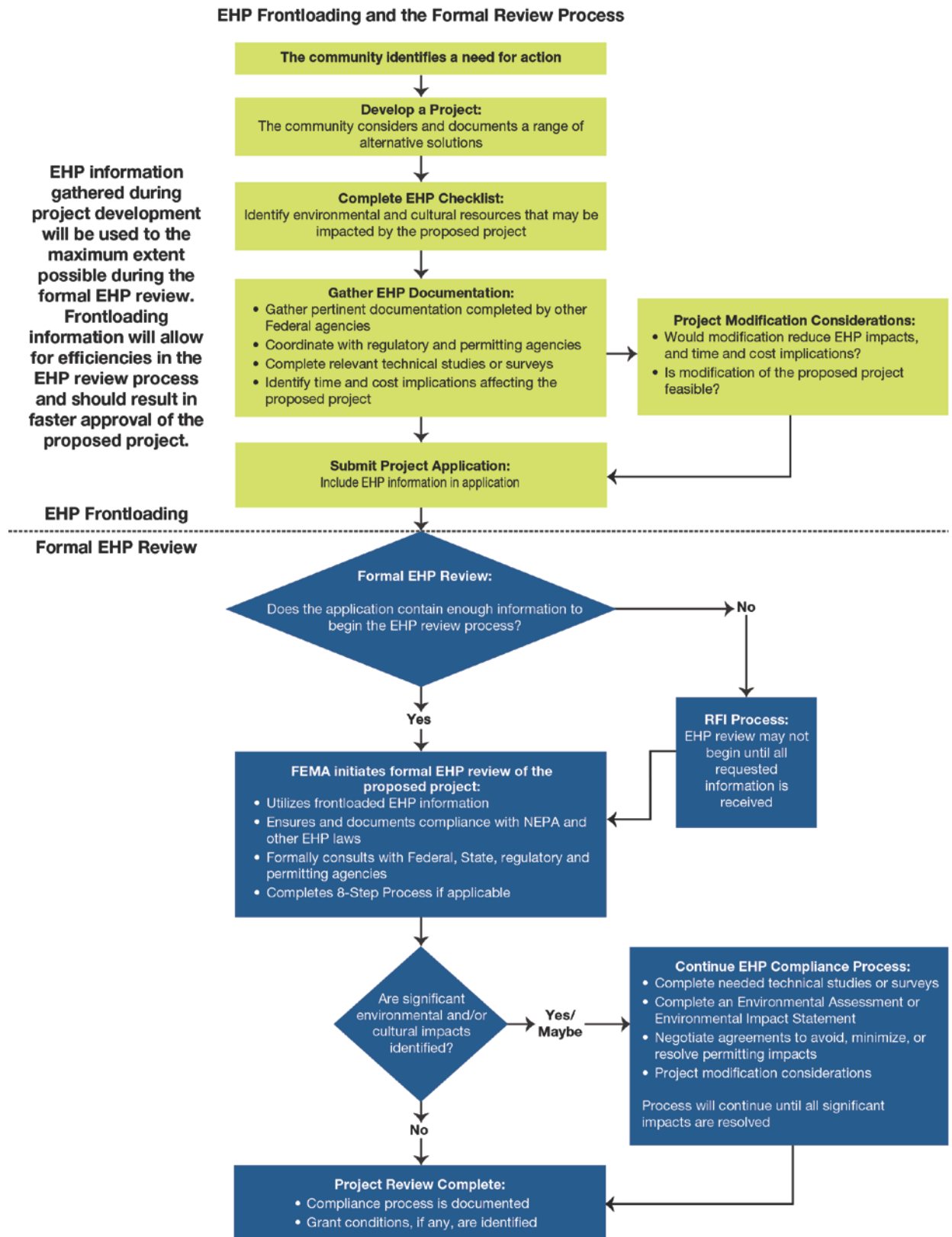


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requirements. Applicants and subapplicants should identify for FEMA whether their project will involve another Federal agency or agency with delegated Federal authority and provide any relevant information to help streamline and inform the EHP review. 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**



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## **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.

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## 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.

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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.

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## 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.

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## 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).



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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 <sup>(1)</sup>	✓	✓	✓
Private nonprofit organizations (PNPs)	✓		

<sup>(1)</sup> 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**

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

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## **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.

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### **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>.

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## **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.

