

**PROGRAMMATIC AGREEMENT AMONG
THE ADVISORY COUNCIL FOR HISTORIC PRESERVATION,
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE OHIO EMERGENCY MANAGEMENT AGENCY AND
THE OHIO HISTORIC PRESERVATION OFFICE**

WHEREAS, the Federal Emergency Management Agency (FEMA) makes assistance available to states, Commonwealths, communities, federally-recognized Indian Tribes (Tribes) and other eligible entities through programs, pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. §101 et seq.); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. §5121 et seq.); the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (as amended); the National Flood Insurance Reform Act of 1994, Pub. L. No.103-325 (1994) (as amended); the Post-Katrina Emergency Management Reform Act of 2006 Pub. L. No. 109-295 (2006) (as amended); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR) and such other acts, implementing regulations or Congressionally authorized programs as are enacted from time to time (Programs); and

WHEREAS, the Ohio Emergency Management Agency (Ohio EMA) has determined that the use of funds from FEMA's Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, and other Programs can be effectively used to defray expenses for residents to construct safe rooms to safeguard lives during storms, tornadoes and other life-threatening events; and

WHEREAS, these single-family residential safe room construction projects (Safe Rooms) constitute federally-funded undertakings (Undertakings) that may affect properties listed in or eligible for listing in the National Register of Historic Places (Historic Properties); and

WHEREAS, as a result of future disasters or enabling legislation, the State of Ohio may receive financial and technical assistance from FEMA and will in turn provide monies and other assistance to eligible applicants through FEMA's various grant Programs, and as such Ohio EMA will be responsible for administering these Safe Rooms and has joined in the development of this Programmatic Agreement (Agreement) as a signatory; and

WHEREAS, FEMA has consulted with Ohio Historic Preservation Office (OHPO) regarding the goals and nature of these Safe Rooms, and OHPO has joined in the development of this Agreement as a signatory; and

WHEREAS, FEMA has invited the Advisory Council on Historic Preservation (ACHP) to participate in the development of this Agreement, and ACHP has notified FEMA that it will participate in the development of this Agreement as a signatory; and

WHEREAS, the Ohio Archaeological Council (OAC) has an interest in the issues addressed by this agreement, has been invited to participate in the consultation, and has chosen to take part and sign this Agreement as a concurring party;

WHEREAS, the statewide organizations Heritage Ohio and Preservation Ohio have been invited to participate and have chosen not to take part in the consultation; and

WHEREAS, FEMA recognizes that implementation of this program may result in undertakings that have an effect on historic properties of religious and cultural significance to non-resident Tribes; and

WHEREAS, FEMA will consult with such Tribes on a government-to-government basis on specific projects when project locations have been determined; and

WHEREAS, FEMA and OHPO's assessment of the Safe Rooms described in the Programmatic Allowances included here in Appendix B (Allowances) indicate that the potential of these Undertakings to affect historic properties is negligible; and

WHEREAS, ACHP, FEMA, Ohio EMA and OHPO agree that the implementation of these Safe Rooms will be more effective if, pursuant to 36 CFR 800.14(b), an Agreement is in place to define responsibilities in the review process and eliminate the need for OHPO to review certain activities with little potential to affect Historic Properties;

NOW, THEREFORE, ACHP, FEMA, Ohio EMA and OHPO (Signatories) agree that these Safe Rooms will be administered in accordance with the following stipulations to satisfy FEMA's Section 106 responsibilities for these projects. FEMA will review all Undertakings involving the construction of single-family residential safe rooms in the state of Ohio pursuant to this Agreement prior to approving funding.

STIPULATIONS

To the extent of its legal authority, and in coordination with ACHP, Ohio EMA, and OHPO, FEMA shall require that the following measures are implemented:

I. GENERAL

- A. This agreement shall apply only to Undertakings involving the construction of Safe Rooms. Community and public safe room construction projects are specifically excluded from this agreement.
- B. Safe Rooms funded by current FEMA grant programs and those authorized in the future may be reviewed under this Agreement.
- C. The Allowances may be amended at any time by a letter of agreement between FEMA and OHPO.
- D. All time designations are in calendar days.

