

3.3 STATE CAPABILITY ASSESSMENT

The 44 CFR 201.4(c)(3)(ii) states the mitigation strategy shall include a description of the State's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including an evaluation of the State laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas.

This section outlines these items. This section includes a discussion of the state's primary laws, regulations, programs, and policies related to hazard mitigation strategy. State agency programs were evaluated via a self-assessment. A brief evaluation of the state's overall approach to development in hazard-prone areas and mitigation funding capability is also included.

Overall, the state's capability to manage hazards and implement hazard mitigation has remained steady.

LAWS AND REGULATIONS

Ohio Constitution

Section 3 of Article XVIII of the Ohio Constitution designates Ohio as a "home rule" state. Home Rule gives municipal jurisdictions the power to govern themselves in local municipal matters independent of state laws. Section 7 of Article XVIII requires that municipalities need to adopt or amend a charter for its government to enact laws. Municipal corporations that do not adopt a charter must follow the procedures provided in state law.

Ohio Revised Code (ORC) and Ohio Administrative Code (OAC)

All statutes of a permanent and general nature of the State of Ohio are organized and published in the Ohio Revised Code (ORC). These are the laws passed by the Ohio General Assembly. The Ohio Administrative Code (OAC) is a codification of the rules of the administrative agencies of the state. These rules must be reviewed by the Joint Committee on Agency Rule Review (JCARR). The committee consists of five State Representatives and five State Senators.

The primary function of JCARR is to review proposed new, amended, and rescinded rules. JCARR ensures that: the rules do not exceed the scope of the rule-making agency's statutory authority, the rules do not conflict with a rule of that agency or another rule-making agency, the rules do not conflict with the intent of the legislature in enacting the statute under which the rule is proposed, and the rule-making agency has prepared a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission.

A discussion of the primary laws, regulations, and policies that have an impact on mitigation programs within the State of Ohio follows.

Planning, Zoning, and Subdivision Authorities

Under the Ohio Constitution, the power to plan, zone, subdivide or regulate land use belongs to the General Assembly. Most state authority to plan and regulate land use has been delegated to local government. In recent years some of the delegated power has been taken back to address state wide concerns, especially in the environmental arena (for example the authority to regulate drilling for oil and gas wells used to rest with home rule municipalities but now rests with the ODNR–Division of Mineral Resource Management).

Planning, zoning, and subdivision regulations are not the same. Each is described below.

A plan is a guideline for future growth, usually portraying a long-term period (usually 20-30 years). Planning aides a community in determining where it is, where it wants to be and how to get there. A plan is a guide to reach one or more objectives. In some states, i.e., Florida and New Jersey, plans are enhanced by laws or judicial rulings giving the plans substantial authority.

Comprehensive planning and zoning evolved from the Standard State Zoning Enabling Act (SZA) of 1922. However, the Act is criticized because it does not define 'comprehensive plan'. Neither municipal zoning enabling authority nor county/township zoning enabling authority in the ORC, Chapter 303 and 519 defines what constitutes a comprehensive or master plan. Ohio statutes do not require a comprehensive planning process prior to the enactment of a zoning ordinance or resolution, although county and township enabling statutes specify the Board of County Commissioners or the Board of Township Trustees may regulate "...in accordance with a comprehensive plan..." If a plan exists, it may support zoning regulations provided it is compiled following significant public participation and is current. In Ohio, state statutes enabling planning are permissive and not mandatory. Failure to plan does not necessarily invalidate zoning regulations.

The elements of a comprehensive plan can vary from community to community. In most cases though, the plan consists of a study of existing conditions and a discussion of future trends, goals, and objectives. Land-use patterns, housing conditions, population, roadways, and other infrastructure are usually the principle elements that are studied. In some cases, educational facilities along with recreation and other government facilities are reviewed. Social service facilities can also be discussed. Comprehensive plans also deal with the land-use related issues relevant to each of these topics.

The relationship between wise land use planning and the reduction of a community's exposure, risk, and vulnerability to hazards is clear. Experience has shown that those communities that carefully plan the location, type, and structural requirements of development to avoid (to the extent possible) hazard areas and vulnerable structures suffer much less disaster-related damage and impact than do communities that don't carefully plan for development. The benefits of wise land use and development planning, from a hazard mitigation standpoint, include:

- less disruption to a community's economic, social, and physical structure;
- less impact on the community's tax base;
- less impact on the provision of essential services; and
- less financial impact in terms of local participation in disaster program cost sharing.

In addition, communities that are more prone to disaster damage may be looked upon less favorably by potential business enterprises as a safe, secure place in which to conduct business. Wise land use planning has very practical benefits for all communities. Two ways to incorporate hazard mitigation planning into comprehensive planning is to: 1) have a hazard mitigation element in the comprehensive plan, or 2) incorporate hazard mitigation concepts, strategies, and policies into existing elements of the comprehensive plan.

