



Scituate 2014
Source:
Boston Globe,
David L. Ryan

Post-disaster Responsibilities of Local Floodplain Administrators

Joy Duperault, State Floodplain Manager
Department of Conservation & Recreation

Who is the Local Floodplain Administrator?



- * Building official (commissioner, inspector)
- * Conservation agent & commission
- * Dept. of Public Works director
- * Planners, community development staff
- * Town administrators/ managers

Post-disaster:

Always work in concert with your town administrator and emergency manager

Pre-disaster Planning

- * Know your community's flood vulnerabilities
- * Prepare talking points for key issues
- * Assemble an assessment team
- * Understand substantial damage regulations
- * Build records for quick access post-disaster
- * Set up a good filing system



Know Your Community's Flood Vulnerabilities



- * FEMA Flood Maps
- * Community floodplain district
- * Local knowledge/ history
- * FEMA repetitive loss lists

Prepare Talking Points for Key Issues

- * Safety concerns
- * Emergency management messages
- * Site “visitors” information
- * Substantial Damage regulations
- * Permitting activities/ post-disaster changes
- * Special local issues

**Remember to work with
your town’s administrator
and emergency manager
for consistent messaging**

“Local officials should develop written procedures that can help them make and document consistent determinations and improve efficiency, especially in the post-disaster period when large numbers of buildings may be damaged.”

--FEMA P-758 Desk Reference

Assemble an Assessment Team



- * Local government staff
- * State inspectors
- * Other state agency assistance
- * Stafford Act change to EMAC-new coverage

New EMAC Assistance

- * On October 3, 2018 the Senate passed the FAA Reauthorization that included the Disaster Recovery Reform Act. The president signed this legislation on October 5th.
- * This legislation includes an amendment to clarify that floodplain management and building code enforcement (including substantial damage determinations) are eligible under Stafford Act.
- * This will enable reimbursement when a state or community requests, through EMAC, mutual aid assistance to do substantial damage determinations and floodplain management code administration post-disaster.

**We are working through the process to
determine when this will become available
and how you can access this in Massachusetts
in the future.**

Understand Substantial Damage Regulations



2018 source:
www.houzz.com.
American Red Cross photo

MA building Code:

- * R105.3.1.1 Determination of Substantially Improved or Substantially Damaged Existing Buildings in Flood Hazard Areas.
- * R105.3.1.1.1 Determination of Substantial Repair of a Foundation.
- * Chapter 2 Definition of Substantial Repair of a Foundation.
- * Base Code 1612.1 General

Definition of Substantial Damage

- * FEMA definition:

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.



Understand Substantial Damage Regulations

- * FEMA P-758 “SI/SD Desk Reference”:

Administering the SI/SD requirements requires local officials to perform four major actions: (1) determine costs, (2) determine market values, (3) make SI/SD determinations, and (4) require owners to obtain permits to bring substantially improved or substantially damaged buildings into compliance with the floodplain management requirements.

Understand Substantial Damage Regulations

**What is the point of
the Substantial Damage
regulation?**



Understand Substantial Damage Regulations



Substantial Improvement/ Substantial Damage Desk Reference

FEMA P-758 / May 2010



Answers to Questions About Substantially Improved/ Substantially Damaged Buildings

FEMA 213 / August 2018



Build Records for Quick Access Post-disaster

- * Keep floodplain structures separately from all other
- * Flag repetitive loss structures
- * Compile recent permits for these properties
- * Records of previous damages, if available
- * Consider Appendix J, Residential Code:
 - * AJ101.3 Multiple categories of work. Work of more than one category shall be part of a single work project. **Related work permitted within a 12-month period shall be considered to be a single work project.** Where a project includes one category of work in one building area and another category of work in a separate and unrelated area of the building, each project area shall comply with the requirements of the respective category of work. Where a project with more than one category of work is performed in the same area or in related areas of the building, the project shall comply with the requirements of the more stringent category of work.

