

**Gloucester County
Board of Supervisors Policy
Gloucester, Virginia**

Section: 400

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Supersedes: BOS Policy# 400 dated 7/3/18

Effective Date: July 6, 2021

Title: FEMA Hazard Mitigation Assistance Program and Eligibility Program

Authorized By: Board of Supervisors

**GLOUCESTER COUNTY
FEDERAL EMERGENCY MANAGEMENT AGENCY (“FEMA”)
HAZARD MITIGATION ASSISTANCE PROGRAM (“HMAP”)
POLICIES AND ELIGIBILITY STANDARDS**

(Adopted by the Gloucester County Board of Supervisors on April 5, 2005)
Revised on April 7, 2007, October 6, 2009, February 7, 2012, July 3, 2018, and July 6, 2021

400.1 Purpose

The purpose of this document is to define and detail policies and standards adopted by Gloucester County relative to the implementation, administration and closeout of projects funded by the FEMA HMAP.

Through a series of public notices and public meetings prior to the awarding of the Federal and State project funds, the County shall identify property owners who express interest in the elevation of their homes. While the number and names of participants are subject to change due to voluntary nature of the program, the need to establish clear, consistent policies and eligibility standards for the program is of vital importance.

The policies and standards that follow are necessary in order to facilitate successful program management of the FEMA HMAP. Program management must comply with:

- 44 CFR 25 - Uniform Relocation Assistance and Real Property Acquisition For Federal and Federally Assisted Programs
- 44 CFR 206 - Federal Disaster Assistance
- 44 CFR 207 - Management Costs

400.2 Criteria for Projects Funded Under HMGP

A. By Federal law and regulation, any property acquisition project using HMAP funds must, comply with:

1. The State’s Section 409 Hazard Mitigation Plan.
2. a) 44 CFR 9, Floodplain Management and Protection of Wetlands.
b) 44 CFR 78, Flood Mitigation Assistance.
c) 44 CFR 79, Flood Mitigation Grants.

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B. Additionally, the projects shall

1. Independently solve or be a functional part of a solution to a problem.
2. Prove to be cost-effective and a substantial reduction of future risk because it:
 - Addresses a repetitive problem that poses a significant health and safety risk.
 - Is the most practical, effective, and environmentally sound alternative among a range of alternatives.
 - Is or contributes to a long-term solution to a problem.
 - Considers long-term changes to the area it protects.
 - Costs less than its anticipated benefits.

C. Other Criteria. HMAP implementation undertaken by the County must comply with other Federal laws and regulations relating to elevation, or relocation. These include the following:

1. The County is to assist FEMA in coordinating with the Virginia Department of Historic Resources regarding any structures that are 50 years old or older, and/or that are deemed to have historic significance.
2. In order to receive HMAP funds, the County must participate in the National Flood Insurance Program (NFIP).

D. Financial Record-Keeping Requirements. The County must establish separate charge codes or open separate non-interest-bearing checking accounts for the exclusive purpose of managing elevations. All matching funds (State, local or private) must be kept separate from FEMA HMAP funds. At a minimum, the County's financial record-keeping system must:

1. Comply with Federal grant management guidelines as set forth by the Office of Management and Budget.
2. Document and track all funds originating from FEMA.
3. Document and track all funds and in-kind services received from matching sources e.g., State and local match, including Community Development Block Grant funds).
4. Document and track all monies paid out and the sources of monies paid out (e.g., Federal or non-Federal share).
5. Have internal controls governing the management of funds and records.

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6. Be available for regular audits by an independent auditor.
7. Comply with general principles of allowable costs in the use of Federal funds.

Allowable costs are generally defined as:

- a) Necessary and reasonable for performance and administration of the grant;
- b) Authorized or otherwise permitted under State and local laws and regulations; and
- c) Consistently applied as either a project or administrative cost.

- F. Elevation Filing Requirements. The property project files should be divided into documentation related to the County's grant management agreement with the VDEM and documentation related to property owner summary case files.

The sub-grant files should include:

- a) The sub-grant agreement and any related amendments;
- b) Financial records including copies of each quarterly financial status report and all fund documentation;
- c) Commitment letters (from non-Federal sources);
- d) Schedules showing estimated and actual milestones;
- e) Copies of all reports and correspondence to and from VDEM and;
- f) The property owner summary case files.

