



**National Association of Flood and Stormwater Management Agencies**

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From: National Association of Flood & Stormwater Management Agencies  
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Subject: Comments on Proposed Policy: Hazard Mitigation Assistance: Building Resilient Infrastructure and Communities – Docket ID: FEMA-2019-0018-0001 Federal Register: 2020-07609

The National Association of Flood and Stormwater Management Agencies (NAFSMA) is an organization of public agencies whose function is the protection of lives, property, the environment and economic activity from the adverse impacts of storm and flood waters. Since its formation in 1978, NAFSMA's mission has been to advocate public policy, encourage technologies and conduct education programs that facilitate and enhance the public service functions of its members.

Many NAFSMA members are partners with the Federal Emergency Management Agency in addressing flood risk and floodplain management issues by participating in the National Flood Insurance Program, the Risk MAP program through its Cooperating Technical Partners program, Community Rating System, as well as Pre-Disaster Mitigation and Hazard Mitigation programs and more.

NAFSMA was very pleased to see Congress pass the Disaster Recovery Reform Act (DRRA) of 2018 and looks forward to FEMA's implementation of the new Building Resilient Infrastructure and Communities (BRIC) program authorized under Section 1234 of the DRRA.

Thank you for the opportunity to comment on the proposed policy to implement hazard mitigation assistance under the BRIC grant program.

Available Funding Allocations and Award Process

NAFSMA is concerned about the allocation of available funding as outlined under Section B of the policy. Although NAFSMA is supportive of a Project Competition of the "remainder of funding for a competition among eligible applicants for mitigation projects" – the policy doesn't clearly state, but seems to imply, that these funds would go to the states as outlined by Section 3 of the description of eligibility that states "local governments and tribes are eligible to apply to states and territories for federal assistance under BRIC (sub-applicants).

Lines 43-45: NAFSMA strongly believes that local and regional entities should be able to apply directly to FEMA for awards under this Project Competition and not be treated as sub-applicants. The principles of BRIC as outlined on page 2 - item 3 lines 43-45 include critical services and facilities, large scale public infrastructure and more. Resiliency projects to address large scale public infrastructure and critical facilities should allow for

direct local and regional applications since many states do not have the capability or expertise to award and manage these projects. While States could also apply for direct funding for such projects, it is essential that local and regional governments and entities who are the owners and operators of flood protection infrastructure be directly eligible for this project competition.

#### Project Competition Funding

Line 70: The guidance should state that FEMA shall allocate the available funding amount as follows: (this will ensure that there are always State and Territory allocations; Tribal Set-Asides; and Project Competition funding).

Also, on line 77 – the words “of the remainder of the” should be deleted so there are always some funds ensured for a project competition. NAFSMA recommends that 30% of the overall funding for BRIC be allocated to the Competitive Projects category.

#### Alignment of Building Codes with Hazard Mitigation

Lines 48-51: NAFSMA supports this concept. However, this principle should be used to encourage adoption and not be punitive in nature to local communities that cannot adopt building codes due to State Law. Similarly, which code is adopted should not be given favoritism. The effectiveness of their floodplain management programs should have the most weight regardless of if or which specific code is adopted as many local ordinances are in excess of building codes.

#### Reduction in Cost Share for Small Impoverished Communities

Lines 89-91 – NAFSMA supports the reduction in non-federal cost share for small impoverished communities. However, NAFSMA requests that in order to serve impoverished areas better, equity calculations be considered alongside BCR calculations. Many impoverished areas within or adjacent to low to moderate income areas have been inadvertently ignored for many years for federal mitigation dollars due to the BCR calculation not being one or higher. However, these areas are usually denser in population and mitigation dollars would impact more people even if the BCR is hard to justify. A population impact calculation aligned with potential HUD saving and homelessness prevention should all be considered, not simply BCR.

Another possible option would be not to require a BCR (or provide for a waiver process) for the projects that meet life line/line safety goals but fall short of a BCR above one due to depressed land/structure values within the service area.

#### Eligibility Criteria

Lines 156-157: Clarification is needed as to how this relates to FEMA Mitigation Grant Programs. If eligible, could a project be considered under any of these programs (BRIC, FMA, HMGP, and HHPD?) How will this work potentially with DRRA provision 1210b? Also, specific authority shall consider whether the other applicable federal agency(ies) that could cover the project has funding to cover the specified project. For example, if another federal agency with such authorities doesn't receive disaster funding, then specific authority should not apply in this case.

Lines 189-190: NAFSMA urges that language be added as follows – i. Addresses a problem that has been repetitive of that poses a risk to public health and safety (which can be identified through an adopted local study or identified as an SFHA) and improved property if left unresolved.

NAFSMA appreciates the opportunity to comment. If you have any questions or would like additional information please contact NAFSMA Executive Director Susan Gilson at 202-289-8625.