FEMA
DISASTER ASSISTANCE POLICY

I. TITLE: **Eligibility of Building Safety Inspections Supporting Emergency Work**

II. DATE: JAN 28 2008

III. PURPOSE:

This policy provides guidance on the eligibility of building safety inspections under the Federal Emergency Management Agency (FEMA) Public Assistance program.

IV. SCOPE AND AUDIENCE:

The policy is applicable to all major disasters and emergencies declared on or after the date of publication of this policy. It pertains to eligible work under sections 403 and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It is intended for personnel making eligibility determinations under the Public Assistance program.

V. AUTHORITY:

Sections 403 (42 U.S.C. 5170b) and 502 (42 U.S.C. 5192) respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), and 44 Code of Federal Regulations (CFR) § 206.225.

VI. BACKGROUND:

A. This policy is limited to the extent of assistance permitted under sections 403 and 502(b) of the Stafford Act, and 44 CFR §206.225, which address immediate threats to life, public health and safety, and improved property.

B. Some types of building inspection activities do not address immediate threats to life, public health and safety, or improved property,a and are more appropriately related to hazard mitigation, or the repair, restoration, and replacement of damaged buildings. These types of building inspection activities are not addressed in this policy.

VII. POLICY:

A. Eligible Work for Building Safety Inspections under Sections 403 and 502(b). Work authorized by sections 403 and 502(b) of the Stafford Act and 44 CFR §206.225 must be necessary to address an immediate threat to lives, public health and safety, or improved property.

1. Eligible building safety inspection activities include inspecting buildings to determine whether they are safe for entry, occupancy, and lawful use as well as posting appropriate placards.

a. Generally, building safety inspections consist of a thorough visual examination, inside and out, to determine whether a building is safe for use, potentially dangerous (*i.e.*, limited entry), or unsafe.

b. Building safety inspections primarily address structural safety, but may also address nonstructural risks such as electrical hazards, hazardous materials (including mold and asbestos), or fire safety issues.

2. Eligible work for building safety inspections will be written as "Category B" emergency work on the Project Worksheet (PW).

3. In accordance with 44 CFR §206.204, emergency work must be completed within six months of the disaster declaration. Extensions for extenuating circumstances or unusual project requirements beyond the control of the subgrantee must be approved by the Grantee.

4. An eligible applicant may conduct building safety inspections on public and private facilities, as long as the inspections are otherwise eligible emergency work (*i.e.*, the inspections address an immediate threat to life, public health and safety, or improved property). See 44 CFR §206.225.

B. <u>Eligible Costs for Building Safety Inspections under Sections 403 and 502(b)</u>. Under sections 403 and 502(b) of the Stafford Act, FEMA can consider the increased demand for building safety inspection services as an eligible emergency protective measure if such inspections are related to the disaster and are necessary to establish if damaged structures pose an immediate threat to life, public health or safety, or improved property. Short-term allowable costs that may be reimbursed (if eligible in accordance with 44 CFR §206.228, 44 CFR Part 13 and OMB Circular A-87) include, but are not limited to:

1. Overtime (but not straight-time) for permanently employed staff.
2. Hiring and/or contracting of additional staff.
3. Additional office space for staff.
4. Telecommunications set-up.

VIII. RESPONSIBLE OFFICE: Disaster Assistance Directorate (Public Assistance Division).

IX. SUPERSESSION: This policy supersedes FEMA policy 9523.2, *Eligibility of Building Inspections in a Post-Disaster Environment*, June 23, 1998, and all previous guidance on this subject.

X. REVIEW DATE: This policy does not automatically expire, but will be reviewed 3 years from the date of publication.

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