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### 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

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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
<b>1. Mitigation Projects</b>	✓	✓	✓
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 <sup>(1)</sup>	✓	✓	✓
<b>2. Hazard Mitigation Planning</b>	✓	✓	✓
Planning Related Activities	✓		
<b>3. Technical Assistance</b>			✓
<b>4. Management Cost</b>	✓	✓	✓

<sup>(1)</sup> 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.

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### 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

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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.



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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

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- ◆ 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

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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

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- ◆ 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.

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### **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

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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.

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### 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.

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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](mailto: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.

#### **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.

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



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## 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

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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

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## 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.

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## 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](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

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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

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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.



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## 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.

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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*

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## 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 target 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.

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## 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

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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

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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.



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## 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.

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### 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

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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 <sup>(1)</sup> (per square foot)
Green Open Space	\$7,853	\$2.57
Riparian	\$37,493	\$12.29

<sup>(1)</sup> 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

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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*

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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](http://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.

**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.

- 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*.

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>.



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## 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.



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- ◆ 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](mailto: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

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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.

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# 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.

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## 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

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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.

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## 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.



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### 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



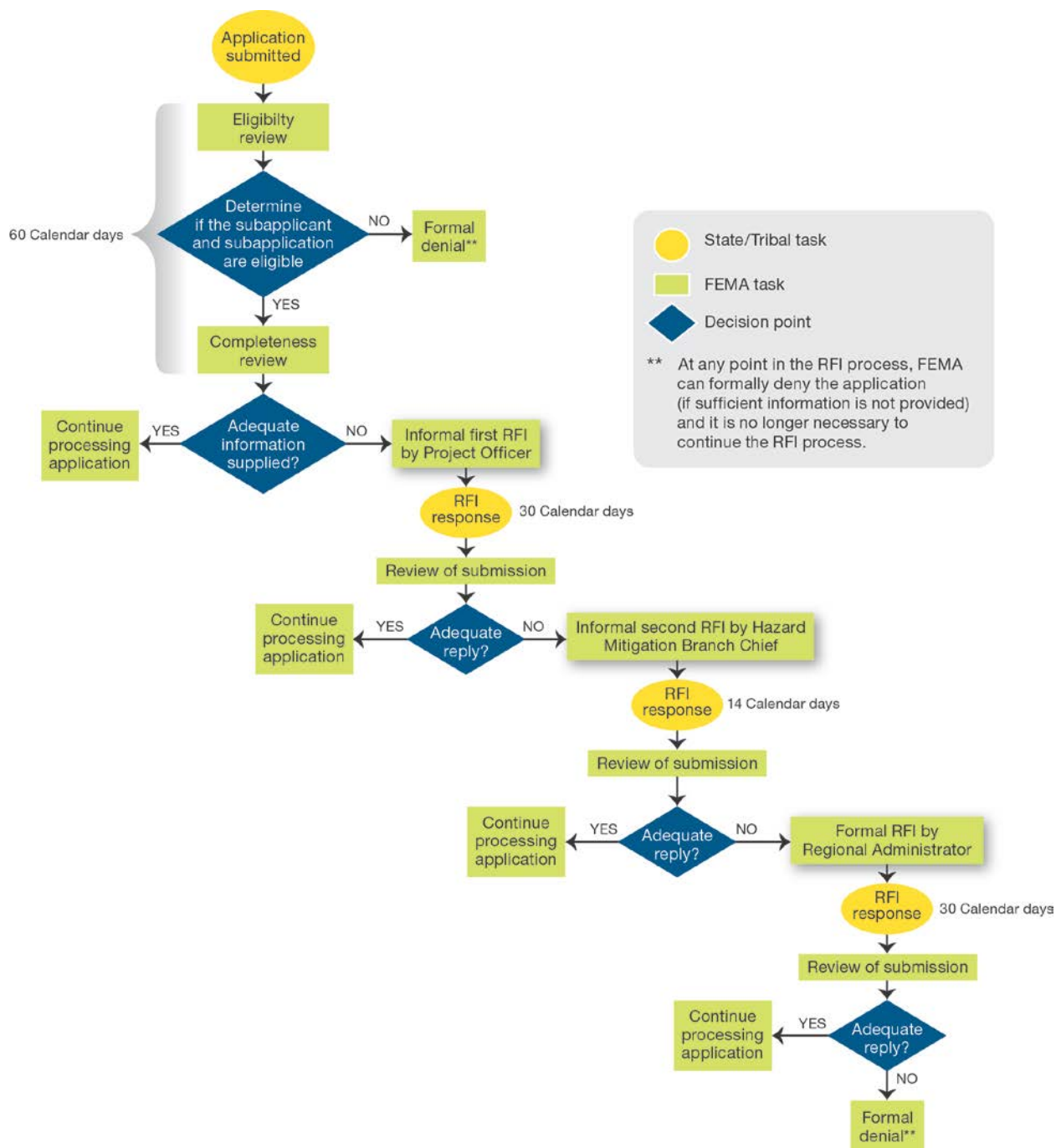
submitted. If the subapplication is determined to be incomplete, FEMA will request further information from the subapplicant. At each step of the RFI process, FEMA will work with the Applicant and subapplicant to determine available options to develop a viable project. Some options include technical 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
<b>Informal – First Request</b>	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.
<b>Informal – Second Request</b>	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.
<b>Formal</b>	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.
<b>Formal</b>	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**