Ohio zoning processes are based on the SZEA. The purposes of zoning are to regulate land use, prevent land-use conflict, and allow growth to occur in a rational manner. More specifically, zoning aims to:

- Use land for its most suitable purpose
- Protect or maintain property values
- Promote public health and safety
- Protect the environment
- Manage traffic
- Manage density
- Encourage housing for a variety of lifestyles and economic levels
- Manage aesthetics
- Provide for more orderly development
- Help attract business and industry

Zoning is a regulatory way to implement a community's comprehensive plan. From a hazard mitigation perspective, zoning can be used to regulate land use and development in hazardous areas. For example, many Ohio communities have adopted zoning standards for floodplains and steep slope/landslide prone areas.

The authority to subdivide land is found in ORC Chapter 711. Subdivision regulations are generally adopted to provide for:

- The proper arrangement of streets or highways in relation to existing or planned streets or highways, or to the Official Land Use Plan and Official Thoroughfare Plan,
- The orderly and efficient layout and the appropriate use of the land,

- A common ground of understanding and a sound working relationship between the county and the developer and to safeguard the interests of the homeowner, the subdivider and the county and its citizens,
- The accurate surveying of land, preparing and recording of plats and the equitable handling of all subdivision plats by approving authority and subdividers,
- Technically feasible and economically reasonable standards which achieve a level of subdivision design & construction to minimize damage to property, degradation of natural resources, and to promote and maintain the health, safety and general well-being.

Subdivision regulation can incorporate hazard mitigation principles. For example, subdivision regulations could require flood studies be completed for drainage ways, streams, etc. where no data exists and stormwater management measures for a subdivision could be required to be designed to a 100-year flood event vs. a higher frequency event (such as a 10-year event). Similarly, standards for infrastructure could specify protection against any potential significant hazard.

Chapter 5502.22 et seq., ORC – State / Local Emergency Management Agencies

The Chapter provides for a State EMA (which includes the Mitigation Branch), and authorizes countywide (5502.26), regional (5502.27), or local emergency management authorities (5502.271), requiring an emergency management director or coordinator and an Emergency Operations Plan for each county. The law also establishes the legal protection and authority of the EMA to work in times of a disaster. The Ohio EMA is the central point of coordination within the state for response and recovery to disasters.

The Mitigation Branch of the Ohio EMA is responsible for management of FEMA mitigation program activities for the state (except for the ODNR–DOW, which is the state coordinating entity for the NFIP – see below). The Ohio EMA Mitigation Branch administers pre- and post-disaster HMGP, FMA, PDM, SRL and RFC grant programs, including project ranking, implementation, technical assistance, and monitoring. The Mitigation Branch staff coordinates with State agencies to incorporate mitigation techniques into their everyday functions and to provide assistance with project development.

Title XXXVII Health-Safety-Morals, ORC -Ohio Basic Building Code (OBBC)

The Board of Building Standards is comprised of 10 members appointed by the Governor, with the advice and consent of the Senate. The board provides uniform standards and requirements for construction and materials to make buildings safe and sanitary for their intended use and occupancy. This refers to any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic or occupancy by the public, and all other buildings or parts and appurtenances thereof erected within the state. The Ohio Department of Commerce, Division of

Industrial Compliance ensures compliance with and enforcement of OBBC for industrial facilities.

The Board emphasizes the importance of mitigation techniques. In 1995, the International Basic Building Code was implemented and that date is used as a marker for NFIP determinations. Homes built pre-1995 were not required to meet the same standards as those after the code's inception, and are more hazard-prone. The code includes provisions for several mitigation initiatives, such as flood damage reduction, compliance with established building standards and protection of existing buildings from future hazard events.

Chapter 1301, ORC - Ohio Fire Code

The Ohio Fire Code was enacted with the purpose of prescribing rules to safeguard life and property from the hazards of fire and explosion. ORC 3781.03 requires the fire marshal or fire chief of municipal corporations having fire departments or the fire chief of townships having fire departments to enforce all provisions of Chapter 3781, and 3791, of the ORC relating to fire prevention. ORC 1301:7-7-07 consists of issues relating to emergency planning and preparedness. The Fire Code effectively reduces the wildfire hazard through the comprehensive scope of the code, which ranges from training and conducting exit drills, to the development of emergency plans.

Chapter 1506, ORC - Ohio Coastal Management Act, Ohio Coastal Erosion Management Program

The ODNR-DOW is the designated lead agency for the development and implementation of the Federal Coastal Zone Management Program. The Coastal Erosion Management Program identifies the coastal erosion areas, enforces rules and regulations for new structures and issues permits for coastal erosion control structures. Coastal erosion is a major concern for cities that border Lake Erie. The permitting and enforcement of the rules and regulation by the ODNR-DOW has been effective in reducing coastal erosion in hazard-prone areas.

Chapter 1521, ORC - Ohio Dam Safety Program

The ODNR-DOW is the agency that does inspections and the permitting programs for dams and levees. Legislation outlines the standards for dam and levee construction and ODNR-DOW enforces the dam safety laws. The consequence, if the Dams are not regulated, is flood inundation and potential loss of life. The ODNR-DOW's active enforcement of the laws prevents damage, which is the primary goal of mitigation. The program has been effective; there have not been any significant dam failures since the creation of the program.

Chapter 1521.13-14; 18 ORC - Ohio Floodplain Management Program

The ODNR–DOW, Floodplain Management Program coordinates all floodplain management activities for the State of Ohio. The Floodplain Management Program administers the NFIP established in the National Flood Insurance Act of 1968, “82 Stat. 572, 42 U.S.C.A. 4001, as amended and ensures a participating community’s compliance with all requirements.