- E. If any Signatory does not comment on a determination related to a proposed action within an agreed-upon timeframe, FEMA may assume that party's concurrence with FEMA's determination.

II. QUALIFICATIONS AND RESPONSIBILITIES

A. Professional Qualifications and Review Authority:

1. FEMA will use Federal, State of Ohio agency, or contractor staff who meet the Secretary of the Interior's (SOI) Professional Qualifications Standards (Qualifications) [36 CFR Part 61] in a relevant discipline in overseeing compliance with this Agreement. Qualifications of FEMA and contractors will be determined by FEMA's Federal Preservation Officer; Qualifications of Ohio state agency staff will be determined by OHPO.
2. At such time that Ohio EMA retains staff meeting SOI Qualifications in a relevant discipline as determined by OHPO pursuant to Stipulation II.D.1, FEMA may delegate review authority under this Agreement to Ohio EMA for determining whether a specific Undertaking meets an Allowance.
3. Although FEMA may delegate Section 106 review authority as provided for in this agreement and under 36 CFR 800.2(a)(3), FEMA remains legally responsible for all findings and determinations resulting from the performance of these delegated activities.

B. FEMA responsibilities for all projects reviewed under this Agreement:

1. For lottery-based safe room programs or groups of Safe Room projects including eleven or more installations, after Ohio EMA establishes the final list of grant recipients, FEMA will consult with OAC, Ohio EMA and OHPO. This consultation shall afford the consulting parties the opportunity to:
 - Review the project types and locations, including review of data in the OHPO GIS system for each,
 - Consider whether the Allowances might need to be amended to improve the efficiency of reviews, and
 - Consider potential impacts to lands of ancestral interest to Indian Tribes and comment regarding approaches FEMA may take to fulfill its obligation under Section 106 to consult with federally-recognized Tribes regarding the projects in question.
2. For groups of Safe Room projects including ten or fewer installations, FEMA will review the projects, including review of data in the OHPO GIS system, to determine the following:
 - The project types and locations;
 - Proximity to known historic structures and archaeological resources; and

- The likelihood that project locations are in areas of ancestral interest to Tribes, based on resources including but not limited to the map of “Indian Land Areas Judicially Established 1978,” the Native American Consultation Database, consultation practice for past grant programs, and direction previously received from non-resident Tribes.

Based on that assessment, FEMA may either:

- Proceed to treat the group of projects as directed under Stipulation II.B.1, consulting with OAC, Ohio EMA and OHPO; or
 - Move forward with review of those Safe Rooms against the Allowances per Stipulation II.B.3 without further review by OAC, Ohio EMA, and OHPO; or
 - Conduct Section 106 review pursuant to 36 CFR §800.
3. FEMA will determine whether each Safe Room meets a specific Allowance.
 - If a Safe Room meets a specific Allowance or can be conditioned to meet an Allowance, FEMA will so condition the Safe Room, document the Safe Room as an approved Undertaking without further review.
 - If a Safe Room does not meet an Allowance and cannot be conditioned to do so, FEMA will conduct Section 106 review of that Undertaking pursuant to 36 CFR §800.
 4. Prior to authorizing the release of funds for individual Safe Rooms requiring special conditions pursuant to this Agreement, FEMA will inform Ohio EMA of all stipulations and conditions in writing to ensure that they are understood and conveyed to the sub-grantee, pursuant to Stipulation II.C.2.
 5. FEMA will provide OAC, OHPO and Ohio EMA with an annual report for the previous calendar year by March 31 of each year that this Agreement is in effect. This report will summarize the actions taken to implement the terms of this Agreement and will include the following data for each Safe Room:
 - a. Safe Room Location (address for associated residential building and GPS coordinates)
 - b. Age of Residence
 - c. Safe Room Type
 - d. Allowance used to exempt project from review
 - e. Name and title of staff member who performed the review
 - f. Date review completed

In addition, the report will provide FEMA’s views regarding the effectiveness of the Agreement, and any suggestions for additional Allowances to be considered for inclusion in Appendix B or other recommended changes to improve the effectiveness of the Agreement.