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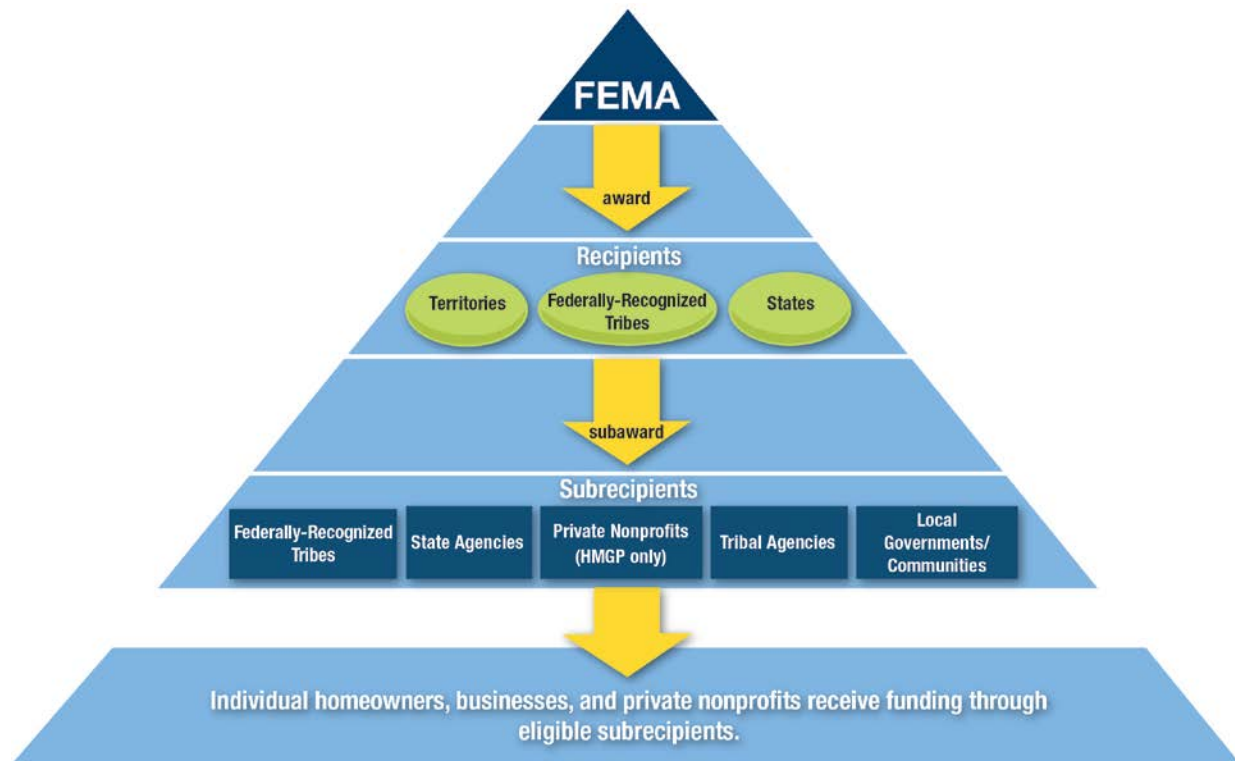
## PART VI. AWARD ADMINISTRATION INFORMATION

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.

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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.

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## 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.

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## 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.



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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.