The Floodplain Management Program in Ohio has been the most effective method of flood reduction and prevention. Regulation of development within the floodplains and compliance after natural disasters lessens the extent of flood damages. The Floodplain Management Program and the Mitigation Branch work closely together to ensure mitigation techniques are being considered.

Chapter 3733.02, Revised Code - Rules for manufactured home parks, recreational vehicle parks, recreation camps; temporary park-camps

The public health council of the ODH has the exclusive power to adopt, rules of uniform application throughout the state governing the review of plans, issuance of flood plain management permits, and issuance of licenses for manufactured home parks. This includes the location, layout, density, construction, drainage, sanitation, safety, and operation of those parks; blocking and tie downs of mobile and manufactured homes in those parks; and notices of flood events concerning, and flood protection at, those parks. The rules pertaining to floodplain management are consistent with the floodplain management criteria of the NFIP adopted under the “National Flood Insurance Act of 1968,” 82 Stat. 572, 42 U.S.C.A. 4001, as amended. The actions of the ODH have a major role in the reduction of damage from flood and tornado hazards in manufactured home parks.

Chapter 6101, ORC - Ohio Conservancy District

The Chapter outlines the responsibilities for the organization of conservancy districts. The ODNR-DOW has been successful with the conservancy districts, which work to prevent floods, modify stream channels, regulate stream flow and prevent erosion along the Lake Erie Ohio shoreline. Funding for mitigation occurs when a conservancy district assesses property owners.

Chapter 6131, ORC - Ohio Petition Ditch Enabling Authority

The provisions in this chapter allow counties to dispose or remove surplus water for controlled drainage, irrigation, the storing of water to regulate stream flow or to prevent the overflow of any land the county and for water conservation. The ODNR-DOW assists counties to enact actions associated with the Ditch Enabling Authority, which effectively reduces flood damage. Funding occurs through assessment of property owners benefiting from specific project.

STATE AGENCY PROGRAMS & POLICIES

The State of Ohio emphasizes reduction of adverse effects from hazard events and promotes programs to achieve this objective. The State identified the SHMT to assist with mitigation activities in the pre- and post-disaster phases. Staff from the Mitigation Section of the Ohio EMA works with the SHMT and state agencies to guide mitigation activities based on the specific event, establish goals, objectives and strategies for the development and implementation of a comprehensive state mitigation program and to evaluate policies and state-funded or administered programs that benefit mitigation activities. This section provides a better understanding of the resources available through State Agencies Pre- and Post-Disaster as related to hazard mitigation.

Ohio EMA utilized a revised form from FEMA 386-3 (part of the mitigations planning series) to assist in the determination of specific mitigation capabilities of Ohio's Departments and Agencies. The assessment surveys were sent to all participating State agencies in 2005. Minor changes have taken place since that time, and the 2008 update has updated data where appropriate. In addition, there is a format change to eliminate a named POC.

The following section incorporates the information for each agency into charts. The matrix allowed the agencies to identify the most significant state funded or state administered programs, policies, regulations or practices relating to hazard mitigation or loss reduction. The agencies were then evaluated to determine if their programs supported, facilitated or hindered mitigation objectives, which is listed in the Comments column of each agency's mitigation summary. None of the agencies responded with programs, policies or regulations that would hinder the mitigation process.

Definitions:

- Support loss reduction – Programs, plans, policies, regulations, funding or practices that help implement mitigation measures.
- Facilitate loss reduction – Programs, plans, policies, etc. that make implementing mitigation measures easier.
- Hinder loss reduction – Programs, plans, policies, etc., that pose obstacles to implementing mitigation measures.

Several state agencies promote programs that encompass pre- and post-disaster mitigation activities. Hazards are unpredictable, but there are programs that present an opportunity to mitigate the hazard's destruction before an event occurs. Utilization of mitigation programs prior to a disaster could prevent the damage from occurring or work to lessen the recovery time and expenditures caused by the natural hazard. Post-disaster the State relies on its agencies to assist with the recovery process. A State requests a Presidential Declaration when the scope of recovery from an event is beyond the State's capability. A Presidential Declaration provides numerous resources, which are incorporated into the State agency functions, for assistance in the response and recovery from a disaster.

Office of Budget and Management (OBM)

The Ohio OBM is a cabinet-level agency within the executive branch of the Ohio State government. The director of OBM sits on the Governor's cabinet as the Governor's chief financial officer. The primary mission of OBM is to provide fiscal accounting and budgeting services to state government. These services include the coordination, development, and monitoring of agency operating and capital budgets and the review, processing, and reporting of financial transactions made by state agencies. OBM also assists the Governor and other state agencies by providing policy and management support relative to the state's fiscal activities.

**Table 3.3.a
Office of Budget and Management Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Allocation of Project Funds (Pre- and Post-Disaster)	X			The Controlling Board of the OMB supports mitigation activities by allocating the funds to complete the State's cost share match for the grant programs. Ohio EMA worked diligently during the 1997 flood event, with the State Controlling Board to identify a 100% match to the federal HMGP, and PDM allocations. The State's ability to match dollar for dollar continued through disaster declarations of March 2003. More recently, the States fiscal stability has prevented the State from providing a 100% match to federal funds.