The Signatories will review this information to determine if amendments are necessary. Upon the request of any Signatory to this Agreement, a meeting or telephone conference will be held to review the report and discuss issues in greater detail.

C. Ohio EMA Responsibilities for projects reviewed under this Agreement:

1. For lottery programs, Ohio EMA will notify FEMA when the final list of grant recipients is established. That notification will include but not be limited to the following information for each installation:
 - Safe Room Location (address for associated residential building, county and GPS coordinates)
 - Age of Residence
 - Safe Room Type
 - Allowance expected to be used to exempt project from review
2. As grantee, Ohio EMA, with FEMA's assistance and in accordance with Stipulation II.B.3, will ensure that all sub-grantees are fully informed as to their responsibilities as stipulated in this Agreement. This includes:
 - a. Advising Safe Room applicants that they may not initiate work on Safe Rooms until compliance with this Agreement is achieved and Section 106 review is concluded,
 - b. Ensuring sub-grantees understand and acknowledge any conditions that may be placed upon Safe Rooms as a result of Section 106 consultation or compliance with this Agreement,
 - c. Ensuring sub-grantees understand that failure to comply with specific conditions will jeopardize federal funding,
 - d. Making sub-grantees aware of the potential of anticipatory actions to affect federal funding pursuant to Stipulation VI of this Agreement, and
 - e. Presenting sub-grantees information provided by OAC regarding unexpected archaeological finds.
3. Ohio EMA shall notify FEMA immediately if the scope of work for an approved project changes, so that FEMA can review the revised scope of work for compliance.
4. If Ohio EMA retains SOI-Qualified staff to review projects under this agreement, Ohio EMA shall provide FEMA and OHPO copies of their credentials for review.
5. Ohio EMA shall provide FEMA, OAC and OHPO copies of the closeout report for each grant program.

D. OHPO responsibilities for projects reviewed under this Agreement:

At such time that Ohio EMA retains SOI-Qualified staff to review projects under this agreement, OHPO will provide FEMA written notice of Ohio EMA staff and their areas of qualification under the SOI Guidelines.

III. CHANGES TO AN APPROVED SCOPE OF WORK

Ohio EMA will notify FEMA as soon as practicable of any proposed change to the scope of work for an approved Undertaking. FEMA will review the proposed change to the scope of work, with one of the following potential results:

- If FEMA determines that the change meets an Allowance, FEMA may approve the Safe Room, authorizing the applicant to proceed with the change.
- If FEMA determines that the change can be modified to meet an Allowance, FEMA may so condition the Safe Room and approve the Safe Room, authorizing the applicant to proceed with the change.
- If FEMA determines that the change cannot be modified to meet an Allowance, the Undertaking will be subject to review pursuant to 36 CFR §800.

IV. UNEXPECTED DISCOVERIES

A. Discovery and Notification:

- Based on information provided by the sub-grantee, Ohio EMA shall notify FEMA as soon as practicable if it appears that an Undertaking will affect a previously unidentified property that may be historic, including human remains, or affect a known Historic Property in an unanticipated manner.
- Ohio EMA shall notify the sub-grantee that unless they stop construction activities in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the property, federal funding may be jeopardized. Construction activities may not resume until FEMA concludes consultation with OHPO and other interested consulting parties.
- FEMA shall notify ACHP, OHPO, OAC and other interested consulting parties of the discovery as soon as practicable.

B. Consult to Consider Effects:

- FEMA shall consult with the interested parties to develop actions that will take into account the effects of the Undertaking upon the discovered properties.
- FEMA will notify OHPO and other interested parties of any time constraints, and all parties will mutually agree upon timeframes for this consultation.
- Ohio EMA and the sub-applicant may participate in this consultation.
- FEMA will provide OHPO and other interested parties with written recommendations to take into account the effects of the Undertaking.
- OHPO will respond to FEMA and Ohio EMA concerning the written recommendations within 15 days of their receipt.

C. Conclude Consultation:

- If OHPO or any other interested party does not object to FEMA's recommendations within the agreed upon timeframe, FEMA will require the applicant to modify the scope of work to implement the recommendations and approve the revised scope of work.

