

# Disaster Assistance: Information on the 2021 Condominium Collapse in Surfside, Florida

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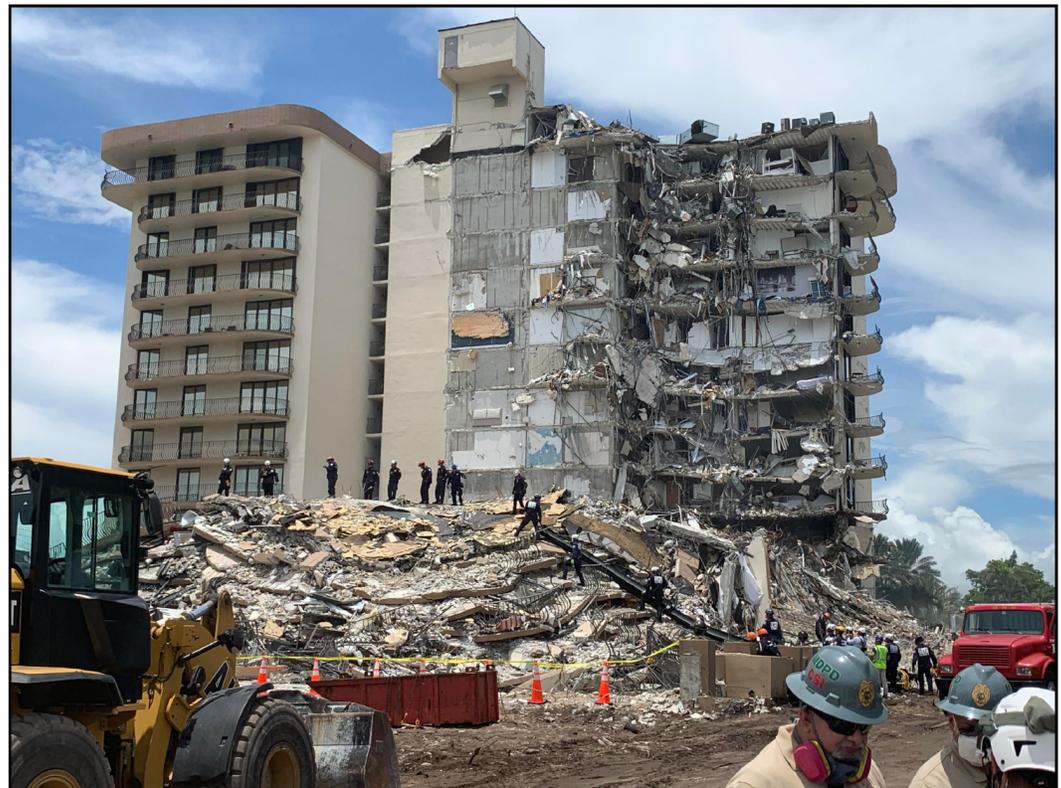
GAO-24-106558  
Q&A Report to Congressional Requesters

February 6, 2024

## Why This Matters

On June 24, 2021, Champlain Towers South, a 12-story 136-unit beachfront condominium in Surfside, Florida, partially collapsed, killing 98 people and injuring many others (see fig. 1). It is one of the deadliest structural disasters in American history.

**Figure 1: Site of the 2021 Champlain Towers South Collapse in Surfside, Florida**



Source: National Institute of Standards and Technology. | GAO-24-106558

Given the enormity of the incident, state and local emergency responders requested, through the governor, federal assistance. On June 25, 2021, the President signed an emergency declaration authorizing such assistance. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is the primary federal agency responsible for coordinating the emergency response and recovery, including assistance for survivors and victims' families.

As of January 2024, the cause of the collapse was still undetermined, and federal and local investigations are underway. The National Institute of Standards and

Technology (NIST), part of the U.S. Department of Commerce, is the federal agency with principal authority for the technical investigation into the cause of the collapse. Following the collapse, questions have been raised about the potential for FEMA to recover federal assistance costs for this emergency and for FEMA programs to improve the disaster resilience of condominiums.

We were asked to examine aspects of the federal response to the Champlain Towers South collapse. This report includes information on FEMA and NIST obligations in response to the collapse, factors that affect whether FEMA attempts to recover federal assistance costs, efforts that have been taken to investigate the cause of the collapse, and whether FEMA grants can be used to increase the resilience of condominiums.

