

FY 2005
Community Assistance Program – State Support Services Element
(CAP-SSSE) Guidance

I. **Purpose of CAP-SSSE:** The purpose of the Community Assistance Program – State Support Services Element (CAP-SSSE) is to provide, through a State grant mechanism, a means to ensure that communities participating in the National Flood Insurance Program (NFIP) are achieving the flood loss reduction goals of the NFIP. CAP-SSSE is intended to accomplish this by funding States to provide technical assistance to NFIP communities and to evaluate community performance in implementing NFIP floodplain management activities with the additional goal of building community floodplain management expertise and capability.

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II. **Authorities and Background:** The CAP-SSSE derives its authority from the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973, and from 44 CFR 59 and 60. The National Flood Insurance Act of 1968 prohibits the Director from providing flood insurance in a community unless the community adopts and enforces floodplain management measures that meet or exceed minimum criteria in 44 CFR 60.3. These floodplain management measures can take the form of floodplain management ordinances, building codes or zoning provisions. The Act also directs FEMA to work closely with and provide any necessary technical assistance to States and communities participating in the NFIP. CAP-SSSE through its State partnering agreement is designed to make State personnel available to assist and supplement FEMA Regions in providing technical assistance to NFIP communities and in monitoring, evaluating and pursuing corrective actions by communities in the performance of local floodplain management responsibilities. State officials can be particularly effective in delivering these services to communities due to their knowledge and familiarity with State governing authorities and how these interrelate with local floodplain management ordinances as well as their knowledge of related State programs.

III. **Processes:** FEMA Regional Offices and the designated State agency negotiate a CAP-SSSE Agreement (Agreement) that specifies activities and products to be completed by a State in return for CAP-SSSE funds. The Agreement is intended to reflect the needs of FEMA to provide technical assistance to communities and evaluate community performance and, where possible, should integrate the expertise of the State on how best to build and maintain community floodplain management capability. The Agreement is subject to amendments and modifications when approved by both parties. Performance standards that address quality of service are to be developed and measured. The CAP-SSSE Agreement is not intended to fund all floodplain management activities undertaken by the State NFIP Coordinating Agency, only those activities that the Region identifies. States are expected to continue to perform other duties and responsibilities of the State NFIP Coordinating Agency and support State floodplain management programs and initiatives using their own resources and funding.

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IV. Performance Management Requirements: The Mitigation Division (MT) strategic plan's mission is to lead America to reduce threats to life and property through all-hazard risk management. The long-term performance goal is that by 2009, \$9.6 Billion in potential property losses, disaster, and other costs are avoided annually. In order to achieve this goal, floodplain management compliance is a key factor in measuring progress.

The long-term success of the NFIP requires that the impact of flooding be reduced by mitigation measures. The NFIP requires local communities to adopt and enforce floodplain management and flood damage reduction building ordinances. These measures are designed to mitigate the risk and reduce personal and economic loss from flooding. Taken together, these activities assure proper building in Special Flood Hazard Areas (SFHAs) and every year help individuals and communities completely avoid or reduce the cost and other negative impacts of flooding.

V. Performance Measurement Development: We established a workgroup in the early part of 2004 that consisted of FEMA HQ and Regional personnel, representatives from ASFPM, and other State and Federal agencies. The workgroup designed an outline for State 5-Year Floodplain Management Plans, and established NFIP performance measurements and milestones that will be used to evaluate state floodplain management programs. The 5-Year Plan outline was discussed with the States at the ASFPM conference in Biloxi, MS in May 2004. States were required to have their 5-Year Floodplain Management Plans completed by September 30, 2004, so that the plans can be implemented in FY 2005.

VI. Eligible Activities and Requirements: Regional Offices are to determine the appropriate levels of effort in each activity to ensure that performance goals are being met. This will entail the Regions and States developing performance measures for some of the eligible activities. However, the minimum expectations are that State NFIP Coordinating Agencies will conduct CAVs/CACs, conduct ordinance reviews, and be the "first line of contact" for technical assistance to communities and to coordinate State activities in floodplains. The following are the eligible activities for the CAP-SSSE for FY- 2005.

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- 1. Performance Measurement:** States should concentrate their efforts on the performance measures that were selected and placed in the State 5-Year Plans developed in FY-2004. All States must have the shared performance measure of "Maintain or improve the percentage of communities that adopt new maps by the FIRM effective date." We strongly encourage States to also adopt the performance measure "Increase the percentage communities that adopt the new maps prior to the 30-day letter being sent." FEMA Regions are encouraged to develop incentives for states to adopt and successfully implement this performance measure. States will provide a final status report on meeting their performance measures to the Region by December 30, 2005.

- 2. State Model Ordinance Research and Development:** In preparation for Map Modernization, States and Regions must get ready for the large number of communities that will be required to adopt a compliant ordinance to avoid suspension from the NFIP. Therefore, at the Regional Office's discretion, States must develop or update the State model floodplain management ordinance and have it approved by the Regional Office by May 1, 2005. The State model ordinance must contain the minimum requirements outlined in 60.3 44 CFR and also contain any State related floodplain management provisions.