- If OHPO objects to the recommendations, FEMA, OHPO, and other interested parties will consult further to resolve this objection through actions including, but not limited to, identifying alternatives that may result in the Safe Room having no adverse effect on Historic Properties.
 - If the objections cannot be resolved, the parties shall proceed in accordance with Stipulation V.
- D. If appropriate, treatment of human remains will comply with OHPO's Policy Statement on Treatment of Human Remains (1997), Appendix A.

V. DISPUTE RESOLUTION

- A. FEMA shall consider objections to any plans, specifications, or actions provided for review pursuant to this Agreement by Signatories, Concurring Parties, Tribes and members of the public (Consulting Parties), and notify all Consulting Parties of the objection.
- B. FEMA shall consult further with the objecting party and any Consulting Parties, as appropriate, to seek resolution of the objection.
- C. If FEMA determines that objections raised cannot be resolved, FEMA shall forward all documentation relevant to the dispute to ACHP, including FEMA's proposed resolution of the dispute, with request for comment.
- D. After receipt of all pertinent documentation, within 15 days ACHP may:
- Advise FEMA that it concurs with FEMA's proposed resolution of the dispute; or
 - Provide comments or recommendations which FEMA shall take into account in reaching a final decision regarding the dispute.

If ACHP does not respond within 15 days, FEMA may assume that ACHP does not object to its recommended approach and proceed accordingly.

- E. Any recommendation or comment provided by ACHP will pertain only to the subject of the dispute. The responsibility of the Signatories to implement all actions pursuant to this Agreement that are not subject to the dispute will remain unchanged.
- F. Work on activities unrelated to the objection may proceed while the objection is being reviewed and resolved.
- G. FEMA shall notify all Consulting Parties within 15 days of determining a resolution.

VI. ANTICIPATORY ACTIONS

- A. Pursuant to Section 110(k) of the NHPA, FEMA will not grant assistance to an applicant who, with intent to avoid the requirements of this Agreement or Section 106, has intentionally, significantly, adversely affected a Historic

Property to which the assistance would relate, or having legal power to prevent it, allowed such significant adverse effect to occur. If mitigating measures are identified by FEMA, after consulting with ACHP, FEMA may determine that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. In such cases, FEMA will complete consultation for the Undertaking pursuant to 36 CFR 800.9(c)(2).

- B. Ohio EMA will advise its applicants of Stipulation VI in accordance with Stipulation II.C above.

VII. IMPLEMENTATION, DURATION, AMENDMENT, AND TERMINATION

- A. This Agreement may be implemented in counterparts, with a separate page for each signatory, and FEMA will ensure that each party is provided with a complete copy. This Agreement will become effective on the date that it is signed by ACHP.
- B. The Signatories may, by mutual agreement, extend or amend this Agreement.
- C. This Agreement shall remain in effect from the date of execution for five (5) years or until:
- It is terminated pursuant to Stipulation VII.E below, or
 - The Agreement is extended.
- D. If any Signatory to the Agreement determines that the Agreement cannot be fulfilled, the Signatories will consult to amend it.
- E. This agreement may be terminated in one of the following ways:
- Any Signatory may terminate this Agreement by providing 30 days' written notice to the other parties, provided that the parties will consult during this period to seek amendments or other actions that would prevent termination. Termination of this Agreement in this fashion will require compliance with 36 CFR §800 on all subsequent Safe Rooms.
 - This Agreement may be terminated by the implementation of another agreement that explicitly terminates or supersedes this Agreement.
 - This Agreement may be terminated by FEMA's implementation of Alternate Procedures, pursuant to 36 CFR 800.14(a), when such procedures explicitly terminate this agreement.
- F. Execution of this Agreement by the Signatories and implementation by FEMA is evidence that FEMA has taken into account the effects of these undertakings on Historic Properties, has afforded ACHP a reasonable opportunity to comment on these projects, and has satisfied its Section 106 responsibilities for all such Undertakings within the State of Ohio.