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## Key Takeaways

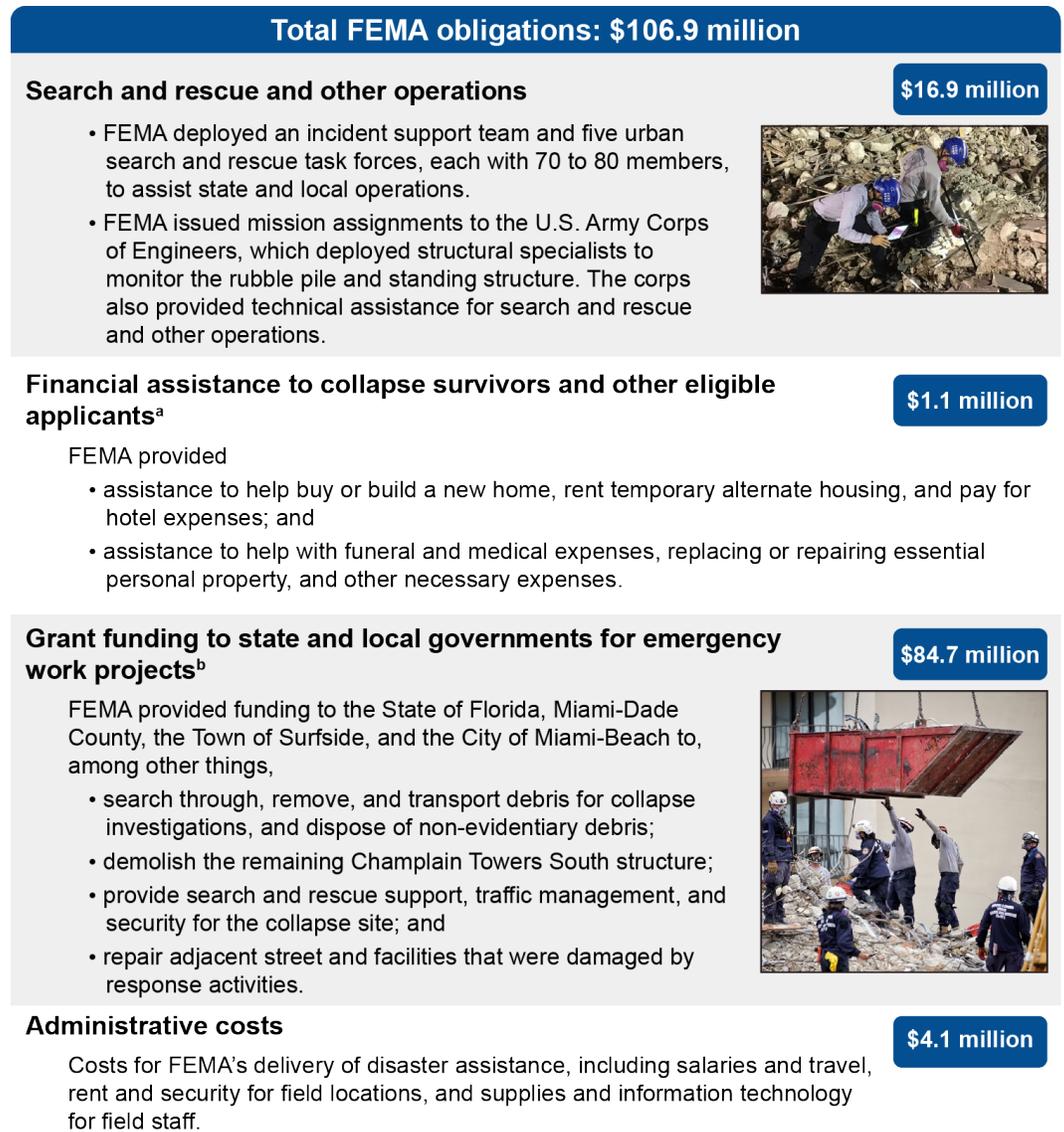
- As of June 2023, FEMA had obligated about \$106.9 million in response to the Champlain Towers South collapse. These funds provided financial assistance to individuals for housing and other needs and support to state and local response and recovery efforts.
- NIST, Miami-Dade County, and the Town of Surfside are each conducting independent investigations into the cause of the collapse for different purposes.
- As of June 2023, NIST had obligated about \$15.4 million for its technical investigation. NIST has used the funds to collect and preserve evidence and evaluate building materials and foundation design, among other activities.
- Federal law allows FEMA to recover assistance costs for emergencies or major disasters that were intentionally caused. When determining whether to pursue recovering such costs, FEMA considers various factors, such as whether an intentional act can be shown and the time and cost of litigation. As of January 2024, FEMA has taken no action to recover costs related to the collapse.
- FEMA has several hazard mitigation assistance grant programs that could be used to help make condominiums more disaster resilient.

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## How much has FEMA obligated for collapse response and recovery efforts?

FEMA had obligated about \$106.9 million in response to the emergency declaration for the Champlain Towers South collapse, as of June 2023.<sup>1</sup> These funds supported individuals affected by the collapse and state and local response and recovery efforts. For example, FEMA obligated \$16.9 million for search and rescue and other operations; \$1.1 million to provide financial assistance to eligible individuals for housing, funeral expenses, and other needs; and \$84.7 million in grant funding to state and local governments for debris removal and other emergency work (see fig. 2).

**Figure 2: Federal Emergency Management Agency (FEMA) Obligations in Response to the Champlain Towers South Collapse, as of June 2023**



Source: GAO analysis of FEMA obligations data, and Indiana Urban Search and Rescue Task Force 1 and FEMA (images). | GAO-24-106558

**Accessible text for Figure 2: Federal Emergency Management Agency (FEMA) Obligations in Response to the Champlain Towers South Collapse, as of June 2023**

- Total FEMA obligations: \$106.9 million
  - Search and rescue and other operations (\$16.9 million)
    - FEMA deployed an incident support team and five urban search and rescue task forces, each with 70 to 80 members, to assist state and local operations.
    - FEMA issued mission assignments to the U.S. Army Corps of Engineers, which deployed structural specialists to monitor the rubble pile and standing structure. The corps also provided technical assistance for search and rescue and other operations.
  - Financial assistance to collapse survivors and other eligible applicants /a (\$1.1 million)
    - FEMA provided

- assistance to help buy or build a new home, rent temporary alternate housing, and pay for hotel expenses; and
- assistance to help with funeral and medical expenses, replacing or repairing essential personal property, and other necessary expenses.
- Grant funding to state and local governments for emergency work projects/b/ (\$84.7 million)
  - FEMA provided funding to the State of Florida, Miami-Dade County, the Town of Surfside, and the City of Miami-Beach to, among other things,
    - search through, remove, and transport debris for collapse investigations, and dispose of non-evidentiary debris;
    - demolish the remaining Champlain Towers South structure;
    - provide search and rescue support, traffic management, and security for the collapse site; and
    - repair adjacent street and facilities that were damaged by response activities.
  - Administrative Costs (\$4.1 million)
    - Costs for FEMA’s delivery of disaster assistance, including salaries and travel, rent and security for field locations, and supplies and information technology for field staff.

Source: GAO analysis of FEMA obligations data, and Indiana Urban Search and Rescue Task Force 1 and FEMA (images). |

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Notes: An obligation is a definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received. The sum of the obligations by each category does not equal the total obligations because of rounding.

<sup>a</sup>FEMA delivered this assistance through its Individuals and Households Program, which provides financial assistance and direct services to eligible applicants who have uninsured or underinsured necessary expenses and serious needs due to a declared major disaster or emergency. 42 U.S.C. § 5174. FEMA officials noted that the agency was also able to coordinate providing support services with state and local governments and nonprofit organizations, such as the American Red Cross.

