



## Public Assistance Companion Guide

# Disaster Recovery Reform Act Section 1206

### Background & Purpose

This document provides greater clarity around **building code** and **floodplain management (FPM)** administration and enforcement activities eligible for reimbursement through the FEMA's **Public Assistance (PA) program**. It serves as a **companion guide** to the Building Code and Floodplain Management Administration and Enforcement Project Application and the [Disaster Recovery Reform Act \(DRRA\) Section 1206 policy](#). This resource provides FEMA staff and state, local, tribal, and territorial (SLTT) governments with a greater understanding of the Disaster Recovery Reform Act 1206 policy and eligible activities to support submitting a Project Application. This document does not address Direct Federal Assistance through FEMA's Federal Insurance and Mitigation Administration contracting mechanism. For additional information on how to access the contract, please work directly with FEMA disaster or regional staff.

### DRRA 1206 Overview: New Resources for Post-Disaster Building Code and Floodplain Management Administration & Enforcement

When disaster strikes, many communities have hundreds, if not thousands, of structures needing repair. Effective rebuilding ensures structures are more protected from future damage by following locally-adopted codes and standards. **DRRA 1206** authorizes FEMA to provide communities approved for Public Assistance funding following a presidentially-declared disaster with the resources needed to effectively administer and enforce building codes and floodplain management regulations (e.g., substantial damage assessments or determinations, permitting, etc.) — increasing the speed of recovery and enhancing National Flood Insurance Program (NFIP) compliance. **NOTE: NFIP-participating communities are required to adhere to their locally-adopted regulations to remain in good standing.**

### TO BE ELIGIBLE FOR PUBLIC ASSISTANCE GRANT FUNDING MADE AVAILABLE THROUGH DRRA 1206, STATE, LOCAL, TRIBAL OR TERRITORIAL GOVERNMENTS MUST:

- Be in good standing with the National Flood Insurance Program
- Be authorized for assistance under a major disaster declaration
- Be legally responsible for administering and enforcing adopted building codes and floodplain management regulations
- Report list of impacts to FEMA within 60 days of the Recovery Scoping Meeting
- Submit supporting documentation through the [Public Assistance Grants Portal](#) ([grantee.fema.gov](http://grantee.fema.gov))

### Disaster Recovery Reform Act 1206 Requirements:

**180 Days**

**Time Limit:** Activities occurring up to **180 days** after a major disaster declaration may be eligible for reimbursement.



**Fees and Fines:** Revenue collected by the Applicant is considered program income. The Project Application will be reduced accordingly during closeout. If the Applicant waives fees or fines following the disaster, FEMA still reduces the eligible costs by the amount of the fees or fines.



**Documentation:** Good recordkeeping is critical for reimbursement and PA Grants Portal submission (e.g., receipts, activity logs, sign-in sheets, substantial damage assessments, etc.). **NOTE:** If the event has not yet received a major disaster declaration, officials should still collect documentation in the event a disaster becomes eligible for funding at a later date.



**Federal Cost-Share:** Eligible costs are reimbursed at the Permanent Work cost-share applicable to the disaster.



### NOTE: Ineligible Work

- Activities associated with non-disaster damaged structures or non-disaster-related 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



### TIP: Plan Ahead for Success!

- Costs associated with 1206-eligible work executed through interstate/interlocal mutual aid agreements, direct contracts, temporary employees, and/or mutual aid may be eligible for Public Assistance reimbursement
- Communities should plan today to meet the 180-day funding limit by establishing these resource mechanisms before the next disaster strikes

**Communities interested in DRRA 1206 should contact their local Emergency Management Office**

*For more information on these DRRA 1206 policy-related requirements, review additional resources [here](#).*

## Stakeholder Coordination

Successful implementation of the DRRA 1206 policy requires close collaboration between federal, state, tribal, territorial, and local partners. The following section provides a high-level overview of the key personnel involved in the recovery process for post-disaster building code and floodplain management administration and enforcement activities. Local officials interested in applying for Public Assistance grant funds made available through DRRA 1206 should coordinate with their community staff member who typically works directly with the FEMA Program Delivery Manager (PDMG) or State Public Assistance official.

