What to Expect, When You're Expecting a Community Assistance Visit

Jessica Artz, CFM
Flood Mitigation Specialist
SCDNR

Pier Janrhett, CFM
Floodplain Management Specialist
FEMA, R4

South Carolina Association of Hazard Mitigation
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The National Flood Insurance Program

Goals of the NFIP

Prevent flooding through:

- Good Floodplain Management
- Identification of Flood Risk
- Communicating True Flood Risk
- Mitigating Buildings from Future Floods
- Encourage the purchase of flood insurance

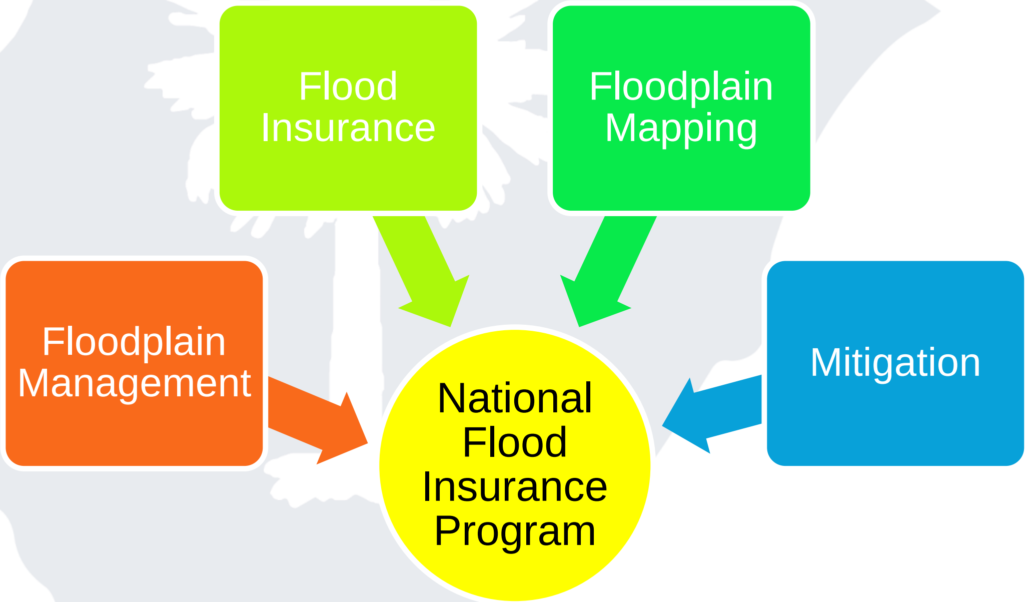
FEMA

National Flood Insurance Program: Tying it all together

The NFIP balances four related areas that support each other.

- Floodplain Mapping
- Floodplain Management
- Flood Insurance
- Mitigation

SCDNR Flood Mitigation Program follows this comprehensive approach to the NFIP. This results in the program being able to assist communities with compliance issues, understanding regulations, mapping, grant programs and impacts to insurance ratings.



FEMA

FEMA Role

- Enroll communities
- Provide Federal Flood Insurance
- Probation/suspension
- Provide training
- Conduct compliance visits

SCDNR Role

- Technical assistance
- Training
- ***Conduct compliance visits***
- Remapping process
- Community meetings
- Grants