<sup>b</sup>FEMA delivered this assistance through its Public Assistance program, which provides supplemental assistance to states, territorial, tribal, and local governments, as well as certain private nonprofit organizations. For the Champlain Towers South collapse and other emergency declarations, the program is authorized to fund emergency work, which is done to save lives; protect public health, safety, and property; or reduce the immediate threat of additional damage. 42 U.S.C. §§ 5170b, 5192.

## What factors affect whether FEMA attempts to recover assistance costs?

FEMA considers multiple factors when determining whether to pursue recovering assistance costs. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) contains a provision that allows FEMA to recover assistance costs for emergencies or major disasters that were intentionally caused. Specifically, the act provides that any person who intentionally causes a condition that results in an emergency or major disaster is liable for the federal government’s costs in responding to the event. The person is liable to the extent that the costs are attributable to their intentional act or omission that caused the condition. To recover such costs, the government must file a claim in an appropriate federal court.<sup>2</sup>

According to officials from FEMA’s Office of Chief Counsel, the agency’s first priority is assisting disaster survivors. They noted that FEMA determines if recovering federal assistance costs are warranted after providing all necessary assistance. When deciding whether to pursue recovering such costs, these officials stated that the factors considered include:

- **Whether an intentional act can be shown to have caused the emergency or major disaster.** According to FEMA officials, the agency can only recover costs if an intentional act or omission caused a condition that resulted in an emergency or major disaster. They stated that this statutory requirement has rarely been met. Officials also noted that FEMA has no investigative authority to determine cause or intentionality and must rely on federal, state, or local government investigations to do so.
- **The time and cost of litigation.** FEMA officials stated that determining the cause of an emergency or disaster, as well as any related litigation, could take years to complete and may not result in conclusive findings. As such, FEMA weighs the time and expense of litigation in conjunction with the size and certainty of recovering costs when considering whether to pursue this course of action.
- **How recovering costs would affect the compensation owed to disaster survivors.** According to officials, FEMA considers the solvency of the alleged responsible party and the extent to which the party's available funds would be enough to cover the compensation owed to disaster survivors, as well as reimburse the agency for its costs.

Regarding the Champlain Towers South collapse, FEMA officials stated that if an investigation finds evidence that a person intentionally caused a condition that resulted in the collapse, the agency would work with the Department of Justice to assess that evidence and the size and certainty of recovery to determine whether it would be appropriate to file a claim. However, officials noted that if the evidence reveals that, for example, negligent design or maintenance was the sole cause of the collapse, FEMA would not be able to recover costs under the Stafford Act.

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### Has FEMA previously attempted to recover assistance costs?

Yes, FEMA sought to recover costs from a third party in one instance, according to agency officials. Specifically, FEMA, through the Department of Justice, filed a claim in the 2019 bankruptcy proceedings for Pacific Gas & Electric Corporation (PG&E) seeking recovery of approximately \$3.9 billion in federal disaster assistance provided under three major disaster declarations for wildfires in California.<sup>3</sup> FEMA officials stated that the claim was filed following investigations by the California Department of Forestry and Fire Protection. According to officials, those investigations found that PG&E electrical transmission lines caused the fires due to the corporation's failure to 1) conduct critically necessary repairs, 2) respond timely to safety issues, 3) manage risk effectively, and 4) adequately maintain utility poles and attachments.

The Department of Justice argued in the proceedings that PG&E knew that failure to act could cause or spread a wildfire, which constituted an intentional act or omission under the Stafford Act provision for recovering assistance costs. The federal government settled its claim in the PG&E bankruptcy case for \$1 billion to be paid from the Fire Victim Trust established under the bankruptcy once all individual claims are resolved. FEMA officials stated that they expect the trust to complete paying out individual claims by the end of 2024 and cannot yet estimate what funds the agency will ultimately receive, if any.

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### What federal entities are investigating the cause of the collapse?

As of January 2024, NIST was the only federal agency investigating the Champlain Tower's South Collapse. NIST is specifically focused on investigating the technical cause of the collapse. On June 30, 2021, NIST announced that it was launching a full investigation under the authority of the National Construction Safety Team Act.<sup>4</sup> The act authorizes NIST to determine the technical cause of a building failure that resulted in substantial loss of life and to recommend changes

to building codes, standards and practices, or other appropriate actions to improve the structural safety of buildings.

To conduct the technical investigation, NIST experts are working with federal, state, and local authorities to identify and preserve materials and information that might help them understand why the collapse occurred. According to NIST documentation, they have divided their investigation into six projects: (1) building and code history review, (2) evidence collection and preservation, (3) remote sensing and data visualization, (4) materials science, (5) geotechnical engineering, and (6) structural engineering.

Each project has a different focus, and all will contribute to NIST's final findings and report. For example, as part of the building and code history review, NIST officials assessed the history of Champlain Towers South from the original design through the date of the partial collapse. NIST officials reviewed relevant building codes and standards, design drawings, construction records, inspections, maintenance, and other relevant documents.

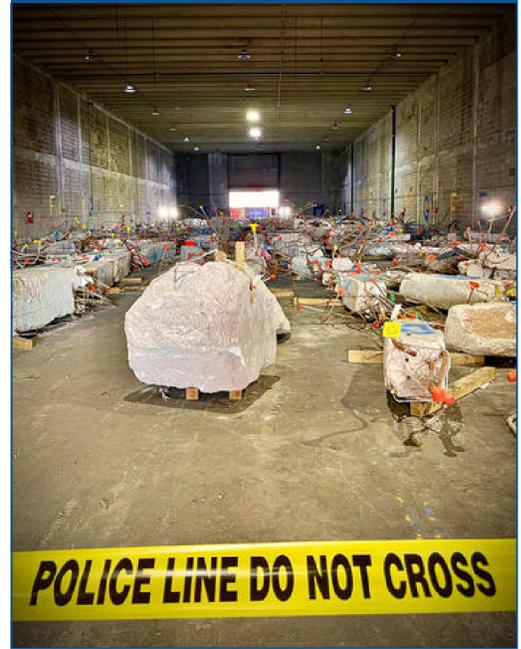
The evidence preservation project includes organizing the evidence and maintaining it through proper storage, handling, and sampling, according to NIST officials (see fig. 3).

