Post-Disaster Code Administration & Enforcement Assistance

DRRA Section 1206 for ICC | 2021
DRRA Resources for State, Local, Tribal, and Territorial (SLTTs) Governments

DRRA 1206 authorizes FEMA to provide SLTTs with resources needed to effectively administer and enforce adopted building codes and floodplain ordinances

- **Building Code Administration** (review and process building applications; collect fees; hire, train, supervise staff; etc.)
- **Code Enforcement** (inspect structures; review elevation certificates; conduct and process condemnation determinations; etc.)
- **Floodplain Management Regulation, Administration, and Enforcement** (hire, train, supervise staff; provide training; process permits; etc.)
- **Substantial Damage Operations** (conduct field surveys; prepare cost information; perform inspections; etc.)
When Is It Available and For How Long?

- FEMA Public Assistance major disaster declarations for Categories C-G (permanent work). These will be Category G, Other, Worksheets.

- Administer and enforce adopted building codes and floodplain ordinances in disaster-damaged areas for the 180 days directly following the declaration
Eligibility

Eligible Work

- Policy provides a descriptive list of eligible activities
- Work is eligible if it is consistent with the work that is normally done by the community to administer and enforce adopted building codes
- Eligible work must relate to the repair, replacement, or retrofit of disaster-damaged structures:
  - May include public, private, & residential structures

Ineligible Work

- Activities associated with non-disaster damaged development
- Activities to update a community’s laws, rules, procedures, or requirements
  - Examples: Updating building codes, adopting new zoning requirements, developing new land use plans.
Eligible Work: Building Code Administration & Enforcement

- Review and process applications for building permits; certificates of occupancy; certificates of compliance
- Hire, train, supervise, certify, and license staff, as required to conduct eligible activities
- Provide training and outreach to the public on building code and building permit requirements
- Establish construction plan review and inspection processes, procedures, and instructions for permit holders
- Inspect structures
- Monitor impacted areas for unpermitted construction activities
- Identify and carry out corrective actions
- Review and issue elevation certificates
Eligibility Continued

Eligible Costs

- Reimbursed at the cost-share for permanent work
- Overtime for budgeted employees and straight and overtime for extra hires
- Purchase of supplies and equipment necessary to complete eligible work

Other

- Any fees and fines collected or waived will offset the final costs of the PW at closeout see policy section C.11
Community Requirements

- Communities must submit their applications for reimbursement and all supporting documentation through the PA Grants Portal.

- Supporting documentation is needed to:
  - Demonstrate completed work,
  - Demonstrate costs incurred,
  - Location of work,
  - Validate EMAC resource requests or intrastate/interlocal mutual aid requests.
The local floodplain administrator’s job is to assess damage before residents begin repairs in the special flood hazard area and to issue permits that comply with flood-related guidelines.

- Flood
- Tornado/Inland Wind
- Fire
- Hurricane
- Earthquake
- Debris impact, etc.
Substantial Damage (SD)

NFIP participation requires locally adopted and enforced building/rebuilding standards for homes in the high-risk flood areas. SD is when the total cost to repair a structure to its pre-damaged condition ≥ 50% of the pre-damage market value. SD structures may need to be elevated, relocated, demolished or floodproofed (non-residential only).
Direct Assistance Through FIMA SD Data Collection Contract

- Part D, Direct Assistance, in the policy is not connected to FEMA Public Assistance.
- Inspection contract assistance may be available due to extreme nature/lack of resources, but must include justification, a free from damages/indemnity agreement, and an agreement for the non-federal cost share.
- The fastest and most cost-effective route for communities to take will be to position themselves to be able to conduct or contract out on their own for inspections. This takes planning, so make sure your community has a substantial damage SOP in place now.
All Eyes are Watching: People and Property Are at Risk

- Government Accountability Office, Report GAO-20-396
- Natural Resources Defense Council: Losing Ground: Flood Data Visualization Tool
# Hurricane Season Is Approaching.... Are you Ready?

## Post-Disaster Realities for Local Officials

<table>
<thead>
<tr>
<th>Code Administration</th>
<th>Code Enforcement</th>
<th>Floodplain Administration</th>
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<tr>
<td>Perform timely <strong>building safety evaluations</strong></td>
<td>Inspect structures <strong>under construction</strong> or <strong>repair</strong> for compliance with applicable codes, laws, and ordinances</td>
<td>Conduct <strong>Substantial Damage Estimates</strong> in the Special Flood Hazard Area</td>
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<td><strong>Educate affected property owners</strong> on rebuilding/permit requirements for damaged structures</td>
<td>Identify and address non-compliant construction, design, and occupancy</td>
<td><strong>Inform property owners</strong> of damage determination results and provide compliance requirements</td>
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<td>Review, process &amp; issue <strong>building permits</strong>, <strong>certificates of occupancy</strong>, <strong>certificates of compliance</strong></td>
<td>Conduct and process condemnation determinations</td>
<td><strong>Determine whether proposed improvements are</strong> &quot;<strong>substantial improvements</strong>&quot; and trigger requirements for compliance (elevate home above BFE)</td>
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<td>Establish <strong>plan review</strong> and <strong>inspection procedures</strong>, and instructions for permit holders</td>
<td>Investigate and address <strong>violations of building codes</strong> and related ordinances</td>
<td><strong>Coordinate with building department</strong> to enforce floodplain ordinance requirements for permitting</td>
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Mutual Aid for Post-Disaster Code Enforcement

- With all of the trained and certified flood managers, code enforcement, and design professionals in our nation, why not utilize their skills following a disaster?
  - How will this work?
- The new “second responder,” post-disaster code enforcement initiative and DRRA § 1206 are paving the way to give states more options on choosing and funding recovery support staff.
  - What options/plans are you following?