**Table 1: Key Personnel Responsible for Supporting Public Assistance Reimbursement of DRRA 1206-Eligible Activities**

State and Local Officials		FEMA Officials
<b>Floodplain Administrator</b>	<b>Building Official</b>	<b>Public Assistance Program Delivery Manager (PDMG)</b>
Responsible for administering and enforcing NFIP <b>Floodplain Management requirements</b> and has the land-use jurisdiction and authority for floodplain management.	The officer or other designated authority charged with the administration and enforcement of a community's building codes, or a duly authorized representative.	The PDMG serves as the <b>primary point-of-contact</b> for the <b>state, tribal, territorial, and local governments</b> applying for funding and assists throughout the Public Assistance grant development process.
<b>Other Personnel:</b> <ul style="list-style-type: none"> <li>▪ State Recovery Partners</li> <li>▪ Emergency Manager</li> <li>▪ County Executive Officer or Mayor</li> <li>▪ Budget or Finance Office</li> <li>▪ Tax Assessor's Office</li> <li>▪ State National Flood Insurance Program Coordinator's Office</li> </ul>		<b>Other Personnel:</b> <ul style="list-style-type: none"> <li>▪ FEMA Regional Building Science point of contact</li> <li>▪ FEMA Regional Building Code Coordination Specialist</li> <li>▪ FEMA Floodplain Management &amp; Insurance Branch Staff</li> <li>▪ FEMA Disaster Field Staff</li> </ul>

## DRRA 1206 Activities Eligible for PA Reimbursement

The Project Application and DRRA 1206 policy provide a list of sample activities eligible for reimbursement through the PA Program. The following section provides greater clarity around these examples, including key descriptions and potential resources needed, to advance understanding of post-disaster floodplain management and building code administration and enforcement.

## What About Activities NOT on this List?

- Communities should consult [Section B.3 of the DRRRA 1206 policy](#) to review a list of example activities eligible under DRRRA 1206. Activities not included on the list will be evaluated on a case by-case basis.

## SUBSTANTIAL DAMAGE PROCEDURES

### Relevant Activity Listed in the Project Application: Substantial Damage Determinations

Rebuilding after a disaster provides an opportunity to make buildings stronger and safer as they are repaired.

**Substantial Damage (SD)** is damaged sustained on a structure in the Special Flood Hazard Area (SFHA)—or regulated floodplain—for which the total cost of repairs is 50% or more of the structure’s market value before the disaster occurred, regardless of the cause of damage (i.e., flood, fire, wind, etc.).



### Floodplain Management



### Building Code Administration

### Substantial Damage

#### What Does this Look Like?

After a disaster, there may be hundreds or even thousands of structures substantially damaged in a community’s Special Flood Hazard Area. Before residents can begin repairs, it is the responsibility of the local official designated to administer floodplain management regulations to identify which structures are substantially damaged (SD).

The moment it is safe to do so, local officials should conduct SD assessments in areas of the floodplain to assess all damaged structures. This includes field survey inspections, data collection, and documentation of impacts. Next, SD determinations must be made to assess whether the damage to structures meets or exceeds 50% of a structure’s market value. FEMA’s Substantial Damage Estimator tool (or other methods) are typically employed to ensure a sound methodology. The results of SD determinations must be stored either digitally or in paper files in the community.

Finally, it is critical the results of these determinations be communicated quickly to property owners before repairs begin. Determinations are typically delivered via letters, emails, or in-person. At the conclusion of this process, Substantial Damage processes typically transition over to the permitting office (see below).

The consensus-based building codes or *International Building Code (IBC)* include regulations for substantial damage. For example, as referenced in the 2018 series:

*IBC Section 1612.3: all new construction of buildings, structures and portions or buildings and structures, including substantial improvement and restoration of Substantial Damage to buildings and structures, shall be designed and constructed to resist the effects of flood hazards and flood loads.*

*IRC Section 322.1: ...repair of substantial damage of buildings and structures in flood hazard areas, shall be designed and constructed in accordance with the provision contained in this section.*

When using the building codes to administer floodplain requirements, the SD assessments, notifications, and permitting is the same as the process if the local community has stand-alone floodplain regulations.