Local Role

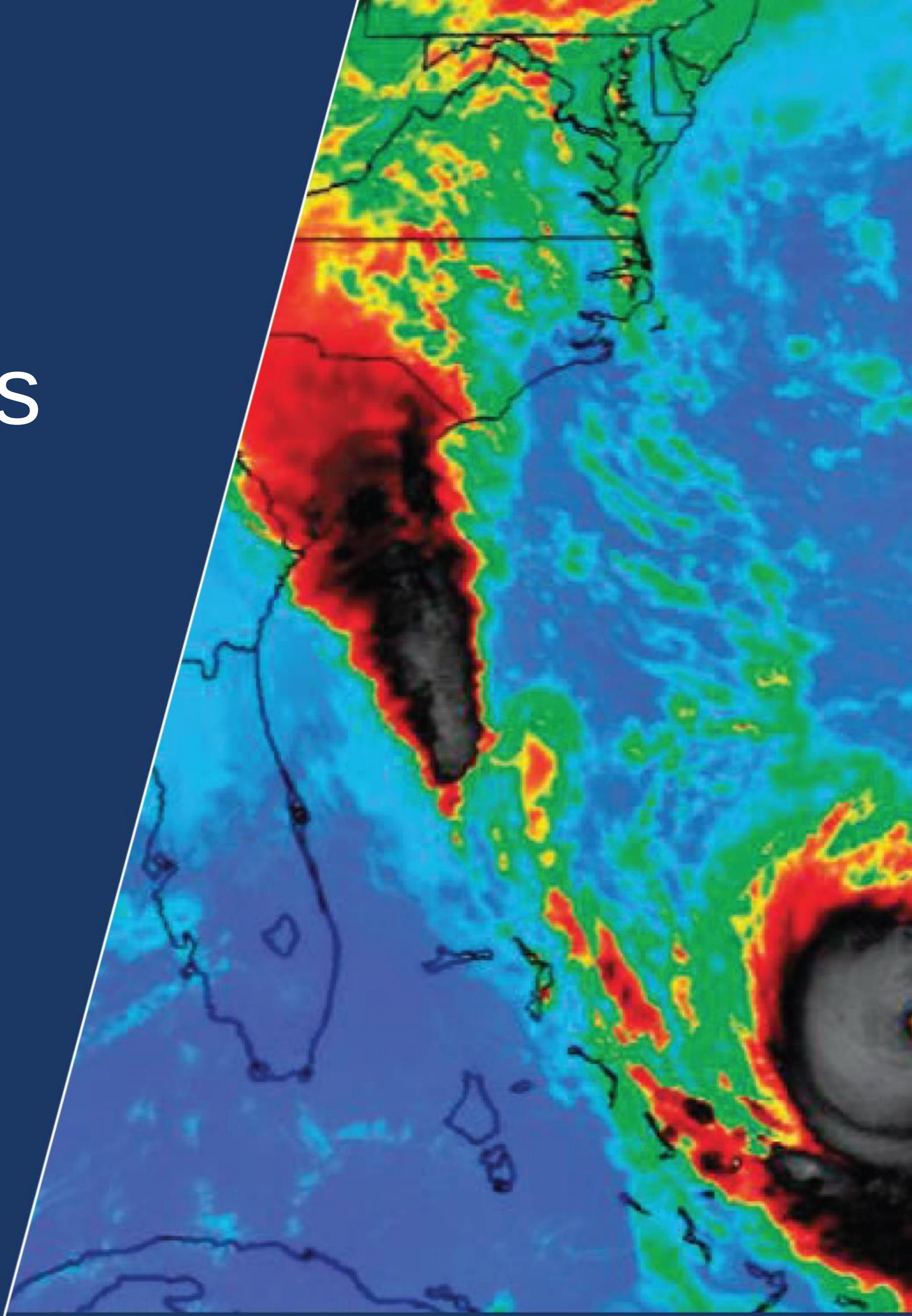
- ***Adopt and enforce flood damage prevention ordinance***
- Provide Flood zone determinations
- Substantial damage/substantial improvement determinations during disaster & non-disaster events
- Field Inspections
- Rectify violations

Regulations

To be a participating member of the NFIP a community agrees to adopt and <u>***ENFORCE***</u> a Flood Damage Prevention Ordinance.

The ordinance must meet the minimum NFIP regulations outlined in the Code of Federal Regulations(CFR).

Compliance Visits



Types of Compliance Visits

- Community Assistance Contacts (CAC)
  - Telephone
  - Visits
- Community Assistance Visits (CAV)
  - In-depth audit
- Done on a cycle or as we are made aware of potential violations or deficiencies

Purpose of CACs

A means to establish or re-establish contact with an NFIP community for the purpose of determining any existing problems or issues and to offer assistance if necessary.

