



Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs

FEMA Policy 206-21-003-0001

BACKGROUND

This policy partially implements the Federal Flood Risk Management Standard (FFRMS) for projects funded under all the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Assistance (HMA) grant programs, as follows: Hazard Mitigation Grant Program (HMGP), HMGP Post Fire, Building Resilient Infrastructure and Communities (BRIC), Pre-Disaster Mitigation (PDM), and Flood Mitigation Assistance (FMA). In its HMA programs, FEMA utilizes the American Society of Civil Engineers (ASCE) 24-14¹, or latest edition, to establish minimum design and construction requirements for structure elevation, dry floodproofing, and mitigation reconstruction.² The FFRMS is a flood standard, established in Executive Order (EO) 13690³, to increase community resilience to flooding. EO 14030⁴ directs FEMA to implement the FFRMS. FEMA plans to fully implement the FFRMS by rulemaking. This policy partially implements the FFRMS with respect to covered projects within existing floodplains.

This policy supersedes FP 206-21-0003, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs (Interim).

PURPOSE

This policy provides elevation requirements for critical⁵ and non-critical actions involving structures⁶, as defined in 44 CFR Part 9.4, located in a designated floodplain. The policy

¹ ASCE 24 - Flood Resistant Design and Construction, published by the American Society of Civil Engineers establishes required protection levels for structures of various flood design classes. The flood protection levels are generally equal to the Base Flood Elevation (BFE) plus 1 or 2 feet of freeboard or another Design Flood Elevation (DFE), whichever is higher. For more information, visit https://www.fema.gov/sites/default/files/2020-07/asce24-14_highlights_jan2015.pdf.

² 2015 Hazard Mitigation Assistance Guidance and Hazard Mitigation Assistance Guidance Addendum.

³ [Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input](https://www.govinfo.gov/content/pkg/FR-2015-02-04/pdf/2015-02379.pdf), visit <https://www.govinfo.gov/content/pkg/FR-2015-02-04/pdf/2015-02379.pdf>

⁴ [Executive Order 14030, Climate-Related Financial Risk](https://www.federalregister.gov/documents/2021/05/25/2021-11168/climate-related-financial-risk), visit <https://www.federalregister.gov/documents/2021/05/25/2021-11168/climate-related-financial-risk>.

⁵ Under 44 CFR § 9.4, Critical Action means an action for which even a slight chance of flooding is too great. Critical actions include, but are not limited to, those which create or extend the useful life of structures or facilities such as: (a) those which produce, use, or store highly volatile, flammable, explosive, toxic or water-reactive materials; (b) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; (c) emergency operation centers, or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and (d) generating plants, and other principal points of utility lines.

⁶ Under 44 CFR § 9.4, Structures means walled or roofed buildings, including mobile homes and gas or liquid storage tanks.



establishes requirements for elevating and floodproofing⁷ structures funded under HMA programs.

PRINCIPLES

By partially implementing the FFRMS and requiring a higher vertical flood elevation, FEMA will:

- A. Ensure that communities affected by future flooding are less vulnerable to the loss of life and property.
- B. Ensure that HMA program funds for projects in the floodplain are used to protect structures from flood risk.
- C. Ensure that structures are elevated or floodproofed to address current and future flood risk.
- D. Implement this policy in a consistent and equitable manner.

REQUIREMENTS

A. SCOPE

In accordance with Section 2(a)(1) of EO 11988, before taking an action, FEMA must determine whether a proposed action will occur in a floodplain. The provisions of this policy apply when FEMA determines an action is within the 1% annual chance floodplain for non-critical action projects, or within the or 0.2% annual chance floodplain for critical action projects.

For implementation of the FFRMS, HMA programs will identify the appropriate flood hazard information that is applicable to the specific HMA program as follows:

1. FEMA uses the best available flood hazard information to determine the 1% and 0.2% annual chance floodplains. This information may be found in flood insurance rate maps (FIRM)⁸ or flood insurance studies (FIS)⁹.
 - a. If the FIRM is up to date and available, and FEMA determines that the best flood hazard information is the FIRM, then applicants must use the 1% and 0.2% annual chance floodplains on that map to apply this policy.

⁷ Under 44 CFR § 9.4, Floodproofing means the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out, or to reduce effects of water entry.