**Figure 3: Examples of Champlain Towers South Evidence being Collected, Transported, and Stored**

Building elements such as columns, beams, and floor slabs identified for evidence review (July 2021)



Evidence stored in a secure warehouse (January 2022)



Evidence being transported to a second warehouse for material testing (May 2023)



Concrete column evidence ready for material and structural testing (May 2023)



Source: National Institute of Standards and Technology. | GAO-24-106558

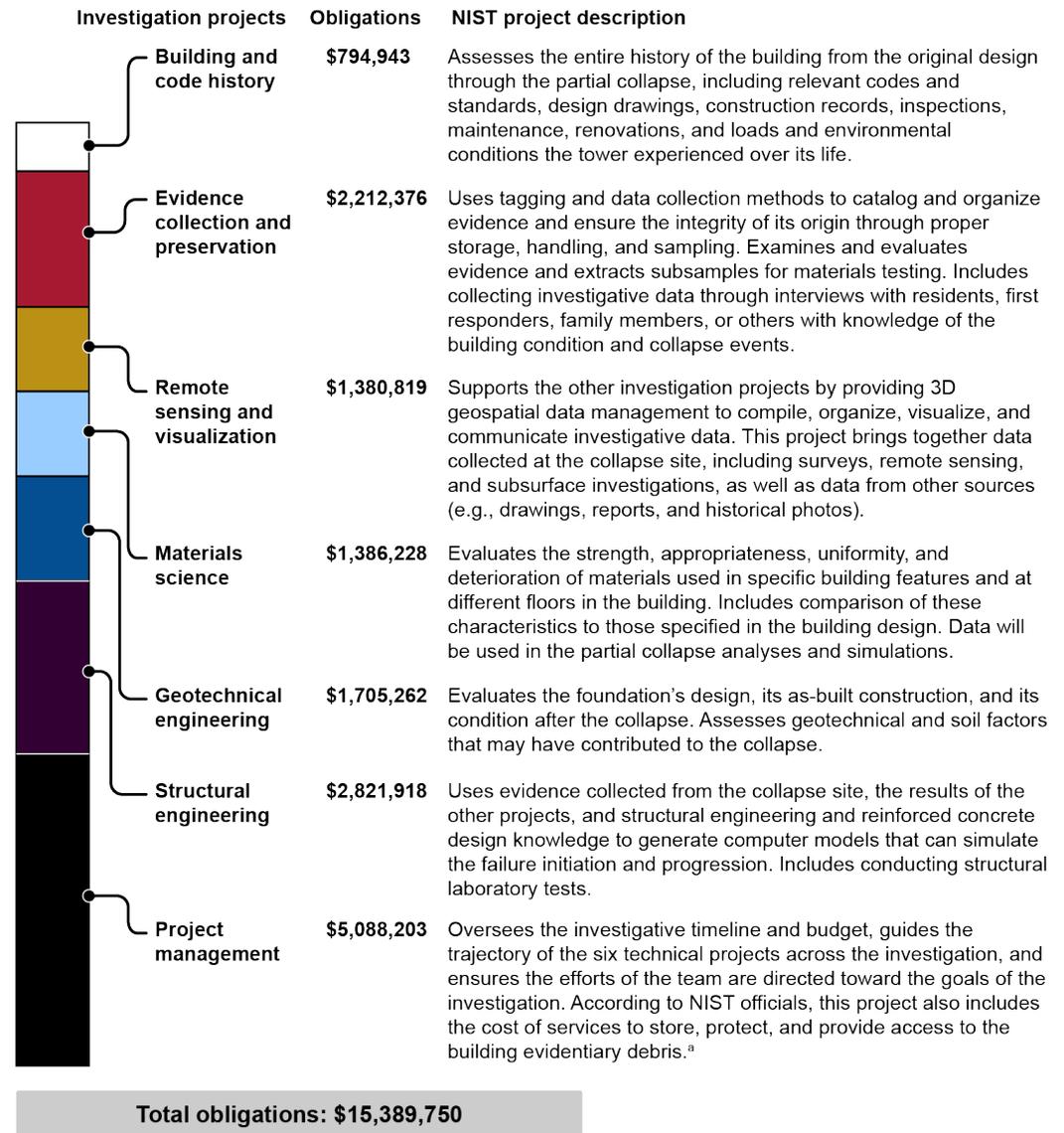
NIST plans to issue a final report in 2025. NIST officials reported at the public semi-annual meeting of the National Construction Safety Team Advisory Committee in September 2023 that they are still investigating and that they have developed around 24 failure hypotheses related to the technical cause of the collapse.

According to NIST regulations, it is not NIST's role to determine whether there was a criminal act or a violation of any applicable federal, state, or local requirements or to determine any associated culpability.<sup>5</sup> In addition, no part of any report resulting from the NIST investigation may be admitted as evidence or used in any suit or action for damages arising out of any matter mentioned in such report.<sup>6</sup> Instead, as required by statute, the final report will provide the public with information on the technical cause of the collapse and any recommended changes to building codes, standards, and practices.<sup>7</sup>

## How much has NIST obligated to investigate the collapse?

As of June 2023, NIST had obligated about \$15.4 million to investigate the technical cause of the Champlain Towers South collapse.<sup>8</sup> NIST used the funds to collect, preserve, and examine evidence; evaluate the materials used in building features and the design of the foundation and structure; and create computer models to simulate the building’s collapse progression, among other projects (see fig. 4).

