



STATE OF FLORIDA

# DIVISION OF EMERGENCY MANAGEMENT

CHARLIE CRIST  
Governor

W. CRAIG FUGATE  
Director

## MEMORANDUM

**To:** Local Governments, State and Regional Agencies, Indian Tribal Governments, Local Mitigation Strategy Working Groups, Private Non-Profit Organizations Submitting Hazard Mitigation Grant Program Applications for the Tropical Storm Fay

**From:** W. Craig Fugate, State Coordinating Officer *msa*

**Subject:** Hazard Mitigation Grant Program Funding Summary  
Hurricane Gustav FEMA-1806-DR-FL

**Date:** March 30, 2009

---

### Program Summary

The Florida Division of Emergency Management is pleased to announce the availability of Hazard Mitigation Grant Program (HMGP) funds as a result of the recent Presidential Disaster Declarations (**FEMA-1806-DR-FL**). HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief Act and is offered to assist communities in implementing mitigation measures designed to reduce or eliminate long-term risk to people and property from natural hazards and their effects. The Division is soliciting applications and encourages all eligible applicants to identify and submit applications that address eligible mitigation activities. The amount of funding available to the state is based on 20% of the total federal disaster assistance for these events. The application period will close **June 29, 2009**. **Therefore, all applications must be postmarked by June 29, 2009.** The Division encourages and welcomes the submittal of complete applications at anytime during this cycle.

### Application Timeline

Applications are currently being accepted. The deadline for the submission of applications is **June 29, 2009** (postmarked). Applications will only be accepted from eligible applicants as defined in the *Minimum Program Eligibility* section of this notice. Please **provide four completed copies** of the State of Florida Joint Hazard Mitigation Grant Program and Flood Mitigation Assistance Application and all appropriate attachments. **The Joint application and all other pertinent forms may be obtained at the Divisions website located at <http://www.floridadisaster.org/Mitigation/Hazard/forms.htm>.**

MEMORANDUM  
March 30, 2009  
Page Two

Alternatively, you may contact the Division directly at (850) 922-4182. In order to be considered, completed applications must be sent to the following address:

ATTN: Kathleen Marshall, Hazard Mitigation Grant Program  
Florida Division of Emergency Management  
Mitigation Section  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

### **Minimum Program Eligibility**

*Eligible Applicants:* According to the C.F.R. 44 §206.434(a) applicants eligible to apply for Hazard Mitigation Grant Program funds include: State and local governments who have an approved Local Mitigation Plan (LMS) in accordance with 44 CFR 201.6, prior to receipt of HMGP subgrant funding for projects; private non-profit organizations or institutions that own or operate a private non-profit facility as defined in §206.221(e); and a qualified conservation organization as defined at 44 CFR §80.3(h); Indian tribes or authorized tribal organizations.

*Eligible Activities:* Activities include mitigation projects that will result in protection of public or private property from natural hazards. Activities for which implementation has already been initiated or completed, are not eligible for funding. Eligible projects include, but are not limited to the following:

- a. Acquisition or relocation of hazard prone structures;
- b. Retrofitting of existing buildings and facilities that will result in increased protection from hazards;
- c. Elevation of flood prone structures;
- d. Infrastructure protection measures;
- e. Stormwater management improvements;
- f. Minor structure flood control projects; and
- g. Retrofitting of existing buildings and facilities for shelters.

See Attachment C for FEMA Memorandum-Clarification of requirements for HMGP wind retrofit projects.

## MEMORANDUM

March 30, 2009

Page Three

The state will **not** consider funding requests for:

- Generators-unless they are an integral part of a larger eligible project (see *Attachment A*).
- Construction of new facilities – *however*, the cost associated with above code upgrades can be considered.
- Equipment such as emergency pumps, vehicles and communication devices.
- Tree removal.
- ***Projects already in progress.*** (*Construction may not begin until the project has met requirements of the National Environmental Policy Act. In addition the contract between the State and subgrantee must be executed.*)

*Eligibility Criteria:* All projects submitted must meet the following *minimum criteria* to be considered for funding:

- (a) Conform to the Florida Hazard Mitigation Plan and the respective community's Local Mitigation Strategy (LMS);
- (b) Conform to the funding priorities for the disaster as established in the respective community's LMS governing the project;
- (c) Demonstrate cost-effectiveness;
- (d) Is technically feasible;
- (e) Provide a beneficial impact upon the designated disaster area;
- (f) Conform to all applicable environmental laws and regulations and Executive Orders;
- (g) Solve a problem independently or constitutes a functional part of a solution;
- (h) Is in an National Flood Insurance Program (NFIP) participating community that is not on probation or have been suspended from the NFIP; and
- (i) Meet all applicable State and local codes and standards.

### **Cost-Share Requirements**

Under the HMGP, FEMA will contribute up to 75 percent (75%) of the total amount approved under the grant award to implement eligible cost-effective mitigation measures. The applicant must provide the remaining 25 percent (25%) non-federal share. All contributions, cash or in-kind services, are acceptable as part of the non-federal share. Requirements for in-kind contributions can be found in 44 CFR §13.24. In-kind contributions must be directly related to the eligible project cost. In-kind resources are those personnel, materials, equipment and supplies owned, controlled and operated by the applicant or a third party contributor.