⁸ Under 44 CFR § 59.1, Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

⁹ Flood Insurance Study (FIS) is an official FEMA document. It is a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. When a flood study is completed for the National Flood Insurance Program (NFIP), the information and maps are assembled into an FIS. The FIS report contains detailed flood elevation data in flood profiles and data tables.



- b. If FEMA has provided advisory flood hazard information because the effective FIRM is out of date, FEMA will designate the advisory information to be used if the advisory information is at least as restrictive as the effective information. If assistance is provided subsequent to a disaster event such as HMGP assistance, FEMA will communicate the availability of floodplain maps or advisory flood hazard information to be used.¹⁰

B. APPLICABILITY

Outcome: Applicants and sub-applicants implement this policy based on applicable standards outlined below.

1. For the HMGP, this policy applies to any major disaster declaration declared on or after the effective date of this policy.
2. For the HMGP Post Fire, this policy applies to Fire Management Assistance Grant declarations issued or published on or after the effective date of this policy.
3. For BRIC, PDM, and FMA, this policy applies to the Fiscal Year 2023 Notices of Funding Opportunity (NOFOs) and future application cycles, unless stated otherwise in subsequent NOFOs.
4. This policy applies to:
 - a. All structure elevation, mitigation reconstruction, and dry floodproofing projects; and
 - b. All projects where HMA funds are used for new construction¹¹, substantial improvement¹², or to address substantial damage¹³ to structures.

C. APPLICABLE MINIMUM DESIGN STANDARD

Outcome: Applicants and sub-applicants understand the elevation requirements for different types of structures in floodplains. The design standard differs depending on whether the action is a critical or non-critical action and whether the structure is in a 1% or 0.2% annual

¹⁰ See [FEMA Policy #104-008-2: Guidance on the Use of Available Flood Hazard Information](#) for additional information.

¹¹ Under 44 CFR § 9.4, New Construction means the construction of a new structure (including the placement of a mobile home) or facility or the replacement of a structure or facility which has been totally destroyed.

¹² Under 44 CFR § 9.4, Substantial Improvement means any repair, reconstruction or other improvement of a structure or facility, which has been damaged in excess of, or the cost of which equals or exceeds, 50% of the market value of the structure or replacement cost of the facility (including all “public facilities” as defined in the Disaster Relief Act of 1974) (a) before the repair or improvement is started, or (b) if the structure or facility has been damaged and is proposed to be restored, before the damage occurred. If a facility is an essential link in a larger system, the percentage of damage will be based on the relative cost of repairing the damaged facility to the replacement cost of the portion of the system which is operationally dependent on the facility. The term “substantial improvement” does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

¹³ Under 44 CFR § 59.1, Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.



chance floodplain.

1. For non-critical actions in a 1% annual chance floodplain:
 - a. Applicants must elevate or floodproof¹⁴ the structures to the 0.2% annual chance flood elevation¹⁵ or an additional 2 feet above the base flood elevation (BFE), whichever is **lower**.
 - b. For those areas where the 0.2% annual chance flood elevation has not been established, applicants must elevate or floodproof the structures an additional 2 feet above the BFE.
2. For critical actions in the 1% annual chance floodplain:
 - a. Applicants must elevate or floodproof the structures to the 0.2% annual chance flood elevation or an additional 3 feet above the BFE, whichever is **higher**.
 - b. For those areas where the 0.2% annual chance flood elevation has not been established, applicants must elevate or floodproof the structures an additional 3 feet above the BFE.
3. For critical actions in the 0.2% annual chance floodplain, applicants must elevate or floodproof the structures to the 0.2% annual chance flood elevation or an additional 3 feet above the BFE, whichever is **higher**.
4. This policy does not affect non-critical actions involving structures that are within the 0.2% annual chance floodplain but outside the 1% annual chance floodplain.
5. If a state, local, tribal, or territorial government, or federal agency has adopted a higher standard applicable to the specific project, FEMA will require the higher standard.¹⁶

D. COORDINATION WITH OTHER FEDERAL AGENCIES

Outcome: FEMA coordinates with other federal agencies when engaging with or implementing projects in the same area as another federal agency.

1. When multiple federal agencies are conducting, supporting (including funding), or permitting projects in the same geographic area, early coordination is essential to avoid the potential for conflicting standards being applied within the same geographic area or on the same project.