**Figure 4: National Institute of Standards and Technology (NIST) Obligations to Investigate the Technical Cause of the Champlain Towers South Collapse, as of June 2023**



Source: GAO analysis of NIST obligations data. | GAO-24-106558

**Accessible text for Figure 4: National Institute of Standards and Technology (NIST) Obligations to Investigate the Technical Cause of the Champlain Towers South Collapse, as of June 2023**

Investigation projects	Obligations	NIST project description
Building and code history.	\$794,943.	Assesses the entire history of the building from the original design through the partial collapse, including relevant codes and standards, design drawings, construction records, inspections, maintenance, renovations, and loads and environmental conditions the tower experienced over its life.
Evidence collection and preservation	\$2,212,376	Uses tagging and data collection methods to catalog and organize evidence and ensure the integrity of its origin through proper storage, handling, and sampling. Includes collecting investigative data through interviews with residents, first responders, family members, or others with knowledge of the building condition and collapse events.
Remote sensing and visualization	\$1,380,819	Supports the other investigation projects by providing 3D geospatial data management to compile, organize, visualize, and communicate investigative data. This project brings together data collected at the collapse site, including surveys, remote sensing, and subsurface investigations, as well as data from other sources (e.g., drawings, reports, and historical photos).
Materials science	\$1,386,228	Evaluates the strength, appropriateness, uniformity, and deterioration of materials used in specific building features and at different floors in the building. Includes comparison of these characteristics to those specified in the building design. Data will be used in the partial collapse analyses and simulations.
Geotechnical engineering	\$1,705,262	Evaluates the foundation's design, its as-built construction, and its condition after the collapse. Assesses geotechnical and soil factors that may have affected the foundation.
Structural engineering	\$2,821,918	Uses evidence collected from the collapse site, the results of the other projects, and structural engineering and reinforced concrete design knowledge to generate computer models that can simulate the failure initiation and progression.
Project management	\$5,088,203	Oversees the investigative timeline and budget, guides the trajectory of the six technical projects across the investigation, and ensures the efforts of the team are directed toward the goals of the investigation. According to NIST officials, this project also includes the cost of services to store, protect, and provide access to the building evidentiary debris. <sup>a</sup>
<b>Total obligations:</b>	<b>\$15,389,750</b>	<b>NA</b>

Source: GAO analysis of NIST obligations data. | GAO-24-106558

Notes: An obligation is a definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received. According to NIST officials, they established individual projects for the investigation in December 2021, about 6 months after the collapse. Prior to this, all obligations were charged to the project management code. The sum of the obligations by each project does not equal the total obligations because of rounding.

## What local entities are investigating the collapse?

In addition to NIST's technical investigation, the Miami-Dade Police Department and the Town of Surfside are also investigating the cause of the collapse.

- **Miami-Dade Police Department investigation.** The Miami-Dade Police Department hired the engineering firm Forensic Engineering and Consulting Services to assist with its investigation into the Champlain Towers South collapse. According to Miami-Dade Police Department officials, they are conducting their own investigation into the cause of the collapse because NIST is focused on the technical cause of the collapse and not on whether a crime was committed or on establishing any liability. Miami-Dade Police Department and NIST officials told us that the engineering firm Miami-Dade hired has been working closely with NIST to support the movement and storage of necessary debris evidence. However, these officials said that Miami-Dade's engineering firm and NIST are assessing the evidence independently and reaching their own conclusions.

As of January 2024, Miami-Dade Police Department officials stated they are anticipating publicly releasing their investigation findings in 2025, around the same time NIST anticipates releasing its findings. These officials told us that it is possible their engineering firm and NIST may reach different conclusions about the cause of the collapse. In addition, they stated that, if the engineering firm they hired finds there was criminal culpability or negligence, the department would work with the Miami-Dade Office of the State Attorney to determine whether charges should be filed.

- **Town of Surfside investigation.** The Town of Surfside is also conducting its own investigation. According to town officials, they hired KCE Structural Engineers to investigate the cause(s) of the collapse to help them ensure another building does not collapse in the town.<sup>9</sup> According to the contract, KCE Structural Engineers committed to reviewing documents describing structural repairs and structural maintenance efforts of Champlain Towers South, testing debris material collected from the collapse site, and sampling and testing materials and soils/rock from the collapse site.

As of January 2024, town officials stated they are anticipating publicly releasing their investigation findings after the NIST technical investigation is complete. Similar to Miami-Dade County, these officials stated that the Town of Surfside plans to decide whether to pursue charges once KCE Structural Engineers releases its findings.

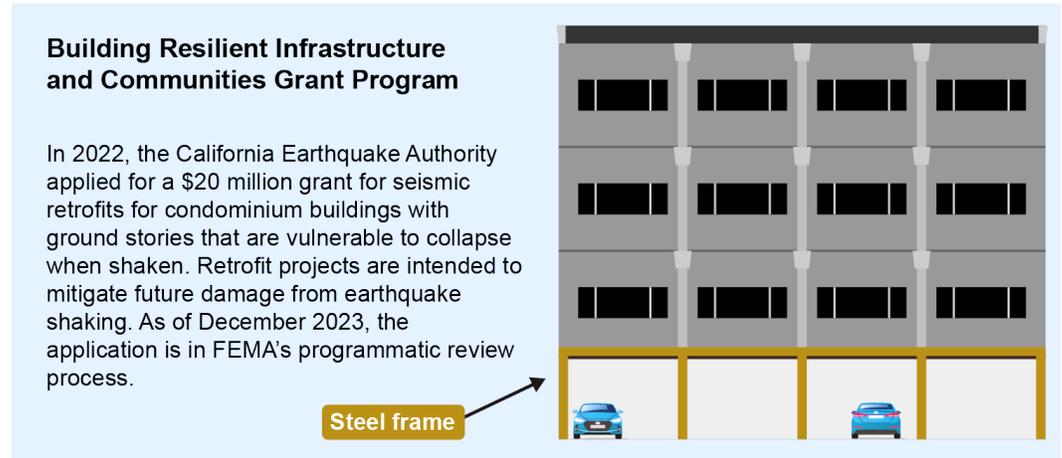
## Can FEMA grants be used to increase condominiums' disaster resilience?

