

Disaster Assistance When a Community is Not Participating in the National Flood Insurance Program

This fact sheet provides information to individuals and communities on the receipt of FEMA disaster assistance when a community is not participating in the National Flood Insurance Program.

A community's participation in the National Flood Insurance Program (NFIP) is voluntary and communities must apply to participate. When a community has been identified by FEMA as an area with special flood hazards, and the community is not participating in the National Flood Insurance Program, the community may be sanctioned. In addition, financial assistance for acquisition or construction purposes, including, in some cases, federal disaster assistance, may not be available in those areas.

Community Participation in the National Flood Insurance Program

The NFIP can provide flood insurance coverage only in those states and communities that adopt and enforce floodplain management measures that meet the minimum NFIP requirements set by regulation.¹ FEMA identifies Special Flood Hazard Areas (SFHAs) - the land area in the floodplain subject to a 1% or greater chance of flooding in any given year - on Flood Insurance Rate Maps (FIRMs).

Newly identified communities that do not have a map will have one year after they are identified as flood prone (the FIRM effective date) to participate in the program, or sanctions apply.² Sanctions also apply to communities participating in the NFIP that are suspended or withdraw from the program.³ When a community is sanctioned,

¹ United States Code Title 42, § 4012(c) Flood Insurance Purchase and Compliance Requirements; Code of Federal Regulations Title 44, Part 60 Criteria for Land Management and Use

² Id. § 4105 Disaster Mitigation Requirements

³ Code of Federal Regulations Title 44 § 59.24 Suspension of Community Eligibility



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federal officers and agencies are prohibited from approving any financial assistance for acquisition or construction purposes in an area of special flood hazard in the community.⁴

Financial assistance for acquisition or construction purposes includes:

- Financial assistance for the acquisition, construction, reconstruction, repair, or improvement of any publicly or privately owned building or mobile home, and for any machinery, equipment, fixtures, and furnishings contained or to be contained therein.
- The purchase or subsidization of mortgages or mortgage loans.
- Federal disaster assistance in connection with a flood under the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#).
- To determine if a community participates in the National Flood Insurance Program, visit [FEMA’s Community Status Book](#) webpage.

Federal Disaster Assistance Limitations

As stated, previously, when a community is sanctioned, federal officers and agencies are prohibited from approving any financial assistance for acquisition or construction purposes in an area of special flood hazard in the community. This restriction does not apply to federal disaster assistance under the Stafford Act, unless the assistance is in connection with a flood.⁵

Table 1: Specific Restrictions apply to disaster assistance in Special Flood Hazard Areas in non-participating communities

	Always Eligible	Eligible in Disasters Other than Flood
Public Assistance – Emergency Work	Yes	
Public Assistance – Permanent Work		Yes
Individual Assistance – Rental Assistance	Yes	
Individual Assistance – Other Needs Assistance	Yes	
Individual Assistance – Real and Personal Property		Yes (unless items are uninsurable)
Hazard Mitigation		Yes

⁴ Title 42 United States Code § 4106 Non-Participation in Flood Insurance

⁵ Title 42 United States Code § 4103

Public Assistance (PA) Program

- Eligible: Emergency Work
 - No restrictions apply. Eligible debris removal efforts and emergency protective measures under Sections 403, 407, and 502 of the Stafford Act (42 U.S.C. §§ 5170b, 5173, and 5192) are still eligible in communities that do not participate in the National Flood Insurance Program.
- Not Eligible: Permanent Work
 - The permanent repair, restoration, or replacement of otherwise eligible facilities under Section 406 of the Stafford Act (42 U.S.C. §5172) are not eligible under Public Assistance for those facilities located in an identified Special Flood Hazard Area, when that community is not participating in the program and the damages were incurred by flood. Consideration may be given for approved alternate projects when such projects are located outside of the SFHA. The PA program will provide assistance for uninsurable facilities, i.e. bridges, roads, walkways, etc.

Individual Assistance (IA) Program

Housing Assistance

- Eligible: Rental assistance or lodging expenses, such as the reimbursement of hotel or motel expenses, or when rental properties are not available direct housing assistance may be provided.
- Not eligible: Grants to permanently repair or replace insurable real and/or personal property, damaged by a flood.

Other Needs Assistance

- Eligible: Assistance for medical, dental, funeral costs, transportation and other expenses authorized under Section 408(e) of the Stafford Act (42 U.S.C. § 5174(e)). FEMA will consider referrals from [the Small Business Administration \(SBA\)](#) to meet these needs, when the agency denies a loan for such expenses and refers the application to FEMA.
- Not eligible: Personal property losses that could have been insured by National Flood Insurance Program (such as appliances, clothing, and furniture).

In accordance with Code of Federal Regulations Title 44 § 206.110(k)(2), if a sanctioned community applies and joins the National Flood Insurance Program within six months of the federal disaster declaration, these limitations on federal disaster assistance will be lifted under the Individual Assistance program.

Hazard Mitigation Grant Program (HMGP)

The Hazard Mitigation Grant Program is one of three Hazard Mitigation Assistance (HMA) program grants that FEMA offers. HMGP mitigation sub-applications for projects sited within a Special Flood Hazard Area are eligible only if the jurisdiction in which the project is located is participating in the NFIP.

Hazard Mitigation Assistance grants cannot be given for acquisition or construction purposes if the site is located in a designated SFHA in a community that does not participate in the program. Non-participating communities may submit projects to the Hazard Mitigation Grant Program only if the projects are located in an unmapped area or areas outside the SFHA. Refer to the current [2015 Hazard Mitigation Assistance Guidance](#) on FEMA's website for more information.

For More Information

For further information on federal disaster assistance from the U.S. Small Business Administration, the U.S. Department of Agriculture (USDA), and the Housing and Urban Development (HUD), visit the following:

- [Disaster Loan Program](#) at the Small Business Administration
- Farm Service Agency [Disaster Assistance Programs](#) at the U.S. Department of Agriculture
<https://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/index>
- U.S. Housing and Urban Development [Disaster Resources](#)

If a community decides to participate in the National Flood Insurance Program, visit FEMA's [Floodplain Management](#) webpage for more information.