

Federal Flood Risk Management Standard



AUGUST 2024

Background and Purpose

On April 23, 2024, HUD published the [Federal Flood Risk Management Standard \(FFRMS\) Final Rule](#), which amends HUD's existing regulations to require a greater level of protection for new construction and substantial rehabilitation projects.

This document is intended to help Community Development Block Grant Disaster Recovery (CDBG-DR) and CDBG-Mitigation (CDBG-MIT) grantees understand how the new FFRMS rule affects their projects.

 Increasing flood resilience

Frequently Asked Questions (FAQs)

Q1. How does FFRMS affect CDBG-DR and CDBG-MIT projects?

A1: The FFRMS rule established a compliance deadline of June 24, 2024 and the new rule applies to all CDBG-DR and CDBG-MIT projects (unless they meet an exception). For grantees that initiated an ER before the Final Rule went into effect:

- If any of the below-listed ER milestones were completed before June 24, 2024, then the ER was completed before the compliance deadline and the project can move forward without “redoing” the ER analysis:
 - Completed 5-step review (if applicable)
 - Completed 8-step review
 - FONSI (if required)
 - RROF submitted
- If none of the above-listed steps were completed before the deadline, then the project must comply with the new FFRMS rule and consider its impacts to the expanded vertical and horizontal extent of the FFRMS floodplain.

If a CDBG-DR or CDBG-MIT grantee cannot meet the new FFRMS rule, they may request a project-specific regulatory waiver from HUD detailing why they are unable to meet [24 CFR 55](#). All waivers are subject to HUD review and approval.

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FAQS (Continued)

Q2. How do the new requirements under the FFRMS Rule differ from previous requirements for CDBG-DR or CDBG-MIT funding?

A2: The FFRMS rule is anticipated to have minor administrative impacts because it updates the existing ER process and does not create a new one. The biggest impact is that the FFRMS floodplain has expanded vertically and horizontally, which means more projects will need to complete the 8-step decision-making process (i.e. projects that were not in the Special Flood Hazard Area (SFHA) but are in the FFRMS floodplain). The key difference between the previous requirements and the new rule is:

- Step 5 of the 8-step decision-making process has been expanded under FFRMS, which is now reflected in [24 CFR 55.20\(e\)](#) and requires all new construction and substantial rehabilitation actions in the FFRMS floodplain to be elevated or, in certain cases, floodproofed to or above the FFRMS floodplain.

The elevation changes in Step 5 will have minimal impact to grantees, as CDBG-DR and CDBG-MIT already had higher elevation requirements compared to other HUD programs. Specifically, non-critical actions in the SFHA required elevation two feet above the Base Flood Elevation (BFE) and critical actions required the greater of three feet above BFE. The freeboard value approach (FVA) in the FFRMS rule uses this same vertical extent, but now also includes the horizontal extent (as seen in figure 1). This means the elevation requirements will pertain to an expanded floodplain area.