Applicants will also be able to use the Global Match concept as part of the 25% non-federal share match. Which means if the Match project is approved you will be eligible to receive up to 100% federal share. Global Match is when non-federal contributions are derived from one

## MEMORANDUM

March 30, 2009

Page Four

single non-federally funded project or several non-federally funded projects that are “pooled” together to match one or more federally funded projects to attain the required 25% or greater program share for a HMGP grant. In other words, Global Match permits a potential applicant to meet the non-federal share match by receiving credit for state and/or local government funds that were committed to similar type project(s). These similar non-federally funded projects must meet all of the eligibility requirements as specified by the federal funding source for which it is matching.

### **Pre-Award Costs**

Prior to receiving a grant award, Pre-award costs may be requested. Pre-award costs include items such as engineering, environmental study, permitting and other "soft" costs associated with a construction project. *Construction activities are not considered pre-award costs.* Pre-award costs must be requested in writing. Guidelines for pre-award costs are included, see *Attachment B.*

### **County Fund Allocation**

To ensure funds are distributed equitably, designated counties have been assigned a portion of the total HMGP grant. The amount is based on a calculation of the proportional share of the total federal assistance under the Public Assistance (PA), Individual Assistance (IA) and Small Business Administration (SBA) programs as of February 2009. Commitment of project funds by the Division is contingent upon receipt of appropriate Legislative Budget Authority.

These figures are shown in *Attachment D* and represent the estimated amount of HMGP funds currently available. HMGP funding is available only to those counties that have a FEMA approved Disaster Mitigation Act of 2000 compliant Local Mitigation Strategy (LMS). Project applications will be considered only if:

- (1) The application is accompanied by an endorsement by the LMS Chairperson or Vice-Chairperson stating that the project is included in the current LMS; and,
- (2) If more than one project is submitted, the endorsement indicates the prioritization. A sample project submission letter is shown in *Attachment E.*

DEM will attempt to fund each submitted project in priority order until the county's allocation has been exhausted. In accordance with 9G-22.006 F.S., *the Division uses the following tiered allocation system up until the State application deadline with FEMA:*

Tier 1 The available HMGP funds are allocated to counties included in the relevant presidential disaster declaration in proportion to each county's share of federal disaster funding from the Public Assistance (PA), Individual Assistance (IA) and Small Business

Administration (SBA) Disaster Loan Program as of the date of receipt of the FEMA funding notice described above. Eligible projects submitted by each county included in the relevant presidential disaster declaration will be funded in order of priority as outlined in the LMS until the allocated funds (through the 12-Month Lock-in) are exhausted or all eligible projects are funded.

Tier 2 Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant presidential disaster declaration whose allocation was not sufficient to fund all submitted eligible projects. The order of priority for re-allocating funds is detailed in Attachment E.

Tier 3 In the event funds remain after the Tier 1 and Tier 2 process, any remaining funds will be offered on a statewide basis as described in Attachment E.

Please see Attachment E for a detailed explanation of funding tiers.

### **Funding Availability and Notification**

FEMA notifies the State of HMGP funding availability at several milestones:

1. Initial Estimate

This represents an early estimate only, is not an actual commitment of funding by FEMA. It may increase or decrease based on actual disaster claims during the declaration period. These estimates are provided for planning purposes and to jump-start the HMGP application process.

2. 180 Days from the Date of Declaration

This represents the State's Lock-in Amount. It is the minimum the State can expect to receive from FEMA. County allocations listed in *Attachment D* are based on this estimate. After this disclosure, HMGP funds to the State cannot be decreased.

It is important for potential applicants to recognize that HMGP funds are contingent upon FEMA's reexamination of the disaster figures at the given time intervals. A county's funding allocation can increase or decrease after it has submitted an application.

MEMORANDUM  
March 30, 2009  
Page Six

**Technical Assistance**

The Division of Emergency Management (DEM) is in the process of scheduling HMGP application development workshops. Please check the DEM website for date, time, location and a short overview of the workshops which will be posted on the DEM website <http://www.floridadisaster.org/Mitigation/Hazard> as they are scheduled. DEM will provide technical assistance throughout the application process; this includes assistance with the application process, Benefit Cost Analysis, Engineering Feasibility and Environmental/Historical Preservation Compliance. If there are any questions regarding the allocation of funds or the project review and selection criteria, please call Bureau staff at one of the following numbers:

(850) 922-5944 (Program Eligibility)

(850) 922-5779 (Environmental)

(850) 922-0602 (Engineering and Technical Feasibility)

To assist you in submitting qualified project applications, the following attachments are located on the DEM website <http://www.floridadisaster.org/Mitigation/Hazard> including the Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application:

*Attachment A: HMGP Policy on Generators and related Equipment*  
*Attachment B: HMGP Program Policy on Pre-award Cost and Form*  
*Attachment C: FEMA Memorandum-Clarification of Requirements for HMGP Wind Retrofit Projects*  
*Attachment D: Initial Estimate of Available HMGP Funding*  
*Attachment E: Sample Project Submission Letter and Explanation of Tier Funding*

KM/mg

Attachments

## ATTACHMENT A



**FEMA**

September 16, 2004

**MEMORANDUM FOR:** FEMA Regional Directors  
Regions I - X

**ATTENTION:** Mitigation Division Directors  
Regions I - X

**FROM:** *David I. Maurstad*  
David I. Maurstad  
Acting Director  
Mitigation Division

**SUBJECT:** Guidance on the Eligibility of Generator Purchases under the Hazard Mitigation Grant Program (HMGP)

The purpose of this memorandum is to provide guidance on the purchase of generators through the Hazard Mitigation Grant Program (HMGP) authorized under Section 404 (42 U.S.C. §5170c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act). This memorandum clarifies the existing policy with the determination that mitigation activities for the sole purpose of purchasing generators or related equipment purchases, such as generator hook-ups, may be considered under the HMGP "Five Percent Initiative" but are not eligible activities under regular HMGP funding.