 - *Enhances the working relationship between the State or FEMA and the NFIP community.*

 - *Creates a greater awareness of the NFIP and its requirements.*

Purpose of CAV

To conduct a comprehensive assessment of the community's floodplain management program and of its knowledge and understanding of the floodplain management requirements.

To provide assistance to the community in remedying identified program deficiencies and violations.

Community Tiers

- Risk based criteria given to every community throughout the state
  - Population
  - Number of insurance policies
  - Number of LOMC
  - Number of building permits
  - Percent of community in SFHA
- Divided into Tier 1 and Tier 2 communities

Community Tiers

- Tier I communities - CAV
- Tier II communities – CAC
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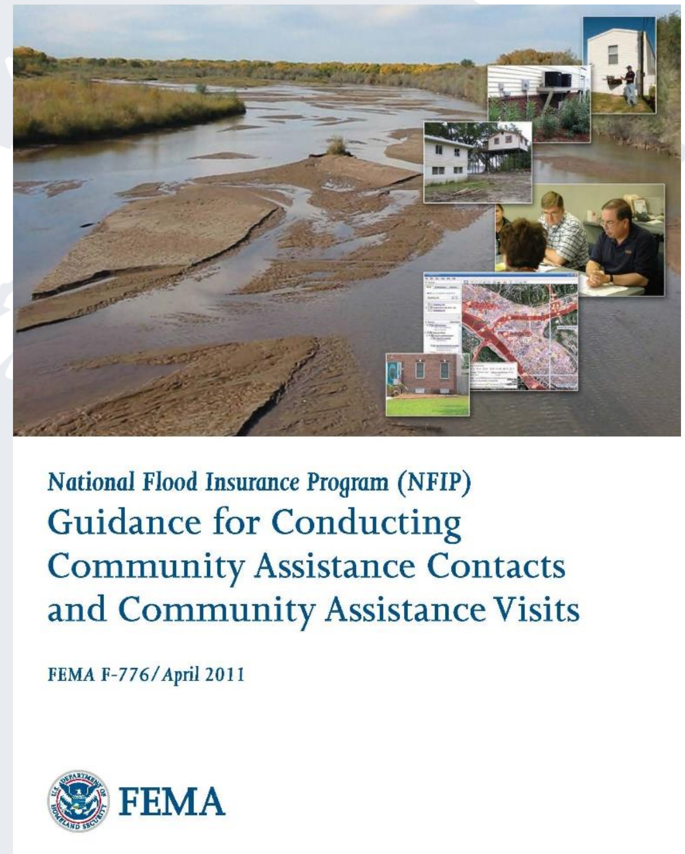
- Some Tier 2 communities will receive a CAV at our discretion.
- All counties and CRS communities will receive a CAV.


National Flood Insurance Program (NFIP)
Guidance for Conducting Community Assistance Contacts and Community Assistance Visits

FEMA F-776/April 2011

FEMA

Chosen Communities

- All Tier 1 communities receive a CAV at least once every 5 years.
- Communities are identified for a CAC or CAV every year.
- FEMA coordinates with SCDNR to conduct their own CAVs each year.

Preparing for a CAC

CAC-T

- Discuss program with Floodplain Manager
- Discuss permitting process
- Review ordinance
- Discuss deficiencies

CAC-V

- Meeting with Floodplain Manager and other relevant staff
- Discuss the program and permitting process
- Review permits issued
- Review ordinance
- Discuss deficiencies

