

Acquisition Project Requirements

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For property acquisition projects, Applicants and Sub-applicants must comply with these requirements, 44 CFR §206.434(e) and related guidance. A project may not be framed in a manner that has the effect of circumventing these requirements. Click on the links above to navigate this web page.

Eligibility for Property Acquisition Projects

Properties eligible for acquisition include those where:

- The property will be acquired from a willing, voluntary seller;
- Property contains an at-risk structure, including those that are damaged or destroyed due to an event. In some cases, undeveloped, at-risk land adjacent to an eligible property with existing structures may be eligible;
- All incompatible easements or encumbrances can be extinguished;
- The property cannot be contaminated with hazardous materials at the time of acquisition, other than incidental demolition or household waste;
- If the structure on the property is to be relocated, the relocated structure must be placed on a site located outside of the 100-year floodplain, outside of any regulatory erosion zones, and in conformance with any other applicable State or local land use regulations;
- The property cannot be part of an intended, planned, or designated project area for which the land is to be acquired by a certain date, and/or where there is an intention to use the property for any public or private future use inconsistent with the open space deed restrictions and FEMA acquisition requirements (examples include roads and flood control levees); and
- The property will not be subdivided prior to acquisition, except for portions outside the identified hazard area, such as the Special Flood Hazard Area or any risk zone identified by FEMA.

Sub-applications for Property Acquisition

Applicants/Sub-applicants **MUST** submit the following to FEMA with any project sub-applications for property acquisition *by the application deadline*:

- **Statement of Assurances** - Sub-applicants **MUST** submit with each acquisition project sub-application a Statement of Assurances, signed by the Sub-applicant's authorized agent, acknowledging the requirements that will apply to the acquisition of the property by the application deadline. Acquisition projects without these formal assurances will not

be considered for funding. A [Model Statement of Assurances for Property Acquisition Projects](#) is available for use; and,

- **Notice of Voluntary Interest Documentation** - Sub-applicants MUST submit with each acquisition project sub-application documentation recording the name and signature of interested property owners associated with each property included in the acquisition project that clearly shows each property owner acknowledging specific language regarding voluntary participation and interest. The community may choose the format in which to integrate the required notice (e.g., a letter of interest, intent to participate form, project signup sheet or similar format). FEMA has developed two Sample Notices of Voluntary Interest integrating the required language into a community project development document. The samples are available by clicking on the links below:
 - [Notice of Voluntary Interest Sample 1](#)
 - [Notice of Voluntary Interest Sample 2](#)

Pre-Award Acquisition Project Requirements

After application, but *prior to award*, Applicants must provide the following to FEMA for all project sub-applications for property acquisition:

1. Documentation that the Sub-applicant has consulted the U.S Army Corps of Engineers and the State Department of Transportation regarding potential future land use conflicts of levee systems and Federal aid systems with open space acquisition and has reject future consideration of such use if it accepts FEMA assistance to convert the property to permanent open space. FEMA encourages sub-applicants to conduct this consultation as early as possible so that incompatible properties can be removed earlier in the process. FEMA will not award funds for any property without this documentation; and,
2. Copy of the deed restriction, incorporating the specific language from FEMA's Model Deed Restriction, which the local government will record with acquired properties. A Model Deed Restriction is available for each FEMA mitigation program on the [Required Pre-Award Documents for Mitigation Projects](#) web page. Any modifications to the model deed restriction can only be made with prior approval from FEMA's Office of Chief Counsel.

Post-Award Acquisition Project Requirements

Following award of the grant, the Sub-grantee must adhere to the following requirements:

- A property owner who did not own the property at the time of the relevant event, or who is not a United States citizen, non-citizen national, or qualified alien, is not eligible for a purchase offer based on pre-event market value of the property. Sub-grantees must ask each participating property owner to certify that they are either a United States citizen, non-citizen national or qualified alien before offering pre-event market value for the property. This information should be retained in the project file;
- The amount of purchase offer is based on the current market value of the property or on the market value of the property immediately before the relevant event affecting the

property ("pre-event"): The relevant event for the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and for assistance under the Pre-disaster Mitigation program (PDM) (42 U.S.C. 5133), is the most recent major disaster. Where multiple disasters have affected the same property, the Grantee and Sub-grantee must determine which is the relevant event;

- The Grantee should coordinate with the Sub-grantee in determination of whether the valuation should be based on pre-event or current market value. Generally the same method to determine market value should be used for all participants in the project;
- A title insurance policy demonstrating clear title must be obtained for each approved property that will be acquired;
- All incompatible easements or other encumbrances must be extinguished before acquisition;
- The property must transfer by a warranty deed;
- Follow procedure for substitution of alternate properties;
- Incompatible facilities must be removed from acquired property within 90 days of settlement; and,
- Property Reporting Requirements from the Sub-grantee, through the Grantee, to FEMA:
 1. A photo of the property site after project implementation;
 2. Latitude and longitude coordinates of the property;
 3. Signed Statements of Voluntary Transaction from the owner of each property. This statement documents more formally the voluntary participation notice provided with the project sub-application, as well as documenting required property valuation notices. A Model Statement of Voluntary Transaction is available for use.
 4. A copy of the recorded deed and the attached deed restrictions for each acquired property;
 5. For any property identified on FEMA's Repetitive Loss list, submission of FEMA Form AW-501, *NFIP Repetitive Loss Update Worksheet*, documenting the completion of mitigation to those properties that are identified by FEMA as Repetitive Loss Properties. Form AW-501 is available on the [Post-Award NFIP Property Mitigation Documents](#) web page; and,
 6. Every three years following acquisition, a report certifying that the Sub-grantee has inspected the property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the deed restriction.

Source:

http://www.fema.gov/government/grant/resources/acq_projects.shtm#1