

# Implementing and Enforcing Your Floodplain Ordinance



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# National Flood Insurance Program

- Created by the National Flood Insurance Act of 1968
- Participation is **voluntary**
  - Adopt and enforce regulations
  - Eligible for flood insurance
- **Benefits** of participation:
  - Flood insurance
  - Grants and loans
  - Disaster assistance
  - Federally-backed mortgages



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# NFIP Roles: Federal and State

- **Federal**

- National program oversight
- Risk Identification (mapping)
- Establish development/building standards
- Provide insurance coverage

- **State**

- State program oversight
- Establish development/building standards
- Provide technical assistance to local communities/agencies
- Evaluate and document floodplain management activities



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# NFIP Roles: Local

- **Local Officials and Floodplain Administrators**
  - Adopt and enforce floodplain management ordinance compliant with Federal/State laws
  - Issue or deny development
  - Inspect development and maintain records
  - Make substantial damage determinations
- Development oversight is a **local responsibility**



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# Components of the NFIP



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Regulations and Mitigation Practices

# Maps Provided to Communities

- Insurance implications and regulatory requirements

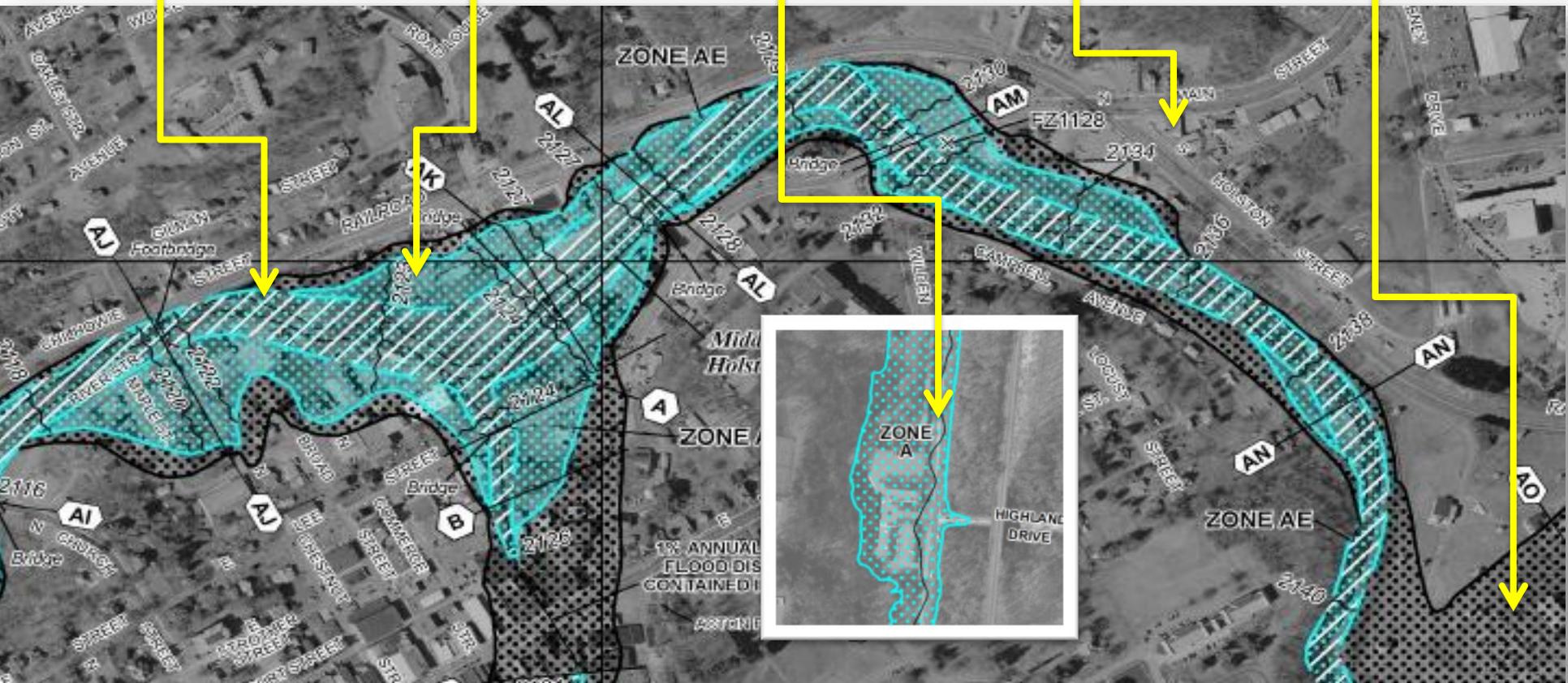
Floodway

Zone AE

Zone A

Zone X

Shaded  
Zone X



# Repository: Map Service Center

- Access Products
  - FIRMs & FIS
  - DFRIM Database
  - LOMCs
- Access Tools
  - Make a FIRMette
  - National Flood Hazard Layer (NFHL)
- Resources
- Live Mapping Support

