

Volume 2: Disaster Recovery Reform Act Section 1206 Frequently Asked Questions

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 to administer and enforce building code and floodplain management ordinances following a major disaster declaration through FEMA's Public Assistance (PA) Program. The Frequently Asked Questions are organized into five overarching categories related to common questions regarding DRRA Section 1206, including Eligibility, Documentation and Reimbursement, Substantial Damage, and Training and Outreach.

This Volume 2 Frequently Asked Questions document expands on the Volume 1 Frequently Asked Questions to assist FEMA Headquarters, Regional and Field staff, and stakeholders in better understanding, implementing, administering, and applying for PA resources authorized under DRRA 1206.

Frequently Asked Questions

General DRRA

1. I'm new to the Disaster Recovery Reform Act Section 1206. Where can I go to learn basic information?

FEMA developed an introductory Volume 1 Frequently Asked Questions document to answer foundational questions around DRRA Section 1206. Additionally, you can watch a 20-minute introductory [DRRA Section 1206 briefing](#), which includes an overview of the policy, an explanation of activities that are eligible for reimbursement, and information about using Public Assistance (PA) [Grants Manager/Grants Portal](#).

2. Is DRRA Section 1206 part of the Consensus-Based Codes and Standards amendment that was released in December 2019?

No, the [Consensus-Based Codes and Standards provision of DRRA](#) (section 1235(b)) authorizes FEMA's PA Program to require the use of relevant consensus-based codes, standards, and specifications that incorporate hazard-resistant design as a minimum criteria in the repair, restoration, or reconstruction of eligible facilities. DRRA 1206 allows PA to reimburse costs incurred by eligible applicants for work done to administer and enforce their legally adopted codes and floodplain management ordinances.

3. Who can I contact if I have more questions about DRRA Section 1206?

Please direct any additional questions to your respective FEMA regional office or state National Flood Insurance Program (NFIP) coordinator.



FEMA

Eligibility

4. Are there restrictions to the type of state, local, tribal, and territorial (SLTT) governments that are eligible for DRRR Section 1206 resources?

To be eligible for reimbursement under the PA Program, including for DRRR Section 1206, communities must be designated for PA permanent work under a major disaster declaration and be legally responsible to administer and enforce building codes or floodplain management regulations. Communities must also be in good standing with the National Flood Insurance Program (NFIP). To be in good standing with the NFIP, communities must be participating in the NFIP and not be suspended or sanctioned at the time of project review. The NFIP status of communities is [available at this link](#).

5. What is an example of ineligible work?

Ineligible work under Section 1206 includes activities associated with non-disaster damaged facilities or activities to update a community's laws, rules, procedures, or requirements. For example, updating building codes, adopting new zoning requirements, or developing new land use plans are not eligible for DRRR Section 1206 resources because outdated or insufficient building codes are not a result of the disaster.

6. I noticed that DRRR Section 1206 covers activities to establish construction plan review and inspection processes, procedures, and instructions for permit holders, but classifies work to adopt or update building codes as ineligible. What's the difference?

The intent of DRRR Section 1206 is to provide communities with the resources needed to effectively administer and enforce state and locally adopted building codes and floodplain management ordinances post-disaster (for a period of no longer than 180 days after the date of the major disaster declaration). Processes that need to be in place to establish new plans to streamline disaster-related work are eligible under DRRR Section 1206, but activities to update a community's laws, rules, procedures, or requirements are not eligible under Section 1206. This is because construction plan reviews are needed to effectively carry out disaster-related work while outdated building codes aren't a direct result of the disaster. A comprehensive list of ineligible work is detailed in Section B.4 (Description of Eligible and Ineligible Work) of the FEMA Policy 204-079-01, [Building Code and Floodplain Management Administration and Enforcement](#).

7. The Policy says that assistance is available for 180 days after the major disaster declaration. What happens if there is a lag-time between the date of the major disaster declaration and the date on which the declaration is amended to authorize PA permanent work? ?

PA can reimburse costs for eligible work done starting on the first day of the incident period and up to 180 -days following the date the major disaster declaration is amended to authorize PA permanent work (refer to Section C, Eligible Costs, of the [Building Code and Floodplain Management Administration and Enforcement Policy](#) for more information).

8. If a community waives their permitting fees, can they receive reimbursement for DRR Section 1206 eligible activities?

Yes, applicants are still eligible to receive reimbursement for eligible work performed under DRR Section 1206, however revenue collected (including fees and fines) is considered program income and, during grant closeout, the project work sheet will be reduced by the amount that would have been collected. Additional information may be found in Section C, Eligible Costs, of the [Building Code and Floodplain Management Administration and Enforcement Policy](#).

9. Are DRR Section 1206 resources available for counties with only emergency work authorization (Public Assistance Categories A and B)?

No, communities with only emergency work authorization under sections 403 and 407 of the Stafford Act are not eligible for DRR Section 1206 resources. FEMA is authorized to provide funding for code administration and enforcement under section 406 of the Stafford Act. Therefore, a major disaster must include authorization for assistance under section 406 to receive assistance (permanent work, Public Assistance Categories C-G).

10. Are there specific requirements to the type of building structures for which eligible work will qualify under DRR Section 1206 resources?

