

APA Legislative & Policy Committee Policy Paper: Hazard Mitigation

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Introduction

The purpose of this white paper is to provide an outline of the issues related to hazard mitigation and whether a policy guide is needed for APA to guide staff, board members and chapters in APA's position regarding policy issues related to Hazard Mitigation.

We as planners have been seeing an increase in natural and man-made disasters. Planners are often put in the position to react to the disaster after it has occurred. In recognition of this, in APA created a PAS report titled *Hazard Mitigation: An Essential Role for Planners*. The policy guide focused on identifying issues, highlighting case studies and offered guiding principles and best practices for planners regarding Hazard Mitigation.

As the federal legislature continues to offer legislation in assisting communities in preparedness as well as disaster mitigation, the American Planning Association finds itself with little organizational guidance on how planners can be proactive in creating meaningful federal, state and local laws.

In planning for hazard mitigation, planners need to work with other agencies to break down the silo effect regarding hazard mitigation planning. At many different levels, plans and policies are created under various departments without the cross linking and integration that is needed to solve problems. This interagency coordination between federal departments, federal-state, state-regional-local is needed in order to comprehensively address hazard issues.

Finally, planners understand that we need to plan for both man-made and natural disasters. This integration is needed in order to create local resilience in planning for and responding to disasters. Many communities have prepared their disaster plans and implement them separately from traditional planning tools (comprehensive plan, ordinances, building codes, etc.). Planners recognize that there are synergies in using traditional planning tools that can still meet federal requirements but promote a more comprehensive approach.

Overview of Hazard Mitigation Policies in Adopted Policy Guides

The Policy Guide on Security was adopted in March, 2005 mentions hazard mitigation related legislation in *Overview of Legislation, Regulations and Standards*, The Robert T. Stafford Disaster Relief and Emergency Assistance Act and The Disaster Mitigation Act of 2000 (DMA 2000). This policy guide describes the DMA 2000 as “a shift in public policy from disaster response to mitigation, including mitigation planning to prepare for and avoid disasters.” Most of the policies in this guide address

security concerns of communities and planning issues. Of the fifteen policy guides, the following policies relate to hazard mitigation:

- Policy 10-Coordination with first responders in routine, local, and regional level planning activities.
- Policy 12-Community-based planning strategies for threat, vulnerability and risk assessments.

The reference and appendix section of this guide documents key pieces of legislation that impact hazard mitigation. Also, executive directives and orders and implementing regulations are also noted that will be useful in preparing a Policy Guide on Hazard Mitigation.

The Policy Guide on Planning and Climate Change was adopted in April, 2008 and updated in April, 2011. Section 3.8 of this guide is entitled Hazard Mitigation and it identifies five primary types of hazard incidents associated to climate change: Heat Waves; Strong storms, including tropical cyclones and extratropical storms like northeasters; Flooding; Drought; and Wildfires.

The overall policy related to General Hazards Management Policy is: The American Planning Association, its Chapters and Divisions, and planners support the development of plans, strategies, and standards to better anticipate and prepare for the hazards impacts of climate change.

Ten hazard mitigation policies are also included as follows:

1. Incorporate climate change adaptation into Hazards Management Planning.
2. Integrate climate change scenarios in local, state and federal hazards management efforts.
3. Update building and life safety codes addressing hazards likely to result from climate change.
4. Reduce risk to development.
5. Re-examine the Coastal Zone Management Act.
6. Discourage reconstruction of buildings and infrastructure in hazard zones.
7. Develop strategies to maintain energy, water and food security following disasters.
8. Develop scenarios for risk analysis and event impact horizons.
9. Use action strategies that first avoid impacts, then minimize them and adapt to impacts.
10. Identify and reach out to vulnerable populations.

Overview of Potential Policy Issues

Below are potential issues identified by the Legislative and Policy Committee. The committee assigned to prepare the Policy Guide on Hazard Mitigation document may choose particular points or components below to be the focus of the policy guide.