400.3 Eligible Types of Programs

To be eligible for funding under the HMAP, proposed measures must meet the minimum project criteria under 44 CFR 79.6. (Flood Mitigation Grants-Eligibility). These criteria are designed to ensure that the most appropriate projects are selected for funding.

Projects may be of any nature that will result in the protection of public or private property from natural hazards. Types of projects that may be eligible include:

- Elevation of flood prone residential structures;
- Relocation of flood prone residential structures out of the flood plain; and
- Vegetative management and soil stabilization related to the above activities.
- Mitigation reconstruction of severe repetitive loss structures.

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400.4 Ineligible Projects

The following types of projects are not eligible:

- Acquisition of any property in Gloucester County.
- Projects in progress or completed prior to the start of HMAP funding.

POLICY NUMBER 1

SELECTION OF APPLICANTS

The Board of Supervisors of Gloucester County intends that all grant funds should be utilized to the maximum extent possible. To obtain this goal both the original list of applicant participants, and all applicants from a phase of a specific storm related event's grant, will be selected using the following order until all funds or eligible applicants have been utilized:

1. Applicant property that provides the highest Benefit Cost Analysis for elevation in a VE zone.
2. Applicant property that provides the highest Benefit Cost Analysis for elevation in an AE, or other FEMA zone.
3. Applicant property that meets Benefit Cost Analysis with a ratio of 1 for elevation.
4. Applicant property that does not meet Benefit Cost Analysis for elevation but does not adversely affect the total Benefit Cost Analysis for the County.
5. Any other remaining properties on the substitute list.
6. Applicant property that meets the Benefit Cost Analysis with a ratio of 1 for mitigation reconstruction and is a severe repetitive loss structure.

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POLICY NUMBER 2

**APPEALS OF APPRAISED VALUE FOR
ACQUISITION PROPERTIES**

Reserved.

POLICY NUMBER 3

FORM OF APPRAISAL

Reserved.

POLICY NUMBER 4

SALVAGE FROM PROPERTIES TO BE ACQUIRED

Reserved.

POLICY NUMBER 5

ACQUISITION OF LARGE TRACTS

Reserved.

POLICY NUMBER 6

**DISPUTES ARISING FROM WORK PERFORMED IN
ELEVATION OF STRUCTURES**

It is the policy of the Gloucester County Board of Supervisors that all work performed under the elevation or the mitigation reconstruction portion of the HMAP be in a quality workmanlike manner that is in compliance with the local building codes and provides improved resistance to future flooding. In acknowledgment of the possibility of disputes over the work incorporated in the elevation project, the following process shall be applied:

1. All complaints shall be filed in writing with the County FEMA HMAP Team, stating the nature of the complaint and the resolution desired.

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2. The County FEMA HMAP Team shall review the complaint and make a determination of its validity within forty-five (45) calendar days of receipt. A written determination shall be provided to the complainant along with a copy to the County Administrator.
3. Should the complainant not be satisfied with the decision of the County FEMA HMAP Team, an appeal shall be filed in writing with the County Administrator within fifteen (15) calendar days of the decision. Later appeals shall not be considered.
4. The County Administrator shall review the appeal and make a determination of its validity within fifteen (15) calendar days of receipt. A written determination shall be provided to the complainant along with a copy to the Board of Supervisors.
5. Should the complainant not be satisfied with the decision of the County Administrator, an appeal may be filed in writing with the Board of Supervisors within fifteen (15) calendar days of the decision by the County Administrator. At that time, a complete set of all correspondence, findings, reports, and other documents which the complainant wishes the Board of Supervisors to consider shall be provided to the Board of Supervisors by the complainant.
6. The Board of Supervisors shall review the facts and may make a determination of the validity of the appeal within sixty (60) days of receipt. However the Board may choose to take no action on the appeal. If the Board chooses to render a decision, a written decision shall be provided to the appellant. This decision shall be considered final.

Nothing in this appeals process precludes or reduces the owner's legal rights to any judicial review.