EXHIBIT 1: SAFE ROOM PROGRAM WORKFLOW

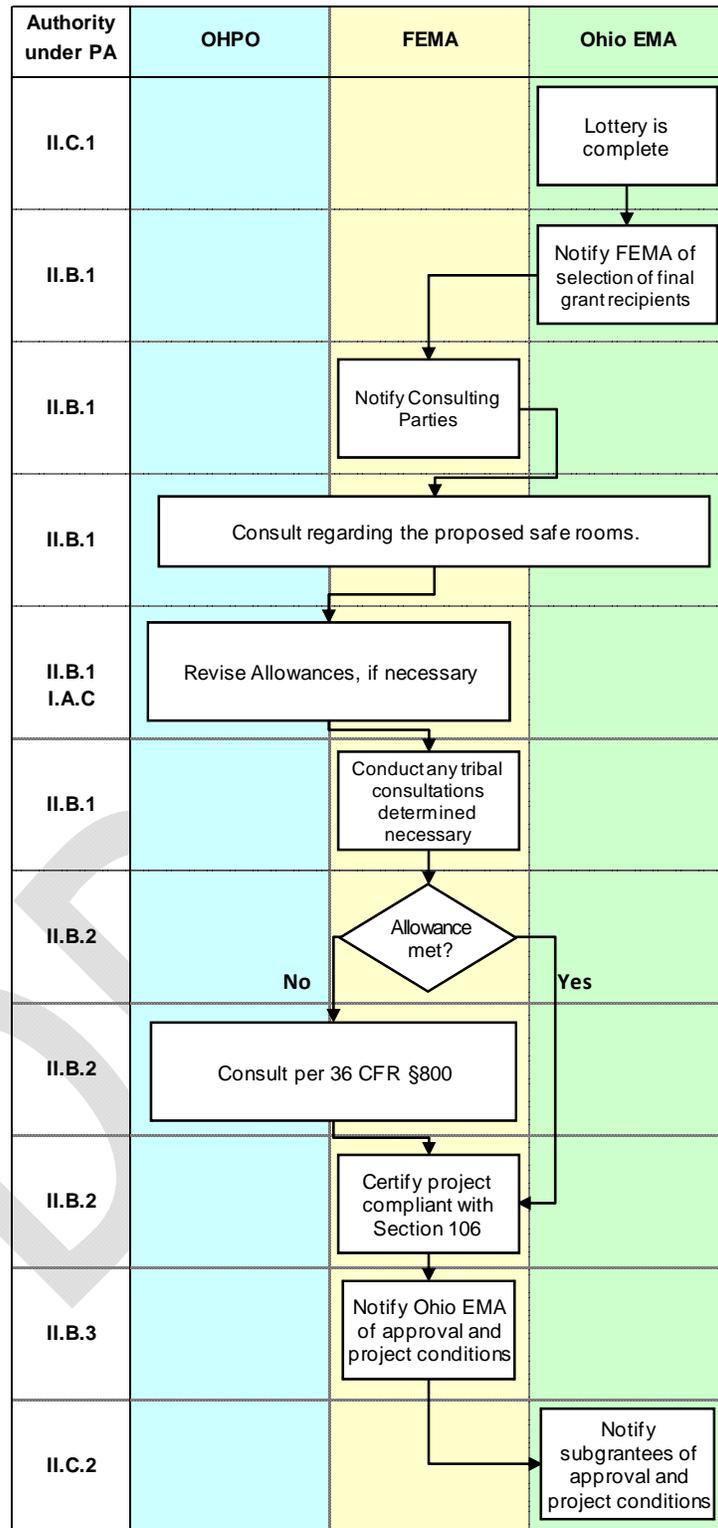
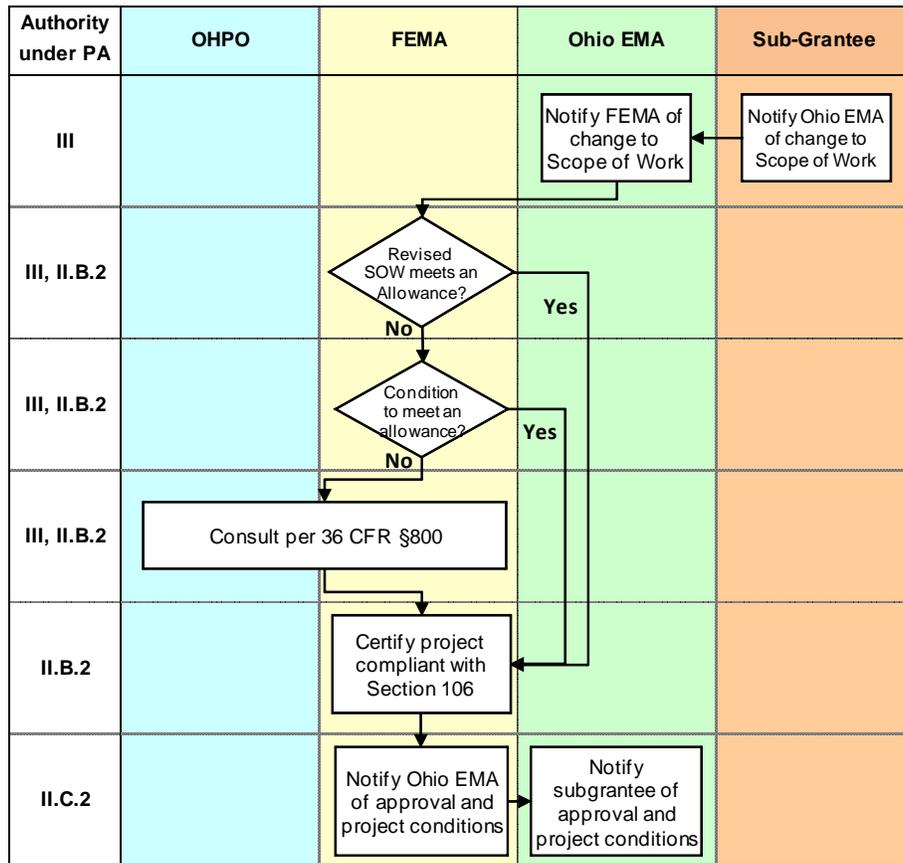