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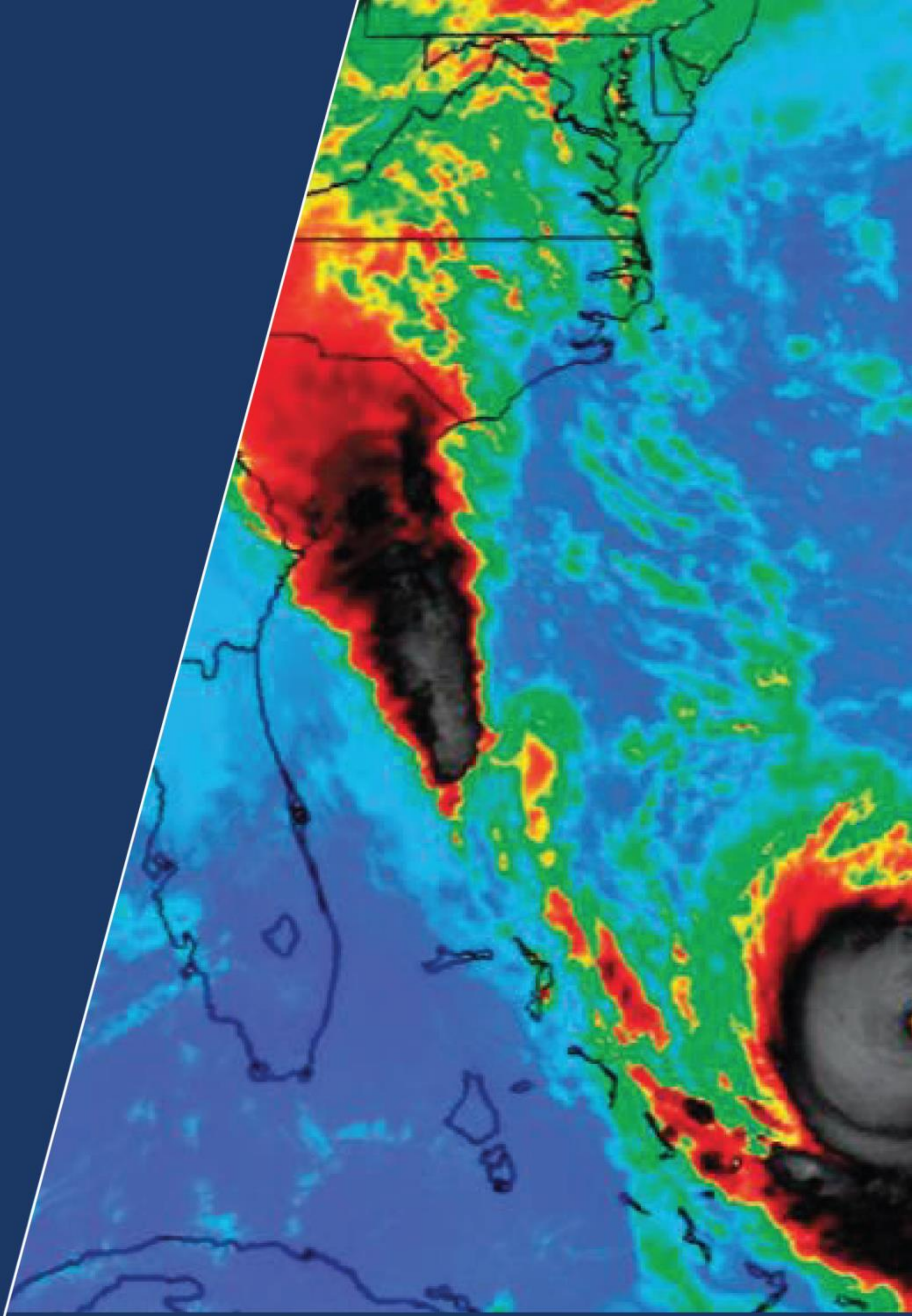
Follow up

- Given a deadline to address deficiencies
  - Ordinance updates
  - Incomplete permits
  - Elevation Certificate corrections

