

FY 2007 CAP-SSSE Guidance

This guidance updates the Community Assistance Program – State Support Services Element (CAP-SSSE) guidance issued in FY 2006. While the basic program elements have essentially stayed the same, there are some new procedures to follow in FY 2007, as described below.

I. Purpose of CAP-SSSE: The purpose of this program 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 State and community floodplain management expertise and capability.

II. Authorities and Background: The CAP-SSSE Program derives its authority from the National Flood Insurance Act of 1968, as amended, the Flood Disaster Protection Act of 1973, and from 44 CFR Parts 59 and 60. The National Flood Insurance Act of 1968 prohibits the Director from providing flood insurance in a community unless that community adopts and enforces floodplain management measures that meet or exceed minimum criteria in 44 CFR Part 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 taken by communities in the performance of local floodplain management responsibilities. State officials can be particularly effective in delivering these services to communities because of 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. In addition, each State is required to develop a Five-Year Floodplain Management Plan (Five-Year Plan) describing the activities to be completed using CAP-SSSE funding as well as how the required performance measures will be met. The Agreement is intended to reflect the Five-Year plan, FEMA's requirements, and the State's role in providing technical assistance to communities and evaluating community performance. Where possible community assistance 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 measures 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 and State agree to. 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.

1. **Online Application Requirements:** OMB mandates that all agencies use GRANTS.GOV to post opportunities in eFind and make electronic applications

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available in eApply. This year, electronic applications will be made available in Grants.gov eApply for all States to apply for CAP-SSSE, in response to the new OMB requirements. Please see Attachment 1 for more information on how to apply online. States will be required to submit only the initial application through Grants.gov. Subsequent submitted material such as progress reports will not have to be submitted through the Grants.gov process, but will be submitted as in prior years. The Floodplain Management Section will continue to provide assistance to Regions as we migrate to more of an electronic application process.

Note to applicants with an existing CCR number: You must validate your CCR number annually; if it expired you will have to re-register. To avoid application deadline problems we recommend that you visit the CCR web site at least 30 days in advance of the anniversary date on which you registered, verify your status and re-validate your CCR registration. It is incumbent upon applicants to remain alert to this, as well as, other deadline-related issue(s).

IV. Eligible Activities and Requirements: Regional Offices are to determine the appropriate levels of effort in each activity to ensure that performance metrics are being met. FEMA is requiring certain measures, and encouraging others, for some of the CAP-SSSE activities as described below.

- 1) **Ordinance Assistance:** Assisting communities in reviewing their ordinances to ensure that they comply with the NFIP requirements and are adopted before their Flood Insurance Rate Maps (FIRMs) become effective is of paramount importance. This includes necessary ordinance revisions based upon new hazard data provided by FEMA, as well as incorporating any regulatory changes to floodplain management criteria.
- 2) **Entering Floodplain Management Data in the Community Information System (CIS):** During FY 2007, the number of communities that will adopt new maps is expected to exceed 4,000, more than twice the number projected for FY 2006. Therefore, CIS will be the authoritative information source for floodplain management staff in Headquarters as to whether a community has adopted their ordinance or will be suspended when the FIRM becomes effective. Regional Offices must ensure that this information is entered into CIS. Regions should require States to update and enter information into the CIS as part of their annual CAP-SSSE agreement. This includes information on ordinance adoption, Community Assistance Visits (CAVs) and Community Assistance Contacts (CACs), training, general technical assistance, and updating all other fields they are authorized to update. FEMA Headquarters uses 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 flood maps it is imperative that States and Regions enter the necessary information into CIS in a timely manner. This will become increasingly important as CIS data is enhanced and used to update the MIP.
- 3) **Five-Year Plan Updates:** The Mitigation Division's performance measure is: **“Ensure that a minimum of 90 percent of communities adopt their flood maps by the FIRM effective date.”** Therefore, all State Five-Year Plans **must** contain a performance measure that is equal to or more stringent than the FEMA requirement. This means that States must include a

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mandatory adoption measure of 90 percent or higher in their Five-Year Plans starting in FY 2007.

