



# State Assessment (SA)

(Nov. 7-8 2024 )



**FEMA**



# State Assessment Purpose

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Ensure State compliance with 44 CFR § 60.12 Floodplain management criteria for State-owned properties in SFHAs:

1. Citations to State statutes and regulations authorizing land use authority.
2. State floodplain management regulations used to meet NFIP minimum requirements.
3. State regulations requiring State adhere to local floodplain management regulations.
4. Summary of how State program is implemented and administered.



**FEMA**



# State Assessment Timeline

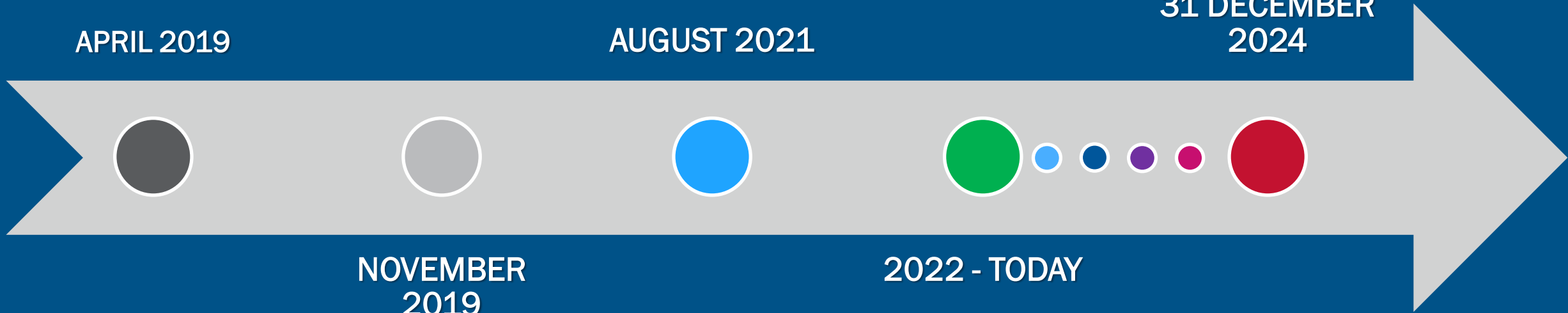
FEMA begins  
SA Inquiry  
APRIL 2019

NOVEMBER  
2019  
State  
submitted SA  
response

FEMA issues  
SA findings  
AUGUST 2021

2022 - TODAY  
New  
timelines  
have been  
established.

\*New Deadline  
for Compliance  
Timeline\*  
31 DECEMBER  
2024



## Original Timeline:

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- **Letter Addressed to: Governor Ige (April 26, 2019)**
- **State Response to FEMA: (November 15, 2019)**
- **FEMA Response to State: (April 29, 2022)**
- **State Response to FEMA requesting 5 year extension: (October 21, 2022)**
  
- **Today “NEW” Update Compliance Deadline: (31 Dec. 2024)** Originally All States were required to be in Compliance. Due to a lack of direction and various other delays this has now been changed for States to provide Regions their proposed timeline to achieving compliance



**FEMA**



Federal Emergency Management Agency

# Draft State Assessment Findings – State Follow-Up Actions

REQUIREMENTS UNDER EVALUATION	STATE FOLLOW-UP ACTIONS
<p><b>1. Land Use Authority</b></p>	<p>Documentation provided to FEMA shows that the State has Adequate Land Use Authority to Implement the NFIP. – No Follow-up Action required.</p>
<p><b>2. State Floodplain Management Regulations</b></p>	<p>Documentation of state floodplain management regulations that meet the minimum requirements of the NFIP and regulate state-owned and/or state-managed properties. - <b>Awaiting Documentation.</b></p>
<p><b>3. State Regulations Requiring Adherence to Local Floodplain Management Regulations</b></p>	<p>The State does not rely on local floodplain management regulations for state-owned properties. – No Follow-up Action Required. <b>N/A</b></p>
<p><b>4. Program Administration and Implementation</b></p>	<p>Regulations that specify procedures by which State administers floodplain management regulations, satisfying 44 CFR § 60.3, 60.4, and 60.5, which may vary from local government procedures. – <b>Awaiting Documentation.</b></p>



# Update on Hawaii's Current State Assessment Progress

**Carol Tyau-Beam – State NFIP Coordinator**

# Hawaii's Anticipated Timeline for Compliance

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- Awaiting FEMA response to Governor's October 21, 2022 letter
- Working with our consultant to develop a strategic plan and realistic timeline
- Preparing draft Proposed State Floodplain Management Regulations (code coordinated FPM regulations with the Hawaii state building code).
- Conduct informational briefings with the Governor's office and state agencies.