Section 107 of the Flood Insurance Reform Act of 2004 states that for the purposes of flood insurance and floodplain management, FEMA digital flood hazard data and paper maps are interchangeable and legally equivalent provided that they meet FEMA accuracy standards. States are encouraged to consult with their State Attorney General to ascertain whether digital data may be adopted in lieu of paper maps.

Many state and Regional model ordinances have a provision in the ordinance that allows for map revisions to be automatically adopted. The FY-2004 CAP-SSSE Guidance required that State Coordinators have their State model ordinances evaluated by their State Attorney General's Office to ensure that the automatic adoption of maps is legal in their State. States that have not yet completed this mandatory activity must do so before May 1, 2005.

More and more communities are adopting a model building code (ie., the International Building Code and other I-Codes or the National Fire Protection Association Building and Safety Code), which contain the minimum flood resistant design and construction requirements of the NFIP. States are encouraged to consult the document, "*Reducing Flood Losses Through the International Code Series: Meeting the Requirements of the National Flood Insurance Program*". This document will assist States when reviewing floodplain management regulations in communities that have adopted one of the model building codes.

- 3. Ordinance Assistance:** States participating in CAP-SSSE are required to provide assistance to communities in adopting NFIP compliant floodplain management ordinances. This includes necessary ordinance revisions based upon new hazard data provided by FEMA as well as incorporating any future changes in NFIP floodplain management criteria. If a Regional Office is not requiring State involvement in the ordinance revision process, State 5-Year Floodplain Management Plans must say the Regional Office is the lead on ordinance revisions and that Region is ultimately responsible for the map adoption process.

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- 4. Entering Floodplain Management Data in the Community Information System (CIS):** Regional Offices are to ensure that all information is entered into CIS. Regions should require States to update and enter information into the CIS as part of their reporting requirements under the agreement. This is to include entering information on ordinance adoption, CAVs and CACs, training, general

technical assistance, and updating other fields they are authorized to update. States must also input information into CIS that is associated with data needed to evaluate progress toward meeting performance measures in the 5-Year Floodplain Management Plan. Regions are required to use CIS as part of their CAP-SSSE reporting. Data entry into CIS will enable state and FEMA personnel to track progress on accomplishing the FY-2005 CAP-SSSE performance criteria and will enable more efficient reporting to DHS. Starting in FY-2005 Headquarters will utilize CIS to determine whether communities have adopted compliant ordinances and will make decisions to suspend communities based primarily on checking the CIS ordinance screen. Therefore, as communities adopt new maps it is imperative that States and Regions enter the necessary information into CIS in a timely manner.

- 5. Update Five-Year State Floodplain Management Plans as Needed:** States are encouraged to update the 5-year floodplain management plans as needed. Map Modernization will have a significant impact on State floodplain management workload. Five-Year Plans should be updated as new data becomes available regarding the Map Modernization schedule and associated workload. Plans should also be updated to ensure linkage with State Map Modernization Business Plans. FEMA encourages States to expand the 5-Year Floodplain Management Plans into Strategic Plans if they choose to do so.

Additionally, FEMA urges States to consult ASFPM's *Effective State Programs* document for examples of the full range of floodplain management activities performed by States. The document can be found at the following web site: http://www.floods.org/PDF/Effective_State_Programs_Interim_Draft.pdf

- 6. Community Assistance Visits (CAVs) and Community Assistance Contacts (CACs):** States participating in CAP-SSSE are required to conduct Community Assistance Visits (CAVs) and Community Assistance Contacts (CACs). The State and Region will work together to determine the number and location of CAVs and CACs to be performed by the State. Regions and States should prioritize CAVs for those communities with the most repetitive loss properties (concentrating on the repetitive loss target list), the most development, and those with the highest likelihood of compliance problems. For other communities, Regions and States are encouraged to make maximum use of the CAC process and other contacts with communities to identify potential compliance problems and needs for technical assistance. States are required to provide appropriate follow-up to CAVs and CACs by providing technical assistance to correct program deficiencies and remedy violations to the maximum extent possible. States must coordinate with Regions, as necessary, to clarify what follow-up is to be provided. States are expected to refer community compliance problems that they are unable to resolve to the Regional Office. FEMA Manual 78104.4, National Flood Insurance Program Guidance for Conducting Community Assistance Contacts and Community Assistance Visits, August 1989, provides guidance on planning for, conducting and providing follow-up for these activities.

CAVs are to be used as opportunities to verify repetitive loss data and identify possible mitigation activities that address repetitive loss properties. All CAVs and CACs are required to be entered into the Community Information System (CIS) so that the FEMA Regions and HQ can monitor this important CAP-SSSE activity.

