

**Attachment 1:**  
**Sample Language for Letter**  
**to State Emergency Management Director from FEMA Region**  
**Regarding Expiring Local and Tribal Mitigation Plans**

**(Regions should adapt or customize underlined text as appropriate)**

I am writing to inform you of important information regarding Local (including Multi-jurisdictional) Hazard Mitigation Plans (LMPs) [and Tribal Hazard Mitigation Plans (TMPs)] in the [State name] that will expire within the next 12 months.

FEMA regulations for local governments at 44 C.F.R. §201.3(d)(1) and (2) and §201.6(a) [and Indian tribal governments at §201.3(e)(1) and (2) and §201.7(a)] require that LMPs [and TMPs] be updated and resubmitted to FEMA for approval every five (5) years.

As you are aware, local governments [and Indian tribal governments] acting as subgrantees, must have a FEMA-approved LMP [or TMP] in order to apply for and/or receive project grants under the following hazard mitigation assistance programs:

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

Although currently not required, FEMA may require LMPs [or TMPs] under the Repetitive Flood Claims (RFC) program in the future, at which time, this policy will apply to those governments that apply for and/or receive assistance under the RFC program as well.

Project grants obligated under any of these programs prior to the expiration of a FEMA-approved mitigation plan are not affected by this policy, and will continue to be administered under the terms of the grant award.

To maintain eligibility for these grants, regulations require that a local [or Indian tribal] government acting as subgrantee must have an approved LMP [or TMP] at the time it **receives** the grants. Therefore, if any LMPs [or TMPs] lapse (i.e., expires before the new or updated plan is approved by FEMA), those jurisdictions will not be eligible for, and FEMA will not award, grant funds for projects under any of the above programs during the lapse. The fact that the local [or Indian tribal] government had a FEMA-approved LMP or TMP when a declaration occurred, or when a PDM, FMA or SRL grant application was submitted, is not sufficient to receive funds after the plan has expired. The requirement is that a local government or Indian tribal government must also have a FEMA-approved LMP [or TMP] at the time it **receives** the grant.

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This is not a permanent stop to and loss of funding, but it is a temporary hold on awards and funding until the updated plan is approved, as long as the plan is approved within the program application and obligation periods specified in grant program regulations and guidance.

A subgrantee may be eligible to apply for and/or receive project subgrants concurrent with the development of a mitigation plan if the Regional Administrator grants an extraordinary circumstance under 201.6(a)(3) and associated guidance. If no extraordinary circumstance is granted, the subgrantee must have an approved mitigation plan in order to apply for and/or receive assistance.

Attached is a comprehensive list of LMPs [and TMPs] that have either lapsed or will expire within the next 12 months. This FEMA Regional office will continue to provide all the technical assistance we can to your staff. In addition, we encourage the State to prioritize and apply for mitigation planning grants under HMGP, PDM and FMA (flood only) as they become available for local [and Indian tribal] governments to develop new or update mitigation plans.

Please contact me at [phone number] or have a member of your staff contact [name/title] at [phone number] if we can provide further information.

Sincerely,

[Name]  
Regional Administrator

Attachment

cc: David I. Maurstad, Assistant Administrator, Mitigation Directorate, FEMA

**Attachment 2:**  
**Sample Language for Letter to Local and Indian Tribal Government from State  
Regarding Expiring Local and Tribal Mitigation Plans**

**(States should adapt or customize underlined text as appropriate)**

I am writing to inform you of important information regarding [name of jurisdiction or other entity]'s [Local / Multi-jurisdictional / Tribal] Hazard Mitigation Plan that will expire on [date].

[FOR LOCAL:] FEMA regulations for local governments at 44 C.F.R. §201.3(d)(1) and (2) and §201.6(a) require that Local Mitigation Plans (LMPs) be updated and resubmitted to FEMA for approval every five (5) years.

[FOR TRIBAL:] Effective October 1, 2008, all new or updated hazard mitigation plans approved by FEMA for Indian tribal governments acting as subgrantees are required to meet the criteria identified in §201.7, *Tribal Mitigation Plans* (TMPs). FEMA regulations for Indian tribal governments at §201.3(e)(1) and (2) and §201.7(a) require TMPs be updated and resubmitted to FEMA for approval every five (5) years.

Please be aware that local [Indian tribal] governments acting as subgrantees, must have a FEMA-approved mitigation plan in order to **apply for and/or receive** project grants under FEMA's hazard mitigation assistance programs, including the Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), and Severe Repetitive Loss (SRL) programs. Although currently not required, FEMA may require mitigation plans under the Repetitive Flood Claims (RFC) program in the future, at which time, this policy will apply to those governments that apply for and/or receive assistance under the RFC program as well. Project grants obligated under any of these programs prior to the expiration of a FEMA-approved mitigation plan will continue to be administered under the terms of the grant award.

To maintain eligibility for these grants, Federal regulations require that a local [Indian tribal] government acting as subgrantee must have an approved LMP [TMP] at the time it **applies for and/or receives** the grants. The fact that a local [Indian tribal] government had a FEMA-approved mitigation plan when a declaration occurred, or when a PDM, FMA or SRL grant application was submitted, is not sufficient to receive grant awards after the plan has expired. Therefore, if any LMP [TMP] lapses (i.e., expires before the new or updated mitigation plan is approved by FEMA), those jurisdictions will not be eligible for, and FEMA will not award, grant funds for projects under any of the above programs during the lapse.

This is not a permanent stop to and loss of funding, but it is a temporary hold on awards and funding until the updated mitigation plan is approved, as long as the plan is approved within the program application and obligation periods specified in grant program regulations and guidance.

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We will provide all the technical assistance we can to the [name of jurisdiction or other entity] to ensure that your mitigation plan is updated in time to avoid any lapse. In addition, FEMA offers mitigation planning grants under three of the mitigation grant programs, the HMGP, PDM and FMA, to assist local communities and Tribal governments to develop new or update mitigation plans. FEMA awards mitigation grant funds to the State [Commonwealth], which then disburses those funds to its communities. We encourage [name of jurisdiction or other entity] to apply for assistance as funds become available. It is recommended that the local [Indian tribal] government apply for FEMA assistance at least one year prior to the expiration of their plan to ensure an adequate period to award the grant, update your plan, and for FEMA to complete its review and approval of your plan update. To obtain additional information on these programs, please contact [State Hazard Mitigation Officer of other official] at [phone number].

Please contact me at [phone number] or have a member of your staff contact [name/title] at [phone number] if we can provide further information.

Sincerely,

[Name]

[State Emergency Management Director or other Agency Official]