Frequently Asked Questions about FEMA's Implementation of the Federal Flood Risk Management Standard

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On July 11, 2024, FEMA published a Final Rule in the Federal Register and an updated policy in the Federal Register to revise its floodplain management regulations at Title 44 Part 9 of the Code of Federal Regulations (CFR): Floodplain Management and Protection of Wetlands.

The rule revises regulations to fully implement the Federal Flood Risk Management Standard (FFRMS)—increased flood risk minimization requirements for federally funded projects that incorporate consideration of anticipated changes in future projects.

This final rule and policy are effective on Sept. 9. 2024.

Frequently Asked Questions about FEMA's Rule

When does this regulatory change take effect?

The regulation and policy are effective on Sept. 9, 2024.

For disaster-related programs such as Public Assistance, Individual Assistance, and Hazard Mitigation Grant Program, this change applies to disasters declared on or after Sept. 9, 2024.

For non-disaster grant programs, such as Building Resilient Infrastructure and Communities and Flood Mitigation Assistance, this regulation and policy are applicable to notices of funding opportunity published on or after Sept. 9, 2024.

How will the final rule and policy affect FEMA's partial implementation of the Federal Flood Risk Management Standard?

FEMA has been partially implementing the Federal Flood Risk Management Standard with interim policies that are specific to FEMA's programs.

FEMA has issued a Federal Flood Risk Management Standard policy alongside the final rule that will supersede the partial implementation policies for future projects. The policy and rule will only apply to new actions under disasters declared on or after Sept. 9, 2024, and notices of funding opportunity issued on or after Sept. 9, 2024. This will not apply retroactively.

Is the FEMA Federal Flood Risk Management Standard rulemaking applicable to all federal agencies?

No. This rule and policy apply only to FEMA-funded projects. In cases where multiple federal agencies fund the same projects, the federal agencies will coordinate to determine appropriate FFRMS implementation. FEMA also provides technical assistance and training to other federal agencies through consultation on floodplain management and implementation of the Federal Flood Risk Management Standard. Projects that do not involve federal funding are not subject to the FFRMS.

How does this apply to FEMA-funded projects?

The Federal Flood Risk Management Standard will apply to FEMA-funded projects involving new construction, substantial improvement, or repairs to address substantial damage. In addition, FEMA will apply the Federal Flood Risk Management Standard to Hazard Mitigation Assistance projects that involve structure elevation, dry floodproofing, and mitigation reconstruction. The Federal Flood Risk Management Standard will ensure that those types of projects consider and incorporate resilience measures against both current and future flooding. The Federal Flood Risk Management Standard is effective on Sept. 9, 2024.

What is FEMA's Federal Flood Risk Management Standard requirement regarding natural features and nature-based solutions?

As part of the floodplain review, FEMA considers alternatives to actions in or affecting floodplains. With this rule, FEMA will now explicitly require consideration of alternatives that use natural features or incorporate nature-based solutions and, if those alternatives are practicable, require them to be used. If natural features

and nature-based solutions are not practicable, they may be considered later in the process to minimize the action's impacts to and from the floodplain.

FEMA is prioritizing the use of nature-based solutions to tackle the consequences of climate change – like increased flooding – and reduce greenhouse gas emissions. Nature-based solutions can reduce flood risk while also improving water quality, adding recreational space, improving public health, and providing many other short- and long-term environmental, economic, and social advantages to communities.

What are the definitions of natural features and nature-based solutions?

Natural features are characteristics of a particular environment (e.g., barrier islands, sand dunes, wetlands) that are created by physical, geological, biological, and chemical processes and exist in dynamic equilibrium.

Nature-based solutions are the features designed to mimic natural processes and provide specific services such as reducing flood risk or improving water quality. Nature-based solutions are created by human design (along with and to accommodate natural processes). One example of a nature-based solution is a living shoreline (rather than a concrete seawall) which can reduce flood risk while purifying water, storing greenhouses gases, improving public health, and providing many other benefits.

What are the approaches to establish the Federal Flood Risk Management Standard floodplain?

The Federal Flood Risk Management Standard authorizes three approaches to establish the FFRMS flood elevation ("how high") and floodplain ("how wide").

These include the Climate-Informed Science Approach, the Freeboard Value Approach, and the 0.2%-Annual-Chance Flood Approach (0.2PFA) (the 500-year floodplain). Agencies may choose among the approaches to implement the standard. When applied to projects, each of these approaches will ensure that actions are more resilient to changes in future flood conditions.

For more information on these approaches, refer to the new FEMA Policy: Federal Flood Risk Management Standard. The policy is effective on Sept. 9, 2024.

How will FEMA determine the Federal Flood Risk Management Standard floodplain?

FEMA prioritized criticality of the action, data availability and equity in deciding how to use these three approaches.

FEMA has adopted the use of the Climate-Informed Science Approach where data and methods are available and actionable. Where the Climate-Informed Science Approach is not available, FEMA will use a comparison of the remaining approaches.

For critical actions (such as the construction of fire and police stations, hospitals and facilities that store hazardous materials), FEMA will use the higher of the Freeboard Value Approach (3 feet above the 1% annual chance flood elevation) or the 0.2%-Annual-Chance Flood Approach (500-Year Floodplain).