EXHIBIT 2: CHANGE TO APPROVED SCOPE OF WORK WORKFLOW



**SIGNATORY:
ADVISORY COUNCIL ON HISTORIC PRESERVATION**

By: _____

Date: _____

John M. Fowler
Executive Director

DRAFT

**SIGNATORY:
FEDERAL EMERGENCY MANAGEMENT AGENCY**

By: _____

Date: _____

Andrew Velasquez III
Regional Administrator, Region V

DRAFT

**SIGNATORY:
OHIO EMERGENCY MANAGEMENT AGENCY**

By: _____

Date: _____

Nancy J. Dragani
Executive Director, Ohio Emergency Management Agency

DRAFT

**SIGNATORY:
OHIO HISTORIC PRESERVATION OFFICE,
OHIO HISTORICAL SOCIETY**

By: _____

Date: _____

Mark Epstein, Department Head
Resource Protection and Review
Ohio Historic Preservation Office

DRAFT

**CONCURRING PARTY:
OHIO ARCHAEOLOGICAL COUNCIL**

By: _____

Date: _____

Lynn Hanson, President
Ohio Archaeological Council

DRAFT

APPENDIX A

OHPO'S POLICY STATEMENT ON TREATMENT OF HUMAN REMAINS (JANUARY 1997)

The Ohio Historic Preservation Office (OHPO) recognizes the importance of providing careful and respectful treatment for human remains recovered during archaeological investigations. In order to assist archaeologists in responding to this issue, we offer the following information concerning OHPO recommendations regarding treatment of human remains and associated grave goods. This information and our recommendations are based on our understanding of the current relevant legislation and regulations (including the National Historic Preservation Act [NHPA], Archaeological Resources Protection Act [ARPA], American Indian Religion Freedom Act [AIRFA], and Native American Graves Protection and Repatriation Act [NAGPRA]).

Prior to the Initiation of Field Work

When the work is on federal land or Native American land, consultation prior to implementation of a project is required. Although prior consultation is not required when the project is not on either federal land or Native American land, it is our position to encourage coordination with interested parties at every opportunity.