Ohio Department of Administrative Services Office of Risk Management (ORM)

The ORM is responsible for the placement of property and casualty insurance for state agencies, the state's bonding program and administration of the self-insured vehicle liability program. The ORM facilitates the mitigation process by providing information and services that are useful tools for planning initiatives.

Table 3.3.b

**Ohio Department of Administrative Services – Office of Risk Management
Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Statewide Catastrophic Property Insurance Program (Pre-Disaster)		X		All state-owned buildings are insured under one single policy. The policy is underwritten on an all risk basis. Loss control and safety inspections identify specific hazards and allow the state agency the opportunity to correct and mitigate hazards prior to loss.
Comprehensive Risk Management Plan (Pre-Disaster)		X		Protects the state's assets as well as streamlines current insurance policies, procedures and claims services. The plan facilitates the mitigation process by providing information, which is a useful planning tool for local planning initiatives.
Ohio Administrative Knowledge System (OAKS), Enterprise Resource Planning (Pre-Disaster)		X		DAS is a sponsoring Agency of the OAKS enterprise computer project. As part of the asset management system, all state-owned buildings and land will be listed in the database, which will provide important planning information to the State and local jurisdictions.
Property Insurance Building Inventory (Pre-Disaster)	X			DAS maintains a building inventory of all state-owned buildings insured under this program, which assists the State in locating specific assets and identifying potential hazards and prevention.

Ohio Department of Commerce (ODC)

The ODC regulates and provides services to Ohio industries. Its mission is to protect the safety and welfare of Ohio’s citizens while fostering a business friendly environment. The ODC regulates much of the construction industry and is involved in many industrial compliance issues in the state. It charters banks, credit unions and savings and loans/savings banks and licenses real estate brokers, auctioneers and security guards. The seven divisions of the ODC include Financial Institutions, Consumer Finance, Industrial Compliance, Real Estate, Securities, State Fire Marshal, and Unclaimed Funds.

**Table 3.3c
Ohio Department of Commerce Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Ohio Basic Building Code Flood Regulations (Pre- and Post-Disaster)	X			The Industrial Compliance, Board of Building Standards administers the OBBC, which incorporates provisions of the BOCA. BOCA is a model code governing building regulations for the protection of public health, safety and welfare. The Code includes mitigation methods for hazard reduction. Flood hazard mitigation is accounted for in Section 2102.0 “Flood Resistant Construction” of the OBBC. If local authorities determine a building or structure requires flood resistant construction, they must comply with the OBBC.
Site, Building and Community Profiles (Pre- and Post-Disaster)		X		Provides a catalog of businesses and industrial sites in Ohio, and assists the State and local jurisdictions with identification of hazardous material locations as part of the planning process.
Education and Outreach (Pre- and Post-Disaster)		X		The office of the State Fire Marshal provides information on Fire Prevention as well as Severe Weather Awareness

Ohio Department of Development (ODOD)

The Mission of the ODOD is to attract, retain and create business in Ohio. The ODOD has created 12 regional economic development offices to enhance the overall business climate by providing outreach assistance to local governments, business, professional economic development agencies and the public. They serve as the focal point for problem solving and as advocates for specific regions of Ohio. The ODOD, Community Development Division, Office of Housing and Community Partnerships are most active in mitigation by assisting local communities with mitigation projects through CDBG and CHIP.

The Department is a cabinet level agency that oversees a full portfolio of programs including: small business growth, technology commercialization, exports promotion, travel promotion, energy efficiency, affordable housing, community infrastructure, downtown revitalization and brownfield clean-up.

**Table 3.3.d
Ohio Department of Development Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Community Development Block Grants (CDBG) (Pre- and Post-Disaster)		X		The funds can assist with the rebuilding process that occurs after disasters. Local communities utilize CDBG funds as part of the match for HMGP projects. The program is an effective mitigation initiative since it reduces or eliminates flood damage by elevating, acquiring or retrofitting repetitively flooded structures.
Community Housing Improvement Program (CHIP) (Pre- and Post-Disaster)		X		Provides grants to eligible communities interested in undertaking housing-related activities, including necessary infrastructure improvements. The program promotes mitigation objectives as part of the building process and can be used as the match for HMGP projects.

Ohio Department of Health (ODH)

The ODH strives to protect and improve the health of all Ohioans, through partnerships with 143 local health departments and members of the medical health communities, by preventing disease, promoting good health and assuring access to quality health care.

**Table 3.3.e
Ohio Department of Health Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Regulation of Manufactured Home Parks (Pre- and Post-Disaster)	X			ODH has exclusive regulatory authority over plan approval of manufactured home parks and has entered into a Cooperative Agreement with ODNR and Ohio EMA in an effort to further flood hazard reduction. ODH requires individual pad heights to be elevated as much as two feet above the 100-year elevation. Park owners and operators are required to report flood events and conduct substantial damages determinations.
Private Water Supply System Standards	X			ODH does not allow private water supply systems to be located in FEMA identified 100-year floodplain areas.
Protection from Bio-terrorism and Other Disasters (Pre-Disaster)	X			ODH utilizes new technology and scientific and medical discoveries to meet the ever growing, ever changing needs of the communities. In addition to research, ODH teams with public safety and the public health and medical partners to ensure that Ohio is prepared and is protected from bio-terrorism, as well as other disasters. ODH also offers grants relating to a variety of public health programs to organizations in Ohio, including county and local health departments.