Yes, FEMA's hazard mitigation grant programs can be used to increase the disaster resilience of condominiums. FEMA hazard mitigation assistance grants are intended to reduce or eliminate long-term risk to people and property from future disasters. State, local, tribal, and territorial governments, as well as certain non-profits, can apply for these grants. Applicants determine which projects to submit to FEMA for funding consideration based on the amount of funding available and their hazard mitigation priorities. According to FEMA officials, three of FEMA's hazard mitigation assistance grant programs have been used to increase the resilience of condominiums since the 1990s.<sup>10</sup>

- **Building Resilient Infrastructure and Communities (BRIC) program.** According to FEMA, BRIC funds are intended to help communities plan for and implement sustainable cost-effective measures designed to reduce the risk to individuals and property from future natural hazards, while also reducing reliance on federal funding for future disasters.<sup>11</sup> Eligible activities

include mitigation projects, hazard mitigation planning, and grant management costs. To increase the resilience of condominiums, communities have applied for BRIC grants for condominium earthquake seismic retrofits to strengthen buildings and for flood prevention measures. See figure 5 for an example of how BRIC grants could be used to increase a condominium's resilience.

**Figure 5: Example of Building Resilient Infrastructure and Communities Grant Program Project**



Source: Federal Emergency Management Agency (FEMA) and GAO (graphics). | GAO-24-106558

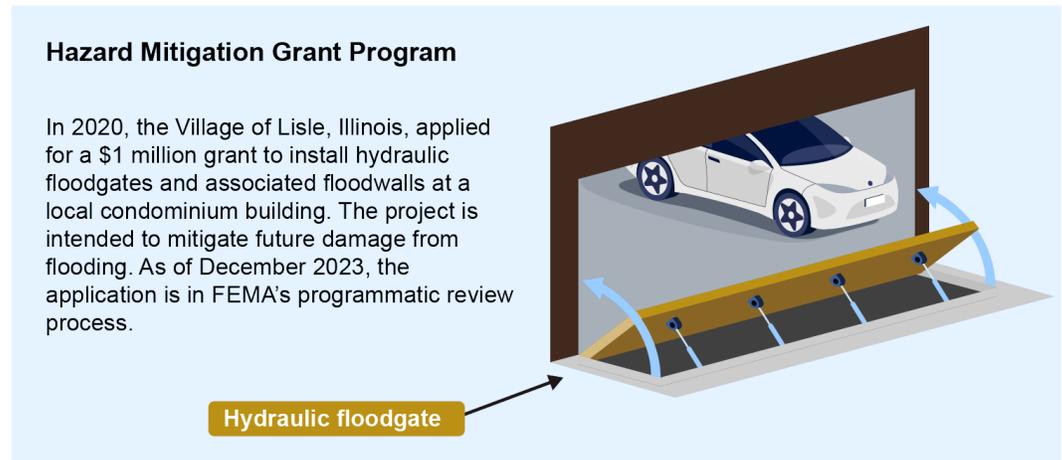
**Accessible text for Figure 5: Example of Building Resilient Infrastructure and Communities Grant Program Project**

- Building Resilient Infrastructure and Communities Grant Program
  - In 2022, the California Earthquake Authority applied for a \$20 million grant for seismic retrofits for condominium buildings with ground stories that are vulnerable to collapse when shaken. Retrofit projects are intended to mitigate future damage from earthquake shaking. As of December 2023, the application is in FEMA's programmatic review process.

Source: Federal Emergency Management Agency (FEMA) and GAO (graphics). | GAO-24-106558

- **Hazard Mitigation Grant Program.** According to FEMA, the Hazard Mitigation Grant Program provides funding to communities to help develop hazard mitigation plans and rebuild in a way that reduces or mitigates future disaster losses in their communities.<sup>12</sup> Eligible activities include hazard mitigation projects, planning, and grant management costs. The Hazard Mitigation Grant Program has provided funding to assist communities with condominium acquisitions, landslide stabilization of condominium buildings, and purchasing generators, among other things. See figure 6 for an example of how this program could be used to increase a condominium's resilience.

**Figure 6: Example of Hazard Mitigation Grant Program Project**



Source: Federal Emergency Management Agency (FEMA) and GAO (graphics). | GAO-24-106558

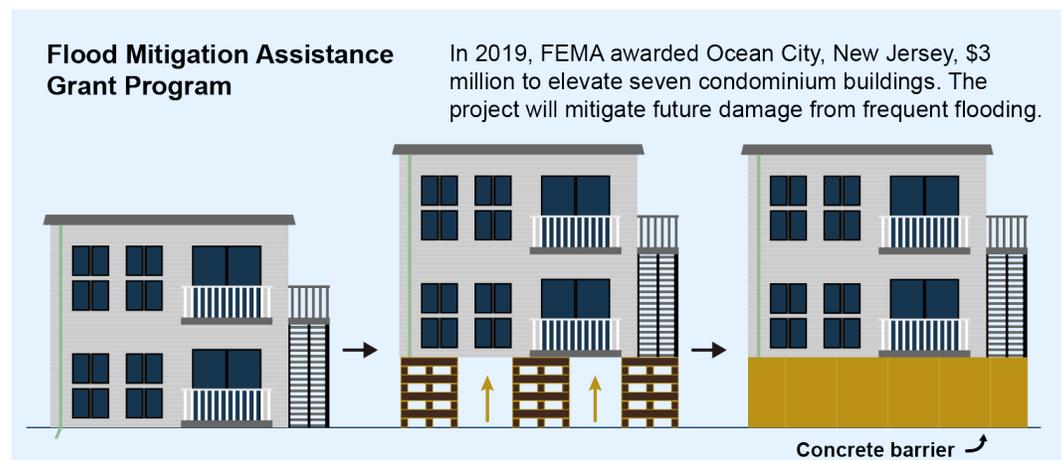
**Accessible text for Figure 6: Example of Hazard Mitigation Grant Program Project**

- **Hazard Mitigation Grant Program**
  - In 2020, the Village of Lisle, Illinois, applied for a \$1 million grant to install hydraulic floodgates and associated floodwalls at a local condominium building. The project is intended to mitigate future damage from flooding. As of December 2023, the application is in FEMA's programmatic review process.