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## 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

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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*

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- ◆ 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

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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

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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

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## 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



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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

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# 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.

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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

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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.

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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

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

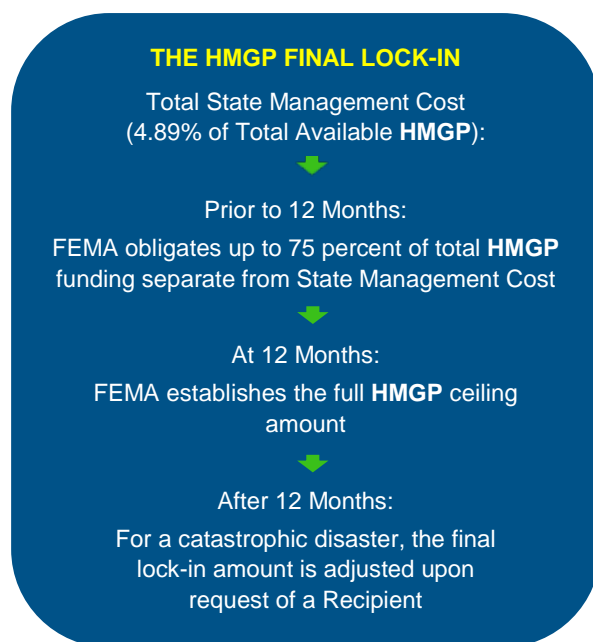
Many of the potential tasks that could be delegated to a State under PAS are already being completed by the Recipients. For example, the Recipient is responsible for preparing a BCA for project subapplications. Under the pilot program, FEMA's role would change. The current practice is that FEMA reviews 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.





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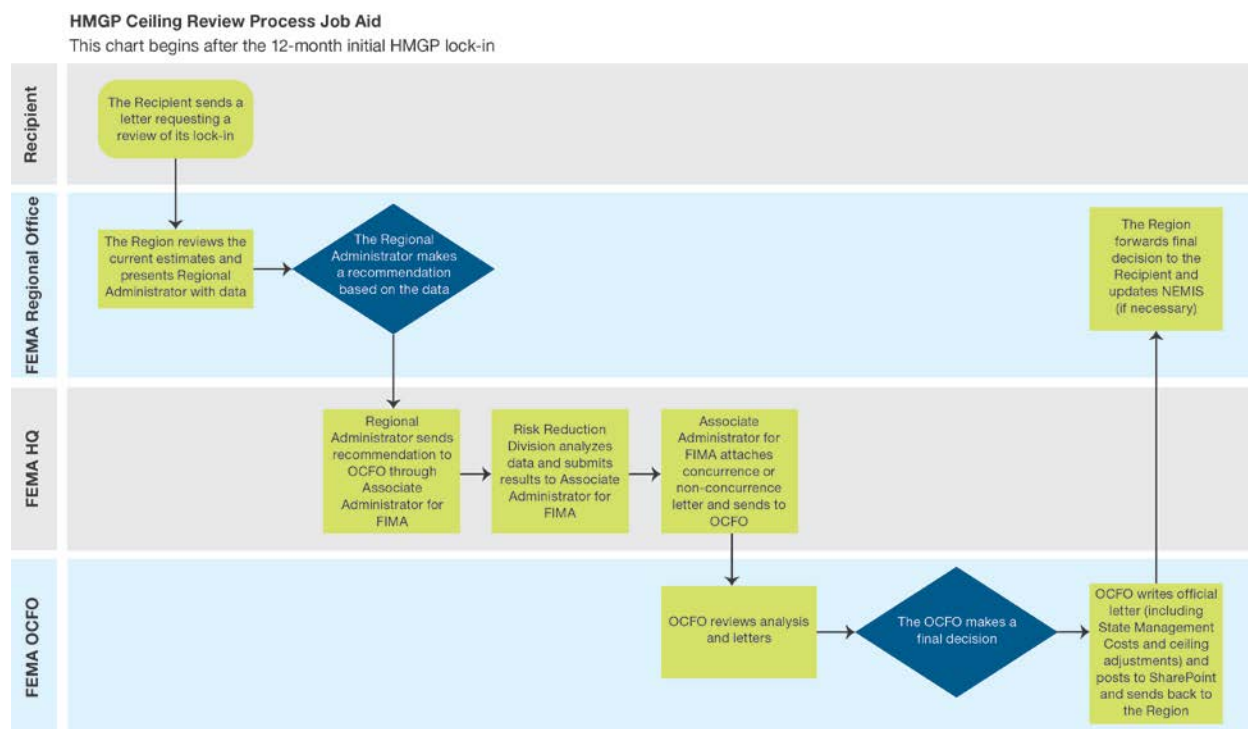
The 6-month estimate is no longer the floor or a guaranteed minimum funding for **HMGP**. The 12-month lock-in is the maximum amount available. Prior to 12 months, total obligations are limited to not more than **75 percent** of any current estimate, without the concurrence of the Regional Administrator 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

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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.