Where the project is not on federal land or Native American land, it is our opinion that until evidence of burials or interments (as broadly defined) is found you do not have to contact any Native American Tribal Authority nor do you have to contact any Native American organization regarding disposition or repatriation. However, it is also our recommendation that, even before burials are found, if a person representing a Native American organization contacts you then you should consider that organization an interested party and they should be provided with a full disclosure of the nature of the project. Consultation with a federally recognized tribal authority and/or a Native American organization is recommended for large scale projects where the recovery of burials or sacred objects is likely. We also note that consultation with federally-recognized tribal authorities and/or other parties may be necessary in some cases, for example, in the process of identifying traditional cultural properties.

For projects not on federal land or Native American land, if no human remains are found then there is no need for consultation with tribal authorities concerning disposition or repatriation. If you have been contacted by an interested party concerned with these issues, then they should be notified, after the completion of the project, that no human remains were found. As an aside, we believe that our comments and recommendations would also apply, in a general sense, in cases of sacred objects and cultural patrimony.

During Field Operations

If human remains are found in a context which indicates the possibility of a burial or intentional interment, then the following steps are recommended.

- First, every effort should be made to treat human remains respectfully. It is our recommendation to consider each individual burial on a case-by-case basis. And, you should contact the OHPO.

- Second, we believe think it is important to proceed with the excavations sufficiently to provide basic information on identity. Is it possible to determine how old the remains are? Are the remains unquestionably prehistoric? Are the remains unquestionably Native American? (Remember, for example, the remains could be historic Euro-American, or historic African American, or historic Hispanic American, or historic Asian American, or historic Native American.) Are there any artifacts associated with the remains which give evidence of association? Is it possible, based on associated artifacts, to identify the individual? (By this we mean specifically name and date of birth.) Is it possible, based on associated artifacts, to identify direct lineal descendants of the individual? Is it possible, based on associated artifacts, to identify groups who constitute direct descendants? It is important to conduct the necessary excavations in an expeditious manner but with sufficient control to provide comprehensive documentation.
- At this point, we are assuming that the remains have been left in place (in the ground), at least as much as possible, but protected from natural forces and from vandalism and looting. It is generally prudent to notify the local authorities (coroner and sheriff) when human remains are found. To the best of our knowledge, when remains are found in a good archaeological context, it is not required to contact the local authorities, but if there is any question of context, then the local authorities should be contacted.
- Third, establish coordination among field archaeologists, OHPO and lead federal agency in order to assess the situation.
- Fourth, initiate efforts to contact relevant persons, including federally recognized tribal authorities, if appropriate. It is the legally mandated responsibility of the lead federal agency to contact appropriate tribal authorities and interested parties if Native American human remains are encountered during an undertaking. But remember, at this time, the final decision regarding disposition has not been made. Also, we recommend contacting any interested parties, especially if they have made prior contact with you.
- Work in the area of the human remains should, under most circumstances, cease during a 30 day period of coordination.
- Fifth, reach an agreement regarding the remains:
 - it is preferable to leave human remains in place, if possible;
 - if not possible to leave in place, OHPO recommends careful removal and scientific study, however, the extent of scientific study depends on many circumstances and should be addressed on a case-by-case basis;
 - if the identity can be determined with relative certainty, or it is possible to establish identity of direct lineal descendants, then, in most cases, the remains should be handled according to the wishes of the descendants, unless there are overarching scientific reasons to pursue another course of action;

- if the identity cannot be established with certainty, then great care should be taken not to rush into a hasty decision. Any agreement on the disposition of human remains should, in our opinion, take into account the degree of uncertainty concerning their identity. Remember, a carefully made decision can be modified, but a hasty decision to turn remains over just to be rid of them and the interested party shows little respect for the deceased or for any descendants (lineal or cultural). Is it possible to establish a direct lineal descendant? Is it possible to establish a direct line of cultural affiliation? In our opinion, serious consideration should be given to the expressed wishes of people who can establish a claim of directly descendant or who can show a direct line of cultural affiliation.
- Then, as part of the closure for the field work portion of a Section 106 review, it is the responsibility of the lead federal agency to reach a decision regarding the treatment and disposition of human remains in consultation with OHPO, the field archaeologists, tribal authorities, and interested parties in accordance with established agreements.