On September 19, 1996, James Lee Witt, Director of the Federal Emergency Management Agency (FEMA), established the "Five Percent Initiative" under the HMGP. This policy allows States to set-aside up to five percent of the total HMGP funds available for mitigation activities that are difficult to evaluate against traditional program cost-effectiveness and eligibility criteria. In lieu of a benefit cost analysis, the State should include a narrative that identifies benefits and indicates that there is reasonable expectation that future damage or loss of life or injury will be reduced or prevented.

Introduction of the HMGP "Five Percent Initiative" resulted in a range of interpretations regarding the eligibility of mitigation projects including those for the sole purpose of purchasing generators or related equipment purchases, such as generator hook-ups. As a result, some Regions have allowed mitigation activities with the sole purpose of purchasing generators under the HMGP "Five Percent Initiative," while others have not. This memorandum clarifies these activities as eligible for consideration under the HMGP "Five Percent Initiative" in all FEMA Regions.

FEMA Regional Directors  
September 16, 2004  
Page 2

Although stand-alone generators and related equipment purchases are not eligible for regular HMGP funding, mitigation activities designed to provide a long-term, comprehensive and independent solution to a critical facility could include the purchase of a generator or related equipment purchases, such as generator hook-ups, as a functional portion to the larger eligible mitigation activity, as long as the generator or related equipment purchase directly relates to the hazard(s) that threaten the facility. Critical facilities are defined under the PDM program guidance, issued under the authority of Section 203 of the Stafford Act, as amended by Section 102 of the Disaster Mitigation Assistance Act of 2000. Mitigation activities must adhere to all other HMGP statutes and regulations that apply to this funding category, including: Sections 404 of the Stafford Act; Hazard Mitigation Grant Program (44 CFR Subpart N); Section 1366 of the NFIA; Mitigation Planning (44 CFR Part 201); Floodplain Management and Protection of Wetlands (44 CFR Part 9); Environmental Considerations (44 CFR Part 10 and other applicable federal environmental laws); as well as applicable program guidance.



Washington, D.C. 20472

SEP 19 1996

EL-7

MEMORANDUM FOR: Regional Directors  
Regions I-X

ATTENTION: Mitigation Division Directors

FROM: *James L. Witt*  
James Lee Witt, Director

SUBJECT: Policy: Five Percent Hazard Mitigation Grant Program  
Initiatives

I am establishing, for each currently open and future Presidential disaster, a set-aside of up to 5% of the total Hazard Mitigation Grant Program (HMGP) funds available that the State can use for hazard mitigation measures, at their discretion. The projects or measures eligible under the set-aside are often difficult to evaluate against traditional program cost effectiveness and eligibility criteria. Mitigation measures such as funding of research for code implementation or hazard warning systems, among others, have been issues requiring a large amount of time to evaluate at the State and Federal levels. Nonetheless, it is generally recognized that these activities provide a benefit in reducing the potential losses from a future disaster.

To be eligible, a set-aside project type must be identified in the state's hazard mitigation plan and fulfill the goal of the program, that is, to reduce, or prevent future damage to property and to reduce or prevent loss of life or injury. In lieu of a benefit-cost analysis, the State should include a narrative that identifies the mitigation benefits and indicates that there is a reasonable expectation that future damage or loss of life or injury will be reduced or prevented. These projects will have to be reviewed for National Environmental Policy Act compliance and under other applicable federal environmental laws. This policy is intended to provide the State discretion along with responsibility to provide the rationale for cost effectiveness.

SEP 19 1996  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
WASHINGTON, D.C. 20472

**ATTACHMENT B**

## Guidance on Pre-award Cost Associated with HMGP Projects

Pre-award costs are costs incurred by a sub-grantee before the grant was awarded. Any and all pre-award costs associated with an HMGP project must be incurred after the date of declaration of a disaster under which the project is proposed for funding (GAO 10-80 & GAO 10-82).

All **construction** associated with an HMGP project must be incurred after approval by FEMA and after the State of Florida and the sub-grantee have executed a project contract. According to Webster's II New Riverside Dictionary Revised Edition, the word construction means "the act, process, or work of building." Breaking ground, installing a shutter, taking out a window to replace with impact glass, are all examples of "construction."

FEMA may approve pre-award costs. These costs include study or research required to plan a construction project. Such activity may include engineering, modeling, permitting, environmental study, benefit-cost analysis, etc. These are soft costs and not to be confused with hard construction costs. Construction costs may not be included as pre-award costs.

The applicant may request pre-award costs any time after the disaster declaration. The request must be in writing and include the type of activity or activities proposed and estimated cost. All pre-award activity must clearly be associated with the applicant's proposed project. The State and FEMA will do a preliminary review of the request and may concur that the activities are necessary for the type of project envisioned or may consult with the applicant on an identified activity that the State or FEMA does not feel is necessary for a proposed project. Conversely, the State or FEMA may suggest additional study or research the applicant has not identified for a particular project. Review by the State and FEMA of pre-award activities may save money and time for the State, FEMA, and the applicant. Letters and documentation of all pre-award activities will need to be submitted to the State with the project application. ***Preliminary review by the State or FEMA of pre-award activities is no guarantee of eligibility or approval of the activities or the proposed project.*** FEMA will provide a written final determination on the pre-award request.