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## 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.

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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.



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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.

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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

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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*).

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## 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.



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## **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.

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## 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

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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.

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## 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

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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

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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



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## 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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.

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**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.



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**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.

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**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.

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

Description	Web Link or Contact Information
<b>3. Benefit-Cost Analysis Resources</b>	
BCA Software and Helpline	Telephone: 1-855-540-6744 Email: <a href="mailto:bchelpine@fema.dhs.gov">bchelpine@fema.dhs.gov</a>
Program Guidelines, Methodologies, Software Modules, and Training Materials	<a href="http://www.fema.gov/benefit-cost-analysis">http://www.fema.gov/benefit-cost-analysis</a>
BCA Policies	<a href="http://www.fema.gov/benefit-cost-analysis">http://www.fema.gov/benefit-cost-analysis</a>
<b>4. Feasibility and Effectiveness Resources</b>	
Helpline for guidance on FEMA Building Science publications	Email: <a href="mailto:FEMA-BuildingScienceHelp@fema.dhs.gov">FEMA-BuildingScienceHelp@fema.dhs.gov</a>
Helpline for guidance on FEMA Safe Room publications	Email: <a href="mailto:Saferoom@fema.dhs.gov">Saferoom@fema.dhs.gov</a>
Building Science	<a href="https://www.fema.gov/building-science">https://www.fema.gov/building-science</a>
Engineering Case Studies	<a href="http://www.fema.gov/grant-applicant-resources">http://www.fema.gov/grant-applicant-resources</a>
Property Acquisition Projects	<a href="http://www.fema.gov/library/viewRecord.do?id=1861">http://www.fema.gov/library/viewRecord.do?id=1861</a>
Structure Elevation Projects	<a href="http://www.fema.gov/library/viewRecord.do?id=1862">http://www.fema.gov/library/viewRecord.do?id=1862</a>
Minor Localized Flood Reduction Projects	<a href="http://www.fema.gov/library/viewRecord.do?id=1863">http://www.fema.gov/library/viewRecord.do?id=1863</a>
Non-structural Seismic Retrofit	<a href="http://www.fema.gov/library/viewRecord.do?id=1865">http://www.fema.gov/library/viewRecord.do?id=1865</a>
Structural Seismic Retrofit	<a href="http://www.fema.gov/library/viewRecord.do?id=1866">http://www.fema.gov/library/viewRecord.do?id=1866</a>
Wind Shutters	<a href="http://www.fema.gov/library/viewRecord.do?id=1864">http://www.fema.gov/library/viewRecord.do?id=1864</a>
<b>5. Environmental Planning and Historic Preservation Resources</b>	
PPD-8 (Definition of Resilience)	<a href="http://www.dhs.gov/presidential-policy-directive-8-national-preparedness">http://www.dhs.gov/presidential-policy-directive-8-national-preparedness</a>
President's Climate Action Plan	<a href="http://www.whitehouse.gov/sites/default/files/image/president27_sclimateactionplan.pdf">http://www.whitehouse.gov/sites/default/files/image/president27_sclimateactionplan.pdf</a>
Environmental Planning and Historic Preservation (EHP) Program	<a href="http://www.fema.gov/environmental-planning-and-historic-preservation-program">http://www.fema.gov/environmental-planning-and-historic-preservation-program</a>
EHP Helpline	Telephone: (866) 222-3580 Email: <a href="mailto:ehhelpline@fema.dhs.gov">ehhelpline@fema.dhs.gov</a>
EHP Guidance for FEMA Grant Applicants	<a href="http://www.fema.gov/environmental-planning-and-historic-preservation-program/environmental-historic-preservation-1">http://www.fema.gov/environmental-planning-and-historic-preservation-program/environmental-historic-preservation-1</a>
EHP eLearning Tool	<a href="http://www.fema.gov/environmental-planning-and-historic-preservation-program/elearning-tool-fema-grant-applicants-45">http://www.fema.gov/environmental-planning-and-historic-preservation-program/elearning-tool-fema-grant-applicants-45</a>
EHP Policies	<a href="http://www.fema.gov/hazard-mitigation-assistance-policy">http://www.fema.gov/hazard-mitigation-assistance-policy</a>
IS-253.A: Overview of FEMA's EHP Review	<a href="http://training.fema.gov/EMIWeb/IS/IS253a.asp">http://training.fema.gov/EMIWeb/IS/IS253a.asp</a>
EHP Resources At-a-Glance: Laws, Rules and Tools	<a href="http://www.fema.gov/media-library/assets/documents/30805">http://www.fema.gov/media-library/assets/documents/30805</a>
EHP at-a-Glance Guide for Project Planning	<a href="http://www.fema.gov/media-library/assets/documents/26621">http://www.fema.gov/media-library/assets/documents/26621</a>
Historic Properties and Hazard Mitigation Planning	<a href="http://www.fema.gov/environmental-planning-and-historic-preservation-program/integrating-historic-property-cultural">http://www.fema.gov/environmental-planning-and-historic-preservation-program/integrating-historic-property-cultural</a>
NFIP and Historic Properties	<a href="http://www.fema.gov/media-library/assets/documents/13411">http://www.fema.gov/media-library/assets/documents/13411</a>