Subsequent to Field Operations

If human remains are found as a result of laboratory work and not from a burial, then consultation should be initiated at the end of the project and after the completion of the laboratory analysis. It is our recommendation that this consultation follow the outline presented above to work out procedures for the appropriate treatment of the human remains.

If human remains are found in a context that does not indicate burial or interment, then every effort should be made in the field to define the context and association, and the process of consultation, as outlined above, should be initiated.

To assist you in the event that consultation with federally recognized tribal authorities is needed, OHPO maintains a list of federally recognized tribal authorities including listings from the Bureau of Indian's Affairs' Tribal Leaders Directory. This list is not all-inclusive; it represents a first step in developing procedures to address issues of disposition and repatriation. There are currently no federally recognized tribal authorities in Ohio since Ohio does not have any Native American Reservations or Land. However, there are many active Native American groups and organizations in Ohio. Also, in some cases, the Ohio Historic Preservation Office may be able to assist agencies and individuals contact individuals who have expressed an interest in the issues involving reburial. If the need develops we can provide assistance to get you started in compiling a list of interested parties.

In summary, our recommendations when human remains are identified are to first contact OHPO, second to make every effort to identify the individual and obtain information on cultural affiliation, third to consult with the appropriate federally-recognized tribal authority, and fourth, in coordination with OHPO, make a decision for the treatment of the remains.

Endnote. For further information, you may wish to contact the following:

Patricia Parker, Chief, National Park Service, American Indian Liaison Office,
1201 Eye St. NW (Org. 2560, Rm 955), Washington, DC 20005-5905, (202) 354-6965

DRAFT

APPENDIX B PROGRAMMATIC ALLOWANCES

All FEMA-assisted Undertakings involving residential safe room construction (Safe Rooms) will be reviewed in accordance with these Programmatic Allowances (Allowances). Safe Rooms not meeting one of the following Allowances will require review pursuant to 36 CFR §800.

If the scope of work of an undertaking meets one of the following Allowances, FEMA is not required to determine the National Register eligibility of any properties involved. In such cases, pursuant to Stipulation II.B of the Programmatic Agreement, FEMA may simply note the Allowance in the project file and approve the undertaking without further review.

Pursuant to Stipulation I.C, these Allowances may be revised with a letter of concurrence between FEMA and OHPO.

I. Residential Safe Rooms Constructed within the Footprint of a Structure less than 50 years old.

- A. Construction of any safe room within any building less than 50 years old.
- B. Construction of any safe room within a residence currently being built (new construction).

II. Residential Safe Rooms Constructed within the Footprint of an Existing Structure more than 50 years old.

- A. Basement (below-grade) construction safe rooms that meet the following requirements:
 - Work does not involve cutting holes in or otherwise penetrating foundation walls.
 - Work may include removal of sections of the concrete slab floor in order to properly anchor new safe room walls.
 - Finished size does not exceed 14' by 14'.
- B. Above-grade construction of safe rooms if construction is limited to the footprint of existing bathrooms or closets the finished size of which does not exceed 14' by 14'.

III. Residential Safe Rooms Constructed Below Ground Outside the Footprint of an Existing Structure. All of the following project types involve construction on a parcel on which a private residence is located, and does not include grading or other ground-disturbing activities more than three feet beyond the footprint of the safe room.

- A. Installation of a pre-fabricated manhole safe room measuring 4' in diameter by 8' deep.
- B. Installation of a pre-fabricated or constructed box safe room measuring 5' by 5' by 8' deep.

IV. Residential Safe Rooms Constructed Above Ground Outside the Footprint of an Existing Structure. Above-grade construction of safe rooms that meet the following requirements:

- The safe room is constructed on the same parcel as a residential structure that is less than 50 years old, and
- Finished interior size does not exceed 40 square feet of usable floor space (approximately 6' by 6').