Team of four from Minnesota supporting USVI. Electrical, mechanical, building, and plan review joined up with local USVI building permits team, geared up and ready for field orientation, inspection, and plan review.
Utilizing Mutual Aid Teams and Personnel

USVI – Hurricanes Irma and Maria, 2017

- 10 ICC Chapter Personnel Deployed:
  - AZ, GA, MD, MN
- Types of Assistance:
  - Building Inspections
  - Plan Review
  - Permit Tech
- Reimbursement Success:
  - 100% success rate of EMAC reimbursement

Louisiana - Hurricanes Laura and Delta, 2020

- 8 ASFPM Chapter Personnel Deployed:
- Types of Assistance:
  - Substantial Damage Estimates
  - Flood Recovery Education for home-owners
- AIA & LA State Fire Marshall
  - Building Safety Assessments (ATC-45)
    - Seeking reimbursement through DRRA 1206 policy
How Can Affected Use DRRA 1206 to Pay for Mutual Aid Responders?

- **Understand which Disaster Assistance Response Teams exist in your state**
  - State mutual aid legislation should be identified prior to making a request
  - Will distinguish protections and reimbursement potential for responders
    - Ex: most states will reimburse state assets (municipal workers) but not private sector personnel

- **Local officials** should build relationships with their community Public Assistance (PA) Point of Contact (POC), who works directly with the FEMA Program Delivery Manager (PDMG) - Have you made these connections in your community?
Mutual Aid for Building Departments Factsheets

Mutual Aid Overview Fact Sheet

Regional Fact Sheets for FEMA Regions 1-10
BCAT WebGIS Portal – Mutual Aid Layers

- BCAT Portal also includes two separate mutual aid layers
- IMAC layer colors state or territory based on its type of intrastate mutual aid system
- EMAC layer colors state or territory based on whether it participates in EMAC, and whether it has expanded its EMAC legislation beyond the baseline

https://geo.stantec.com/National_BCAT_Portal/
Statewide opt-out IMAC program
- The state creates a statewide mutual aid program and automatically enrolls all jurisdictions into it. Jurisdictions typically may choose to exit the program.

Statewide opt-in IMAC program
- The state creates a statewide mutual aid program but does not automatically enroll jurisdictions into it. Jurisdictions must choose to join the program.

Individual Compacts (no statewide IMAC)
- No formal statewide mutual aid system. Jurisdictions individually make mutual aid arrangements with each other, or with the state.

No known significant intrastate mutual aid
- Current research failed to find any significant mutual aid arrangements within in the state or territory.
**Enhanced EMAC Legislation**
- The state or territory expands the scope of personnel who can be deployed through EMAC beyond the baseline threshold of the model EMAC language.
  - Example: Arizona empowers its governor to deploy private and volunteer personnel through its EMAC system just as well as its government personnel, and provides them with similar legal protections.

**Standard EMAC Legislation**
- State or territory has not notably expanded the scope of its EMAC system beyond the baseline (government personnel only) described in the model EMAC language (viewable at www.EMACweb.org).

**Not a Participating EMAC Jurisdiction**
- American Samoa is not a party to the Emergency Management Assistance Compact. The other territories, all 50 states, and DC are EMAC participants.
Mutual Aid - IMAC Layer

Same state and territory information as found in the MABD Fact Sheets
Resources

- DRRA 1206 policy
- DRRA webpage
- DRRA policy launch video
- Public Assistance Program and Policy Guide (PAPPG)
- FEMA Public Assistance YouTube Channel
- Answers to Questions About Substantially Improved/Substantially Damaged Buildings, FEMA 213
- YouTube FEMA Substantial Damage Estimator Training Modules
- Mutual Aid for Building Departments (fema.gov)
- Mutual Aid Layers in GIS Portal
### Applicable FEMA Training

- **Public Assistance**
  - FEMA Emergency Management Institute (EMI) Independent Study (IS) Course IS-1000: [Public Assistance Program and Eligibility](#)
  - IS-1002: [FEMA Grants Portal – Transparency at Every Step](#)
  - IS-1009: [Conditions of the Public Assistance Grant](#)

- **Substantial Damage**
  - FEMA EMI IS-285: [Substantial Damage Estimation for Floodplain Administrators](#)
### Presenters

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For more information, contact your Regional FEMA Building Science POC:

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<th>States/Territory</th>
<th>POC</th>
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