- **State Enabling Legislation** – State planning enabling laws regarding focus on land use and zoning issues. Very few states do not have comprehensive state enabling legislation that focuses on planning and integration of natural and man-made hazards issues. APA supports strong state enabling legislation that focuses on technical assistance to local governments, long term community recovery, environmental laws that focus on integrating hazards and guidelines for incorporation of issues related to man-made and natural hazards (i.e. floodplain development, building parameter based on wind, soils, etc.)
- **Data and Measurement** – Solid data on the location and extent of the risk of natural and manmade hazards is important for understanding and planning for risk and mitigation. Collection of such data, including but not limited to seismic, flooding, drought, hurricane/tropical storms, tornadoes, and

chemical spill risks, is often beyond the capabilities of local government, so it is imperative that the federal and state governments provide accurate and timely data and hazards. Data is also needed to assess the changing hazards associated with climate change, based on solid scientific trends and projections. Federal investment in robust geospatial data is needed for improved local and regional planning for hazard mitigation. At the same time, federal policies and practices need to be improved to improve the use and utility of federally-collected data by planning agencies. Programs such as the NOAA Digital Coast program offer potential models for federal-local data use and collaboration. APA's own Hazard Planning Research Center (part of the National Centers for Planning) can play an important role in development of policy-relevant research and the dissemination of best practices and training.

- **Interagency Communication** – Better communication between local units of governments and regional, state and federal agencies is needed for the effective integration of hazard mitigation planning into all local plans. There are various ways communities of addressing hazard mitigation plans and comprehensive plans. Many communities have comprehensive plans that have incorporated natural hazard planning as an element within the plan and others have added hazard mitigation plans as an appendix to the comprehensive plan. Some communities consider natural hazards within other elements of the plan. Policies should encourage communities to exceed the hazard mitigation planning requirements of the Robert T. Stafford Act and subsequent amended legislation and to actively engage planners in all aspects of hazard mitigation planning. Policies are needed to facilitate better collaboration with local, regional, state and federal partners to make hazard mitigation plans and comprehensive plans strong and mutually supportive. One example of regional involvement came in the wake of Hurricane/Tropical Storm Irene. The Vermont Regional Planning Councils (RPCs) were instrumental in deploying assistance and coordinating information. In effect, the RPCs served as the State's and FEMA's agents in the field, which was by design. The RPCs were part of the hazard mitigation/disaster recovery planning effort, and as a result were ready to go to work once the storm had passed. Now, New Hampshire is considering a similar model having witnessed its success in Vermont.
- **Local Plan, Codes and Ordinances** – Policies are needed that strengthen building codes and local ordinances. By strengthening building codes, hazard mitigation planning is more effectively implemented. Policies could be developed that tie higher amounts of hazard mitigation funding and federal disaster assistance for communities with effective plans and better building codes and ordinances. Additionally, better technologies are needed that would allow communities to build stronger building codes. For those communities without building codes, incentives are needed, for example, that would mandate the adoption of building codes prior to any funding for hazard mitigation is transmitted to the community. Research and better technologies are needed to make building codes more effective to mitigate all hazards. Building code adoption should be a component of federal hazard mitigation funding and disaster assistance. Such policies could be tiered according to local plans, codes and ordinances. Strengthening building codes and the adoption of such codes will make communities safer, protect the public and foster economic development.
- **Green Infrastructure** – Communities are recognizing that “green infrastructure” can be a cost-effective method for mitigating the effects of natural hazards, in addition to their other benefits to the community. Green infrastructure has been defined by the Conservation Fund as “strategically

planned and managed networks of natural lands, working landscapes, and other open spaces that conserve ecosystem values and functions and provide associated benefits to human populations,” in contrast to “gray infrastructure” such as paved channels and roads. Green infrastructure, such as natural undeveloped floodplains, wetlands, and barrier islands, can be useful in militating against flooding and hurricane hazards. Green infrastructure will not completely replace the need for gray infrastructure, but policies and funding programs should be strengthened so that investments in green infrastructure is preferable over gray infrastructure, where appropriate.