Set Up a Good Filing System

- * Assessment notes
- * Photographs of the damages
- * Letter of SD Determination
- * Permit application
- * Construction cost estimates
- * Tax assessor's record card
- * Property appraisal
- * Communication!



Post-disaster



One month after Hurricane Harvey. Source: Chicago Tribune ©

Post-disaster Responsibilities

- * Address safety issues
- * Assess damages in
Special Flood Hazard Areas
- * Determine Substantial Damage/
send letters
- * Monitor permitting for those structures
- * Keep Records
- * Work with the State Floodplain Office



Address Safety Issues

- * Post-disaster FIRST ORDER OF BUSINESS: Safety!
- * Structural notices
- * Working with local emergency management
- * Working with state and federal agencies



Source: Dissolve.com

Assess damages in Special Flood Hazard Areas

**FEMA wants you to go out
ahead of anticipated permitting
activity.**

- * Safe access, safety equipment, ID requirements
- * Informed team with necessary resources
 - * FEMA P-758 process information
 - * FEMA's "Substantial Damage Estimator Tool"
 - * Laptops, clipboards, forms, cameras, etc.
- * Additional help if needed: State Inspectors/ EMAC

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Determine Substantial Damage & Send Letters

Substantial Improvement Worksheet for Floodplain Construction

(for reconstruction, rehabilitation, addition, or other improvements, and repair of damage from any cause)

Property Owner: _____
Address: _____
Permit No.: _____
Location: _____
Description of Improvements: _____

Present Market Value of structure ONLY (market appraisal or adjusted assessed value, BEFORE improvement, or if damaged, before the damage occurred), not including land value: \$ _____

Cost of Improvement -
Actual cost of the construction** (see items to include/exclude)
Include volunteer labor and donated supplies. _____

Ratio = $\frac{\text{Cost of Improvement (or Cost to Repair)}}{\text{Market Value}} \times 100$

If ratio is 50 percent or greater (Substantial Improvement), entire structure including the existing building must be elevated to the base flood elevation (BFE) and all other aspects brought into compliance.

Important Notes:

1. Review cost estimates to ensure that all appropriate costs are included or excluded.
2. If a residential pre-FIRM building is determined to be substantially improved, it must be elevated to or above the BFE. non-residential pre-FIRM building is substantially improved, it must be elevated or dry floodproofed to the BFE.
3. Proposals to repair damage from any cause must be analyzed using the formula shown above.
4. Any proposed improvements or repairs to a post-FIRM building must be evaluated to ensure that the improvements or repairs comply with floodplain management regulations and to ensure that the improvements or repairs do not alter a aspect of the building that would make it non-compliant.
5. Alterations to and repairs of designated historic structures may be granted a variance or be exempt under the substantial improvement definition) provided the work will not preclude continued designation as a "historic structure."
6. Any costs associated with directly correcting health, sanitary, and safety code violations may be excluded from the improvement. The violation must have been officially cited prior to submission of the permit application.

Determination completed by: _____

Date: _____

Sample Letter to Notify Property Owners of a Determination That Work Constitutes Repair of Substantial Damage

Notice of Substantial Damage Determination (Residential)

Dear Property Owner:

We have reviewed your recent application for a permit to repair your existing home that was damaged by [insert cause of damage]. The building is located in a mapped Special Flood Hazard Area. As required by our floodplain management regulations and/or building code, we have determined that the building has been substantially damaged. This determination is based on a comparison of the cost estimate of the work required to restore the building to its pre-damage condition to the market value of the building (excluding land value). When the cost to repair equals or exceeds 50 percent of the market value of the building, the work is repair of substantial damage.

As a result of this determination, the flood damage-resistant

We would be pleased to meet with you to discuss how to bring your building into compliance with the regulation [or the elevation specification] to understand how you can reduce NFIP flood insurance costs.