Ohio Department of Insurance (ODI)

Agency Mission/Function

The mission of the ODI is to protect the interests of the public through consistent and fair application of Ohio’s Insurance Laws and Regulations and to inform and educate the public on insurance issues. The Department encompasses many offices including: the Office of Consumer Advocate; Consumer Services Division; Office of Investigative and Licensing Services; Market Conduct Division; Licensing Division; Office of Legal Services; Office of Property and Casualty Services; Office of Life and Health and Managed Care Services; Managed Care Division; and the Office of Financial Regulation Services.

Table 3.3.f

Ohio Department of Insurance Mitigation Summary

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Education and Outreach (Pre- and Post-Disaster)	X			The ODI supports loss reduction through educational outreach provided to Insurance Agencies, pre- and post-disaster. The information includes mitigation options to reduce damage from hazardous events. The agencies are responsible for providing the information to their policyholders, since any pre-disaster mitigation actions or mitigation during the repair process will reduce or eliminate the number of policy claims filed after future hazard events.

Ohio Department of Natural Resources (ODNR)

A department of incredible diversity, ODNR owns and manages more than 590,000 acres of land, including 74 state parks, 20 state forests, 127 state nature preserves, and 120 wildlife areas. The department also has jurisdiction over more than 120,000 acres of inland waters; 7,000 miles of streams; 481 miles of the Ohio River; and 2-1/4 million acres of Lake Erie.

ODNR licenses all hunting, fishing, and watercraft in the state and is responsible for overseeing and permitting all mineral extraction, monitoring dam safety, managing water resources, coordinating the activity of Ohio's 88 county soil and water conservation districts, mapping the state's major geologic structures and mineral resources, and promoting recycling and litter prevention through grant programs in local communities. As an umbrella organization for such diverse interests, the department pulls all these activities into four fundamental mission components:

- Resource management by sustained productivity of Ohio's renewable natural resources, promoting the wise use of non-renewable natural resources, and protecting Ohio's invaluable threatened and endangered natural resources.
- Economic development through job creation/expansion/retention, stimulating local economies, developing industry and tourism opportunities, and supporting the present and future economic health of the state.
- Recreation by providing leisure services and recreation opportunities for the public at all levels.
- Health and safety through fair and consistent law enforcement participating in regulatory matters and identifying and responding to environmental hazards.

Table 3.3.g
Ohio Department of Natural Resources Mitigation Summary

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Ohio Floodplain Management Program ORC 1521.13-14;.18 (Pre- and Post-Disaster)	X			<p>ODNR-DOW coordinates with the NFIP; monitors compliance with state and local floodplain management standards; provides assistance in mitigation planning; and identifies flood hazards.</p> <p>Assists Ohio communities with adopting flood loss reduction standards that meet NFIP minimums and assists communities interested in adopting standards beyond NFIP minimums.</p> <p>Coordinates the FEMA Map Modernization Program. This program will modernize the flood mapping program and outline the steps necessary to update and digitally format FEMA's flood maps for the nation and streamline public awareness of the importance of the maps. The updated maps outline flood hazard areas, which helps with the implementation of mitigation actions by easily identifying if structures are within floodplains during eligibility determinations for acquisition projects.</p>
Urban Stormwater Program, Watershed Programs (Pre- and Post Disaster)		X		<p>ODNR, Division of Soil and Water Conservation develops model regulations for urban stormwater management; provides assistance with stream morphology assessments; funds/administers Ohio Watershed Coordinator Program.</p>
Ohio Coastal Management Act, Ohio Coastal Erosion Management Program ORC 1506. (Pre- and Post-Disaster)	X			<p>ODNR, Office of Coastal Management identifies coastal erosion areas, enforces rules regulating new structures in coastal erosion areas, and issues permits for coastal erosion control structures. Provides Coastal Management Assistance Grants and Erosion Control Loans.</p>
Ohio Dam Safety Program ORC 1521 (Pre- and Post-Disaster)	X			<p>ODNR-DOW DS has inspection and permitting permits programs for dam and levees, classifies hazards and develops standards for dams and</p>

