

**PART V. COMMUNITY AFFAIRS AND DEVELOPMENT**

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**CHAPTER 111. GRANTS-IN-AID TO FLOOD-PRONE  
MUNICIPALITIES**

<b>Sec.</b>	
111.1.	Policy.
111.2.	Applicability.
111.3.	Implementation.
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**Authority**

The provisions of this Chapter 111 issued and amended under section 2501-C of The Administrative Code of 1929 (71 P. S. § 670.101), unless otherwise noted.

**Source**

The provisions of this Chapter 111 adopted October 26, 1973, effective October 27, 1973, 3 Pa.B. 2464; renumbered from 16 Pa. Code Chapter 3, May 16, 1997, effective May 17, 1997, 27 Pa.B. 2415. Immediately preceding text appears at serial pages (133087) to (133088) and (176681).

**§ 111.1. Policy.**

The Department has determined that the public welfare is served by assisting persons in flood-prone municipalities to protect themselves against flood losses with the insurance coverage available under the National Flood Insurance Act of 1968 (42 U.S.C.A. §§ 4001—4127). Under Federal law, these persons cannot obtain subsidized flood insurance unless the municipalities in which they are located are eligible to participate in the National Flood Insurance program. To

encourage municipalities to seek eligibility and to enact prudent flood plain land use controls, the Department will not approve a grant-in-aid application from a flood prone municipality unless the municipality is eligible for the National Flood Insurance program.

#### Source

The provisions of this § 111.1 adopted October 26, 1973, effective October 27, 1973, 3 Pa.B. 2464; corrected November 4, 1988, effective May 7, 1988, 18 Pa.B. 4941. Immediately preceding text appears at serial page (24442).

#### Cross References

This section cited in 12 Pa. Code § 111.3 (relating to implementation); and 12 Pa. Code § 111.4 (relating to administrative procedures for implementation).

### § 111.2. Applicability.

(a) This chapter applies to programs administered by the Department under the following laws: The Land and Water Conservation and Reclamation Act (32 P. S. §§ 5101—5121); the Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. §§ 4601-4—4601-11); Reorganization Plan No. 2 of 1966, act of July 11, 1966, P. L. 8 (71 P. S. § 752-2); the act of August 2, 1954 (68 Stat. 641) (40 U.S.C.A. §§ 461 (repealed) and 462); and section 4 of the Housing and Redevelopment Assistance Law (35 P. S. § 1664(b)—(c)).

(b) Notwithstanding subsection (a), the Department may, by regulation, otherwise provide in its programs for the applicability of this chapter.

(c) Notwithstanding subsection (a), an applicant who filed a letter of intent for assistance exclusively under the Land and Water Conservation Fund Act of 1965 prior to December 1, 1975, and who is approved for funding in the 1975-76 fiscal year, shall be governed by the regulations of the Department regarding grants-in-aid to flood-prone municipalities which were in effect on December 1, 1975.

#### Source

The provisions of this § 111.2 adopted October 26, 1973, effective October 27, 1973, 3 Pa.B. 2464; amended December 28, 1973, effective December 29, 1973, 3 Pa.B. 2954; amended December 19, 1975, effective December 20, 1975, 5 Pa.B. 3272; corrected November 4, 1988, effective May 7, 1988, 18 Pa.B. 4941. Immediately preceding text appears at serial pages (24442) to (24443).

### § 111.3. Implementation.

Implementation of § 111.1 (relating to policy) shall be in accordance with § 111.4 (relating to administrative procedures for implementation). The Department may adopt, by regulation, different administrative procedures for implementation in a program. In the event of inconsistency or conflict between § 111.4 and other Department regulations adopting administrative procedures for implementation, the other Department regulations shall prevail.

**Source**

The provisions of this § 111.3 adopted October 26, 1973, effective October 27, 1973, 3 Pa.B. 2464; amended December 19, 1975, effective December 20, 1975, 5 Pa.B. 3272; corrected November 4, 1988, effective May 7, 1988, 18 Pa.B. 4941. Immediately preceding text appears at serial page (24443).

**§ 111.4. Administrative procedures for implementation.**

(a) *Municipal applicants other than counties.* A municipal application from other than a county shall conform with the following:

(1) On receipt of an application or letter of intent from a municipality other than a county for funds under a program to which this chapter applies, the regional office shall determine, using Federal, State and local data, whether the applicant is a flood-prone municipality.

(2) If the applicant is found flood-prone, the Department will determine whether the applicant has qualified for National Flood Insurance. If the applicant has so qualified, the application review process shall continue as usual.

(3) If the applicant has filed a resolution of interest and a resolution of compliance with program requirements, seeking qualification for National Flood Insurance, although the applicant has not qualified, the regional office will accept the application or letter of intent for Department funds. If the regional office has not received a completed National Flood Insurance Program application or a copy of the transmittal letter for the completed Program application, within 60 days from acceptance, the regional office will return the application or letter of intent for Department funds to the applicant.

(4) The regional office will not forward an application or letter of intent for Department funds to the central office of the Department for processing until the applicant has qualified for National Flood insurance.

(b) *Other applicants.* Section 111.1 (relating to policy) governs certain applications from counties and applicants other than municipalities. The administrative procedures for implementation applicable to those applications shall be set forth separately for each Department program.

(c) *Department staff.* Department staff are available to assist a municipality in qualifying for National Flood Insurance. Requests for assistance and questions regarding Department policy should be directed to the Governor's Center for Local Government Services, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120, or a planning analyst at one of the Department's regional offices.

**Source**

The provisions of this § 111.4 adopted December 19, 1975, effective December 20, 1975, 5 Pa.B. 3272; corrected November 4, 1988, effective May 7, 1988, 18 Pa.B. 4941; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6026. Immediately preceding text appears at serial pages (169843) to (169844).

**Cross References**

This section cited in 12 Pa. Code § 111.3 (relating to implementation).

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