Preparing for a CAV



CAV Phases

1. Selection
2. Preparation
3. Meeting with Staff
4. Permit Review & Site Visits
5. Follow-up

CAV: Preparation

- Objective: Adequately characterize local implementation of its FPM program
- Review community information
  - Policies, claims, substantial damage reports, and submit-for-rates
  - Previous CAVs/CACs
  - Acquisition/Elevation grant projects by address
  - Community information (e.g. permits, ordinances, ECs)

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Preparing for the Visit

- *Compile requisite materials*:
  - Community FPM regulations
  - Permitting Files for structures in SFHA
  - Effective FEMA Maps and the FIS
  - CIS data
  - Letter(s) confirming the CAV
  - Community flood insurance information

Preparing for the Visit

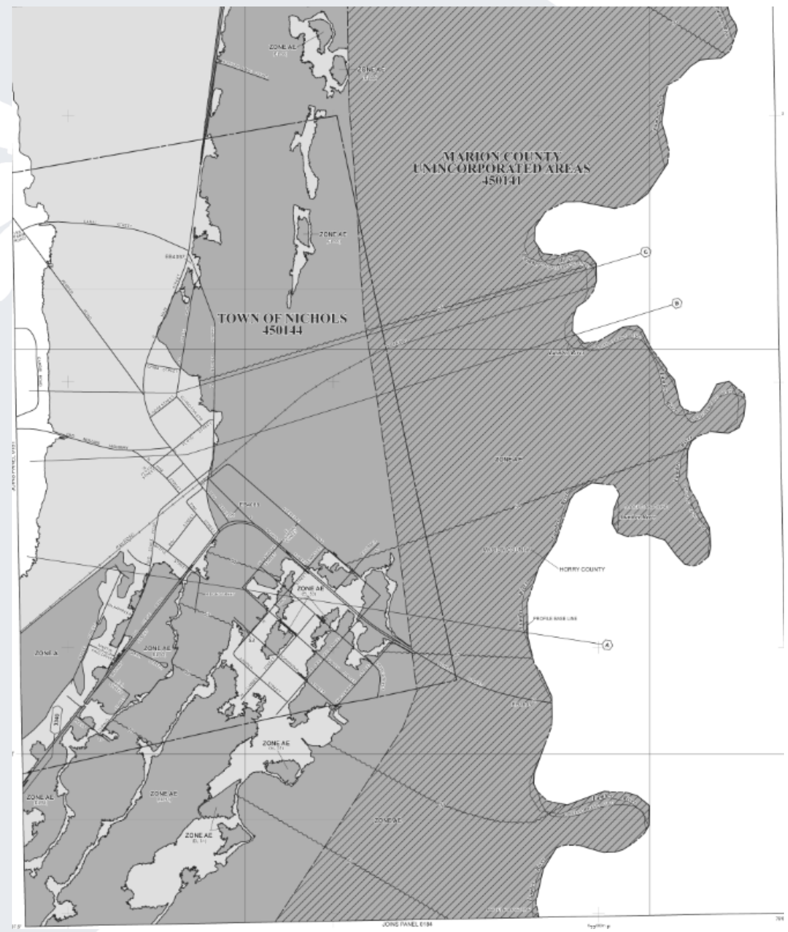
- EC and Floodproofing/V-Zone Certificate forms
- State Model Ordinance
- FEMA publications, including FPM and Technical Bulletins
- Disaster history information
- Submit-for-rate flood insurance data
- Substantial damage information from flood insurance claims data
- Topographic maps

Meeting with staff

- Meet with relevant staff
- Discuss permitting process and how floodplain permits are reviewed
  - Building permits
  - Mobile homes
  - Subdivision reviews
  - Accessory structures
  - Utilities

Meeting with staff

- Discuss ordinance
- How are A zones permitted?
- How are AE zones without floodway permitted?
- Substantial Damage/Substantial Improvement
- Flooding Issues
- Mapping Issues
- Post disaster duties