Source: Federal Emergency Management Agency (FEMA) and GAO (graphics). | GAO-24-106558

- **Flood Mitigation Assistance grant program.** According to FEMA, Flood Mitigation Assistance funds can be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the federally managed National Flood Insurance Program.<sup>13</sup> Eligible activities include flood mitigation projects and planning for these insured buildings, technical assistance, and grant management costs. This program has been used by communities to elevate condominium buildings and install water pump stations designed to evacuate stormwater runoff from rain events. See figure 7 for an example of how this program was used to increase a condominium's resilience.

**Figure 7: Example of Flood Mitigation Assistance Grant Program Project**



Source: Federal Emergency Management Agency (FEMA) and GAO (graphics). | GAO-24-106558

## Accessible text for Figure 7: Example of Flood Mitigation Assistance Grant Program Project

- Flood Mitigation Assistance Grant Program
  - In 2019, FEMA awarded Ocean City, New Jersey, \$3 million to elevate seven condominium buildings. The project will mitigate future damage from frequent flooding.

Source: Federal Emergency Management Agency (FEMA) and GAO (graphics). | GAO-24-106558

According to FEMA officials, while FEMA’s hazard mitigation grant programs can be used to increase the disaster resilience of condominiums, they are generally not the kind of projects that state and local governments prioritize when they apply for assistance. FEMA officials told us that, in most cases, states decide which projects to submit in their grant application based on their priorities. When prioritizing projects, applicants must consider the benefit-cost of a project, how the project will improve resilience for a community, and how a project will decrease disaster risk for a community, among other things.

FEMA officials also noted that condominiums can include a wide variety of building types and the most appropriate mitigation measures will vary by building type and hazard. That said, condominium mitigation projects are often more complicated because they require the approval of the condominium’s homeowners association and potentially all of the property owners within the condominium. According to FEMA officials, condominium mitigation projects may also be more expensive than similar projects for single-family homes due to the size of the structures. In addition, condominiums may be less vulnerable to certain risks such as wind and seismic shaking than single-family homes because they often are built with reinforced steel frames. As a result, FEMA officials stated that state and local government officials may prioritize projects intended to increase the resiliency of single-family homes over projects intended to increase the resiliency of a condominium building.

### Can FEMA’s Revolving Loan Fund program be used to increase condominiums’ disaster resilience?

Yes, the Safeguarding Tomorrow Revolving Loan Fund program can be used to increase condominiums’ disaster resilience. The program was created in 2021 to provide grants to states, tribes, and territories for revolving loan funds that help communities fund mitigation measures.<sup>14</sup> According to FEMA officials, projects intended to increase the disaster resilience of a condominium can be funded through the program if the project has been included in the grantee application project proposal list, among other things.

The program provides hazard mitigation assistance for local governments to reduce risks from natural hazards and disasters and increase resilience. However, unlike FEMA’s other hazard mitigation programs, after the hazard mitigation project is completed, the loan recipient is required to repay the loan to the revolving loan fund with applicable interest.

Eligible uses of the Safeguarding Tomorrow Revolving Loan Fund program include zoning and land use projects focused on low-impact development, wildland-urban interface management, conservation areas, reconnection of floodplains, and implementation of watershed or greenway master plans.<sup>15</sup> In addition, funding can be used for building code adoption and enforcement. The program also allows grant awardees to provide loans to support local hazard mitigation activities that reduce the impacts of natural hazards.

FEMA officials indicated that they cannot fund all eligible mitigation projects because applications for their competitive grant programs typically exceed available funding. The Safeguarding Tomorrow Revolving Loan Fund program provides an opportunity for grant awardees to fund these projects, as well as other projects, such as those that do not meet the cost-effectiveness guidelines

applicable to other hazard mitigation programs. They said that, for this reason, the fund may be a good option for communities looking to enhance the disaster resiliency of its condominiums.

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## Agency Comments

We provided a draft of this report to the Department of Commerce, Department of Homeland Security, and Department of Justice for review and comment. The Department of Commerce and Department of Homeland Security provided technical comments, which we incorporated as appropriate. The Department of Justice did not have any comments on the report.

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## How GAO Did This Study

To report on obligations for the Champlain Towers South collapse, we analyzed FEMA and NIST data on federal funds obligated in response to the collapse, the types of assistance provided, and how the funds were used. We also interviewed relevant FEMA, NIST, Miami-Dade County, and Town of Surfside officials and analyzed documents they provided, such as after-action reports and funding summaries, to obtain additional information on the amounts obligated and how the funds were used. We assessed the reliability of FEMA and NIST obligations data by reviewing data system documents, interviewing agency officials about the data provided, and testing the data for potential reliability concerns. We determined the data were sufficiently reliable for reporting obligations in response to the collapse.

To identify the entities investigating the cause of the Champlain Towers South collapse, the purpose of the investigations, and timeframes for completion, we interviewed officials from NIST, Miami-Dade Police Department, Miami-Dade Office of the State Attorney, and the Town of Surfside. We also visited the Town of Surfside to observe the collapse site. In addition, we reviewed documents such as NIST presentations about its investigation and local agency contracts with engineering firms conducting investigations.

To describe the factors that affect whether FEMA attempts to recover assistance costs, we analyzed the Stafford Act provision allowing the federal government to recover such costs when a major disaster or emergency is intentionally caused. We also interviewed officials from FEMA's Office of Chief Counsel to obtain information on the factors the agency considers when determining whether to pursue recovering costs and any challenges with being able to recover costs. To describe any previous instances when FEMA has sought to recover costs, we interviewed officials from FEMA's Office of Chief Counsel and reviewed available court documents related to these instances.