An alternative is for the applicant to request approval of pre-award cost by letter attached to the project application. The request must include the type of activity or activities and costs incurred by the applicant. There is greater risk to the applicant with this alternative that incurred costs may not be considered eligible.

If the proposed project meets all eligibility criteria and is approved by FEMA, then pre-award costs identified by the applicant prior to project submittal, or identified by the applicant in documentation attached to the application, will be considered project costs eligible for 75/25 re-imburement (same as other project costs).

All pre-award costs are subject to an approved grant award and available funding. If funding is not available, even if pre-award costs are approved in writing, they will not be reimbursed and will be solely the responsibility of the applicant.

## **Guidance on Pre-award Cost Associated with HMGP Projects (Cont.)**

### **REFERENCES**

**General Accounting Office**, Principles of Federal Appropriations Law, July 1991

#### **Excerpts from OMB Cost Principle Circulars:**

**OMB Circular A-87 and A-122** - Pre-award costs are those incurred prior to the effective date of the award directly pursuant to the negotiation and in anticipation of the award where such costs are necessary to comply with the proposed delivery schedule or period of performance. Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the award and only with the written approval of the awarding agency.

**OMB Circular A-21** – Pre-agreement costs incurred prior to the effective date of the sponsored agreement, whether or not they would have been allowable thereunder if incurred after such date, are unallowable unless approved by the sponsoring agency.

**44 CFR Part 13.22(b)** lists the circulars above as the applicable cost principles for HMGP applicants; governments (**A-87**), private non-profits (**A-122**), & educational institutions (**A-21**).



STATE OF FLORIDA

# DIVISION OF EMERGENCY MANAGEMENT

CHARLIE CRIST  
Governor

W. CRAIG FUGATE  
Director

## HAZARD MITIGATION GRANT PROGRAM PRE-AWARD COST REQUEST FORM

To request Pre-Award Costs, please complete this form and submit with your HMGP application. All ELIGIBLE pre-award costs are subject to an approved grant award and availability of funding. If funding is not available or the project is not approved, pre-award costs will NOT be reimbursed and will be solely the responsibility of the applicant. If your project is approved and pre-award costs are eligible, the cost share for the reimbursement of these activities is 75/25 (same as other projects).

Disaster: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Project Title: \_\_\_\_\_

Start Date for Pre-Award Activities: \_\_\_\_\_

*Pre-award costs associated with this request incurred prior to the date of declaration are NOT eligible. These costs include: study or research to plan project, engineering, modeling, permitting or environmental study. These costs must be reflected as a line item in the project budget. Construction costs should NOT be included. Construction activities may NOT begin until after a contract has been fully executed with the State for this project.*

Activity	Estimated Cost	Estimated Start Date

### Point of Contact Information:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Agency: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Authorized Applicant Agent:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

ATTACHMENT C




**FEMA**

October 16, 2006

MEMORANDUM FOR: Scott Morris  
Director  
FEMA Florida Long-Term Recovery Office

Phil May  
Regional Director  
FEMA Region IV

FROM:   
David I. Maurstad  
Director  
Mitigation Division

SUBJECT: Clarification of Requirements for HMGP Wind Retrofit Projects in the  
State of Florida

This memo provides the Florida Long-Term Recovery Office (FLTRO) and FEMA Region IV with guidance on implementing policy requirements for wind mitigation projects submitted by the State for Hazard Mitigation Grant Program (HMGP) funding. This guidance applies to those projects submitted to FEMA by the State as a result of disasters DR-1539, DR-1545, DR-1551, DR-1561, DR-1595, DR-1602, DR-1609, that have not been funded as of the date of this memo, and for all disasters declared for the State of Florida after the date of this memo.

Many of the FLTRO projects under the noted disasters are intended to serve as community shelters. These projects support the State goal of providing community-wide, shelter-in-place facilities in the interest of keeping roads and vital services from shutting down during major events and minimizing the economic impacts of mass evacuations. The FLTRO projects currently under review (approximately 200) do not meet FEMA 361 criteria; however, many appear to meet the requirements identified in the State of Florida's shelter selection criteria, which may make the structures eligible for inclusion on the State's survey of community shelters.

This guidance is being provided to ensure that HMGP projects for the purpose of wind mitigation incorporate an appropriate level of protection for public health and safety. FEMA does not want to create a false sense of safety and security for members of the general public seeking shelter during a disaster event. FEMA recognizes that wind retrofits that enable community shelters to offer some level of safety and life protection are eligible mitigation activities under the HMGP. This guidance thus pertains to all Florida HMGP wind mitigation projects related to community shelters, and provides an exception to the use of the FEMA 361 criteria required for community shelters. For the

purposes of the FLTRO and FEMA Region IV, this guidance applies to all wind retrofit projects that have been identified in the presently established FLTRO review tracking system as Category 3, community shelter wind retrofits, and Category 4, multi-use wind retrofits involving structures intended for use as a community shelter. General procedures for implementing this guidance are found at the end of this memo.

It is well documented that FEMA encourages the use of a reasonable standard proportionate to identified risk. The State of Florida has adopted, in Section 423.25 of the State Building Code, community shelter criteria proportional to an identification of risk at the site of a community shelter. The State has thus evaluated site-specific risks and adopted mitigation standards in proportion to those risks.

