

FEMA Funding for Post-Disaster Building Code and Floodplain Management Enforcement

The Disaster Recovery Reform Act of 2018 allows communities to use FEMA Public Assistance funding for Building Code and Floodplain Management Enforcement after a federally declared disaster.

For more information: FEMA Policy FP 204-079-01

[*Building Code and Floodplain Management Administration and Enforcement*](#)

Key things to know:

- Applicants must report all disaster impacts to FEMA, according to standard Public Assistance procedures, within 60 days of the Recovery Scoping Meeting.
- Eligible costs will be funded at the Permanent Work cost-share applicable to the disaster.
- Costs will be eligible for reimbursement for a period no longer than 180 days after the date of the major disaster declaration.
- In general, work is eligible if it is consistent with the work normally done by the community to administer and enforce building codes and floodplain management ordinances.

Eligible Activities:

Building Code Administration

- Review and process applications for building permits; certificates of occupancy; certificates of compliance; and the associated plans, specifications, and construction documents for compliance with federal, state, and municipal building, housing, and life-safety codes and standards applicable to disaster-related repair, replacement, or retrofit.
- Process requests for building code variances.
- Collect fees.
- Hire, train, supervise, certify, and license staff, as required to conduct eligible activities.
- Contract for services (e.g., contract planning, initiation, solicitation, evaluation, and award).
- Provide training and information to staff, contractors, and the public on unique considerations for repair of disaster-damaged historic buildings.
- Provide training and outreach to the public on building code and building permit requirements applicable to the repair, replacement, or retrofit of disaster-damaged buildings.



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- Establish construction plan review and inspection processes, procedures, and instructions for permit holders.
- Monitor impacted areas for unpermitted construction activities.
- Coordinate building code administration and enforcement with floodplain management ordinance administration and enforcement, as appropriate.

Code Enforcement

- Inspect structures under construction for compliance with approved plans, specifications, and all requirements of applicable codes, laws, and ordinances.
- Identify and carry out corrective action in cases where construction, design, and occupancy do not comply with codes and/or ordinances.
- Conduct and process condemnation determinations.
- Review and issue elevation certificates.
- Investigate complaints and assist in preparation of materials for abating violations of building codes and related ordinances.

Floodplain Management Ordinance Administration and Enforcement

- Enforce or administer standards for development according to community floodplain management regulations.
- Determine whether proposed disaster-related development activities are in areas regulated by the community's floodplain management ordinance or building code.
- Hire, train, supervise, certify and license staff, as required to conduct eligible activities.
- Contract for services (e.g., contract planning, initiation, solicitation, evaluation, and award).
- Provide training and outreach to the public on floodplain permit requirements applicable to the repair, replacement, or retrofit of disaster-damaged buildings.
- Provide training and information to staff, contractors, and the public on unique considerations for repair of disaster-damaged historic buildings.
- Review disaster-related development proposals to ensure compliance with the requirements of applicable floodplain management ordinances.
- Process permits for disaster-related development in the floodplain associated with the declared disaster.
- Inspect all disaster-related development in the applicable jurisdiction.
- Monitor impacted areas for unpermitted construction activities.
- Process requests for floodplain management ordinance variances.
- Process, maintain, and track temporary occupancy permits and inspect temporary occupancy buildings.
- Provide information on flood hazards, floodplain map data, advisory flood data and compliance to residents and property owners.
- Conduct inspections to ensure the removal of temporary fill and related materials used in flood fighting.
- Take corrective action necessary to ensure compliance with Federal, State, and Local floodplain regulations.
- Coordinate floodplain management ordinance administration and enforcement with building code administration and enforcement, as appropriate.

Substantial Damage Determinations

For existing buildings located in areas regulated by the community's floodplain management ordinance or building code, eligible work may include work to:

- Conduct initial field surveys to determine extent of damage.
- Establish damage trends to identify areas to focus building-specific assessment efforts.
- Prepare cost information on repairs and pre-disaster market value estimates for substantial damage estimates.
- Hire, train, supervise, certify and license staff, as required to conduct eligible activities.
- Collect field data for damage assessments.
- Enter damage inventory administrative data into the Substantial Damage Estimator or a comparable data collection software.
- Track cumulative substantial damage and repetitive loss for communities, if required.
- Conduct damage inventory of structures.
- Inform property owners of damage determination and provide compliance requirements.
- Perform inspections to ensure compliance with repair and substantial damage construction requirements.
- Determine whether proposed improvements are “substantial improvements” and trigger requirements for compliance, including a building permit.
- Determine if damaged structures have been designated as historic or that may be eligible for such designation.
- Review, adjudicate, and resolve Substantial Damage Determination appeals.



Additional considerations:

- Activities associated with non-disaster damaged structures or non-disaster related development are ineligible.
- Activities to update a community's laws, rules, procedures, or requirements are ineligible. Examples include:
 - Adopting new or updating current building codes or floodplain management ordinances.
 - Adopting or updating zoning laws and requirements.
 - Developing new land use plans or requirements.
- Work that is eligible under this policy cannot be used as the basis of a request for an Alternate Project or participation in the PA Alternative Procedures Pilot Program for Permanent Work.
- FEMA will not fund activities under this policy if a community has been suspended from the National Flood Insurance Program (NFIP) or has otherwise been sanctioned for not participating in the NFIP though a flood risk has been identified.

For additional information including documentation requirements, cost eligibility and direct assistance through FEMA's Federal Insurance and Mitigation Administration, please refer to [FEMA Policy FP 204-079-01 Building Code and Floodplain Management Administration and Enforcement](#).