- a) Map Adoption Workload Projections/Changes – Several resources are available to assist the Regions and States in projecting their map adoption workload.
 - i) Map Adoption Lead Time (MALT) projections (attached)
 - ii) Letter of Final Determination (LFD) lists are available at (http://www.fema.gov/plan/prevent/fhm/st_hot.shtm#lfd).
 - iii) MHIP at http://www.fema.gov/plan/prevent/fhm/mh_what.shtm provides additional information including schedules and projections of which communities will be mapped (restudies, digital conversions, etc.) by fiscal year. Regions and States must use these tools to understand and assign workload priorities and coordinate CAP-SSSE activities with Flood Map Modernization Management Support (MMMS) grant activities. States should work with the Regions to continually review their workload as related to Map Modernization and map adoption activities and update their Five-Year Plans as new data are available.
 - b) NFIP-related Post-Disaster Assistance – Post-disaster demands can have significant impacts on projected State workloads. States should work with the Regions to continually review their workload as related to post-disaster activities and update their Five-Year Plans as needed depending on the level of disaster-related activity.
 - c) Gap Analysis/Best Practices – This year, a Gap Analysis Tool and instructions for use is available to assist in identifying potential funding gaps, coordinating use of resources available under the MMMS program, and documenting best practices. Use of this tool is optional, however a gap analysis is required as part of the five-year planning process and any gap information reported by the States must be documented in terms of dollar amounts (not FTEs or other measures) to provide national consistency and data (i.e., dollar amounts) that can be used to justify funding requests. Additionally, FEMA urges States to consult ASFPM's *Effective State Programs* and *Floodplain Management 2003: State and Local Programs*, for examples of best practices in floodplain management and self-evaluations that can be performed by States. These documents can be located at www.floods.org. The Five-Year Plans should document any best practices that the State is undertaking using CAP-SSSE funds.
- 4) State Model Ordinance Updates:** Most States have already developed a State model floodplain management ordinance containing the minimum requirements outlined in 44 CFR Section 60.3, as well as any State required floodplain management provisions. In addition, States are encouraged to offer their communities model ordinances that include higher regulatory standards and assist communities to update their model ordinances to include higher standards. Suggested ordinance language for higher standards including freeboard, two-part building permits, coastal A zones, and others is included in Attachment 4.
- a) Automatic Adoption – Automatic adoption may have benefits and promote easier adoption of new maps. Opinion from the State Attorney General, or another state body or office authorized to provide legal counsel to the NFIP State Coordinating Office, is needed to clearly document whether automatic adoption is legal in any given State. A list

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of States where automatic adoption has been clearly determined to be allowed by the State Attorney General is included in Attachment 4.

- b) Adoption of Digital Data - 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 in their respective States, and to share their findings on this issue with their Regional Office. In turn, the Regions will inform the Floodplain Management Section as information on adoption of digital data become available from the States.
- c) Model Building Codes - More and more communities are adopting a model building code (i.e., the International Building Code and other I-Codes or the National Fire Protection Association Building and Safety Code), which contains the minimum flood resistant design and construction requirements of the NFIP. States should review their model ordinances and work with communities to ensure that they understand the implications of these codes and how they are enforced with respect to NFIP requirements.

5) **Community Assistance Visits (CAV) and Community Assistance Contacts (CAC):**

States participating in CAP-SSSE are required to conduct CAVs and CACs. The Regions will work with each State to determine the number and location of CAVs and CACs to be performed each year. 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 must 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 7810.4, *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. Regions are also encouraged to use the CAV/Compliance Course CD that was distributed in 2004 for additional assistance in preparing for and conducting CAVs. All CAVs and CACs must be entered into CIS so that FEMA can monitor this important floodplain management activity.