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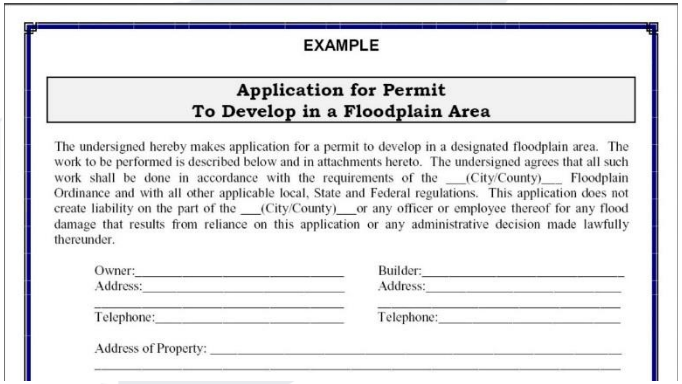
Permit Review

- A random sample of permits issued over last 5 years will be reviewed (older permits can be reviewed if necessary).

- Reviewed for correct and complete certifications and permit files
  - During construction EC
  - As-built EC
  - No rise/impact certification
  - V zone certification
  - Documentation of Substantial Improvement / Substantial Damage
  - Documentation of BFE (in A zone or 50 lot/5 acre rule)



EXAMPLE

Application for Permit
To Develop in a Floodplain Area

The undersigned hereby makes application for a permit to develop in a designated floodplain area. The work to be performed is described below and in attachments hereto. The undersigned agrees that all such work shall be done in accordance with the requirements of the ___(City/County)___ Floodplain Ordinance and with all other applicable local, State and Federal regulations. This application does not create liability on the part of the ___(City/County)___or any officer or employee thereof for any flood damage that results from reliance on this application or any administrative decision made lawfully thereunder.

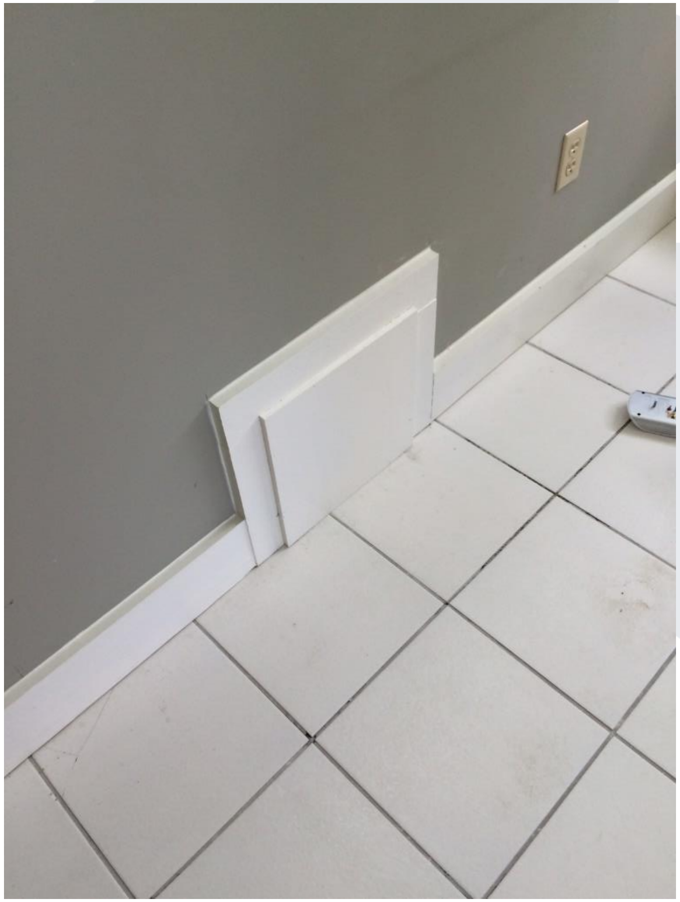
Owner:___________________ Builder:___________________
Address:___________________ Address:___________________
___________________ ___________________
Telephone:___________________ Telephone:___________________

Address of Property: ___________________
____

Site Visits

- Some permits will be selected for a field review.
- Common issues in the field
  - Enclosures after construction
  - Improper venting
  - Accessory structures
  - Mobile homes

Compliance concerns



Addressing potential violations

- Given an initial deadline
- Each violation is addressed differently
- If it’s in the CAV, the CAV cannot be closed until it resolved.
- If community does not address the violation, CAV will be turned over to FEMA.
  - Probation
  - Suspension

Probation

A FEMA-imposed change in a community's status resulting from violations and deficiencies in the administration and enforcement of NFIP local floodplain management regulations.

