

Section 11 – Commitment to a Comprehensive Mitigation Program

The following requirement(s) are met throughout this section:

- §201.4(b): *[The State mitigation planning process **should**] be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA mitigation programs and initiatives.*

11.1 – Support of Local Mitigation Planning Efforts

11.1.1 – Disaster Mitigation Act of 2000

SEMO Mitigation staff, working in conjunction with State and Federal Resource Agencies, provides technical assistance to communities working to develop mitigation plans. Over a dozen technical workshops have been provided to communities that have applied for and received a Pre-Disaster Mitigation Planning Grant. In addition to communities that have received planning grants, SEMO has conducted a Regional Planning Technical Assistance Workshop in each of the five SEMO Regions.

The Workshops provide a wealth of information to the Local governments working on planning activities. The first portion of the workshop covers the mitigation programs that SEMO manages and provides a brief summary of the requirements and eligible activities covered by each program. The programs covered in the workshop are HMGP, FMA, and PDM. As the new RFC and SRL programs are initiated and funded, these too will be presented to jurisdictions as options for mitigation project funding (see **Section 10**). Participants are also advised that mitigation programs exist at other agencies, such as the US Army Corps of Engineers, the Natural Resource Conservation Service, the Federal Department of Housing and Urban Development, the Department of Energy, and Health and Human Services. State agencies such as the Department of Environmental Conservation and the Department of State are State agencies in addition to SEMO that award Mitigation funds. Finally, communities are encouraged to include mitigation consideration in their normal budgetary activities, making mitigation a routine part of their daily activities.

The second portion of the workshop describes in detail DMA 2000 and the six main phases of the planning process: organize, assess risk, develop strategies, implement, document, and maintain. The workshops take the participant through each phase of the planning process and provides them with examples of how to approach different challenges they may encounter during the planning process.

The final portion of the workshop consists of presentations by various “Resource Agencies.” Resource Agencies that have been present at the workshops include: United States Army Corps of Engineers, United States Coast Guard, National Weather Service (NWS), DOT, NYSDEC, County Soil and Water Conservation Service, County

Emergency Managers, and County Mitigation Coordinators. Resource Agencies have been included in the workshops for two primary reasons:

1. To provide information to the Local governments regarding the resources the agencies can provide during the planning phase and during the implementation of projects
2. To educate the Resource Agencies about the new planning requirements the Local governments have to meet and the information or assistance the Local governments may be requesting of the Agencies during the planning process.

11.1.2 – Hazard Mitigation Grant Program

Under DMA 2000, the development of an all-hazard mitigation plan is now an eligible activity to be funded under the HMGP program. As such, the HMGP briefings now include a section devoted to mitigation planning. Applicants are provided with a copy of the regulations and the FEMA developed “How To” guides for mitigation planning during the briefings.

11.1.3 – Flood Mitigation Assistance Program

SEMO has taken the initiative to reach out to all communities in the State that participate in the National Flood Insurance Program to assist them in taking actions to prevent future damages from repetitive loss and other properties at risk in their communities. Many of these communities have responded positively. SEMO administers the FMA grants and provides the community with a technical assistance briefing/workshop during which the requirements of the grant and the planning process are explained in detail. Applicants are provided with planning guidance materials during the briefings. Approximately 40 communities have completed Flood Mitigation Plans to date under the FMA program.

11.1.4 –Planning Guidance Documents

SEMO Mitigation Staff has developed a wide-range of planning guidance documents to assist the Local Municipalities in the development of an all-hazard mitigation plan. Copies of these documents are provided at all technical workshops as well as to anyone who requests them.

A summary of the guidance documents developed by SEMO is provided in the following:

DMA 2000 Planning Summary (Summary) – provides background information for the new DMA 2000 regulations. The Summary provides an explanation of the information required for each phase of the planning process and furnishes a list of suggested Resource Agencies to contact during the planning process.

Planning Power Point Presentation – provides a brief summary of the programs administered by SEMO (HMGP, PDM, and FMA) as well as providing a more detailed summary of the planning requirements.

References – provides a list of resources available through the FEMA website with Document Reference ID numbers where applicable. Also provides a list of useful State and Federal websites.

Sample Table of Contents for Local Mitigation Plans – Provides a suggested method to organize the plan based on the DMA 2000 regulations. Also provides a brief summary of the type of information that should be included in each section.

A summary of the guidance documents provided by Federal agencies is provided below:

Useful Web Sites (Provided by FEMA) – List of potential resource agency web sites

National Weather Service Resources – provides a list of resources the NWS can provide to municipalities developing an all-hazard mitigation plan.

