

HOMELAND SECURITY AND EMERGENCY MANAGEMENT DEPARTMENT[605]

Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 605—9.3(29C)
“Iowa Hazard Mitigation Plan”

Iowa Code chapter authorizing rulemaking: 29C
State or federal law(s) implemented by the rulemaking: 44 CFR §201.4(c)(6)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

June 7, 2023
10 a.m.

7900 Hickman Road, Suite 500
Windsor Heights, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Blake DeRouchey
7900 Hickman Road, Suite 500
Windsor Heights, Iowa 50324
Phone: 515.323.4232
Email: blake.derouchey@iowa.gov

Purpose and Summary

Iowa currently has an “Enhanced” State Hazard Mitigation Plan (Enhanced Plan). This Enhanced Plan must be updated and formally adopted every five years pursuant to Federal Emergency Management Agency (FEMA) regulations. Historically, the Department has used the rulemaking process to formally adopt the Enhanced Plan. The current Enhanced Plan cited in 605—Chapter 9 was adopted on September 17, 2018, and expires September 18, 2023.

Through this Enhanced Plan, Iowa is eligible for additional federal disaster recovery grant funds. For example, because of the Enhanced Plan, Iowa is eligible for 33 percent extra funding from the Hazard Mitigation Grant Program (HMGP). This grant program helps fund long-term projects to mitigate impacts from future disasters. An Enhanced Plan is also needed for funding through the Public Assistance Grant Program, which helps repair infrastructure like roads, bridges, and water control facilities following a disaster. Because of Iowa’s Enhanced Plan, these programs have brought in nearly \$2 billion over the last 15 years.

There is no process to request a federal waiver should the approved Enhanced Plan lapse. The Department is requesting a waiver to the moratorium on rulemaking as detailed in Executive Order 10. The proposed rulemaking would be narrowly tailored and limited to only updating the date of the adopted plan from 2018 to 2023.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

There is no cost associated with the proposed rulemaking.

- Classes of persons that will benefit from the proposed rulemaking:

All Iowans will benefit due to increased disaster funding made available by updating the approved Enhanced Hazard Mitigation Plan.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

There are no costs to implement this change; however, should the approved Enhanced Hazard Mitigation Plan fall out of compliance with federal standards, Iowa would no longer be eligible for federal disaster recovery grant funds at the current levels.

- Qualitative description of impact:

Iowa experiences frequent disasters. Not having an approved Enhanced Hazard Mitigation Plan would negatively impact the State's ability to recover from disasters and harm its ability to mitigate future disasters by the loss of federal grant funding.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

There are no costs to the State to update this rule.

- Anticipated effect on state revenues:

Without this rulemaking, Iowa could lose millions of dollars through the loss of federal disaster recovery grant funds.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

There is no cost to update and adopt a new Enhanced Hazard Mitigation Plan. Inaction could cost the State hundreds of millions of dollars.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

The Department analyzed other ways to formally adopt the Enhanced Hazard Mitigation Plan in accordance with 44 CFR §201.4(c)(6), and this is the least intrusive method.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

Other methods of formal adoption of the Enhanced Hazard Mitigation Plan include Executive Order or legislative adoption.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

Rulemaking provides the most flexible approved method to approving the plan.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The updated rule has little to no impact on small business. If anything, the updated rule will help communities, and thus small businesses, recover from disasters through maintaining current levels of federal disaster recovery grant funding.

Text of Proposed Rulemaking

605—9.3(29C) Iowa Hazard Mitigation Plan. The Iowa Hazard Mitigation Plan is developed in accordance with Iowa Code section 29C.8 and has been adopted on September 17, 2018 ~~2023~~, published, and maintained by the department. This plan details the state government goals, objectives, and strategies to mitigate a wide range of natural, technological, or human-caused disasters in accordance with Section 322 of the Stafford Act, 42 U.S.C. 5165.