Lastly, we analyzed applicable laws, policies, and documents to identify which FEMA hazard mitigation assistance and revolving loan fund grant programs can be used to increase the disaster resilience of condominiums. For example, we reviewed FEMA's Hazard Mitigation Assistance Program and Policy Guide. We also reviewed queries from FEMA's grant records database to determine how hazard mitigation grants have been used to enhance the disaster resilience of condominiums between 1990 and 2022. In addition, we interviewed officials from FEMA's Hazard Mitigation Assistance division to understand how hazard mitigation and revolving loan fund grant programs could be used to increase the disaster resilience of condominiums.

We conducted this performance audit from January 2023 to February 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence

obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

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## List of Requesters

The Honorable Rick Larsen  
Ranking Member  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Scott Perry  
Chair  
Subcommittee on Economic Development, Public Buildings, and Emergency  
Management  
Committee on Transportation and Infrastructure  
House of Representatives

The Honorable Daniel Webster  
House of Representatives

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<sup>1</sup>Under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), the President can declare an emergency or a major disaster upon a governor's request, which triggers specific types of federal relief. See 42 U.S.C. § 5121 et seq. We focused on FEMA because it is the lead federal agency for coordinating the emergency response and recovery for the collapse. According to the FEMA, other federal agencies that provided assistance in response to the collapse included the Department of Veterans Affairs, Department of State, Federal Aviation Administration, Federal Bureau of Investigation, Occupational Safety and Health Administration, U.S. Army Corps of Engineers, U.S. Coast Guard, and U.S. Small Business Administration. FEMA's obligations do not include the costs of the assistance provided by other federal agencies that responded to the collapse, apart from where FEMA issued mission assignments, or work orders, to agencies. An obligation is a definite commitment that creates a legal liability of the government for the payment of goods and services ordered or received.

<sup>2</sup>According to the Stafford Act, "any person who intentionally causes a condition for which federal assistance is provided under this act or under any other federal law as a result of a declaration of a major disaster or emergency under this act shall be liable to the United States for the reasonable costs incurred by the United States in responding to such disaster or emergency to the extent that such costs are attributable to the intentional act or omission of such person which caused such condition. Such action for reasonable costs shall be brought in an appropriate United States district court." 42 U.S.C. § 5160. Omission is a failure to do something, especially a neglect of duty. Black's Law Dictionary (11th ed. 2019).

<sup>3</sup>In re: PG&E Corporation and Pacific Gas and Electric Company, Case No. 19-30088 (Bankr. N.D. Cal. 2019). According to FEMA, these major disaster declarations were for the California wildfires declared on September 22, 2015, October 10, 2017, and November 12, 2018.

<sup>4</sup>Pub. L. No. 107-231, 116 Stat. 1471 (codified as amended at 15 U.S.C. §§ 7301-7313). Under the National Construction Safety Team Act, NIST's responsibilities include: (1) establishing the likely technical cause(s) of the building failure; (2) evaluating the technical aspects of evacuation and emergency response procedures; (3) recommending, as necessary, specific improvements to building standards, codes, and practices; and (4) recommending any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation. 15 U.S.C. § 7301(b).

<sup>5</sup>15 C.F.R. § 270.1(b)(2).

<sup>6</sup>15 U.S.C. § 281a; 15 C.F.R. § 270.340.

<sup>7</sup>15 U.S.C. § 7307. NIST is not involved in the adoption of practices, standards, or codes by state or local regulatory authorities. 15 C.F.R. § 270.1(b)(1).

<sup>8</sup>Congress appropriated \$22 million in supplemental funding to NIST for fiscal years 2022 and 2023 to investigate building failures, which was allocated to the Champlain Towers South collapse investigation. Pub. L. No. 117-43, 135 Stat. 344, 358 (2021). Congress also appropriated \$40 million in fiscal year 2023 to investigate the effects of certain natural disasters to support the development of resilience standards, as well as to investigate building failures. The funds in this appropriation are available until expended. Pub. L. No. 117-328, 136 Stat. 4459, 5204 (2022). NIST officials estimated that about \$15 million of the \$40 million would be used for the Champlain Towers South investigation.

<sup>9</sup>In addition, town officials stated that they hired KCE Structural Engineers to provide subject matter expertise in the emergency response and review other buildings that were built under the same building code as Champlain Towers South to identify any related safety concerns.

<sup>10</sup>FEMA defines a residential condominium building as a type of building containing one or more family units where at least 75 percent of the floor area is residential, and which is administered in the form of ownership in which each unit owner has an undivided interest in common elements in the building. The three FEMA hazard mitigation assistance grants that have been used are the Flood Mitigation Assistance program, the Hazard Mitigation Grant Program, and the Pre-Disaster Mitigation program. Communities have also applied to the Building Resilient Communities and Infrastructure program which replaced the Pre-Disaster Mitigation program in 2020. In addition to these programs, FEMA officials told us that the Hazard Mitigation Grant Program-Post Fire could also be used to help increase the disaster resilience of condominiums but has not yet been used for this purpose.

<sup>11</sup>The BRIC program is generally funded through a 6 percent set-aside from the Disaster Relief Fund of estimated disaster expenses for each major disaster. 42 U.S.C. § 5133. In addition, the Infrastructure and Jobs Act appropriated \$1 billion from fiscal years 2022 through 2026 to FEMA for BRIC. Pub. L. No. 115-78, 135 Stat. 429, 1387 (2021).

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<sup>12</sup>The Hazard Mitigation Grant Program is available when authorized in a major disaster declaration. 42 U.S.C. § 5170c.

<sup>13</sup>The Flood Mitigation Assistance program is funded through revenue collected by the National Flood Insurance Program, and Congress appropriates the amount available for Flood Mitigation Assistance on an annual basis. 42 U.S.C. § 4017(f).

<sup>14</sup>The Safeguarding Tomorrow Revolving Loan Fund program was established under the Safeguarding Tomorrow through Ongoing Risk Mitigation Act. Pub. L. No. 116-284, 134 Stat. 4869 (2021).

<sup>15</sup>42 U.S.C. § 5135(f)(4)(A).