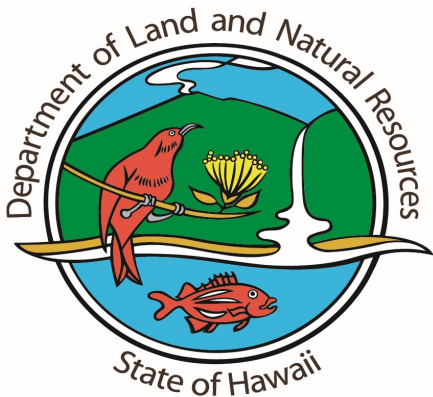




Table 4.6-9. State Buildings Located in the Special Flood Hazard Area by County

County	State Buildings in the SFHA (A- and V-Zones)		State Buildings in the V-Zone	
	Number	Total Replacement Cost Value	Number	Total Replacement Cost Value
County of Kaua'i	82	\$126,300,316	2	\$117,931
City and County of Honolulu	320	\$635,827,829	69	\$32,866,631
County of Maui	50	\$160,108,533	18	\$34,915,727
County of Hawai'i	37	\$43,844,062	8	\$3,931,360
<b>Total</b>	<b>489</b>	<b>\$966,080,739</b>	<b>97</b>	<b>\$71,831,649</b>

Source: FEMA Map Service Center 2021<sup>a</sup>; State of Hawaii Risk Management Office 2017

Note:

a. National Flood Hazard Layer DFIRM data obtained from the FEMA Map Service Center, effective February 26, 2021 with latest Letter of Map Amendment January 4, 2021

Table 4.6-10. State Buildings Exposure and Potential Loss to the 1% Annual Chance Flood Event by Agency

Agency	Total Number of State Buildings	Total Replacement Cost Value	State Buildings Located in the SFHA				Potential Loss to the 1% Annual Chance Flood Event	
			Number	Percent (%) of Total Buildings	Replacement Cost Value	Percent (%) of Total Value	Estimated Potential Loss	Percent (%) of Total
Dept of Accounting & General Services	66	\$953,963,738	6	9.09%	\$50,683,417	5.31%	\$1,292,066	0.1%
Dept of Agriculture	70	\$147,607,399	5	7.14%	\$5,736,536	3.89%	\$11,771	0.0%
Dept of Attorney General	15	\$108,425,480	1	6.67%	\$2,254,706	2.08%	\$0	0.0%
Dept of Budget & Finance	16	\$28,968,679	1	6.25%	\$138,422	0.48%	\$0	0.0%
Dept of Business, Economic Development and Tourism	25	\$645,480,379	2	8.00%	\$26,786,125	4.15%	\$8,787,528	1.4%
Dept of Commerce & Consumer Affairs	2	\$40,197,360	0	0.00%	\$0	0.00%	\$0	0.0%
Dept of Defense	69	\$267,352,836	17	24.64%	\$70,600,137	26.41%	\$24,722,355	9.2%
Dept of Education	4,090	\$10,598,205,739	266	6.50%	\$478,499,519	4.51%	\$22,966,821	0.2%
Dept of Hawaiian Home Lands	12	\$110,427,352	1	8.33%	\$5,489,080	4.97%	\$2,505,204	2.3%
Dept of Health	44	\$387,068,440	1	2.27%	\$429,251	0.11%	\$60,274	0.0%
Dept of Human Resources Development	1	\$5,973,872	0	0.00%	\$0	0.00%	\$0	0.0%
Dept of Human Services	130	\$480,212,294	8	6.15%	\$11,373,036	2.37%	\$2,047,882	0.4%
Dept of Labor and Industrial Relations	22	\$90,076,209	2	9.09%	\$2,600,740	2.89%	\$0	0.0%
Dept of Land and Natural Resources	90	\$101,441,821	28	31.11%	\$13,847,149	13.65%	\$1,224,374	1.2%
Dept of Public Safety	154	\$440,774,415	14	9.09%	\$33,728,750	7.65%	\$3,431,909	0.8%
Dept of Taxation	1	\$7,174,162	0	0.00%	\$0	0.00%	\$0	0.0%
Dept of Transportation	68	\$2,935,208,214	25	36.76%	\$93,067,111	3.17%	\$1,197,404	0.0%
Hawai'i State Ethics Commission	1	\$984,533	0	0.00%	\$0	0.00%	\$0	0.0%

