

**Acknowledgement of Conditions
For Properties Using FEMA Hazard Mitigation Assistance Grant Funds**

PRIVACY ACT STATEMENT

Authority: Sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 42 U.S.C. § 5133 and 42 U.S.C. § 5170c; § 1366 of the National Flood Insurance Act, (NFIA) as amended, 42 § U.S.C. 4104c; § 1323 of the NFIA, 42 U.S.C. § 4030; and § 1361A of the NFIA, 42 U.S.C. § 4102a.

Purpose: a template is provided by FEMA for signature by property owners and local government officials participating in a mitigation project funded in part by Hazard Mitigation Assistance (HMA). The template communicates flood insurance requirements and floodplain management criteria.

Routine Uses: The information on this form may be disclosed as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/FEMA-009 - Hazard Mitigation Disaster Public Assistance and Disaster Loan Programs System of Records System of Records Notice (79 Fed. Reg. 16,015, March 24, 2014), and upon written request, by agreement, or as required by law.

Disclosure: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent FEMA from being able to provide Hazard Mitigation Assistance.

Instructions:

This template is provided by FEMA for signature by property owners and local government officials participating in a mitigation project funded in part by Hazard Mitigation Assistance (HMA).

For Pre-Disaster Mitigation (PDM), Building Resilient Infrastructure and Communities (BRIC), Flood Mitigation Assistance (FMA), and the Hazard Mitigation Grants Program (HMGP), these conditions apply when the property to be mitigated is located in a Special Flood Hazard Area (SFHA). Conditions for these properties are provided in Exhibit 1.

For Flood Mitigation Assistance **only**, certain conditions apply regardless of whether the property is located in a Special Flood Hazard Area. A separate set of conditions are provided in Exhibit 2.

Information in brackets [city/county] should be updated as needed. This document should be signed and submitted to FEMA by the Applicant (State, Tribe or Territory) prior to award. Communities may adjust language in this template; however, the conditions below must be included. The template requires the signature of the property owner(s) and the local municipal official(s).

Beginning of Form:

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Exhibit 1

Conditions for PDM, BRIC, FMA, and HMGP properties located in the SFHA:

Property Owner _____

Street Address _____

City _____ **State** _____ **Zip Code** _____

Deed dated _____, **Recorded** _____

Tax map _____, **block** _____, **parcel** _____

Base Flood Elevation at the site is _____ **feet (NGVD).**

Map Panel Number _____, **effective date** _____

[SELECT ONE OF THE FOLLOWING "WHEREAS" CLAUSES APPROPRIATE FOR THE GRANT AWARDED AND DELETE ALL OTHERS]

- WHEREAS, the Flood Mitigation Assistance (FMA) program, authorized by Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. § 4104c), provides federal financial assistance for planning and carrying out activities designed to reduce the risk of flood damage to structures insurable under the National Flood Insurance Program;
- WHEREAS, the Hazard Mitigation Grant Program (HMGP), authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("Stafford Act") (42 U.S.C. § 5170c), including the HMGP Post Fire program authorized by Sections 404 and 420 of the Stafford Act (42 U.S.C. §§ 5170c and 5187, provides federal financial assistance, in any area affected by a major disaster or for which assistance was provided under Section 420, for hazard mitigation measures;
- WHEREAS, the Building Resilient Infrastructure and Communities (BRIC) program, authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5133), provides federal financial assistance for the implementation of predisaster hazard mitigation measures;
- WHEREAS, the Pre-Disaster Mitigation (PDM) program, authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5133), provides federal financial assistance for the implementation of predisaster hazard mitigation measures;

NOW THEREFORE, the Property Owner has been informed of and accepts the following conditions:

1. That the Property Owner has insured all structures that will **not** be demolished or relocated out of the SFHA for the above-mentioned property to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less, through the National Flood Insurance Program

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(NFIP), as authorized by 42 U.S.C. §4001 *et seq.*, as long as the Property Owner holds title to the property as required by 42 U.S.C. § 4012a.