- **Inter-relationships Between Plans, Development Codes & Ordinances-** Greater emphasis needs to be placed on integrating hazard mitigation into local plans, development codes and ordinances so that hazards are avoided and mitigated before development occurs, rather than after. Better integration between local comprehensive plans and hazard mitigation action plans (HazMAPs) is necessary. Although FEMA encourages this in their guidance, State and FEMA review criteria make it necessary that the HazMAP be a separate stand-alone document. Greater flexibility is necessary for communities that incorporate their hazard mitigation plans as part of their comprehensive plans. Local development codes and ordinances should also be strengthened so that they result in greater hazard mitigation. Flood insurance standards should be reviewed to remove the incentives to rebuild in hazardous areas and the disincentives to flood proof or relocate.
- **Resiliency Standards –** The long term goal of a community is to be able to bounce back successfully from a disaster. Better resiliency standards are needed to assess federal agency, state and community resiliency in preparing for and responding to a disaster. There are potential opportunities to incorporate resiliency standards and other hazard mitigation criteria in federal and state infrastructure investment programs. In addition, requirements for planning associated with major federal infrastructure programs can be strengthened and improved to include a greater focus on hazard mitigation and resiliency. Potential reform of the federal tax code and hazard insurance programs offer another potential tool for incorporating resiliency into direct and indirect federal investments in communities and critical infrastructure.
- **Incentives -** Planning is used to reduce the risk from hazards. Land Use planning is the primary tool for hazard mitigation at the community level. Effective land-use planning becomes critical in the management of environmental hazards. The regulation of land use can reduce the exposure of residents to natural hazards, such as limiting the development of floodplains, and to technological hazards, such as buffering around chemical storage plants. Unfortunately, development will occur in hazard areas unless it is strictly regulated (ie withdrawal of low-cost flood insurance). A multi-tiered system of regulation, punishment and incentives should be used to limit the loss of life and property and financial exposure by the government. Incentives that reward behavior should be supported. Some of these incentives could include reducing taxes, reducing insurance costs for residents who install storm shutters, use of disaster-resistant building designs or choose to locate their homes away from area prone to flooding. Federal policy has proven to be an effective tool for incorporating incentives for hazard mitigation. There are additional incentives that can be provided in the context of federal disaster assistance to improve mitigation, particularly in areas such as building code modernization and enforcement.

The federal flood insurance program has seen recent changes with the passage of the Biggert-Waters Act in 2012 and the goal of reducing subsidies. More recently Congress has directed FEMA

to conduct additional studies of variable rates for the program. The regulations are still in development. Any APA policy statement or guide on hazard mitigation would need to analyze the state of the federal flood insurance program, as well as other potential federal subsidies related to hazard risk. Further, it is critical that work on subsidy and insurance reform be well-coordinated with on-going federal efforts to effectively map risk. Federal interagency cooperation on hazard mapping and geospatial data is vital.

- **Creating Local Capacity** –The Disaster Mitigation Act of 2000 shifts support and assist to states to help local communities develop hazard mitigation plans and associated policies. Issues arise with local capacity to prepare a community or address hazard mitigation. State’s plays a strong role in helping communities develop that local capacity. The Disaster Mitigation Act of 2000 provides a baseline for which to assess how states have developed and applied tools, mechanisms, programs and policies to build local capacity. Policy guidance should be provided to states and local communities for state hazard mitigation staffing, funding, policies and program, cost-sharing of programs between federal-state-local, and availability and implementation of technical assistance. For many communities, direct technical assistance is a vital need and represents an opportunity for both APA and state and federal policy.
- **Use of Resources:** Many state and federal resources have been provided to help communities be prepared for and mitigate impacts to man-made and natural disasters. However, some of the policies and programs have not been successful and still many communities are left without some sort of plan for their community. A stronger linkage is needed between good planning the spending of scare resources. Strong guidelines and parameters are needed that link good planning practices and policies with financial incentives (ie Hazard Mitigation Grant Program) for pre-planning and post-disaster implementation.
- **Stakeholder Involvement:** Hazard mitigation involves all levels of governments but it should also involve private and nonprofit agencies, such as hospitals, universities, colleges, and religious institutions. These stakeholders should be actively engaged in both the creation of the local plans and the implementation strategies. Other key stakeholders are those professionals involved in emergency preparedness and management, such as floodplain managers, critical facility administrators, first responders and other government partners. Community engagement also means special populations such as nursing homes, group care facilities and other special medical needs populations. Many communities have best practices for stakeholder engagement that not only assists in the planning and recovery during hazard events but serves as education and outreach on hazard mitigation. The insurance industry is also a promising and important partner in hazard mitigation policy efforts.

Next Steps:

- Input from delegates at 2013 NPC
- Continued input through web based systems
- Formation of committee to prepare HM Policy Guide Draft