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
				levees. They have authority for emergency drawdown of water. Provides funds for the Dam Repair Loan Fund.
Ohio Conservancy District ORC 6101 (Pre-Disaster)		X		ODNR-DOW enables organization of conservancy districts for the purposes of preventing floods, modifying stream channels, and regulating flow of streams and erosion along the shoreline of Lake Erie. Mitigation funding occurs when a conservancy district assesses property owners.
Ohio Petition Ditch enabling authority ORC 6131 (Pre- and Post-Disaster)		X		ODNR-DOW allows counties to dispose or remove surplus water, for controlled drainage of any land, for irrigation, and storage of water to regulate stream flow or to prevent the overflow of any land in the county.
Abandoned Mined Lands Program (Pre-Disaster)	X			ODNR, Division of Mineral Resources Management administers mine lands programs to reclaim those area disturbed by coal mining operations. Types of problems addressed include: mine openings, landslides, highwalls, erosion and subsidence.
Ohio Mine Subsidence Insurance (Pre-Disaster)	X			Ohio Fair Plan, Mine Subsidence Insurance Underwriting Association pays insurance claims as a result of mine subsidence. The insurance is mandatory as part of homeowners insurance in 26 Ohio counties and optional for 11 counties.
Ohio Seismic Network (Pre-Disaster)		X		ODNR, Division of Geological Survey is a cooperative effort consisting of 23 seismic stations coordinated by the Division and managed from the Ohio Earthquake Information Center. The stations provide historical and current information to Ohio.
Firewise Program (Pre-Disaster)		X		ODNR, Division of Forestry heads a multi-organizational initiative designed to include fire safety professionals, homeowners, and community leaders in localizing efforts to lessen the risk of wildfires. The goal is to reduce susceptibility to wildfires through a cooperative effort.

Ohio Department of Transportation (ODOT)

The ODOT’s mission is to provide a world-class transportation system that links Ohio to a global economy, while preserving the state’s unique character and enhancing its quality of life. The TRAC, created by the Ohio General Assembly in 1997 to bring an open, fair, numbers-driven system to choosing major new transportation projects, is composed of the director of ODOT and eight appointees. The director of ODOT certifies the amount of money available for major, new capacity projects to the TRAC after funds for system preservation are determined. Historically, the TRAC has had about \$300 million a year to pay for projects, including design, right of way, and construction. The ODOT considers mitigation objectives as part of their project development.

**Table 3.3.h
Department of Transportation Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Engineering and Design Practices (Pre- and Post-Disaster)	X			Ensures that land use and re-use laws and regulations are adhered to, which reduces loss from future events.
Disaster Recovery and Repair (Post-Disaster)		X		Clear and repair roadways interrupted by flooding, tornados and landslides. Promotes and utilizes mitigation measures throughout engineering and design process to prevent future damage. Performs small-scale bank stabilization.
Transportation Review Advisory Council (TRAC) (Pre- and Post-Disaster)	X			Established by ORC in 1997 at ODOT's request, the TRAC is a permanent body of predominantly non-ODOT personnel that develops and modifies the Major New Project Selection process and approves major new capacity by adding projects for funding. Mitigation objectives are taken into consideration as part of the process.
Education and Outreach (Pre- and Post-Disaster)	X			The DOT provides information to citizens on safety and prevention techniques and promotes severe weather awareness.

Ohio Emergency Management Agency (Ohio EMA)

Established under Chapter 5502 of the ORC, the Ohio EMA is the central point of coordination within the state for all hazard preparedness, response, recovery and mitigation. Ohio EMA coordinates all situation and damage assessment operations in a disaster area. The agency routinely cooperates with federal, state, and local governments to maintain and develop disaster preparedness, response, recovery, and mitigation plans. Ohio EMA establishes and maintains a state Emergency Operations Center (EOC) to provide coordination and public information during emergencies and disasters. It is the State Coordinating Agency responsible for the administration of federal disaster assistance programs under The Robert T. Stafford Act, Public Law 93-288, which requires mitigation recommendations and implementation as a condition of federal financial assistance.

The primary focus of the agency, when not in a response or recovery mode, is to ensure that the state, and the 11 million citizens residing in it, is prepared to respond to an emergency or disaster and to lead mitigation efforts against the effects of future disasters. It is critical that Ohio EMA's staff interfaces regularly with their local and federal counterparts to ensure preparedness and the capability to respond at all levels.

Table 3.3.i
Ohio Emergency Management Agency Mitigation Summary

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Manages the State Hazard Mitigation Program (Pre- and Post-Disaster)	X			The mitigation staff's purpose is to promote mitigation statewide and to manage the FEMA mitigation programs for Ohio.
Hazard Mitigation Grant Program (HMGP) (Post-Disaster)	X			Ohio EMA Mitigation Branch administers this program, which is available after a Presidential Disaster Declaration. HMGP funds hazard mitigation plans and cost-effective projects that reduce or eliminate the effects of hazards and/or vulnerability to future disaster damage. Typically, the state provides a portion of the required non-federal match.
Pre-Disaster Mitigation Grant Program (PDM - Pre-Disaster)	X			Ohio EMA Mitigation Branch administers funds from this annual, nationally competitive program. PDM funds hazard mitigation plans and cost-effective projects that reduce or eliminate the effects of hazards and/or vulnerability to future disaster damage.
Flood Mitigation Assistance Program (FMA – Pre - Disaster)	X			Ohio EMA Mitigation Branch administers this program, which funds flood mitigation plans, provides technical assistance, and funds construction projects that reduce flood risk to insured, repetitive loss properties.
Repetitive Flood Claims Program (RFC – Pre-Disaster)	X			Ohio EMA Mitigation Branch administers this program, which funds construction projects that reduce flood risk to insured, repetitive loss properties.
Severe Repetitive Loss Program (SRL – Pre-Disaster)	X			Ohio EMA Mitigation Branch administers this program, which funds construction projects that reduce flood risk to insured, severe repetitive loss properties.
NFIP good standing requirement for mitigation project funding (Pre- and Post- Disaster)	X			Ohio EMA Mitigation Branch requires good standing in the NFIP and no outstanding CAV issues as a prerequisite to mitigation funding. Ohio EMA coordinates with ODNR (who administer the program) to promote floodplain management and reduction through NFIP participation.
Mitigation Post-Disaster PDA (Post-Disaster)	X			Mitigation Staff accompanies PDA teams to evaluate the disaster in its