This guidance provides to the State of Florida an exception to current FEMA wind mitigation policy requiring FEMA 361 design criteria for community shelter projects funded under the HMGP. Anticipated publication of the International Code Council Storm Shelter Consensus Standard may result in a re-evaluation of FEMA's wind mitigation policy on a national basis, at which time this exception will also be reviewed.

#### Current FEMA Wind Mitigation Policy

A January 2001 Memorandum from Michael J. Armstrong, former FEMA Mitigation Division Director, established current policy for wind mitigation projects. The policy, primarily focused on the construction or retrofit of Community Shelters and/or Safe Rooms, is as follows:

- FEMA funded activities for the construction or enhancement of community shelters and safe rooms must meet FEMA's published standards:
  - FEMA Publication 320 for safe rooms; and
  - FEMA Publication 361 for community shelters.
- These standards were designed in partnership with leading wind engineers, building officials and the American Red Cross, and provide "near absolute protection."<sup>1</sup>
- Any design for a lesser wind event or for a lower threshold of protection exposes lives to a greater degree of risk than is acceptable.
- HMGP funded safe room and community shelter projects must be cost-effective.

---

<sup>1</sup> Near Absolute Protection means that, based on our knowledge of tornadoes and hurricanes, the occupants of a shelter built according to this guidance will be protected from injury or death. Our knowledge of hurricanes and tornadoes is based on substantial meteorological records as well as extensive investigations of damage from extreme winds. However, more extreme wind events may hypothetically exist, although they have not been observed. For this reason, the protection provided by these shelters is called near-absolute rather than absolute. See FEMA Publication 361 at 1-2 (2000).

#### Current Provisions Under State Law and Guidance

Florida's State Legislature has expressed their intention that the State not have a deficit of safe public hurricane evacuation shelter space in any region. Thus, the Florida Department of Community Affairs (FDCA) Division of Emergency Management (DEM) administers a program to survey existing schools, universities, community colleges, and other State-owned, municipally-owned, and county-owned public buildings to identify those that are appropriately designed and located to serve as public hurricane evacuation shelters. Private facilities can choose to be included in the survey, as long as the owner agrees in writing to provide their facility for use as a public hurricane evacuation shelter (Fla. Stat. § 252.385 (2006)). According to Florida Statute § 1013.372(1), the Florida Department of Education has responsibility to develop shelter design criteria to ensure that new educational facilities can serve as public shelters. These criteria have been incorporated into Section 423.25 of the Florida Building Code.

The DEM also prepares a Statewide Emergency Shelter Plan biennially. The Plan, updated April 30, 2006, guides local shelter planning and provides consultative assistance with the construction of educational facilities to provide public shelter space. The Plan identifies the general location and square footage of existing and needed shelters, and identifies the types of educational facilities which should be constructed to comply with public shelter design criteria (Fla. Stat. § 1013.372(2) (2006)). It should be noted that the State does not certify, approve, or designate hurricane shelters. The State only provides data and assistance to local emergency managers, who then use the State's developed criteria as one factor in the selection of appropriate community shelters (2006 Statewide Emergency Shelter Plan, at 1-5).

The State has recognized the American Red Cross (ARC) *Standards for Hurricane Evacuation Shelter Selection* (ARC 4496) as the basis for minimum hurricane shelter evaluation criteria. According to the Shelter Plan, in order for a facility to be described as "safe," "suitable," or "appropriate" for use as a public hurricane shelter, it must at least meet the ARC 4496 criteria. In determining their standard, the State relied on the findings of a University of Florida advisory committee. The committee was comprised of Federal, State, and local emergency management agencies, architects, engineers, school boards, and shelter operations experts from the ARC, and focused on providing a standard that would result in a safe yet cost-effective facility. The ARC 4496 criteria require design, construction, and certification of a structure's capability to withstand wind loads in accordance with the American Society of Civil Engineers Standard 7 (ASCE 7), which ranges from 90 to 150 miles per hour (mph) in the State of Florida, based on geographical location. The criteria also highly recommend increasing the design wind speed by 40 mph.

#### Guidance to the Florida Long-term Recovery Office and FEMA Region IV

The State of Florida's community shelter criteria do not meet the FEMA 361 specifications. FEMA 361, which is a national guidance document derived from ASCE 7, contains variable risk requirements for "near absolute protection" based on geographic location. FEMA 361 places the entire State of Florida in a 200 mph wind zone. However, the State's shelter selection criteria (ARC

4496 and ASCE 7) reflect, and are proportional to, the identified risk of a hurricane wind event *at a given site*. Structures meeting the criteria have been deemed sufficient to be included on the State of Florida's survey of facilities suitable for use as community shelters. The determination of whether to use the facilities lies with the pertinent emergency management authority. Therefore, FEMA has determined that, with the stipulations identified below, an exception to FEMA's current wind mitigation policy is warranted for the State of Florida.