In addition to providing interested parties with the above information, SEMO also includes in the information packet a copy of the DMA 2000 regulations and copies of the currently published FEMA How-To Guides for mitigation planning. Copies of all of the guidance materials except the FEMA How-To guides are included in **Appendix 2**.

11.2 - Nationally Applicable Codes

11.2.1 - Adoption of New Uniform Code

On March 6, 2002 the New York State Fire Prevention and Building Code Council formally adopted new provisions of the Uniform Fire Prevention and Building Code (Uniform Code) and the State Energy Code (Energy Code). Following a 180-day transition period, the new Uniform Code took full effect on January 1, 2003 for all parts of New York State, except the City of New York, which is still in the process of adopting the new State codes. The Energy Code, which took effect in July 2002, is applicable to all municipalities of New York State, including the City of New York.

The new Uniform Code is comprised of eight separate code documents, which combine the provisions of the 2000 International Codes, 2001 supplement to the International Codes, and New York State modifications adopted by the Code Council. The eight code documents are listed in the following table:

**Table 11-1
New York State Codes**

NYS Code Document	Based Upon
Building Code of New York State	International Building Code
Fire Code of New York State	International Fire Code
Residential Code of New York State	International Residential Code
Plumbing Code of New York State	International Plumbing Code
Mechanical Code of New York State	International Mechanical Code
Fuel Gas Code of New York State	International Fuel Gas Code
Property Maintenance Code of New York State	International Property Maintenance Code
Energy Conservation Code of New York State	International Energy Conservation Code

By adopting the 2000 International Codes as the basis for the Uniform Code, New York State has ensured that both State-owned and privately constructed or renovated facilities will comply with the most current standards recognizing natural hazards including seismic design, snow and wind loading, and flood hazards. The New York Code will be updated on a regular schedule consistent with the International Codes three-year cycle.

11.2.2 - Administration and Enforcement of the Uniform Code

Title 19 of the New York Code of Rules and Regulations, Part 444 (19 NYCRR Part 444) defines the Minimum Standards for Administration and Enforcement of the Uniform Code. Each municipality within New York State, with the previously noted exception of the City of New York, follows these regulations to establish specific requirements for issuing construction permits and certificates of occupancy, building and fire safety inspections, training of code compliance officials and response to complaints of code violations.

Municipalities may decline to enforce the code within its boundaries, in which case, enforcement passes to the county within which the municipality is located. Likewise, counties may also decline to enforce the code and enforcement then passes to the State of New York through the Department of State.

Title 19 NYCRR, Part 448 defines similar standards to Part 444 for the Administration and Enforcement of the Uniform Code for State-owned facilities. Specific State agencies with responsibility for design, construction, and renovation of State-owned facilities issue necessary permits, conduct inspections, and respond to complaints in similar fashion to the requirements for Municipalities.

11.2.3 - New York City Building Code

New York City Department of Buildings announced that the Mayoral Commission to Study the Feasibility of Adopting a Model Code has recommended the adoption of the International Code Council's *International Building Code*, or IBC. The Commission was comprised of an array of members from both the public and private sectors, and had examined the benefits of both the IBC and the National Fire Protection Association's NFPA 5000.

The Commission extensively examined both the IBC and the NFPA 5000 for their formats and also for their ease of adaptability to the provisions of the City's needs. As stated in the Commission's final report, "The premise is that the intent and high standards of the existing code should be preserved either by integrated language change or by separate amendments, while a new format is adopted." The Commission also held a public forum in February 2003, giving weight to input from the public at large during their deliberations.

In its 42-page final report (not including appendices), the Commission outlined its criteria for selecting the IBC over the NFPA 5000 and the existing code. Among those criteria was comprehensiveness, ease of understanding, flexibility of upgrading, ease of adaptability to the unique requirements of New York City, as well as the training provided under each code. In every category of measurement, the IBC received higher margins of preference over the NFPA 5000.

The Commission was formed by Executive Order of the Office of the Mayor, in cooperation with the City Council's Housing and Buildings Committee. The Commission's final report will be available on the web at www.NYC.gov/buildings.

Continual amendments are made to the current building codes for NYC. On July 3rd 2007, the Mayor of NYC signed the new NYC construction codes into law; these codes are scheduled to take effect July 1, 2008. The goal is to incorporate national standards and rules in order to provide safety, savings, and innovation. These new codes take new provisions regarding wind, flood, and seismic events. The new NYC construction codes can be accessed via the New York City Department of Buildings website at www.NYC.gov/buildings.

