



FEMA

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FEMA News Desk: 504-762-2477

## Q&As

### **HAZARD MITIGATION GRANT PROGRAM EXCEPTION FOR WORK IN PROGRESS**

#### **What is the Hazard Mitigation Grant Program (HMGP) exception for work in progress?**

Property owners who have already begun or completed mitigation work such as elevation, reconstruction or retrofitting to their structures damaged by hurricanes Katrina or Rita may be eligible for hazard mitigation funding under a new limited exception from the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP).

Typically hazard mitigation projects started or completed prior to FEMA approval are not eligible for funding under HMGP regulations. However, the unique circumstances of the 2005 disasters prompted FEMA to request a waiver from the White House's Office of Management and Budget.

This is not a new funding source. This waiver affects only HMGP funds that were made available to the state as a result of hurricanes Katrina and Rita.

#### **What does this exception mean?**

This means that mitigation projects already begun, which usually are not eligible for retroactive funding, will be eligible under some circumstances. It is good news for people who have already begun work that they MAY see some retroactive funding for their investment, but it is not guaranteed.

#### **How does this comply with the normal HMGP?**

FEMA has made an exception to retroactively consider those projects while still complying with all of the same laws and regulations with which we normally would comply. FEMA will

- Need a cost-benefit justification, just like it does in all HMGP grant situations.
- Prepare an Environmental Assessment for the HMGP Exception for Work in Progress. FEMA will not fund public facility and infrastructure projects that had substantial impacts to floodplains or biological resources or that caused disproportionately high and adverse environmental impacts to low-income and minority populations unless these impacts can be mitigated. All projects must meet applicable state and local permit requirements.
- Review projects for compliance with the National Historic Preservation Act, which states that the federal agency must consider how federal projects will affect historic properties.
- Need the state to determine which mitigation projects are priorities for them. FEMA does not choose the properties for funding.
- Ensure that money spent on these projects actually goes to these projects.
- Determine engineering feasibility and soundness.

Retroactive approvals would allow the costs of such mitigation actions to count towards the state's overall contribution under the HMGP, or in some cases to be partially reimbursed.

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## So why are we making this change?

Two reasons:

- It's the right thing to do: FEMA believes that property owners who took it upon themselves to build back stronger, smarter and safer at their own expense should not be deemed ineligible just because they moved forward quickly.
- Secondly, we recognize that the state's capacity for moving forward quickly on the post-disaster mitigation program known as HMGP was decimated following Katrina and Rita. They simply couldn't work with property owners on mitigation grants as quickly as in other disasters and property owners moved forward on their own.

## Who qualifies?

- This exception is available for residential and commercial mitigation activities that were initiated after the disasters occurred but by March 16, 2008 (60 days from policy's effective date).
- This exemption applies to property owners who have completed or started mitigation work on their property by **March 16, 2008** and whose properties fall into one of the following categories:
  - Properties identified as eligible for elevation through the state's Road Home program, which will be included in the Office of Community Development's (OCD) HMGP application; or
  - Properties included in an HMGP application proposed by a parish and submitted to the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).
- The period from January 16, 2008 to March 16, 2008 (also known as the "exception period") is intended to provide state, local government and property owners with sufficient notice of the HMGP requirements. This also allows for property owners who have taken significant steps toward initiation of physical work on-site, including receipt of permits and execution of contracts, to be considered under this exception.
- For public structures, facilities or public-non-profit facilities that are listed in or eligible for listing in the National Register of Historic Places, this exception is available for activities that were initiated prior to January 16, 2008. For all other facilities, the exception will be available for those measures initiated prior to January 16, 2008, as well as during the grace period.
- Property owners who have not started physical work by the end of the grace period are not eligible for retroactive funding under this exception, but may still be eligible for funding by following the normal HMGP application procedures as required by the state.

## What qualifies?

- For the purpose of this guidance, initiation of a mitigation activity is defined as actual physical work such as groundbreaking, demolition and construction of a raised foundation.
- This limited exception will be available only to property owners who took mitigation action in the course of repairing properties that were damaged by hurricanes Katrina or Rita, before HMGP funds were requested.
- This exception includes mitigation measures to reduce future damages to residential and commercial structures, public structures and facilities and eligible private non-profit (PNP) buildings and facilities.
- Mitigation activities that may be funded retroactively include structural elevation, mitigation reconstruction, retrofitting the structure for hazard protection and demolition of a damaged residential or commercial structure where prospective open space acquisition or mitigation reconstruction is proposed.
- These mitigation activities are also available to public and non-profit buildings and facilities but may also include infrastructure protection measures and minor structure-specific flood protection measures.

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**How can I apply?**

- Individuals cannot apply directly to the HMGP. Properties must be included in an HMGP project, submitted to GOHSEP by either a local parish or through OCD and the Road Home program.
- Homeowners participating in the Road Home program will be contacted by OCD with information about how to proceed with accessing mitigation funds. Parishes with HMGP projects that include properties eligible for this exemption will contact the property owners with information about how to proceed.

**What else do I need to know?**

- FEMA will require documentation to verify that structures and facilities were damaged by the hurricanes, work was initiated within the established timeframe, and costs are eligible for reimbursement.
- It is important to keep in mind that all mitigation activities eligible for retroactive funding under this limited exception must still meet all applicable HMGP requirements such as cost-effectiveness, voluntary participation and compliance with federal, state and local regulations.

**Where do I find more information regarding historic preservation concerns with the HMGP exception?**

A fact sheet and questions and answers on historic preservation and archaeology can be found on the website at [www.fema.gov/gcro](http://www.fema.gov/gcro).

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