2. That the Property Owner will maintain all structures on the above-mentioned property in accordance with the flood plain management criteria set forth in 44 C.F.R. § 60.3 and City/County Ordinance as long as the Property Owner holds title to the property. These criteria include, but are not limited to, the following measures:
 - a. Enclosed areas below the Base Flood Elevation will only be used for parking of vehicles, limited storage, or access to the building;
 - b. All interior walls and floors below the Base Flood Elevation will be unfinished or constructed of flood resistant materials;
 - c. No mechanical, electrical, or plumbing devices will be installed below the Base Flood Elevation; and
 - d. All enclosed areas below Base Flood Elevation must be equipped with vents permitting the automatic entry and exit of flood water.
 - e. For a complete, detailed list of these criteria, see [insert jurisdiction name and title of Ordinance] attached to this document.
3. The above conditions are binding for the life of the property. To provide notice to subsequent purchasers of these conditions, the Property Owner(s) agrees that the [insert jurisdiction name] will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current property owner(s) (including book/page reference to record of current title, if available), a legal description of the property, and the following notice of flood insurance requirements:

“This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the flood plain management criteria of Title 44 of the Code of Federal Regulations § 60.3 and Ordinance.”

4. Failure to abide by the above conditions may prohibit the Property Owner and/or any subsequent purchasers from receiving Federal disaster assistance with respect to this property in the event of any future flood disasters. If the above conditions are not met, FEMA may recoup the amount of the grant award from the [insert jurisdiction name] with respect to the subject property, and the Property Owner(s) may be liable to repay such amounts.

Exhibit 2

For Flood Mitigation Assistance properties located outside the SFHA:

Property Owner _____

Street Address _____

City _____ State _____ Zip Code _____

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Deed dated _____, Recorded _____

Tax map _____, block _____, parcel _____

Base Flood Elevation at the site is _____ feet (NGVD).

Map Panel Number _____, effective date _____

WHEREAS, the Flood Mitigation Assistance (FMA) program, authorized by Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. § 4104c), provides federal financial assistance for planning and carrying out activities designed to reduce the risk of flood damage to structures insurable under the National Flood Insurance Program;

NOW THEREFORE, the Property Owner has been informed of and accepts the following conditions:

1. That the Property Owner has insured all structures for the above-mentioned property to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less, through the National Flood Insurance Program (NFIP), as authorized by 42 U.S.C. §4001 *et seq.*, as required by 44 C.F.R.
2. That the Property Owner will maintain all structures on the above-mentioned property in accordance with the flood plain management criteria set forth in Title 44 of the Code of Federal Regulations (CFR) Part 60.3 and City/County Ordinance as long as the Property Owner holds title to the property. These criteria include, but are not limited to, the following measures:
 - a. Enclosed areas below the Base Flood Elevation will only be used for parking of vehicles, limited storage, or access to the building;
 - b. All interior walls and floors below the Base Flood Elevation will be unfinished or constructed of flood resistant materials;
 - c. No mechanical, electrical, or plumbing devices will be installed below the Base Flood Elevation; and
 - d. All enclosed areas below Base Flood Elevation must be equipped with vents permitting the automatic entry and exit of flood water.
 - e. For a complete, detailed list of these criteria, see [insert jurisdiction name and title of Ordinance] attached to this document.
3. The above conditions are binding for the life of the property. To provide notice to subsequent purchasers of these conditions, the Property Owner(s) agrees that the [insert jurisdiction name] will legally record with the county or appropriate jurisdiction's land records a notice that includes the name of the current property owner(s) (including book/page reference to record of current title, if available), a legal description of the property, and the following notice of flood insurance requirements:

“This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. §5154a, failure to maintain flood insurance on this property

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may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the flood plain management criteria of Title 44 of the Code of Federal Regulations § 60.3 and Ordinance.”

- 4. Failure to abide by the above conditions may prohibit the Property Owner and/or any subsequent purchasers from receiving Federal disaster assistance with respect to this property in the event of any future flood disasters. If the above conditions are not met, FEMA may recoup the amount of the grant award from the [insert jurisdiction name] with respect to the subject property, and the Property Owner(s) may be liable to repay such amounts.

This Agreement shall be binding upon the respective parties’ heirs, successors, personal representatives, and assignees.

THE [insert jurisdiction name] OF _____

A _____ municipal corporation

By: _____

[Insert/Print Name, Title]

of the [insert jurisdiction name] of _____

[Insert/Print Name of Property Owner(s)]

[Insert/Print Name of Property Owner(s)]

WITNESSED BY:

[Insert/Print Name of Witness]

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[SEAL]

Notary Public