July 2, 2008

R. David Paulison, Administrator
Federal Emergency Management Agency
500 C Street SW
Washington, DC  20472

RE: Disaster Assistance Policy and Damaged Building Inspections

Dear Mr. Paulison:

Earlier this year, ASFPM became aware that the Disaster Assistance Directorate revised and reissued Disaster Assistance Policy DAP9523.2 – Eligibility of Building Inspections in a Post-Disaster Environment. The policy indicates that assistance is permitted to address immediate threats to life, public health and safety, and improved property. Under the Public Assistance program, FEMA has consistently interpreted that certain building inspections are not eligible because they do not meet that test. I am writing to request that you direct the Disaster Assistance Directorate and the Mitigation Directorate to reevaluate this policy and revise it to support a vital, post-disaster function. As the flood waters recede in Iowa, Illinois and other affected states, communities where hundreds and sometimes thousands of structures were inundated and damaged will need building inspection assistance far beyond the capability of their existing staffs.

As you know, we have enjoyed a long and productive working relationship with the Mitigation Directorate. While we recognize that ASFPM is not a routine partner with the Disaster Recovery Directorate, we were nonetheless surprised that we were not given the opportunity to comment before DAP9523.2 was revised (copy attached - the previous policy was issued June 23, 1998). In 2004 we requested that FEMA modify its decision to deny eligibility of building inspections that must be performed after buildings in Special Flood Hazard Areas are damaged by events that are declared to be major disasters (copy attached). In that letter we rebutted several points that had been used by FEMA to continue its position. At that time, our request was summarily denied.

ASFPM continues to believe that damage inspections that are required before occupants can return, and that are required to determine whether damaged buildings must be brought into compliance with local and state codes and ordinance requirements for flood-resistant design and construction (referred to as “substantial damage”), are consistent with the policy. These inspections are, indeed, necessary to address...
“immediate threats to life, public health and safety, and improved property.” Without this inspection and without a completed determination of whether damage constitutes substantial damage (required for communities that participate in the National Flood Insurance Program), structures remain unrepaired. Unrepaired structures can pose immediate threats to life and property. Another consequence of not being able to perform these inspections in a timely manner is, given the speed with which some individuals receive assistance and flood insurance claim payments; they often begin repairs without receiving the necessary permits.

In the past few years, when disasters have exceeded state and local capacity, many states and communities have increasingly requested support from third-party groups to assist with large numbers of post-disaster inspections and substantial damage determinations. Third-party groups may include state-based floodplain management associations, building officials organizations, professional engineering associations, or contractors. ASFPM believes that it is in everyone’s best interests to foster these cooperative arrangements which help meet code requirements and get homeowners and business owners on the road to recovery. We contend that certain expenses incurred for this work should be eligible under Public Assistance.

We look forward to working with FEMA to resolve this matter. If you have questions, please contact ASFPM’s mitigation policy facilitator and the Ohio State Hazard Mitigation Officer, Chad Berginnis, at 614/799-3539.

Sincerely,

Al W. Goodman, Jr., CFM
Chair

Attachments: ASFPM’s 2004 letter, FEMA Policy DAP 9523.2

Cc: David Maurstad, Assistant Administrator, Mitigation
 Carlos Castillo, Assistant Administrator, Disaster Assistance