Agency	Total Number of State Buildings	Total Replacement Cost Value	State Buildings Located in the SFHA				Potential Loss to the 1% Annual Chance Flood Event	
			Number	Percent (%) of Total Buildings	Replacement Cost Value	Percent (%) of Total Value	Estimated Potential Loss	Percent (%) of Total
Hawai'i Health Systems Corporation	106	\$1,230,852,871	1	0.94%	\$936,734	0.08%	\$0	0.0%
Hawai'i Housing Finance & Development Corporation	86	\$360,851,671	1	1.16%	\$39,460,800	10.94%	\$6,031,270	1.7%
Hawai'i Public Housing Authority	273	\$982,981,701	42	15.38%	\$53,507,728	5.44%	\$1,445,595	0.1%
Hawai'i State Legislature	7	\$48,555,381	0	0.00%	\$0	0.00%	\$0	0.0%
Hawai'i State Public Library System	53	\$525,584,082	8	15.09%	\$15,206,807	2.89%	\$1,637,290	0.3%
Judiciary	41	\$534,877,354	1	2.44%	\$2,284,530	0.43%	\$0	0.0%
Legislative Reference Bureau	1	\$2,996,162	0	0.00%	\$0	0.00%	\$0	0.0%
Office of Hawaiian Affairs	11	\$54,125,645	5	45.45%	\$17,170,287	31.72%	\$3,120,281	5.8%
Office of the Auditor	2	\$1,921,180	0	0.00%	\$0	0.00%	\$0	0.0%
Office of the Governor	1	\$2,996,162	0	0.00%	\$0	0.00%	\$0	0.0%
Office of the Lieutenant Governor	2	\$4,588,849	0	0.00%	\$0	0.00%	\$0	0.0%
Office of the Ombudsman	1	\$1,818,060	0	0.00%	\$0	0.00%	\$0	0.0%
Research Corporation of the University of Hawai'i	3	\$4,189,026	1	33.33%	\$463,328	11.06%	\$171,583	4.1%
University of Hawai'i	637	\$5,014,974,503	53	8.32%	\$41,816,547	0.83%	\$7,242,144	0.1%
<b>Total</b>	<b>6,095</b>	<b>\$26,120,855,568</b>	<b>489</b>	<b>8.02%</b>	<b>\$966,080,739</b>	<b>3.70%</b>	<b>\$87,895,751</b>	<b>0.3%</b>

Source: FEMA Map Service Center 2021<sup>a</sup>; State of Hawaii Risk Management Office 2017; FEMA Hazus v5.1

Note:

a. National Flood Hazard Layer DFIRM data obtained from the FEMA Map Service Center, effective February 26, 2021 with latest Letter of Map Amendment January 4, 2021

Table 4.6-12. State Road Exposure to the 1% Annual Chance Flood Event by County

County	Length (in miles)		
	Total Length	Length in the SFHA	Percent (%) of Total Length
County of Kaua'i	103.7	15.5	14.95%
City and County of Honolulu	374.9	44.9	11.98%
County of Maui	245.9	20.7	8.42%
County of Hawai'i	379.2	4.4	1.16%
<b>Total</b>	<b>1,103.70</b>	<b>85.5</b>	<b>7.75%</b>

Source: State of Hawaii Department of Transportation 2022; FEMA Map Service Center 2021<sup>a</sup>

Note:

a. National Flood Hazard Layer DFIRM data obtained from the FEMA Map Service Center, effective February 26, 2021 with latest Letter of Map Amendment January 4, 2021



EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

October 21, 2022

**MEMORANDUM**

TO: State Entities

FROM: David Y. Ige, Governor

SUBJECT: State Participation in the National Flood Insurance Program (NFIP)

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act (NFIA) of 1968<sup>1</sup> and is administered by the Federal Emergency Management Agency (FEMA). The two primary goals of the NFIA were aimed at reducing future flood damage and protecting property owners. The purpose of the NFIP is to provide access to flood insurance and to mitigate and reduce the nation's flood risk through the development and implementation of floodplain management standards. Eligibility for flood insurance, disaster assistance, and mitigation grants are thereby contingent upon community<sup>2</sup> adoption and enforcement of flood risk reduction standards that meet or exceed 44 C.F.R. § 60.3.

Under the NFIP, a state (with all its building and infrastructure) is recognized as an independent community like local governments<sup>3</sup>. The State of Hawai'i and all four counties have been participating in the NFIP since 1980. Participating communities that fail to adopt FEMA's effective Flood Insurance Studies (FIS), Flood Insurance Rate Maps (FIRM), and adequate floodplain development standards face possible suspension from the NFIP and would be subject to the following sanctions:

- No Federal flood insurance will be available and existing policies will not be renewed.

<sup>1</sup> Title XIII of P.L. 90-448, as amended, 42 U.S.C. §§ 4001 et seq.

<sup>2</sup> "Community" is defined as: "any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction." (ref: 44 C.F.R § 59.1)

<sup>3</sup> 44 C.F.R § 60.11 Requirements for State Floodplain Management Regulations

- No Federal mitigation grants or loans from agencies such as HUD, EPA, and SBA will be available.
- No Federal disaster assistance may be provided to repair insurable buildings located in identified flood hazard areas for damage caused by a flood.

In a recent FEMA assessment<sup>4</sup> relating to floodplain development<sup>5</sup> of state-owned and managed properties in Hawai'i, the agency reported serious deficiencies. The Office of the Governor, through the Department of Land and Natural Resources (DLNR), will be working closely with FEMA on a corrective action plan to develop a compliant state floodplain management program. Because this undertaking will be a multi-year effort, **I must remind state departments that all new construction, substantial improvement, and other development<sup>6</sup> are required to be designed and constructed in accordance with applicable Federal, State, and/or local floodplain development regulations.**

Please disseminate this important memo to attached agencies within your respective units. If you have any questions or require technical assistance relating to NFIP compliance, please contact the Department of Land and Natural Resources, Engineering Division at (808) 587-0230 or by email (dlnr.engr@hawaii.gov).

<sup>4</sup> FEMA Assessment (4/29/2022)

<sup>5</sup> "Development" is defined as: "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials." (ref: 44 C.F.R. § 59.1)

<sup>6</sup> Ibid.

may cause on the State, and to work cooperatively and in conjunction with federal and county agencies, do hereby invoke the following measures under the Hawaii Revised Statutes:

## I. **Suspension of Laws**

Section 127A-13(a)(3), HRS, to the extent necessary to expedite the occupancy of housing that is design transitional occupancy by persons who are homeless, and the provision of services to the following statutes and regulations:

Section 127A-30, HRS, **Rent Control State of Emergency; Prohibition of Statewide, 96-hour operation of this** The invocations and suspensions of 2024 Ninth Proclamation Relating to

Chapter 6E, HRS, **Historic Preservation** provision of housing for homeless persons emergency rules.

Section 37-41, HRS, **Appropriations**

Section 37-74(d), HRS, **Program Execution**, except for sections 37-74(d)(2) and 37-74(d)(3), and any such transfers or changes considered to be authorized transfers or changes for purposes of section 34-74(d)(1) for legislative reporting requirements.