If the damage was caused by a major Flood Insurance Program Compliance (ICC) covered event, you may be required to bring your building into compliance. This determination may also be used to pay certain costs of repairing your home to a site

Please resubmit your application with compliance measures to correct violations and may re

Owner's Affidavit: Substantial Improvement or Repair of Substantial Damage

Property Address: _____

Parcel ID Number: _____

Owner's Name: _____

Owner's Address/Phone: _____

Contractor: _____

Contractor's License Number: _____

Date of Contractor's Estimate: _____

I hereby attest that the description included in the permit application for the work on the existing building that is located at the property identified above is all of the work that will be done, including all improvements, rehabilitation, remodeling, repairs, additions, and any other form of improvement. I further attest that I requested the above-identified contractor to prepare a cost estimate for all of the work, including the contractor's overhead and profit. I acknowledge that if, during the course of construction, I decide to add more work or to modify the work described, that the [insert community] will re-evaluate its comparison of the cost to the market value of the building to determine if the work constitutes substantial damage. The requirement may require revision of the permit application.

Monitor Permitting for all SFHA Structures

- * **Carefully** review repair permits
 - * Will the proposed work cover all costs to bring the structure back to (at least) its pre-damaged condition?
 - * Watch for “phased” repairs
 - * Watch for interior repairs that have not been permitted
 - * Watch for “unexpected” increases in cost of work

Remember: What is the point of the Substantial Damage regulation?

50%

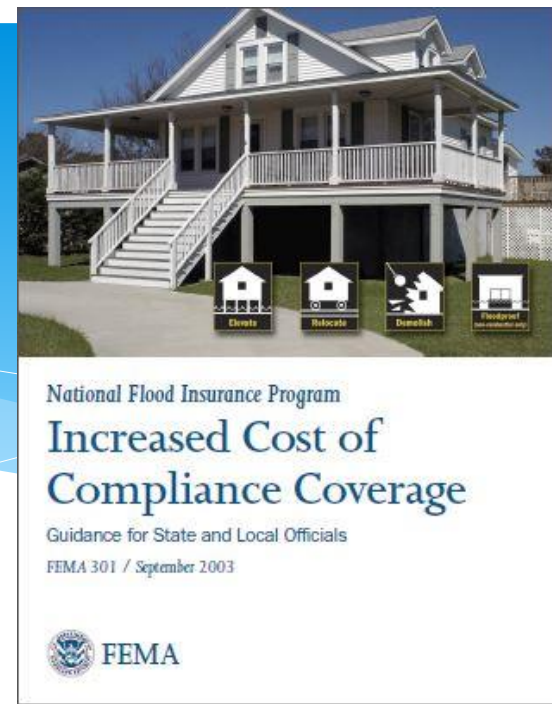
Keep Records

**If you didn't
DOCUMENT
IT,
it DIDN'T
HAPPEN.**

- * Assessment notes
- * Photographs of the damages
- * Letter of SD Determination
- * Permit application
- * Construction cost estimates
- * Tax assessor's record card
- * Property appraisal
- * Communication!

ICC: Increased Cost of Compliance

- * Community's role,
FEMA P-301 "Guidance for Local Officials"



The Claims Representative will need to obtain the following information from the community to verify that the claim is eligible for an ICC claim payment:

- * Basis for determination of substantial damage
- * Copy of the applicable ordinance provision if freeboard is required (MA BC)
- * For Zone A areas (with no BFE), the BFE that the community uses to require compliance with floodplain management laws or ordinances.
- * If the building is not in the SFHA, documentation as to why the building is required to undertake the mitigation action (e.g., the community has adopted and is enforcing advisory or preliminary BFEs provided by FEMA).

Mitigation

Federally-declared?

- ❖ Hazard Mitigation Grant
- ❖ Program

Not federally declared?

- ❖ Increased Cost of Compliance
- ❖ Annual Pre-disaster Mitigation Program
- ❖ Annual Flood Mitigation Assistance Program
- ❖ 203K Loan
- ❖ Future State Revolving Mitigation Loan Program?



Work with the State Floodplain Office

- * Eric Carlson, Engineer
 - * 617-626-1362 or eric.carlson@mass.gov
- * Joy Duperault, State Coordinator
 - * 617-626-1406 or joy.duperault@mass.gov



Questions?



ABC News photo in Nantucket during 2015 blizzard