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

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

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



## D. Referenced Regulations, Statutes, Directives, and Guidance

Reference	Description
<b>REGULATIONS</b>	
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 ( <b>FMA</b> ) 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 ( <b>HMGP</b> ).
44 CFR Part 207, Management Costs	Implements Section 324, Management Costs, of the Stafford Act, providing actions, procedures, and policies for <b>HMGP</b> 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.
<b>STATUTES</b>	
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 ( <b>PDM</b> ).
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.
<b>DIRECTIVES</b>	
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.
<b>GUIDANCE</b>	
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.
<b>OTHER RESOURCES</b>	
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
<b>National Historic Preservation Act (NHPA)</b>			
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?		
<b>Endangered Species Act (ESA)</b>			
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?		
<b>Clean Water Act (CWA) and Rivers and Harbors Act</b>			
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?		
<b>Executive Order 11988 (Protection of Floodplains) and Executive Order 11990 (Protection of Wetlands)</b>			
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.		
<b>Coastal Zone Management Act (CZMA) and Coastal Barrier Resources Act (CBRA)</b>			
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?		
<b>Farmland Protection Policy Act (FPPA)</b>			
6.A	Will the proposed project convert more than 5 acres of “prime or unique” farmland outside city limits to a non-agricultural use?		

<b>Environmental Regulation or Statute</b>		<b>Yes</b>	<b>No</b>
<b>Resource Conservation Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation, and Liability Act</b>			
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?		
<b>Executive Order 12898 (Environmental Justice for Low Income and Minority Populations)</b>			
8.A	Are there any low-income or minority populations in the project's area of effect or adjacent to the project area?		
<b>Other Environmental/Historic Preservation Laws (including applicable State laws) or Issues</b>			
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
<b>Applicant and Subapplicant</b>			
Are the Applicant and subapplicant eligible?			
<b>Plan Requirement</b>			
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?			
<b>Scope of Work</b>			
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.)			
<b>Cost Review</b>			
Does the project include a detailed budget?			
Does the project identify information on cost-share and match sources?			
<b>Schedule</b>			
Does the project include a work schedule for 3 years or less that conforms to period of performance requirements?			

Subapplication Component	Yes	No	Comment
<b>Cost-Effectiveness</b>			
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 <b>HMGP</b> 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?			
<b>Environmental and Historical Preservation</b>			
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			
<b>Acquisition / Demolition / Relocation Information</b>			
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?			
<b>Elevation Information</b>			
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?			
<b>Safe Room Information</b>			
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?			
<b>Wind Retrofit Information</b>			
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?			
<b>Drainage Information</b>			
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
<b>Subapplication Number and Title</b>			
<b>Scope of Work (SOW)</b>			
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?			
<b>Mitigation Plan Updates</b>			
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?			
<b>Schedule</b>			
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?			
<b>Cost Review</b>			
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?			