11.3 - Mitigation Efforts for Critical Facilities

11.3.1 - Post-Disaster Response

Article 2-B of the New York State Executive Law, § 28-a. *Post disaster recovery planning*, defines the requirements for the development and implementation of local recovery and redevelopment plans whenever a State disaster emergency has been declared. Per the statute: "A *local recovery and redevelopment plan shall include, but need not be limited to: plans for replacement, reconstruction, removal or relocation of damaged or destroyed facilities; proposed new or amended regulations such as zoning,*

subdivision, building or sanitary ordinances and codes; and plans for economic recovery and community development. Such plans shall take into account and to the extent practicable incorporate relevant existing plans and policies and such plans shall take into account the need to minimize the potential impact of any future disasters on the community.”

The section further defines the requirement for public input to the recovery plan via public hearings; submittal of the plan to the State Disaster Preparedness Commission; the ability of the Commission to assist the Municipality in preparing the recovery plan; and provisions for adoption and revision of the recovery plan as necessary.

11.3.2 - Recovery Operations

Information for this section came from National Emergency Management Information System (NEMIS). NEMIS started in 1996 as a way for FEMA to track and review past and present federally funded projects.

There have been nine (9) federally declared disasters in New York State from 2004 to 2007:

- **DR- 1534**, \$16,172,944.78
- **DR- 1564**, \$12,675,396.93
- **DR-1565**, \$11,225,186.90
- **DR- 1589**, \$47,699,884.36
- **DR-1650**, \$210,277,817.72
- **DR- 1665**, \$109,134,860.03
- **DR- 1670**, \$18,191,119.63
- **DR-1692** and **DR-1710**, which are still active.

In total, the seven (7) closed federally declared disasters amount to \$425,377,210.35.

During the same time period, four (4) Emergency Declarations have been declared:

- EM- 3195
- EM-3262
- EM-3268
- EM-3273

The total award for these Emergency Declarations is not available at this time.

11.4 – Integration of Mitigation into Recovery Operations

11.4.1 – Cross-Training of Personnel

It has long been understood at SEMO that to work effectively, staff from each section needs to have an understanding of the other sections and the role they play in emergency management. No where is this need to work together as a cohesive unit more prevalent than in the Recovery and Mitigation Sections of SEMO, as both units have a responsibility to implement effective mitigation projects. In an effort to support this ideal, the Mitigation and Recovery Sections of SEMO have jointly implemented a program that

will allow for staff in each section to be trained in the specific program requirements for 404 (Mitigation Section) and 406 (Recovery Section) mitigation.

Currently, both the Recovery Section and the Mitigation Section sponsor conferences, briefings, and technical assistance workshops for potential applicants. In addition to providing valuable information to potential applicants, these events provide cross-training opportunities between the Recovery and Mitigation Sections. A summary of the events are listed below:

Applicant Briefings: Staff from both sections will attend these events in an effort to become familiar with each Section's requirements and protocols.

Technical Assistance Workshops: Staff from both sections will attend these events in an effort to become familiar with each Section's requirements and protocols.

Recovery Public Assistance Liaison (PAL) Conference: The Recovery Section holds an annual PAL conference to provide the PALs with updates on the Recovery Programs as well as additional training opportunities. The Mitigation Staff is usually requested to give a presentation on the Mitigation Programs currently administered by SEMO as well as to provide an update on the mitigation projects that have been currently funded throughout the State.

In addition to the speaking at the PAL Conference, Mitigation Staff now attends the Conference as an opportunity to become familiar with the programs and protocols of the Recovery Section.

Mitigation Conference: The Mitigation Section holds an annual Conference targeted for County Mitigation Coordinators, County Emergency Managers, and selected Local communities. The Conference provides an opportunity for the Mitigation Section to update the Local communities on the status of the State mitigation programs and to provide information on how to incorporate mitigation activities into the routine activities of the Local governments. Input is gathered from the local communities concerning the various programs/topics in an effort to continually improve the assistance the State provides to the Local governments. Recovery Staff will be invited to attend these Conferences as well in an effort to familiarize them with the 404 mitigation programs administered by the Mitigation Section. In addition to attending the Mitigation Conferences, the Recovery Staff will be asked to present a summary of the Recovery Section administered programs.

11.4.2 – Joint Mitigation Efforts

Upon declaration of a disaster, the Mitigation and Recovery Sections of SEMO will meet to develop a joint approach for information dissemination to the potential applicants. Mitigation and Recovery Staff will work together on the Preliminary Damage Assessments (PDA) as well as planning public outreach efforts and briefings to potential applicants.

In addition to working together during public outreach efforts, the Recovery and Mitigation Sections will share information in program databases. For example, the Mitigation Section will have access to the Recovery Section NEMIS database to review projects where 406 mitigation efforts were undertaken as part of the disaster recovery efforts. Additionally, Recovery Staff will alert the Mitigation Staff of potential 404 mitigation activities observed during recovery efforts.