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
				early stages and determine which communities could benefit from mitigation actions. It also presents an opportunity to highlight potential success stories.
Education and Outreach (Pre- and Post-Disaster)	X			Mitigation Staff conducts education and outreach activities focused on promoting pre- and post-disaster mitigation techniques, developing effective mitigation projects, benefit-cost analysis, mitigation planning, and other mitigation related topics.
Ongoing Technical Assistance (TA)		X		If a community requests technical assistance at any time, the Mitigation Branch will facilitate the request, if possible.
Hazards United States (HAZUS) (Pre-Disaster)		X		The Mitigation staff encourages and facilitates local and state use of HAZUS to support mitigation planning and development of mitigation strategies for areas at risk to earthquake and flood.
Mitigation Planning Coordination (Pre-and Post-Disaster)		X		Mitigation Planner assists with the update of the SHMP, as well as facilitates and reviews local plans that are developed. Assists communities with integrating local mitigation plans into other plans/functions; assists with plan implementation.
Public Assistance	X			Ohio EMA Disaster Recovery Branch (DRB) administers Stafford Act recovery programs including Public Assistance (PA). The PA program provides mitigation funding for certain public facilities that are damaged in a declared disaster event and PA funds are also available to mitigate these facilities (Section 406 mitigation). The Recovery Branch is responsible for this program and Mitigation Branch assists when needed.

Ohio Environmental Protection Agency (OEPA)

The OEPA is a trusted leader and environmental steward using innovation, quality service, and public involvement to ensure a safe and healthy environment for all Ohioans. Their mission is to protect the environment and public health by ensuring compliance with environmental laws and demonstrating leadership in environmental stewardship. OEPA has played a prominent role in many of the state's environmental success stories. They have a nationally acclaimed water monitoring program, one of the country's most extensive air monitoring networks, a groundbreaking agreement with the federal government to oversee clean-ups at federal sites and an innovative funding program to protect and restore water resources.

Table 3.3.j

Ohio Environmental Protection Agency Mitigation Summary

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Regulation of Waste Streams (Pre- and Post-Disaster)	X			Defines regulated waste streams; outlines requirements for proper management and disposal. Includes flood reduction criteria.
Public Outreach Materials (Pre- and Post-Disaster)	X			Provide clarification of regulatory requirements, including flood reduction criteria.
Debris Management Course (Pre- and Post-Disaster)		X		Co-presented with Ohio EMA; provides guidance/training for anyone involved in disaster preparedness and response/recovery activities. Provides and opportunity to outline mitigation goals and objectives for flood reduction.
Technical Assistance (Pre- and Post-Disaster)		X		Provide guidance to local officials regarding regulatory requirements for managing and disposing of various waste streams without making them hazard-prone.
Project Development (Pre-Disaster)	X			Provide clearance for any mitigation project actions that would alter the natural environment as part of the development process.
Water Pollution Control Loan Fund (WPCLF)		X		Provides funding for wastewater treatment facility improvements. Funded WWTPs must ensure that upgrades and facility are protected to 500-year flood or 2 feet above 100-year flood.

Ohio Historic Society (OHS)

The Mission of the OHS is to preserve and encourage the study of our heritage and to inspire the efforts of others to that end. They provide leadership in preserving and interpreting evidence of the past and work to further knowledge, understanding and appreciation of all aspects of history related to Ohio and its cultural and natural environment. The OHPO, an office under OHS, is the most active in mitigation as it ensures compliance with the National Historic Preservation Act of 1968, as amended.

**Table 3.3.k
Ohio Historic Preservation Office Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
National Historic Preservation Act (Pre- and Post-Disaster)	X			OHPO, ensures all historic and archeological laws and statutes are addressed and adhered to.
Project Application Review Process (Pre-Disaster)	X			OHPO, ensures the archeological integrity of lands and structures are addressed and reviewed for environmental applicability during project ranking process.
Provide Technical Assistance and Training (Pre-Disaster)		X		If the structure is protected under the National Historic Preservation Act, the OHS works with the homeowner and State to provide a mitigation solution for preservation without compromising the integrity of the structure.

Ohio Public Works Commission (OPWC)

The OPWC was created to assist in financing local public infrastructure improvements. These programs provide financial assistance to local communities for the improvement of their basic infrastructure systems. The SCIP, created in 1987, by an amendment to the Ohio Constitution creating Section 2K, Article VIII of the Ohio Constitution, which allows the state to use its general revenues as debt support and issues up to \$120 million in bonds each year. State bond proceeds are distributed to each of the commission's nineteen District Public Works Integrating Committees. Aid is limited to roads, bridges, water and sanitary sewer projects concerning storm water and solid waste. This program was re-authorized in 1995 by the addition of Section 2M, Article VIII of the Ohio Constitution.

