

Topic 4: Enforcement



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Topic 4 Objective

- Describe the importance of enforcing floodplain management ordinances.



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The Value of Well-Enforced NFIP Management Standards



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Benefits of Floodplain Management

- Promotes economic growth
- Increases community resilience
- Improves water quality
- Protects wildlife habitats
- Maintains natural flood storage



Flood Damage Prevention Ordinances

- Also called flood or floodplain ordinances or local floodplain regulations
- Authority granted by State statutes
- Adopted and enforced by local communities
- May be part of zoning regulations, building codes, or land development regulations or a stand-alone ordinance
- Help keep the community safe from flooding, protect public infrastructure, and reduce the cost of recovery



Floodplain Administrator Coordination Responsibilities

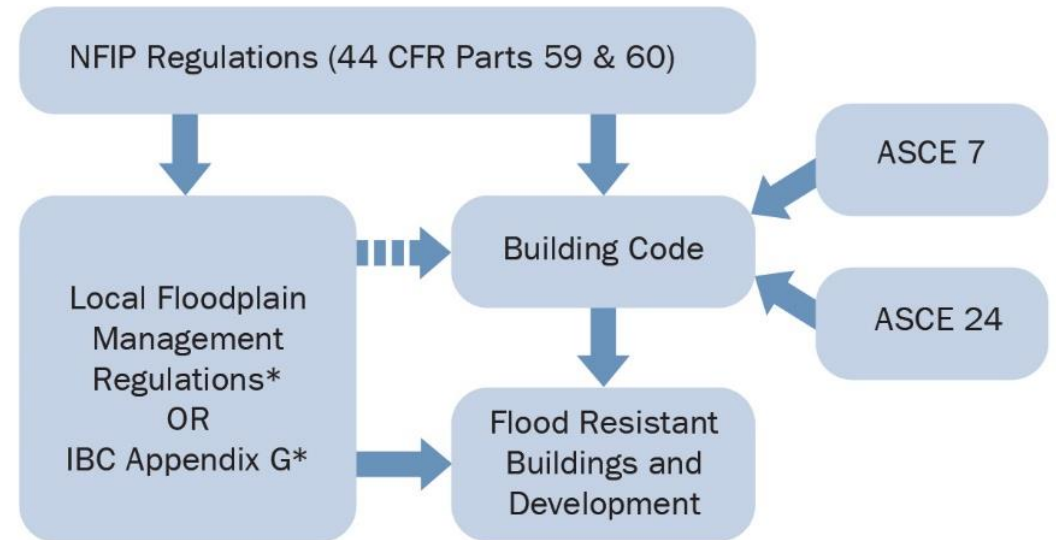
- Multiple departments have floodplain management duties.
- Departments that are part of floodplain management:
 - Emergency Management
 - Code Enforcement
 - Stormwater Management
- Planning and Engineering



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Role of Building Codes in Floodplain Management

- Building codes and the NFIP overlap.
- Building codes keep people, buildings, and structures safe.
- Enforcing building codes may not make you popular, but it might save lives.
- Strong codes protect the community from lawsuits.



* NFIP-consistent administrative provisions, community-specific adoption of Flood Insurance Studies and maps, and technical requirements for development outside the scope of the building code (and higher standards, in some communities).

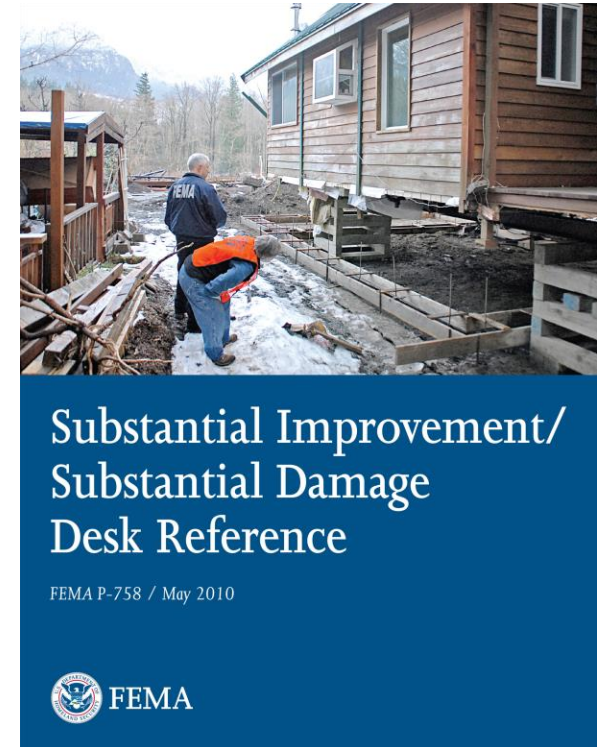
Compliance Starts with Proper Permitting

- Require permit applications for all proposed floodplain development:
 - New buildings, changes to existing structures, subdivisions, and non-structural work (e.g., fill, grading, and site preparation)
- Conduct inspections.
- Act on code violations and non-compliant work.
- Complete post-disaster assessments and permitting.



Substantial Improvement Requirements

- Any reconstruction, rehabilitation, addition, or other improvement in a floodplain
- Cost of improvement **equal to or higher than 50%** of market value
- Substantial Improvement determination made by community
- Required by NFIP and International Building Codes
- Meets flood ordinance requirements for new construction



Substantial Damage Requirements

- Damage in the floodplain may be from any cause: fire, wind, earthquake, etc.
- Substantial Damage determinations are made by the community.
- If the repair cost is **equal to or higher than 50%** of market value, the work must meet the local flood ordinance and building code requirements **for new construction**.
- Substantial Damage determinations are required by NFIP and by International Building Codes.

*Does your community do routine emergency preparedness exercises?
Do you have a plan in place to make Substantial Damage Assessments?*



Compliance and Oversight

- Local compliance responsibilities:
 - Enforcing local floodplain management requirements
 - Following up on violations
 - Ensuring required permits are obtained, including after disasters
- FEMA/State responsibilities:
 - Training and technical assistance
 - Primary contact for community audits
 - Putting communities on probation or suspending them from the NFIP if local deficiencies are not corrected



Compliance and Grant Funding Eligibility

- If not compliant or not participating in the NFIP, communities won't have access to certain types of disaster aid.
- Structures in high-risk flood zones would not be eligible for:
 - Repair and replacement money for federally declared disasters
 - FEMA mitigation grants
- Other Federal funding



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Activity: Enforcement Discussion



- What authority does your local Floodplain Administrator have?
- Does your Floodplain Administrator have the resources to implement an effective program?
- What other roles does your Floodplain Administrator fill (how many hats do they wear)?
- Does your city/county attorney support floodplain management?
- What are your Floodplain Administrator's roles during the post-disaster recovery process?
- Do you have a plan to make Substantial Damage Assessments after a disaster?



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Topic Summary

- Sound floodplain management strategies can:
 - Save lives and protect property,
 - Reduce recovery time and costs, and
 - Reduce flood insurance costs.
- Implementing higher standards protects your community further.
- Enforce these standards to ensure buildings and structures are built appropriately.



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