#### Resources that May be Needed<sup>1</sup>

Nearly 1 in 3 National Flood Insurance Program communities have over 100 structures in the SFHA<sup>2</sup>. Large scale disasters can quickly overwhelm communities’ capacity to meet their SD responsibilities. **Resources that may be eligible for Public Assistance reimbursement as a result of DRRRA 1206 include:**

- Hiring temporary workers and surge staff, contractors, mutual aid teams, and overtime for budgeted employees to support Substantial Damage assessments and determinations, and notifying property owners
- Travel costs and accommodations for extra hires or contracted support
- Vehicle usage for conducting SD assessments
- Clip boards, pens/pencils, notebooks, highlighters
- Address board and dry erase markers
- Laptop computers, tablets
- Cell phones or walkie-talkies
- Hard hat, gloves, safety glasses and vests (Personal Protective Equipment)
- Mailing and outreach costs

1. Communities should consult the PA Program and Policy Guide for more information regarding disposition and reporting requirements for purchased equipment and supplies and real property.  
 2. U.S. Census Bureau.

## PERMITTING PROCEDURES

### Relevant Activity Listed in the Project Application: Building Code Administration; FPM Ordinance Administration

Permitting is a critical part of a community’s building code and Floodplain Management program. A well-functioning permitting process post-disaster is necessary to capture all development either in the floodplain (FPM administration) or throughout the community (building code administration). But post-disaster, communities’ permitting functions are pushed to the max. Thankfully, DRRRA 1206 allows FEMA to reimburse communities after a disaster for the resources secured to scale up permitting capabilities to meet their post-disaster responsibilities. Communities can now rest assured that required post-disaster building code and floodplain management responsibilities are eligible for Public Assistance grant funding.



Permitting	Floodplain Management	Building Code Administration
<p><b>What Does this Look Like?</b></p>	<p>Whether blue-skies or the aftermath of a Category 5 hurricane, communities that participate in the NFIP, must permit all development in the floodplain. Yet after a major disaster, the demand for permits can quickly become overwhelming. Officials with land-use permitting authority are responsible for ensuring that all development, including repairs, meet the requirements of the NFIP and the community's floodplain management regulations. This is accomplished by issuing or denying permits and repairs for development. <b>The process is typically conducted as follows:</b></p> <p>First, the property owner prepares the permit application. Then, the local official verifies the floodplain location and checks flood maps and data. A record of submission and collection of fees (if applicable) follows. Next, the reviewer reviews the application for submission and either returns an incomplete application back to the property owner or sends it up to the next review (if applicable).</p> <p>Then, the application is reviewed for compliance and either approved and a permit is issued or returned to the property owner. If approved, the property owner can begin construction, which is later inspected to ensure compliance (see below).</p>	<p>Communities that adopt building codes are responsible for permitting the construction of new buildings and the repair, alteration, and addition of existing buildings throughout the community. The most widely used process for code enforcement occurs through permitting. The typical permitting process is described below:</p> <p>A developer, designer, owner or contractor submits an application for a permit to construct a new or add to an existing building, repair or remodel a building, change a building’s use, or demolish an existing building. Building code officials/inspectors or their designees process the application and review the plans (including location on flood map) prior to issuing any permits. Note: several revisions to the plan may be required before a permit is processed and issued. A permit is issued per the community’s adopted codes and based on the approved set of plans.</p> <p>Note: A community may have additional requirements in approving a permit including planning and zoning. At set milestones during construction, the Building Code Official conducts inspections to ensure compliance with the adopted building code package in accordance with approved sets of plans. A Certificate of Occupancy is issued, the Building Code Official is satisfied all requirements have been met, and the building is allowed to be moved into. Future safety inspections may be triggered by the International Property Maintenance Code or an equivalent.</p>
<p><b>Resources that May be Needed</b></p>	<p>Following a major disaster, it is not unusual to have thousands of individuals seeking permits for repairs and development at the same time. It is critical local officials review every application to ensure they meet FPM or building code regulations, in manner that allows for resilient recovery. <b>Additional resources that may be needed to administer the permitting function of a community include:</b></p> <ul style="list-style-type: none"> <li>▪ Hiring temporary workers and surge staff, contractors, mutual aid teams, and force account labor to support administering floodplain management or building permits</li> <li>▪ Certifying, training, licencing and supervising staff to review applications for and issue floodplain management or building permits</li> <li>▪ Conduct outreach to the public on floodplain or building permit requirements applicable to the repair, replacement, or retrofit of disaster-damaged buildings</li> <li>▪ Laptop computers, tablets</li> <li>▪ Mailing and outreach costs</li> </ul>	