As of the date of this memo, this exception is applicable to all of the State of Florida's wind mitigation projects that involve structures intended to be identified as community shelters for which HMGP funding is requested. This includes all wind retrofit projects that are classified as Category 3 or 4 of the FLTRO's presently established review tracking system. In lieu of the stated FEMA 361 standard, FEMA will require:

- Implementation of the projects in accordance with the 2006 Florida Statewide Emergency Shelter Plan requirements;
- Design and construction of all wind retrofit shelter facilities according to Section 423.25 of the Florida Building Code. Where possible, FEMA recommends use of the building code recommendation to increase the design wind speed by 40 mph;
- For all wind retrofit projects as identified above, *and including all wind retrofit projects for the purposes of building and contents protection (Categories 1 and 2 of the FLTRO's present tracking system)*, a professional engineer's assessment and certification of mitigation effectiveness, indicating that the structure will provide the level of protection specified in the subgrant application. This assessment and certification shall be reviewed prior to project approval and award of subgrant funding to the State.

Furthermore, the Grantee must provide to FEMA a written statement signed by the State of Florida, the applicant agent, the facility owner (if different), and by the pertinent local emergency manager or emergency management authority, acknowledging:

1. that the subject structure(s) is not being retrofitted in accordance with FEMA 361 standards, and thus does not provide "near absolute protection;"
2. that the subject structure(s) may have vulnerabilities due to age, design, and/or location which may result in damage to the structure(s) from wind events even after the installation of the mitigation measures funded under the HMGP mitigation activity; and
3. that the level of wind protection provided by the mitigation action, although meeting State standards and codes, does not ensure the safety or survival of building occupants.

If you have questions about this guidance, please have your staff contact Cecelia Rosenberg, Chief, Grants Policy Section, by telephone at (202) 646-3321.



**FEMA**

cc: Shirley  
cc: Kath W  
cc: Mike Sta

June 21, 2007

Mr. W. Craig Fugate, Director  
Florida Division of Emergency Management  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Attention: Marcia Chiricos

Reference: Hazard Mitigation Grant Program (HMGP) Community Shelter Guidance – New Construction

Dear Mr. Fugate:

As a follow up to the May 29, 2007, letter outlining guidance for structural wind retrofit projects, below are guidelines for the construction of *new* community shelters in Florida under the HMGP:

### **New Facilities**

If a new facility is:

**Scenario 1 New Construction-Dedicated Solely as a Public Community Shelter** - For new construction where the function of the new facility is dedicated to function solely as a public community shelter.

### **Current National Policy**

FEMA would pay for up to 75% of the total eligible cost of construction for project applications requesting funds for the purpose of constructing a new facility that will function solely as a Public Community Shelter. These projects are required to include life safety components and adhere to all FEMA 361 requirements, as per the January 10, 2001 memo issued by Michael Armstrong, FEMA Associate Director for Mitigation at the time.

### **Policy Application to State of Florida**

New single use community shelters funded under HMGP in Florida must comply with FEMA 361 requirements. Since Section 423.25 Florida Building Code (FBC) applies to new educational facilities that have dual function as an Enhanced Hurricane Protection Area (EHPA) the exception under the October 16th memo does not apply to single use community shelters.

**Scenario 2 New Construction-Dual or Multiple Purpose Use** - For new construction which has a dual or multiple purpose (i.e., serves a specific function during non-storm times, and as a shelter during storm events).

**Current National Policy**

FEMA would pay only up to 75% of those eligible costs associated with above-code construction to FEMA 361 standards for those projects where the proposed new facility has multiple uses and the Public Community Shelter is a secondary purpose. In the case of above-code mitigation the applicant would provide two budgets; one for construction of new building to code and one budget for cost to FEMA 361 standards. These projects are required to include life safety components and adhere to all FEMA 361 requirements, as per the January 10, 2001 memo issued by Michael Armstrong, FEMA Associate Director for Mitigation at the time.

**Policy Application to State of Florida**

For Florida if the new dual use facility is an educational facility designated as an EHPA community shelter the structure must comply with 423.25 FBC and FEMA HMGP would pay nothing to bring it to compliance. However, HMGP would pay for up to 75% of above code enhancements to FEMA 361 standards. If not an educational facility but still serving as a Community Shelter, FEMA recommends but does not require following 423.25 FBC EHPA standards and FEMA would pay for up to 75% of above code enhancements to FEMA 361 standards.

**Scenario 3 Retrofit of Existing Facilities** - For existing facilities, FEMA would provide HMGP funds at up to 75% of eligible costs associated with upgrade from existing codes to FEMA 361 standards.

**Current National Policy**

For those HMGP applications requesting funds to retrofit existing facilities to serve either solely as a Public Community Shelter, or multiple use facility where the public community shelter is a secondary purpose, FEMA would pay only up to 75% of those costs associated with above-code construction to FEMA 361 standards. These projects are required to include life safety components and adhere to all FEMA 361 requirements, as per the January 10, 2001, memo issued by Michael Armstrong, FEMA Associate Director for Mitigation at the time.

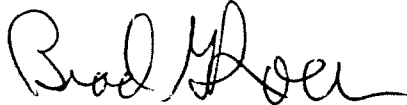
**Policy Application to State of Florida**

For Florida HMGP the October 16, 2006, exception and subsequent related guidance would apply but if applicant and State seek to comply with FEMA 361 requirements we would pay up to 75% of above code costs to retrofit the structure to FEMA 361 standards.

These guidelines applies to all HMGP community shelter projects submitted by the State of Florida as a result of disasters DR-1539, DR-1545, DR-1551, DR-1561, DR-1595, DR-1602, DR-1609, DR 1679, and DR 1680 not funded as of the date of this latter, and all disasters declared for the State of Florida after the date of this letter.