Probation

- Is a formal notification to the community
- Is implemented if issues not resolved after multiple efforts by state Coordinator and/or FEMA
- Adds $50 charge on flood policies sold or renewed
- Applies for one year – can be extended

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Probation

- One year to correct violations
- Increased risk to flooding in the community
- Potential for legal action against municipality by flooded property owners
- $50 surcharge on all flood insurance premiums

Probation Conditions

- State or FEMA Regional Office identify possible violations or program deficiencies;
- CAV conducted by FEMA or State;
- Attempts to resolve problems have failed;
- Community failed to take corrective action within stated time frame.

The Probation Letter

- 90-day letter from FEMA Regional Office to community
- Spells out expectations, leaves no loopholes
- Provides flexibility for community to develop its own remediation plan

The Probation Action

- Actions include:
  - 90-day letter from Region to community
  - 90-day policy holder notification
  - Press release 60 days prior to effective date
  - – Probation effective date specified
- $50 surcharge to renew flood policies
- On probation for at least 1 year for insurance purposes.

FEMA

Extended Probationary Period

- If probation continued beyond 1 year:
  - FEMA/State conducts CAV at end of probation.
  - Lift probation if community’s program remained compliant.

Lifting Probation

All Violations and
Program Deficiencies
Remedied

When corrective action has been taken!

Suspension

FEMA's removal of an NFIP participating community from the program because the community has not enacted and/or enforced the proper floodplain management regulations required for participation.

Suspension

- No flood insurance available for new for renewed policies
- No loans for structures in SFHAs for federally backed mortgages
- No more Disaster Assistance
- Suspension of community remains until all violations and/or deficiencies are corrected

Suspension Conditions for Failure to Enforce

- When all attempts have failed
- Violations are multiple and substantive
- Community is already on probation
- Community has failed to take corrective action within the timeframe established.

Suspension for Failure to Enforce

- A single violation that increases overall flooding potential can cause suspension.
- Other grounds—the community:
  - ➢ Has taken no action to correct violations.
  - ➢ Refuses to meet with Regional/State staff.
  - ➢ Did not submit requested data.

Suspension Procedure

- FEMA HQ sends a 30-day “Show Cause” letter to the community.
- If community does not demonstrate why it should not be suspended, HQ sends another 30-day letter giving the effective date of the suspension.

Suspension

- No flood insurance is available
- No federally backed loans in the SFHA
- Limited federal disaster assistance

Suspension

- Other federal agency loans and grants may not be available
- Governing body may be held liable
    - Denies the ability for property owner to purchase flood insurance
    - Does not take positive steps to reduce risk to flooding given the knowledge of the flood hazard

Reinstatement

- Reinstated after community corrects all program deficiencies and violations.
- Reinstatement may be on a probationary status.

CAVs and CRS

CAVs and CRS

- CAVs are separate than CRS cycle visits.
- CRS visits are done by a FEMA contractor.
- CRS visit is not a compliance visit and may not identify NFIP violations.
- CRS rating could be at risk if a community has many violations.
- CAV must be done prior to joining CRS.

Final thoughts

- CAVs are a great learning opportunity and are meant to help you build a better program.
- We are always available to provide assistance, you don't have to wait until the CAV.

COMMENTS
&
QUESTIONS

Jessica Artz, CFM
artzj@dnr.sc.gov
803-734-4012

Pier Janrhett, CFM
pier.Janrhett@fema.dhs.gov
770.220.5402