

Attachment: Sample Language to include in Letter to Governor about Expiring State Plans

(Regions should adapt or customize underlined text as appropriate)

I am writing to inform you of some important information regarding (name of state or other entity)'s Hazard Mitigation Plan that will expire on (date).

FEMA regulations at 44 C.F.R. §201.3(c)(1) and (3) and §201.4(a) and (d) require that State Mitigation Plans (SMPs) be updated and resubmitted to FEMA for approval every three (3) years.

Please be aware that (name of state or other entity) must have an updated, FEMA approved SMP in order to be eligible to apply for and/or receive the following types of FEMA assistance:

- Public Assistance - Categories C-G
- Fire Management Assistance Grants
- Hazard Mitigation Grant Program (HMGP)
- Pre-Disaster Mitigation (PDM)
- Repetitive Flood Claims (RFC)
- Flood Mitigation Assistance (FMA)
- Severe Repetitive Loss (SRL)

To maintain its eligibility for these grants, regulations require that a State [territory] [Indian tribal government acting as grantee] must have an approved SMP at the time it **receives** the grants. Therefore, if your plan lapses, i.e., it expires before you have an updated SMP approved by FEMA, (State) will no longer be eligible for, and FEMA will not award, any of the above grants during the lapse. This is not a permanent stop to and loss of funding, but it is a temporary hold on awards and funding until the updated SMP is approved.

Failing to have an approved updated SMP will affect funds for which you are applying, including proposals under consideration, under any annual FEMA mitigation grant program (except PDM planning grants). It also will affect awards and obligations of categories C-G Public Assistance, HMGP, and FMAG available under declarations that were made before your plan expired. In the event that your State receives a new declaration under the Stafford Act while your SMP is lapsed, these forms of assistance will not be authorized unless and until the (name of state or entity) submits an updated SMP that meets FEMA requirements within thirty (30) days of the disaster declaration, and the State formally adopts and FEMA approves the adopted plan within 45 days of FEMA's notice that the plan meets all requirements short of formal adoption. Individual assistance and categories A-B public assistance are not affected.

This FEMA Regional office will continue to provide all the technical assistance we can to your staff, with the goal of approving your updated SMP as soon as possible (for

currently lapsed Plans) or no later than (date), when your current approved SMP will expire.

Please contact me at (phone number) or have a member of your staff contact (name/title) at (phone number) if we can provide further information.

Sincerely,

Regional Administrator

cc: David I. Maurstad, Assistant Administrator, Mitigation Directorate, FEMA
Carlos Castillo, Assistant Administrator for Disaster Assistance, FEMA