If you have any questions or need any further information, please do not hesitate to contact Gabriela Vigo, of my staff at (229) 225-4595 or Luis Jimenez, FL LTRO Interim Mitigation Branch Director at (407) 268-8801.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad G. Loar". The signature is fluid and cursive, with the first name "Brad" being the most prominent.

Brad G. Loar, Director  
Mitigation Division

**Enclosures**

1. May 29, 2007 Letter from FEMA
2. October 16, 2006 Guidance Memo
3. January 10, 2001 Guidance Memo



**FEMA**

May 29, 2007

Mr. W. Craig Fugate, Director  
Florida Division of Emergency Management  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

Attention: Marcia Chiricos

Reference: Hazard Mitigation Grant Program (HMGP) Structural Wind Retrofit and Hurricane Shelter  
Guidance

Dear Mr. Fugate:

On October 16, 2006, David Maurstad, FEMA Mitigation Division Director, in a memorandum to Scott Morris, Director, FEMA Florida Long-Term Recovery Office and Major Phil May, Regional Administrator, FEMA Region IV, granted an exception to FEMA's current wind mitigation policy for the State of Florida. Stipulations of that exception are documented in that memorandum.

The memorandum set forth the requirement for a professional engineer's assessment and certification of mitigation effectiveness, indicating that the structure would provide the level of protection specified in the HMGP subgrant application. Final guidance for implementation of that requirement is enclosed.

In addition, a letter to you dated December 8, 2006, Director Maurstad provided additional clarification and guidance regarding implementation of the October 16, 2006, memorandum. The letter stated that FEMA would provide additional guidance required to implement the policies and technical requirements related to the review and approval of community shelter wind retrofit projects under HMGP.

That guidance has now been finalized and enclosed with this letter along with the October 16, 2006, memorandum and the December 8, 2006, letter. As stated in the memorandum, the enclosed guidance applies to all HMGP wind retrofit projects submitted by the State of Florida as a result of disasters DR-1539, DR-1545, DR-1551, DR-1561, DR-1595, DR-1602, DR-1609 not funded as of the date of the memo, and all disasters declared for the State of Florida after the date of the memo.

If you have any questions or need any further information, please do not hesitate to contact Gabriela Vigo, of my staff at (229) 225-4595 or Jeff Rowbotham, FL LTRO Mitigation Branch Director at (407) 268-8800.

Sincerely,

A handwritten signature in black ink that reads "Brad G. Loar".

*for* Brad G. Loar, Director  
Mitigation Division

Enclosures



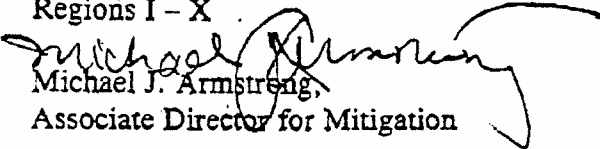
# Federal Emergency Management Agency

Washington, D.C. 20472

JAN 10 2001

MEMORANDUM FOR: FEMA Regional Directors  
Regions I - X

ATTENTION: FEMA Mitigation Division Directors  
Regions I - X

FROM:   
Michael J. Armstrong,  
Associate Director for Mitigation

SUBJECT: Funding Criteria for the Construction or Retrofit of  
Community Shelters and Safe Rooms

Recently, questions have been raised concerning the criteria required for FEMA funding for improvements to community shelters and safe rooms. This memorandum is intended to provide you with guidance on two important issues: First, whether FEMA mitigation funds may be used for improvements that will enhance protection against high wind and tornado events in an existing community shelter or safe room, but will not achieve near absolute protection. Second, if facility improvements must meet cost effectiveness requirements.

Project applications requesting FEMA funding for high wind and tornado mitigation measures involving the construction or enhancement of community shelters and safe rooms must meet all applicable requirements in FEMA's technical manuals. These currently include: "National Performance Criteria for Tornado Shelters", FEMA 320 Second Edition "Taking Shelter From the Storm: Building a Safe Room Inside Your House", and FEMA 361 "Design and Construction Guidance for Community Shelters." Any questions about these requirements can be addressed to Paul Tertell at (202) 646-3935. These standards were carefully designed by FEMA, in partnership with leading wind engineers and a steering committee of American Red Cross and building officials, to provide for "near absolute protection." If a retrofit or installation of a refuge area is attempted for a lesser wind event or for a lower threshold of protection, lives are being exposed to a greater degree of risk than is acceptable. I have determined that eligible hazard mitigation projects for community shelters and safe rooms must meet the requirements of FEMA technical manuals.

In addition, improvements to shelter areas funded under the Hazard Mitigation Grant Program must be determined to be cost effective. The Stafford Act and its implementing regulations require that HMGP projects be cost-effective (44CFR

206.434(b)). The benefit-cost software provided with FEMA 361 will assist you in making this determination.

I would ask that you please share this information with each State. I hope that this information will allow you to better assist applicants in developing the most effective mitigation measures for the safety of their communities. If you have any questions, please feel free to contact Robert F. Shea, Director, Program Support Division, at (202) 646-3619.

**ATTACHMENT D**

**FEMA-1806-DR-FL Hurricane Gustav  
ALLOCATIONS**

<b>COUNTY</b>	<b>FEDERAL ALLOCATIONS</b>	<b>25% NON-FEDERAL MATCH</b>
<b>Bay</b>	\$476,612	\$158,871
<b>Escambia</b>	\$1,435,672	\$478,557
<b>Franklin</b>	\$105,614	\$35,205
<b>Gulf</b>	\$639,624	\$213,208
<b>Okaloosa</b>	\$291,136	\$97,045
<b>Santa Rosa</b>	\$123,460	\$41,153
<b>Walton</b>	\$15,125	\$5,042
<b>Total</b>	\$3,087,243*	\$1,029,081*

**\*Note:** The amounts shown are *initial 90 day estimates* and should be used for planning purposes only. These figures are based upon best available data as of November 2008 and are subject to change.