Unlike other types of assistance that PA provides under 406, DRR Section 1206 eligible work may include costs to administer and enforce building codes related to an entire community's building stock. This can include public, private, and residential structures. Costs associated with administering and enforcing building codes and floodplain management regulations—regardless of whether the facility is eligible for PA funded repairs or replacements—are eligible for DRR Section 1206 resources so long as the facility was damaged by the declared disaster.

11. I don't see a specific type of work detailed under the eligible and ineligible work in the policy. How is this handled?

DRR Section 1206 provides a very detailed, but not exhaustive, list of eligible activities. Generally, activities that a community would normally undertake to administer and enforce its codes would be eligible for reimbursement under DRR 1206. As established within Section B.3 of the [Building Code and Floodplain Management Administration and Enforcement Policy](#), any activities not included on the list of examples of eligible activities will be evaluated on a case-by-case basis.

Documentation and Reimbursement

12. Will extensions be made to cover eligible work beyond the initial 180 days?

DRR Section 1206 specifically defines a period of eligibility to be no longer than 180 days after the date of a major disaster declaration. FEMA does not have the authority to extend this deadline. See Section A, Applicability, of the [Building Code and Floodplain Management Administration and Enforcement Policy](#) for more information.

13. How will communities be reimbursed under DRRRA Section 1206?

Costs to perform eligible work described in Section B.3 of the [Building Code and Floodplain Management Administration and Enforcement Policy](#)

will be eligible for reimbursement in the same manner as all work funded through the PA Program. Communities must submit their applications for reimbursement and all supporting documentation through the [PA Grants Portal](#). Eligible costs will be reimbursed at the Permanent Work cost-share applicable to the disaster.

14. Under what category of work do these activities fall?

Generally, eligible work and cost authorized by DRRRA section 1206 will be captured under one PA Category G Project Worksheet per applicant.

15. What supporting documentation must be submitted to be reimbursed under DRRRA Section 1206?

To receive reimburse, communities must submit all supporting documentation necessary to demonstrate the work completed and the location of the work; all documentation associated with work completed through Emergency Mutual Assistance Compact (EMAC) resource request or intrastate/interlocal mutual aid request; and, if work was performed by contract labor, all documentation demonstrating federal procurement rules in 2 Code of Federal Regulations Part 200 were followed.

FEMA may also require that communities provide documentation demonstrating that the eligible activities are in support of the community's legally adopted building code or floodplain management ordinance. This may include floodplain management ordinance administration and enforcement documentation; disaster-related development inspections; and substantial damage (SD) inspections, determinations, letters, and appeals.

Substantial Damage

16. If a state agency is assisting a community with resources for Substantial Damage (SD) operations, will that agency be reimbursed for their costs?

No, if a state agency does not have the legal responsibility to perform the work then they are not the eligible applicant. If a state agency is assisting a community with resources for SD operations, the state agency would be reimbursed by the community it is assisting in accordance with the agreement between the two entities.

17. What other FEMA resources exist outside of Public Assistance to support SD operations?

Outside of PA, another potential resource for SD operations includes direct assistance through FEMA's Federal Insurance and Mitigation Administration (FIMA) Substantial Damage Data Collection (SDD) Contract. SDD resources may be available to support SD data collection work described in section B.3.d(i-xiii) of the [Building Code and Floodplain Management Administration and Enforcement Policy](#).

SDD resources may be available to support communities in cases where the state, tribal, territorial and local government lack the capability and/or capacity to perform or contract for eligible SD data collection-related efforts due to the extreme catastrophic nature of an event or a demonstrated lack of resources. Communities leveraging

resources from both DRRS Section 1206 and SDD must be careful to avoid duplication of benefits; assistance for work provided under SDD cannot also be reimbursed through the PA program. Contact the relevant State NFIP Coordinator or FEMA Regional Floodplain Management and Insurance (FMI&I) Branch Chief for more information.

Training and Outreach

18. What existing PA training documents will be updated to reflect changes resulting from DRRS Section 1206?

PA updated the following documents used by Program Delivery Managers (PDMG): Exploratory Call Guide, Recovery Scoping Meeting Guide, and the PDMG Position Assist Addendum

19. What resources will be made available to ensure successful implementation of DRRS Section 1206 in advance of a future disaster event?

FEMA recognizes that the [Building Code and Floodplain Management Administration and Enforcement Policy](#) represents new information and a new way of providing assistance to SLTT governments for building code and floodplain management regulation administration and enforcement. To address this, FEMA created a 20-minute introductory [DRRS 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/Grants Portal.

FEMA's PA and Floodplain Management Divisions are in the process of developing Policy-specific training and guidance which will be disseminated to stakeholders via FEMA's ten Regional offices. The DRRS Section 1206 "101" Communications Tool Kit includes Volume 1 Frequently Asked Questions, the above mentioned 20-minute introductory briefing, and presentation materials. Please contact your local FEMA FM&I Branch Chief or appropriate NFIP State Coordinator's Office for the latest resources and tools related to DRRS Section 1206.

20. Which DRRS Section 1206-related trainings are available?

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. Floodplain Management is additionally incorporating DRRS Section 1206 elements into capstone trainings that are still under development.