## ENFORCEMENT PROCEDURES

### Relevant Activity Listed in the Project Application: Code Enforcement; FPM Ordinance Enforcement

Local officials are responsible for ensuring that all development in the floodplain (floodplain management) or throughout the community (building codes) are built according to approved plans. If it is discovered that development activities occur without permits or contrary to the approved plans, local officials must enforce their regulations. In the post-disaster environment, enforcement activities can quickly overwhelm existing resources. DRRA 1206 provides resources to support communities with building code and floodplain management enforcement.



Enforcement	Floodplain Management Enforcement	Building Code Enforcement
<p><b>What Does this Look Like?</b></p>	<p>In order to ensure that post-disaster development meets the community's floodplain management regulations, local officials must monitor the floodplain and where necessary inspect rebuilding activities. If development activities are discovered without permits or contrary to the approved plans, then communities must follow their enforcement procedures and take corrective action to ensure compliance with floodplain management regulations.</p> <p>This may be accomplished in a variety of ways, including voluntary compliance, formal notifications and issuance of violations, issuance of stop-work orders, and other legal recourse. If necessary, communities may have to process requests for floodplain management variances. Communities may also be required to manage substantial damage determination appeals resulting from property owners' disagreement on the basis of a variety of potential issues.</p>	<p>For most Authorities Having Jurisdiction (AHJ) building code enforcement is carried out as a process by a team of building code professionals. It can be an official part of the AHJ's governmental organization called the Department of Building and Safety or similar, a contracted function, or some combination of the two.</p> <p>It includes building officials with specialized skillsets like plans examiners and inspectors based on the occupancy, size, type of the building, material of construction, or mechanical, electrical, plumbing system. It may include zoning, planning, fire, or floodplain management officials. The 2021 <i>International Building Code (IBC) Appendix A</i> describes this essential team's best qualifications, experience, training and certifications.</p>
<p><b>Resources that May be Needed</b></p>	<p>Depending on the scope of the disaster, local officials may be overwhelmed by enforcement proceedings. <b>Resources unlocked by DRRA 1206 that may be leveraged include:</b></p> <ul style="list-style-type: none"> <li>▪ Hiring temporary workers, surge staff, and overtime pay for force account labor to review and process appeals</li> <li>▪ Costs associated with legal proceedings to adjudicate any regulations are also eligible for reimbursement</li> </ul>	

## Additional Resources

- **DRRA 1206 POLICY:** [Building Code and Floodplain Management Administration and Enforcement](#)
- **FREQUENTLY ASKED QUESTIONS for DRRA 1206:** [Volume 1](#) and [Volume 2](#)
- **INTRODUCTORY DRRA 1206 VIDEO:** [Disaster Recovery Reform Act Section 1206 Animated Video](#)
- **DRRA 1206 FLYER:** [Informational Flyer on DRRA 1206](#)
- **BUILDING CODES PLAYBOOK:** [Building Codes Adoption Playbook](#)
- **PUBLIC ASSISTANCE PROGRAM GUIDANCE:** [PA Program and Policy Guide \(PAPPG\)](#)
- **PUBLIC ASSISTANCE PROGRAM DELIVERY GUIDE:** [Public Assistance Program Delivery Guide \(fema.gov\)](#)
- **QUESTIONS?** Contact Your FEMA Regional Office or State NFIP Coordinating Office



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