FEMA will provide the 6-month Lock-in estimate for the Hazard Mitigation Grant Program in March 2009. This future estimate will be used to reevaluate the initial 90 day estimate and establish a lock-in ceiling. At this time the lock-in ceiling will reflect any increase or decrease in the amount of available HMGP funding

ATTACHMENT E

(On agency letterhead)

Date

Mr. Miles Anderson, State Hazard Mitigation Officer  
Florida Division of Emergency Management  
2555 Shumard Oaks Boulevard  
Tallahassee, Florida 32399-2100

Re: Hazard Mitigation Grant Program (HMGP) applications  
for FEMA \_\_\_\_\_-DR-FL "(insert disaster name)"

Dear Mr. Anderson,

The \_\_\_\_\_ County Local Mitigation Strategy (LMS) working group has approved by vote and prioritized the following projects for HMGP funding from this disaster. These projects align with our LMS goals and objectives as noted, and with the State's mitigation goals and objectives (in accordance with the Code of Federal Regulations 44§ 201.6.)

The \_\_\_\_\_ County LMS group therefore presents the projects below (or in the attachment) in the order in which they are to be considered for funding.

**FEMA \_\_\_\_\_-DR-FL "(disaster name)"**

<b>Funding priority</b>	<b>Project name or description</b>	<b>Applicant</b>	<b>Goal/ objective implemented</b>	<b>Estimated federal share</b>
1.	Project name	Applicant	3. B. (2)	\$000,000
2.	Project name	Applicant	1. A. (4)	\$000,000
3.	Project name	Applicant	2. B. (4)	\$000,000
<i>Etcetera</i>				

For further information or inquiry, please contact me at (insert phone number and email.)

Sincerely,

\_\_\_\_\_, LMS Chair  
\_\_\_\_\_  
County LMS

cc:

## **TIER 2 FUNDING**

As the Tier 1 funding process progresses for a named disaster, it is inevitable that there be some counties who are unable to obligate all of the funds allocated to them for various reasons; i.e. the county did not submit enough projects to exhaust their funding amount or one or more of that county's applications were found to be ineligible for funding.

Once this occurs, State Mitigation staff will notify that particular county LMS Chairperson in writing that their unused Tier 1 funding allocation is in jeopardy of being lost. We will then request that county's LMS Chairperson acknowledge the potential loss of funds or identify any potential errors that may have been made on our part in writing. In the event that the county's LMS Chairperson verifies the loss by concurrence, those Tier 1 funds will become Tier 2 funds. These Tier 2 funds will be offered to other LMS Working Groups from other counties included in the same declaration in accordance with the following **Tier 2 Funding procedure**:

- Tier 2 funds will be offered on a priority basis to LMS Working Groups from counties included in the specific disaster declaration (as amended) to which the HMGP project funds are associated. Unless superseded by further directive, only projects submitted within the application period specified in the Notice of Funding Availability (NOFA) are eligible for Tier 2 funding.
- Eligible LMS Working Groups will be offered Tier 2 funding in a priority order based on the amount of their Tier 1 allocation from that specific disaster; **the highest priority will be the county LMS Working Group that received the smallest allocation for that specific disaster.**
- The first round of Tier 2 funding will be offered only to partially funded Tier 1 projects, beginning with the county that received the smallest allocation under that specific disaster and so on until the funds are expended.
  - Should additional Tier 2 funds become available, the offer of funding will pick up at the point it left off in the previous round.
- Once all **partially funded** Tier 1 projects have been fully funded using Tier 2 funds, any **remaining or subsequent funds will be offered to fund eligible non-funded projects.** The highest priority will be the county LMS Working Group that received the smallest allocation for that specific disaster and so on until the funds are expended.
- LMS Working Groups that have been declared under multiple declarations may shift non-funded (**but not partially funded**) projects submitted under other declarations to make them eligible to receive the round of Tier 2 funding.
  - To ensure a more equitable distribution, a cap may be imposed by the Division of Emergency Management on the amount of Tier 2 funds offered to a county. This will be determined at the time and will be based

on thenumber of remaining projects, their distribution and the amount of funds available.

### **TIER 3 FUNDING**

In the event the declared counties are unable to absorb the available project funds through the Tier 1 & Tier 2 process, any remaining funds will be offered on a statewide basis without regard to inclusion in the particular declaration.

- First priority will go to undeclared counties who had no allocation, but were farsighted enough to submit projects for Tier 3 funding within the specified timeframes. Should there be more than one county, the priority shall go to the county with the smallest population.
- Following the undeclared counties, the priority shall be the declared counties, beginning with the county having the lowest total allocation from all declarations (provided that county has eligible non-funded projects submitted within the timeframes specified in the NOFA).
- Should funds remain unobligated after the pool of properly submitted projects is exhausted and where time permits, eligible applicants statewide may be asked to submit new projects, which will be funded on a "first come - first served" basis.
- Additional funds made available through the 6, 12 or 18 month lock-in will be allocated as Tier 1 funds and if necessary a new application period will be created.