**Table 3.3.I
Ohio Public Works Commission Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Infrastructure Financing (Pre- and Post-Disaster)	X			Provides funding to assist Ohio jurisdictions in repairing/replacing public infrastructure, including emergency projects. Mitigation objectives are incorporated into project development.
Clean Ohio Fund (Pre-Disaster)	X			Approved in 2001, the \$400 million dollar bond program that provides funds to preserve natural areas and farmland, protect streams, creates outdoor recreational opportunities, and revitalizes urban areas by returning contaminated properties to productive use. At this time (May 2008), the fund has expended all appropriations; Governor Strickland has proposed an additional \$400 million as part of a larger jobs package.

Ohio Manufactured Homes Commission (OMHC)

The State of Ohio has adopted laws and rules that regulate the installation of manufactured homes and the installation of foundations (base support systems) for manufactured homes. The OMHC has exclusive authority over the installation of manufactured homes not located in licensed manufactured home parks. The Ohio Manufactured Homes Commission (Commission) is charged with enforcing these laws pursuant to ORC Chapter 4781

Table 3.3.m

Ohio Manufactured Homes Commission Mitigation Summary

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Site / Plan Review		X		Requires flood hazard data and lowest floor data for proposed home installations in special flood hazard areas.
Inspections		X		Requires inspection of all manufactured home installations, including those in special flood hazard areas.

Public Utilities Commission of Ohio (PUCO)

The PUCO was created to assure Ohioans adequate, safe and reliable public utility services at a fair price. Monitoring and enforcing PUCO rules and state laws against unfair, inadequate and unsafe public utility and transportation services achieve this. More recently, the PUCO gained responsibility for facilitating competitive utility choices for Ohio consumers. The PUCO regulates providers of multiple utility services including electric and natural gas companies, local and long distance telephone companies, water and wastewater companies, and rail and trucking companies.

**Table 3.3.n
Public Utilities Commission Mitigation Summary**

Programs, Plans, Policies, Regulations, Funding or Practices	Effect on Loss Reduction (X)			Comments
	Support	Facilitate	Hinder	
Technical Assistance for Program Development (Pre-Disaster)	X			The PUCO supports mitigation measures and provides imperative information to Ohio EMA, during project development, regarding the safety of property before demolition of homes, including the locations of buried power lines.
Identify Projects Post-Disaster (Post-Disaster)	X			Work with utility companies post-disaster to identify projects and utilize 406 mitigation funds through the PA program, if possible.

STATE DEVELOPMENT POLICIES FOR HAZARD-PRONE AREAS

State development policies for hazard areas are generally manifested through the programs identified in the previous section. As a home rule state, Ohio does not have comprehensive or overarching standards for development in hazard-prone areas. At the same time, Ohio communities have significant freedom to adopt and enforce policies for these areas. For example, any Ohio community could adopt zoning standards that apply to hazard-prone areas because such standards have a direct tie to public health and safety. As was stated earlier, Ohio does not have a requirement for comprehensive planning nor hazards planning other than the requirements found in the Disaster Mitigation Act of 2000.

Most Ohio policies are targeted and limited to the hazard of flooding or coastal erosion. A few examples follow:

- Under Section 1521 of the Ohio Revised Code (ORC), development in 100-year floodplains that is funded by state and state-administered federal monies must comply with the minimum National Flood Insurance Program (NFIP) criteria.
- Infectious waste treatment facilities permitted under Section 3734 of the ORC are prohibited in all special flood hazard areas.
- The Ohio Basic Building Code and the Ohio Fire Code are now based on the International Code Council codes. The OBBC contains minimum standards for flood resistant construction.

The Ohio EMA has prioritized hazard mitigation planning and the use of acquisition of hazard-prone structures as a mitigation action for many years and such a priority will continue.

STATE FUNDING CAPABILITY FOR HAZARD MITIGATION

As of this update (May 2008), Ohio, like many states, is feeling the results of a difficult economic climate. Tax revenues are down and there are increasing demands on both state and local resources. Still, Ohio has been aggressive in pursuing hazard mitigation projects available through FEMA programs. Appendix F: FEMA Mitigation Programs Funding Summary shows that since 1990, the date of the first Federal disaster declaration, which resulted in mitigation funding, over \$36 million of state funds have been spent on FEMA's hazard mitigation programs (this does not include state match assistance for 406 mitigation accomplished through the Public Assistance program). Typically, the State of Ohio provides a cost share for the HMGP that varies from disaster to disaster. Ohio has provided anywhere from matching Federal mitigation funds dollar-for-dollar, to providing a portion of the non-Federal matching funds required to only providing funds to match the state management costs of the program. It has generally been a policy of the state, even when Federal mitigation funds were matched dollar-for-dollar, that there be some amount of local match contributed so a community would have some vested interest in the project.

However, Ohio is not only committed to hazard mitigation through providing funds for FEMA mitigation programs, Ohio also has committed to building / maintaining state staffing to provide a good measure of technical assistance to Ohio communities and citizens in both the state Floodplain Management Program, Dam Safety Program and Mitigation Branch. However, these programs as well as others in state government are not immune to budgetary challenges.

Clearly, the State of Ohio is committed to hazard mitigation.