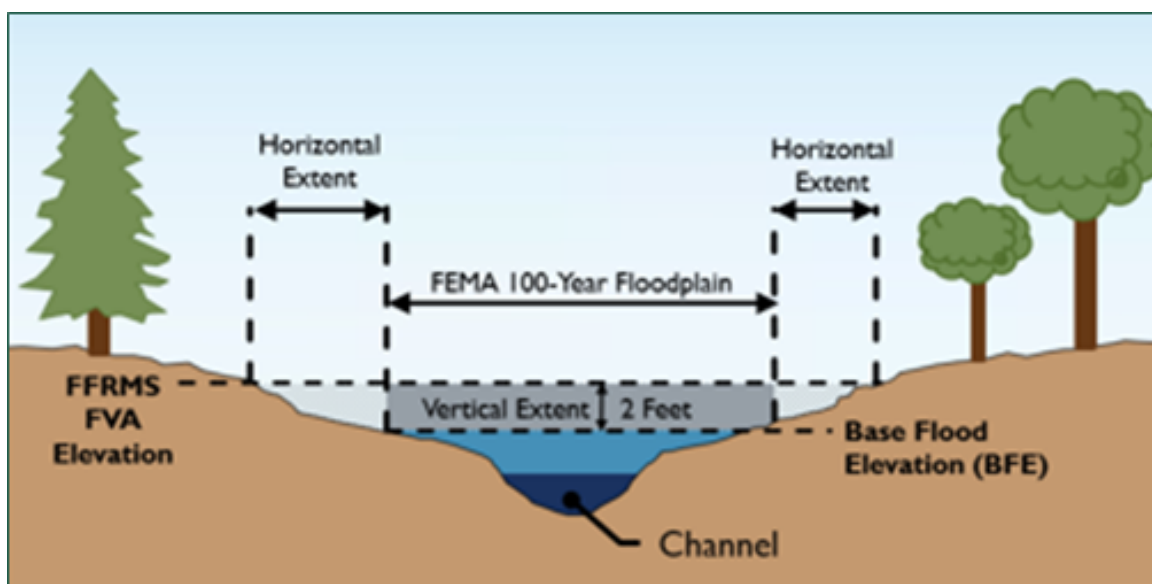


Figure 1. FFRMS – FVA Elevation (non-critical action)

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FAQS (Continued)

A2 Continued:

Grantees should carefully analyze projects near the SFHA (100-year floodplain) to determine if they are in an area where the additional horizontal extent reaches, and thereby being in the FFRMS floodplain.

Q3. Does a CDBG-DR or CDBG-MIT grantee need to amend its Action Plan to comply with FFRMS requirements?

A3: CDBG-DR and CDBG-MIT grantees with an approved action plan prior to the FFRMS compliance date do not need to make a substantial amendment to their action plan solely to reflect the new FFRMS rule. However, these grantees should update their construction and elevation standards, and any related policies and procedures, to comply with FFRMS. If the grantee makes a substantial amendment to their action plan for any reason, they should also update the relevant sections of the plan to align with FFRMS at that time.

A CDBG-DR grantee that was given an extension to submit its action plan in response to a disaster occurring between 2020 to 2023 and has not yet submitted the plan for HUD's review, should incorporate FFRMS standards into its action plan. **The FFRMS rule supersedes the requirements of the grantee's applicable Federal Register Notice for all projects in which the ER was not completed by the compliance deadline.**

As some grantees will have projects beholden to both the previous ER rule, as well as the new FFRMS rule, the language in the action plan should reflect both rules. Grantees should maintain elevation language in their plan if still relevant to their projects AND update the action plan to include the appropriate elevation standards outlined in step 5 of the decision-making process, found in [24 CFR 55.20\(e\)](#) for all projects subject to FFRMS.

Q4. How does FFRMS apply when using another federal agency's ER for projects that allow this particular provision?

A4: Since 2013, most appropriations bills authorizing CDBG-DR and CDBG-MIT have included a provision that allows grantees the ability to adopt another federal agency's ER for projects where the HUD assistance supplements projects under section 402, 403, 404, 406, 407, 408(c)(4) or 502 of the Stafford Act.

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FAQS (Continued)

A4 Continued:

When adopting an ER that meets these conditions the responsible entity does not need to supplement the other agency's environmental review to comply with HUD regulations, this includes FFRMS requirements. Two other important considerations:

- On July 11, 2024, FEMA published their [FEMA FFRMS Final Rule](#), which closely parallels HUD's new rule. While there are minor differences, in these cases where the Stafford Act provision applies and the grantee adopts FEMA's ER, they do not need to supplement the review to comply with differences between the two FFRMS rules.
- If the Responsible Entity and another agency pursue a joint ER (and not just adopting the other agency's ER), then the agency with the higher floodplain management requirements must be used.

Additional Questions?

Grantees should reach out to their assigned CPD Specialist if they have additional questions about the applicability of FFRMS.

The following resources are available to grantees to understand the new FFRMS Rule and include up-to-date information in the action plan:

- [FFRMS Final Rule Webinar Series](#) (HUD Exchange)
- [FFRMS FAQs](#) (Office of Environment and Energy)
- [FFRMS Final Rule](#) (HUD)
- [Floodplain Management](#) (HUD Exchange)