- ### 6) **Outreach, Workshops, and Other Training:**
- States are encouraged to conduct outreach, workshops, and other training for local officials to support implementation and enforcement of community floodplain management regulations, to promote hazard identification, and local and State planning initiatives. States should conduct workshops and other training and outreach opportunities on a schedule and at locations that are coordinated with the FEMA Region, and outlined in the Five-Year Plan. For further information on State CAP-SSSE program, see the new CAP-SSSE website at Four Advanced Topic Modules (ATMs) were piloted at EMI this year and are now available for field delivery. See Attachment 6 for more information on these ATMs.

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- a) **ASFPM Activities:** Individual ASFPM membership fees are not covered by CAP-SSSE funding. However, FEMA highly encourages State floodplain management personnel to attain Certified Floodplain Manager (CFM) credentials. States may use CAP-SSSE funds to allow State employees that are involved in floodplain management activities to take the CFM exam. CAP-SSSE funds can be used to cover initial exam and biennial CFM renewal fees. States are encouraged to sponsor and proctor CFM exams in coordination with ASFPM. In addition, States may use CAP-SSSE funding to allow local officials to attend and/or assist with the annual ASFPM conference when it occurs in their home state, or a nearby location. These costs must be negotiated with the Region as part of the annual agreement.
- 7) **General Technical Assistance:** States should provide general technical assistance to communities and individuals to resolve floodplain management issues related to the NFIP. General technical assistance includes assisting communities in joining the NFIP Community Rating System (CRS) and in conducting activities credited by CRS.
- 8) **Mapping Coordination Assistance:** As part of the Flood Map Modernization process, States must work with the Regions to develop flood mapping priorities, and participate in community meetings held as part of the mapping process. In addition to CAP-SSSE grants, States are eligible for MMMS funding to meet these Flood Map Modernization responsibilities. The CAP-SSSE plans must be developed separately from but in coordination with the MMMS plans to ensure that MMMS is used to complement CAP-SSSE activities and that States will meet all of their responsibilities under Flood Map Modernization. Neither MMMS nor CAP-SSSE funds can be used for conducting floodplain studies or developing floodplain maps. However, several activities are allowable under both grant programs, including map adoption, training, outreach and others, as outlined in the Gap Analysis Tool. Use of these resources should be closely coordinated to prevent duplication of effort.
- 9) **Coordination with Other State Programs and Agencies:** States are encouraged to coordinate with other State administered programs that impact floodplain management such as the Hazard Mitigation Assistance (HMA) Program that includes: the Hazard Mitigation Grant Program, Pre-Disaster Mitigation Program, Severe Repetitive Loss Program, Repetitive Flood Claims Program, State Dam Safety Program, and other State land-use and water resources programs. Coordination with other State agencies on adoption and implementation of State Executive Orders and regulations that meet State NFIP requirements is also encouraged.
- 10) **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 coverage, and assistance with a variety of HMA programs. Generally, these activities are not included in the annual CAP-SSSE Agreement, but can be negotiated when a disaster occurs. The CAP-SSSE Agreement must be modified to reflect these changes when they occur.

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VI. Reporting Requirements: States must report at least semi-annually to the Regions to demonstrate progress in meeting agreed upon performance measures contained in the Five-Year Plans. Some Regions may require quarterly reporting to satisfy 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 completion of approved activities. States must provide a final status report on meeting their performance measures to the Region by December 30, 2007.

Regions will provide the Floodplain Management Section at FEMA Headquarters with an end of fiscal year progress report that will be due no later than January 30, 2008. 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-2007. The Regional Office and the States will work closely together to generate this yearly report.

VII. 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.

States are encouraged to have at least one full-time person dedicated to CAP-SSSE and other floodplain management activities to help maintain this expertise and capability. 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 the necessary expertise and capability has not been developed by the State, the following year's CAP-SSSE funding may be reduced or withheld.

There is a 25 percent 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 State funding levels may vary depending on needs, capability, performance, FEMA priorities, and the availability of funds.

As in prior years the Regional Office will also be required to provide weekly grant obligation reports to FEMA Headquarters for subsequent reporting to DHS.

VIII. Funding Distribution: See Attachment 6.