- 7. Workshops and Other Training:** States are encouraged to conduct workshops and other training for local officials to support implementation and enforcement of community floodplain management regulations and to promote hazard identification and local and state planning initiatives. Workshops and other training opportunities should be conducted on a schedule and at locations that are coordinated with the FEMA Region. States are permitted to use CAP-SSSE funds to allow State employees that are involved in floodplain management activities to take the Association of State Floodplain Managers (ASFPM), Certified Floodplain Manager (CFM) exam. States should input training related information into CIS so that it will be captured in the new CAP-SSSE reports that are being developed.
- 8. General Technical Assistance:** States are encouraged to provide general technical assistance to communities and individuals to resolve floodplain management issues related to the NFIP. General technical assistance also includes assisting communities in joining the NFIP Community Rating System (CRS) and in undertaking activities credited by CRS. States should input general technical assistance into CIS so that it will be captured in the new CAP-SSSE reports that are being developed.
- 9. Mapping Assistance:** States must participate in the development of mapping priorities, the scoping of studies, and in community meetings held as part of the mapping process in coordination with the Map Modernization Business Plans. However, CAP-SSSE funding may not be used for conducting floodplain studies or developing floodplain maps.
- 10. Coordination with Other State Programs and Agencies:** States are encouraged to coordinate with other State administered programs that impact on floodplain management such as the Flood Mitigation Assistance Program, the Hazard Mitigation Grant Program, the Pre-Disaster Mitigation Program, the State Dam Safety Program, the Repetitive Loss Initiative and other State land use and water resources programs including periodic meetings among State agencies. Coordination with other State agencies on adoption and implementation of State Executive Orders and regulations that meet State NFIP participation requirements is also encouraged.
- 11. Assistance to Communities in Responding to Disasters:** States are encouraged to provide post disaster assistance and support to NFIP communities. Examples of these activities include: technical assistance implementing substantial damage requirements, including use of the Substantial Damage Estimating Software;

assistance to communities enrolling into the NFIP; general floodplain management technical assistance; assistance with the promotion and use of the NFIP Increased Cost of Compliance (ICC) coverage, and assistance with a variety of hazard mitigation initiatives. Generally, these activities are not included in the annual CAP-SSSE Agreement, but negotiated if and when a disaster occurs. The CAP-SSSE Agreement must be modified to reflect these changes.

States are required to undertake other activities that directly support implementation of the NFIP floodplain management activities by communities as determined by the Regional Office.

States are expected to develop and maintain the expertise and capability necessary to conduct CAP-SSSE activities. States are encouraged to have at least one full time person dedicated to CAP-SSSE or other floodplain management activities to help maintain this expertise and capability. FEMA highly encourages state floodplain management personnel to attain CFM credentials and CAP-SSSE funds may be utilized for this purpose. If a State does not have the necessary expertise and capability to conduct CAP-SSSE activities, the Region and State are required to develop a remedial plan. If at the conclusion of the plan, the necessary expertise and capability has not been developed by the State, the following year's CAP-SSSE funding can be reduced or withheld.

VII. Reporting Requirements:

States are required to report at least semi-annually to the Regions to demonstrate progress in meeting agreed upon performance measures contained in the 5-Year Floodplain Management Plan. Some Regions may require quarterly reporting to satisfy unique Regional grants management requirements. Regions are held accountable for funds expended through CAP-SSSE and must require that their States document work so that progress can be tracked. States are expected to cooperate with Regions by submitting documentation or other evidence that demonstrates work completed.

FEMA HQ is in the process of developing screens in CIS to assist States in reporting CAP-SSSE activities. The screens are being constructed so the FEMA Regions and HQ will be able to access and print CAP-SSSE related reports on a quarterly, semi-annual and annual basis. We anticipate that the screens will be available for use by the end of the first quarter of FY-2005. The new CIS screens should reduce the amount of time that States' spend compiling CAP-SSSE performance measurement quarterly and/or semi-annual progress reports.

Regions will provide the Community Assistance Section at FEMA Headquarters an end of fiscal year progress report that will be due no later than January 30, 2006. The end of year report will address State progress in meeting established performance measures. The format for this annual report will be forwarded to the Regions in the 4th quarter of FY-2005. The Regional Office and the States will work together to generate this yearly report. Ultimately this information will be used for reporting purposes to the Department of Homeland Security in support of the FEMA strategic plan.

VIII. Other Information: CAP-SSSE funds are restricted in their use. They can only be used for activities that support the NFIP by fostering effective floodplain management programs in participating communities and providing assistance to non-participating communities in enrolling in the NFIP.

There is a 25% non-federal match for all States receiving CAP-SSSE funds. As long as CAP-SSSE continues and a State maintains skill capability and meets performance goals, a State should expect to receive funding. However, annual funding levels may vary depending on needs, State capability, performance and regional priorities.

The Regional Office will also be required to provide Grant allocation reports to FEMA HQ's for subsequent reporting to DHS. Currently, this information is collected on a weekly basis.

IX. Funding Distribution: See attachment.