

# Volume 1: Disaster Recovery Reform Act Section 1206 Frequently Asked Questions

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Section 1206 of the Disaster Recovery Reform Act of 2018 (DRRA) (2018) authorizes the Federal Emergency Management Agency (FEMA) to provide communities with the resources needed to effectively administer and enforce building code and floodplain management ordinances following a presidential disaster declaration. FEMA is implementing this provision through the Public Assistance Program's *Building Code and Floodplain Management Administration and Enforcement Policy* (FP 204-079-01). This policy aims to increase the overall speed of recovery and enhance compliance with state and locally adopted building codes and floodplain management ordinances by providing state, local, tribal, and territorial (SLTT) governments additional resources to carry out post-disaster activities.

This Volume 1 Frequently Asked Questions document provides the general public, FEMA staff, and Public Assistance applicants with additional clarity on the application of FEMA Policy 204-079-01, Building Code and Floodplain Management Administration and Enforcement. An additional document, Volume 2 Frequently Asked Questions, has been developed to provide more detailed guidance for FEMA staff and Public Assistance applicants.

## Frequently Asked Questions

### 1. What is the Disaster Recovery Reform Act (DRRA)?

In response to unprecedented challenges and disasters, FEMA worked closely with Congress to inform legislative and programmatic changes to improve its disaster preparedness, response, recovery, and mitigation programs. These changes culminated in the DRRA, which was signed into law in October 2018.

The DRRA includes reforms that FEMA and the emergency management community have long sought to assist communities across the Nation including: a larger and more reliable funding stream for pre-disaster mitigation; incentivizing investments that reduce disaster risk; and expanding assistance for individuals, households, and communities.

### 2. How was DRRA Section 1206 implemented?

DRRA Section 1206 was implemented through [FEMA Policy 204-079-01, Building Code and Floodplain Management Administration and Enforcement](#), which defines the framework and eligibility requirements for consistent and appropriate implementation of DRRA Section 1206 through the Public Assistance (PA) Program. The intent of this policy is to provide communities with the resources needed to effectively administer and enforce state and locally



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adopted building codes and floodplain management ordinances for a period of no longer than 180 days after the date of the major disaster declaration.

### **3. When did DRRA Section 1206 take effect?**

FEMA's policy implementing DRRA Section 1206 took effect on November 1, 2020.

### **4. Who is eligible for support under DRRA Section 1206?**

SLTT governments authorized for assistance under a major disaster declaration are eligible for this type of assistance, consistent with other grants under FEMA's PA Program. SLTT governments must be in good standing with the National Flood Insurance Program (NFIP), as FEMA will not fund activities covered in this policy under the PA Program in a community that is suspended from or has been sanctioned for not participating in the NFIP. Additionally, eligible applicants must be legally responsible to administer and enforce building codes or floodplain management regulation (e.g., if a county is legally responsible, then the county would be the Applicant; if a county has a mutual aid agreement, the county is still the applicant).

### **5. What type of work and support is included under DRRA Section 1206?**

DRRA Section 1206 authorizes FEMA to provide SLTTs with resources needed to effectively administer and enforce state and locally adopted building codes and floodplain management ordinances for a period of no longer than 180 days after the date of the major disaster declaration. All building code and floodplain management regulation, administration, and enforcement activities (including substantial damage determinations), must relate to the repair, replacement, or retrofit of disaster-damaged structures in the jurisdiction of the applicant. This may include public, private, and residential structures. Sections B and C of the policy outline examples of eligible work. Generally, work that is consistent with work normally done to administer and enforce building codes by the eligible applicant is considered eligible.

### **6. Why is reimbursement limited to 180 days after the date of a major disaster declaration? Are there special circumstances that would allow a longer period of time?**

DRRA Section 1206 specifically defines a period of no longer than 180 days after the date of a major disaster declaration. FEMA does not have authority to support activities occurring more than 180 days after the date of the respective major disaster declaration.

### **7. How do communities apply for DRRA Section 1206 assistance? What documentation is required of communities?**

The process for seeking reimbursement under the PA Program will follow the same procedures and requirements of other PA-funded projects. Communities must submit their request for Public Assistance and all supporting documentation through the [PA Grants Portal](#). To receive funding, applicants must submit to FEMA all supporting documentation necessary to demonstrate work completed and the location of the work. Applicants should also submit all documentation associated with work that was completed through an Emergency Mutual Assistance Compact resource request or intrastate/interlocal mutual aid request. If work was performed by contract labor, the applicant must submit to FEMA all documentation demonstrating federal procurement rules in 2 CFR Part 200 were

followed. In addition, FEMA may require the applicant provide documentation demonstrating that the eligible activities are in support of the community’s legally adopted building code or floodplain management ordinance.

## **8. How will DRRR Section 1206 affect Substantial Damage (SD) operations?**

SD refers to any structural damage where the cost of restoring the structure to its pre-damaged condition would be equal to or exceed fifty percent of the market value of the structure. Assistance provided through the PA Program under DRRR 1206 will provide additional financial assistance to disaster-impacted communities to assist local floodplain administrators in making SD determinations. Examples of eligible work include conducting field surveys, establishing damage trends, preparing cost information, hiring and training staff, collecting field data, and conducting damage inventory.

## **9. Can a community use this funding to update or adopt new building codes?**

DRRR Section 1206 reimbursement is only eligible for work required as a result of the major disaster declaration. Although updating building codes to reflect current data is critical to safety, outdated building codes are not a result of the disaster and are therefore not eligible for funding through the PA Program. However, other federal funding sources may be available through FEMA. Interested applicants should contact their respective FEMA regional office or state NFIP coordinator for information about alternative federal resources to update or adopt new building codes.

## **10. Are Individual Assistance (IA) only declarations eligible for DRRR Section 1206?**

DRRR Section 1206 reimbursement is only available in major disaster declarations that authorize PA.

## **11. What tools, trainings, and resources are available to better understand the impacts of DRRR Section 1206?**

FEMA recognizes that the policy represents new information and a new way of providing assistance to SLTT governments for building code and floodplain management regulation administration and enforcement. A 20-minute introductory [DRRR Section 1206 briefing](#) provides an overview of the policy, an explanation of activities that are eligible for reimbursement, and information about using PA Grants Manager. FEMA is in the process of incorporating new guidance and information in the following training courses: ERL 272, Managing Post-Disaster Floodplain; E273, Managing Floodplain Development through the NFIP; and E/L 0869, PA Program Delivery Manager Training.

## **12. Who can I contact if I have more questions about DRRR Section 1206?**

Please direct any additional questions to your FEMA Regional Office or State NFIP Coordinator.