

# Disaster Recovery Reform Act

## Section 1206 Frequently Asked Questions

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Section 1206 of the 2018 Disaster Recovery Reform Act (DRRA) 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.

### Frequently Asked Questions

#### 1. What is DRRA 2018?

In response to unprecedented challenges and disasters, FEMA worked closely with Congress in 2018 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.

DRRA represents the most comprehensive emergency management reform since 2006. It 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 a Public Assistance (PA) policy, which defines the framework and eligibility requirements for consistent and appropriate implementation of DRRA Section 1206 through the PA Program. The intent of this policy is to provide communities with the 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.

#### 3. When does DRRA Section 1206 take effect and what are eligible costs?

DRRA Section 1206 took effect on November 1, 2020. For major disasters declared between August 1, 2017, and November 1, 2020, eligible costs will be reimbursed under the provisions of this policy, provided the Applicant notifies FEMA that it intends to seek reimbursement within 90 days from the Recovery Scoping Meeting or 90 days from the effective policy date, whichever is later. See Section A, Applicability, of the policy for more information.



# FEMA

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

SLTT governments with 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 under this policy 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 community has a mutual aid agreement, the community is still the applicant).

#### **5. What type of work and support is included under DRRRA 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 must relate to the repair, replacement, or retrofit of disaster-damaged public, private, and residential structures. Eligible activities and eligible costs under this policy include, but are not limited to, the items outlined in Sections B and C of the policy.

#### **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 was written by Congress after completing a public comment period in the Federal Register. Congress specifically defines a period of no longer than 180 days after the date of a major disaster declaration. At this time, FEMA is unable to support activities occurring more than 180 days after the date of the respective major disaster declaration.

#### **7. How do communities apply for DRRRA 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 applications for reimbursement 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 will submit to FEMA all documentation demonstrating federal procurement rules in 2 CFR Part 200 were followed. In addition, FEMA may require that 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 DRRRA 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. For existing buildings located in areas regulated by the community's floodplain management ordinance or building code, eligible SD determination work may include the activities listed in Section B, 3, Eligible Work, d) Substantial Damage Determinations, i-xiii.

## **9. What category of work does DRRS Section 1206 fall into?**

Eligible activities for DRRS Section 1206 reimbursement follow the emergency work labor policy and will be captured on a Category G (CAT G) Project Worksheet; DRRS Section 1206 work is funded as CAT G, using emergency work funding rules typical of CAT B, where overtime (OT) is funded instead of the normal permanent work reimbursement rules.

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

DRRS 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. Interested applicants should contact their local building code official for alternative resources to update or adopt new building codes.

## **11. Are Individual Assistance (IA)-only declarations eligible for DRRS Section 1206?**

DRRS Section 1206 reimbursement is only available if a disaster declaration includes a Public Assistance declaration. Even large IA declarations with significant damage in the Special Flood Hazard Area (SFHA) would not qualify for DRRS Section 1206 reimbursement because they do not involve PA.

## **12. What tools, trainings, and resources are available to better understand the impacts of DRRS 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 [DRRS Section 1206 briefing can be viewed at this link](#), which includes an overview of the policy, an explanation of activities that are eligible for reimbursement, and information about using PA Grants Manager. FEMA is developing policy-specific training to be disseminated to appropriate stakeholders in Spring 2021. 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 PA Program Delivery Manager Training.

## **13. Who can I contact if I have more questions about DRRS Section 1206?**

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