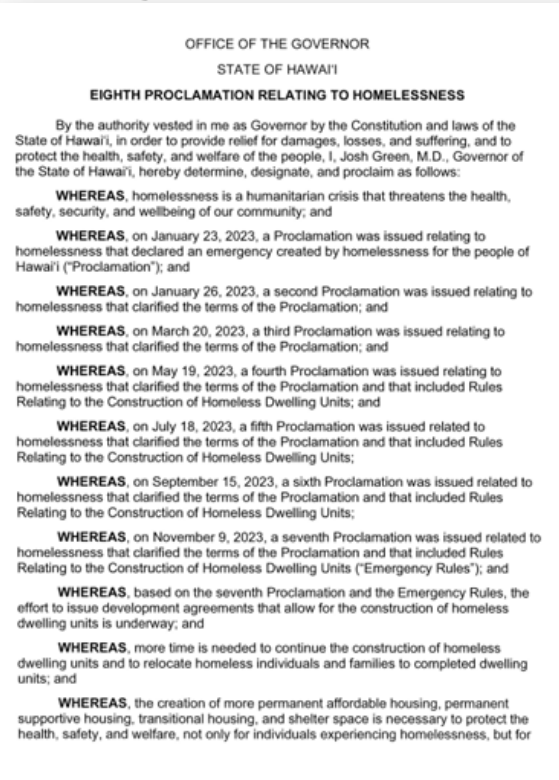
Section 40-66, HRS, **Appropriations Lapse When**.

Chapter 46, HRS, **General Provisions**, to the extent prescribed by the counties in order to meet the minimum requirements for health and safety and floodplain management.

Chapter 76, HRS, **Civil Service Law**.

Chapter 89, HRS, **Collective Bargaining in Public Employment**.

Chapter 89C, HRS, **Public Officers and Employees Excluded from Collective**



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# Emergency Proclamations

Pursuant to sections 127A-12(b)(4), (9) state agencies to make the review, planning, related to housing a priority.

## IV. **Suspension of Laws**

Section 127A-13(a)(3), HRS, **Addition** the extent necessary to expedite the construc housing and infrastructure projects intended t Proclamation, I hereby suspend the following

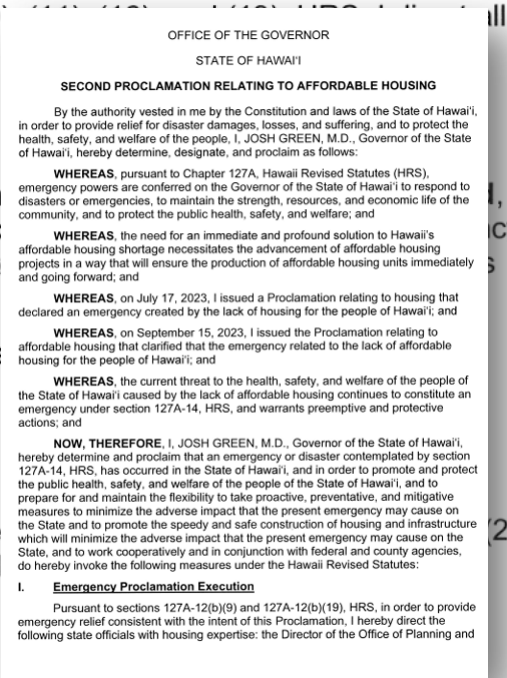
Section 26-35(a)(4), HRS, **Administrative commissions**.

Section 37-41, HRS, **Appropriations Exceptions**.

Section 37-74(d), HRS, **Program Execution** and 37-74(d)(3), and any such transfers or c transfers or changes for purposes of section requirements.

Section 40-66, HRS, **Appropriations Lapse**.

Chapter 46, HRS, **County Organization and Administration**, to the extent necessary to allow for the construction, repair, renovation, and occupancy of housing and infrastructure projects certified under this Proclamation which suspension shall not include the minimum requirements and standards necessary for health and safety, including applicable floodplain management powers and duties necessary for National Flood Insurance Program participation, for projects certified under this Proclamation. Notwithstanding this Proclamation, counties may establish their own process or rules for ensuring that a certified project meets building safety standards.





**Thank you!**

# Letters to States: Address actions moving forward

- Will Explain:
  - Explain importance of State Compliance
  - Will explain impacts of non-compliance:
    - [https://www.fema.gov/sites/default/files/documents/fema\\_non-participating-communities-fact-sheet.pdf](https://www.fema.gov/sites/default/files/documents/fema_non-participating-communities-fact-sheet.pdf)
- Headquarters will be sending Letters to State Governors late 2024, early 2025:
  - State Floodplain Administrator and/or NFIP Coordinator will receive copy

## CONTACT INFORMATION

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# Comments or Questions?



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Thank you!



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