For non-critical actions, FEMA will determine the FFRMS floodplain by using the lower of the Freeboard Value Approach (2 feet above the 1% annual chance flood elevation) or the 0.2%-Annual-Chance Flood Approach.

FEMA is also coordinating across the federal government to develop tools to assist agencies and stakeholders in determining the appropriate vertical flood elevation (“how high”) and corresponding horizontal FFRMS floodplain (“how wide”).

FEMA will rely on these tools, such as the FFRMS Floodplain Determination Job Aid, to determine the FFRMS floodplain.

Will the Federal Flood Risk Management Standard make building more expensive???

The FFRMS increases the flood elevation and flood hazard area to reflect future flood risk for actions subject to the FFRMS. With this new standard, communities can achieve higher resilience at a comparatively low upfront cost.

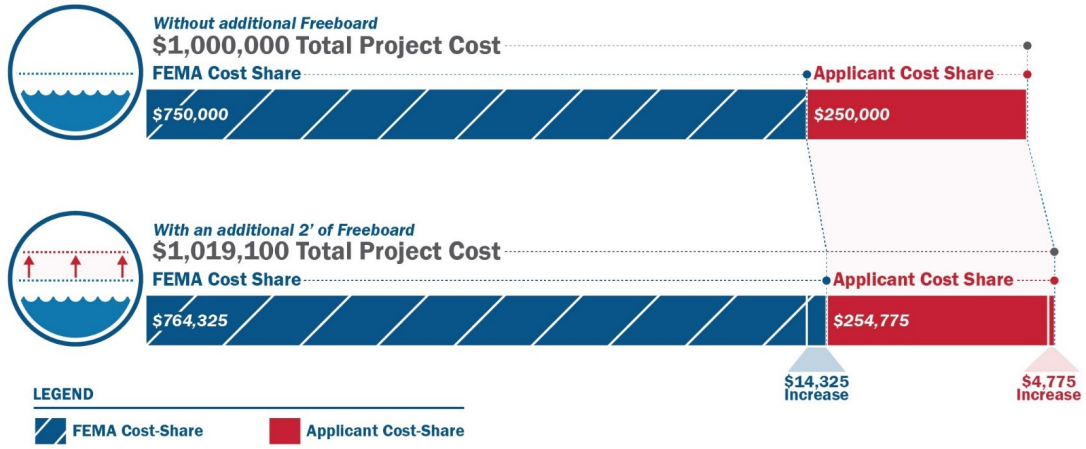
FEMA’s Mitigation Saves report found that adopting the latest flood resistant design building codes saves $11 per $1 invested. In the economic analysis that supports this rule change, FEMA also found that incorporating two feet of freeboard into new building design on average adds only 1.91% to total project

cost. The FFRMS applies only to federally funded projects that involve new construction, substantial improvement, or repairs to substantial damage.

While incorporating flood resilience measures into project design may in some cases increase the upfront cost of projects, the small cost increase is expected to result in far greater savings over time due to avoided flood damage. FEMA pays for the costs to implement the FFRMS at the applicable cost share for the project. For example, for a new building that would cost $1 million dollars before incorporating elevation, at a 75% federal cost share, a FEMA applicant would see only $4,775 in increased project costs to elevate the building two feet.

Projects that do not involve federal funding are not subject to the FFRMS.

Graphic



Freeboard: An additional amount of height above the Base Flood (1% annual chance) Elevation used as a factor of safety

Does the rulemaking do more than implement the Federal Flood Risk Management Standard?

In addition to minor clarifications throughout Title 44 Code of Federal Regulations Part 9, there are some key changes in the rulemaking to reduce complexity.

FEMA also included key streamlining measures in the rule change to reduce complexity and speed approval of FEMA-funded recovery projects. This rule increases the dollar value threshold that excludes projects funded through Public Assistance grants from the floodplain review from $5,000 to $18,000. In addition,

this rule also increases the threshold at which projects funded through Public Assistance grants must undergo a floodplain review, rather than an abbreviated review process, from $100,000 to $364,000. The rule also includes a new provision that annually adjusts these threshold amounts to reflect changes in the Consumer Price Index to keep up with inflation.

For Individual Assistance, private bridges are now exempted from the floodplain review and group Direct Housing sites have a shortened review process. This further reduces complexity and accelerates the process of getting survivors into safe and habitable homes after a disaster.

The rule also updates and streamlines the public notice requirements by explicitly allowing use of the internet.

What are FEMA's authorities to implement the Federal Flood Risk Management Standard?

FEMA has the authority to require application of the FFRMS as a condition of funding in its grant programs.

FEMA provides grant funding under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, National Flood Insurance Act, Homeland Security Act of 2002, Federal Fire Prevention and Control Act of 1974, Earthquake Hazards Reduction Act of 1977, and various other appropriations acts.

FEMA is authorized under these statutes to set grant eligibility criteria consistent with the respective purposes of such programs and FEMA's mission.

Refer to FEMA's final rule, in Section II.B: Statutory Authority to Require FFRMS Under FEMA Grant Programs, for a more detailed description of these authorities.