



FEMA

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# Fact Sheet

## **HAZARD MITIGATION GRANT PROGRAM EXCEPTION: WORK IN PROGRESS GUIDELINES**

### **Background**

- On Oct. 16, 2007, based on unique circumstances in Louisiana after hurricanes Katrina and Rita, the White House's Office of Management and Budget (OMB) granted a waiver to FEMA to allow for approval of costs incurred prior to award of the Hazard Mitigation Grant Program (HMGP) funds.
- The waiver permits FEMA to establish a limited exception for retroactive approvals under the HMGP of certain mitigation actions in Louisiana.
- The effective date of this limited exception is January 16, 2008.
- The grantee is responsible for ensuring all HMGP requirements are met. HMGP requirements regarding completeness of applications and eligibility criteria will not be waived.

### **Properties Impacted by the Events**

- This exception is available for residential, commercial, public and private non-profit structures.
- All mitigation activities must have been undertaken as a direct result of the events and in conjunction with the repair or restoration of a structure or facility damaged during hurricanes Katrina or Rita.
- This does not include activities associated with a structure or facility that was not damaged by the event.
- Verification that the structure or facility was damaged from the event may be documented by items such as:
  - insurance claims;
  - inspection report completed after the event;
  - proof of assistance through FEMA's Individual Assistance or Public Assistance Programs;
  - dated photographs; and/or
  - flood data verifying inundation.

### **Eligible Mitigation Activities under this Exception**

Activity types for consideration under this exception are:

- Mitigation of damaged structures implemented by residential property owners or commercial property owners for 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;
- Mitigation measures to public and eligible private non-profit (PNP) facilities for structural elevation; mitigation reconstruction; construction of associated safe rooms; retrofitting the

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damaged building, facility or infrastructure for hazard protection; demolition or relocation of damaged facility for open space and minor structure-specific flood protection measures. *These activities are eligible under the exception if they were not eligible under the Public Assistance Program (Section 406 mitigation); and*

- Activities associated with the extraordinary need following the declared disasters for the implementation and enforcement of building codes.

### **Ineligible Mitigation Activities under this Exception**

The following are examples of **ineligible activities** under this exception:

- Retroactive property acquisitions for the purpose of open space;
- New flood protection projects;
- Vegetation management and soil stabilization;
- New stormwater management facilities such as drainage projects and culverts;
- New coastal property protection measures including seawalls, beach nourishment and revetments; and
- Purchase and/or installation of stand-alone generators.

### **Work Initiated within Eligible Timeframe**

- This exception is available for mitigation activities that were initiated after the date of the disaster declaration but by March 16, 2008.
- Initiation of a mitigation activity is defined as actual physical work such as groundbreaking, demolition and construction of a raised foundation.
- Mitigation activities that are planned for implementation after March 16, 2008 remain eligible for consideration under the HMGP but must be submitted for review and approval prior to work being initiated as required under normal HMGP procedures.
- 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 only available for activities that were initiated by January 16, 2008.
- Documentation may include:
  - Invoices showing the actual dates of physical work of the mitigation activities;
  - Signed statement from a contractor certifying the date the mitigation activity was initiated on-site;
  - Property owner's statement certifying that mitigation activity was performed by self and the date the mitigation activity was initiated. This statement must be accompanied by a copy of the building permit obtained for the activity; and/or
  - Inspection report by the local building official dated no later than March 16, 2008.

### **Cost Documentation Requirements**

- It is the Grantee's responsibility to ensure that all costs are appropriately documented.
- All costs and in-kind services must be determined reasonable and necessary to accomplish the mitigation activities.
- All expenditures must be supported by appropriate documentation such as dated receipts, dated invoices marked paid, cancelled checks accompanied by corresponding invoices and payroll records.
- Because costs have been incurred prior to award of the grant, duplication of benefits must be addressed in the application for properties qualifying for this exception.

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## **Environmental Historic Preservation (EHP) Review and Screening**

- Applicants must verify required Environmental and Historic Preservation (EHP) permits were obtained and any other requirements fulfilled.
- FEMA will conduct an environmental compliance screening of certain types of projects that had the potential to cause substantial adverse impacts to floodplains, biological resources or may have had disproportionate high and adverse effects to minority and low-income populations.
- In accordance with the National Historic Preservation Act, FEMA will not provide assistance to property owners who intentionally adversely affect historic properties during the exception period.
- For more information about EHP requirements, see the Historic Preservation and Archaeology Fact Sheet.

## **FEMA and State Responsibilities**

- FEMA is responsible for:
  - Reviewing the additional documentation required to verify eligibility;
  - Monitoring the implementation of this exception; and
  - Assisting the state on outreach with a focus on property owners initiating work during the exception period.
- State is responsible for:
  - Ensuring that applicants and sub-grantees are made aware of the requirements of this exception and all required documentation is provided;
  - Coordinating with FEMA regarding public outreach and education effort to provide information and guidance to property owners who initiate activities during the grace period; and
  - Ensuring that the projects obtained and complied with all applicable EHP permits.

## **Documentation Requirements**

- In addition to standard HMGP requirements, the following must be provided:
  - Identification of properties for which this exception applies;
  - Documentation that the property or facility was damaged by the event;
  - Documentation that work was initiated prior to the deadline for this exception;
  - Certification that applicable permits were obtained;
  - Documentation regarding duplication of benefits review.

Editors: For more information on Louisiana disaster recovery, visit [www.fema.gov/gcro](http://www.fema.gov/gcro).

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