¹⁴ Under 44 CFR § 9.11(d)(3)(iii), the floodproofing option is limited to nonresidential structures. This limitation applies wherever floodproofing is referenced in this policy.

¹⁵ In coastal locations, there may be occasions in which the established 0.2% annual chance flood elevation is lower than the established 1% flood elevation. In those circumstances, applicants must elevate or floodproof the structures an additional 2 feet above the BFE.

¹⁶ Under 44 CFR § 9.11(d)(6), no action may be taken if it is inconsistent with the criteria of the National Flood Insurance Program (44 CFR part 59 et seq.) or any more restrictive Federal, State, or local floodplain management standards.



- a. Accordingly, when FEMA is funding an action with or in the same geographic area as another federal agency, FEMA will coordinate with the applicable federal agencies as early in the planning process as possible.
 - b. When coordinating with other federal agencies, FEMA may elect to use the FFRMS approach of another federal agency to establish the vertical flood elevation requirement.
2. In a declared major disaster, the Unified Federal Review (UFR) process offers additional coordination opportunities for FEMA and other federal agencies. The mission of UFR is to expedite and unify the process for completing environmental and historic preservation reviews required for disaster recovery projects, while maintaining the technical rigor and public participation associated with those reviews. This is done by developing agreements and tools which assist Federal agencies in coordinating their reviews to streamline the decision-making process and improve delivery of disaster-related services and assistance. For more information on the UFR Process, see FEMA’s website at [Unified Federal Environmental and Historic Preservation Review \(UFR\) Library](#).

E. NON-DISCRIMINATION AND EQUITY

Outcome: HMA is delivered in a non-discriminatory and equitable manner.

1. In accordance with section 308 of the Stafford Act; sections 503, 504 and 508 of the Rehabilitation Act of 1973, as amended; and Title VI of the Civil Rights Act of 1964, all HMA programs are administered in an equitable and impartial manner, without discrimination on the grounds of race, color, religion, national origin, sex, age, disability, English proficiency, or economic status. In addition, federal assistance distributed by state and local governments is to be implemented in compliance with all applicable laws and regulations.
2. FEMA has committed in its 2022-2026 Strategic Plan¹⁷ to pursuing the installation of equity as a foundation of emergency management by (1) cultivating a FEMA that prioritizes and harnesses a diverse workforce; (2) removing barriers to FEMA programs through a people first approach; and (3) achieving equitable outcomes for those we serve. These goals and FEMA’s definition of equity are consistent with Executive Order 13985.¹⁸
3. Certain HMA programs covered by this policy are also covered under the Justice40 Initiative, which aims to deliver 40% of the overall benefits of climate, clean energy, affordable and sustainable housing, clean water, and other investments to disadvantaged communities that are marginalized, overburdened, and underserved.¹⁹

¹⁷ See [2022-2026 FEMA Strategic Plan](#) for additional information.

¹⁸ [Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#).

¹⁹ See [FEMA Announces Programs Included in the Biden-Harris Administration’s Justice40 Initiative to Increase Equity, Community Resilience](#) (July 15, 2022) for additional information.



FEMA

The Justice40 Initiative was established pursuant to Executive Order 14008.²⁰

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²⁰ [Executive Order 14008, Tackling the Climate Crisis at Home and Abroad.](#)



ADDITIONAL INFORMATION

REVIEW CYCLE

FEMA Policy FP-206-21-003-0001, Partial Implementation of the Federal Flood Risk Management Standard for Hazard Mitigation Assistance Programs, will be reviewed, reissued, revised, and/or rescinded within four years of the issue date.

AUTHORITIES

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5207, as amended
- Section 1366 of the National Flood Insurance Act (42 U.S.C. § 4104c).
- 44 CFR Part 9

REFERENCES

- Executive Order 11988, *Floodplain Management*
- Executive Order 13690, *Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input*
- Executive Order 14030, *Climate-Related Financial Risk*

DEFINITION

Non-Critical Action: Non-critical actions are any actions that are not defined as a critical action in 44 CFR § 9.4. (See footnote 5 on page 1)

MONITORING AND EVALUATION

FEMA will closely monitor the implementation of this policy through coordination with regional and field staff, as appropriate, as well as interagency partners and state, local, tribal, and territorial stakeholders.

QUESTIONS

Direct questions to HMA Policy, Tools, and Training Branch at fema-hma-grants-policy@fema.dhs.gov.