The screenshot shows the FEMA Flood Map Service Center (MSC) website. At the top, there is a dark blue header with the FEMA logo on the left and a search bar on the right. Below the header is a navigation menu with six columns: 'Plan, Prepare & Mitigate', 'Disaster Survivor Assistance', 'Response & Recovery', 'Topics & Audiences', 'Blog, Newsroom, Videos & Photos', and 'About FEMA'. Each column has a brief description of its content. Below the navigation menu is a banner for the 'Flood Map Service Center' featuring a map of a flood zone. The map shows various flood zones in different colors (blue, orange, red) and is overlaid with a semi-transparent text box that says 'Welcome to FEMA's Flood Map Service Center'. The map also shows streets like 'RUTLAND RD' and 'MARTIN AVE', and a point labeled 'A' with coordinates '574.9'. Below the map is a search section with a text input field, a 'Search' button, and a 'Search All Products' link. To the right of the search section is a 'About Flood Map Service Center' text block.



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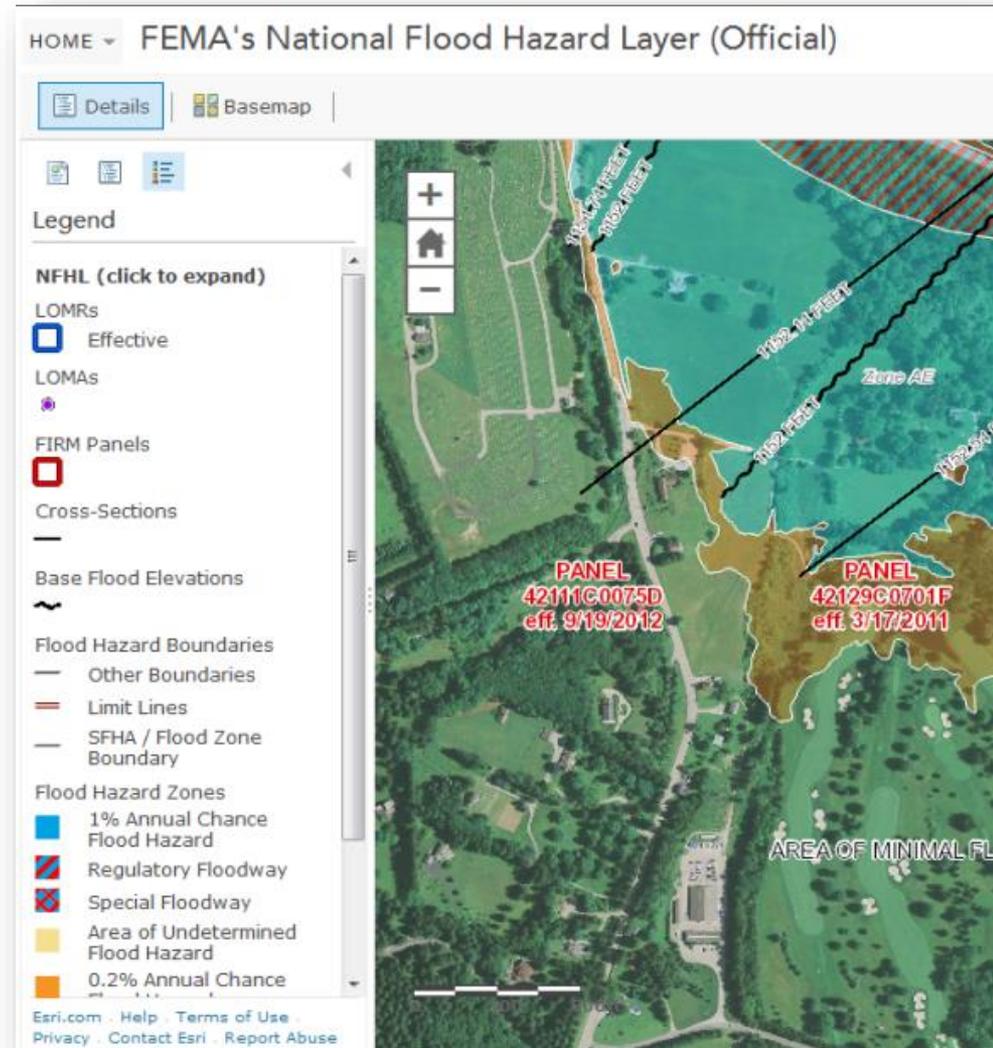
[www.msc.fema.gov/portal](http://www.msc.fema.gov/portal)

# National Flood Hazard Layer (NFHL)

www.msc.fema.gov

FEMA's nationwide geospatial database of all digital **effective** FIRM data

- Integrates FIRM data including LOMCs nightly
- Available in GIS format
- FIRM and FIS are still the official source of data
- Available in 3 platforms



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# Availability of Flood Insurance

- Any structure owner in an NFIP participating community can purchase flood insurance.
- YES, this means **any structure and its contents** inside or outside of the Special Flood Hazard Area can be covered!
- Flood insurance may be sold by any state-licensed insurance agent.



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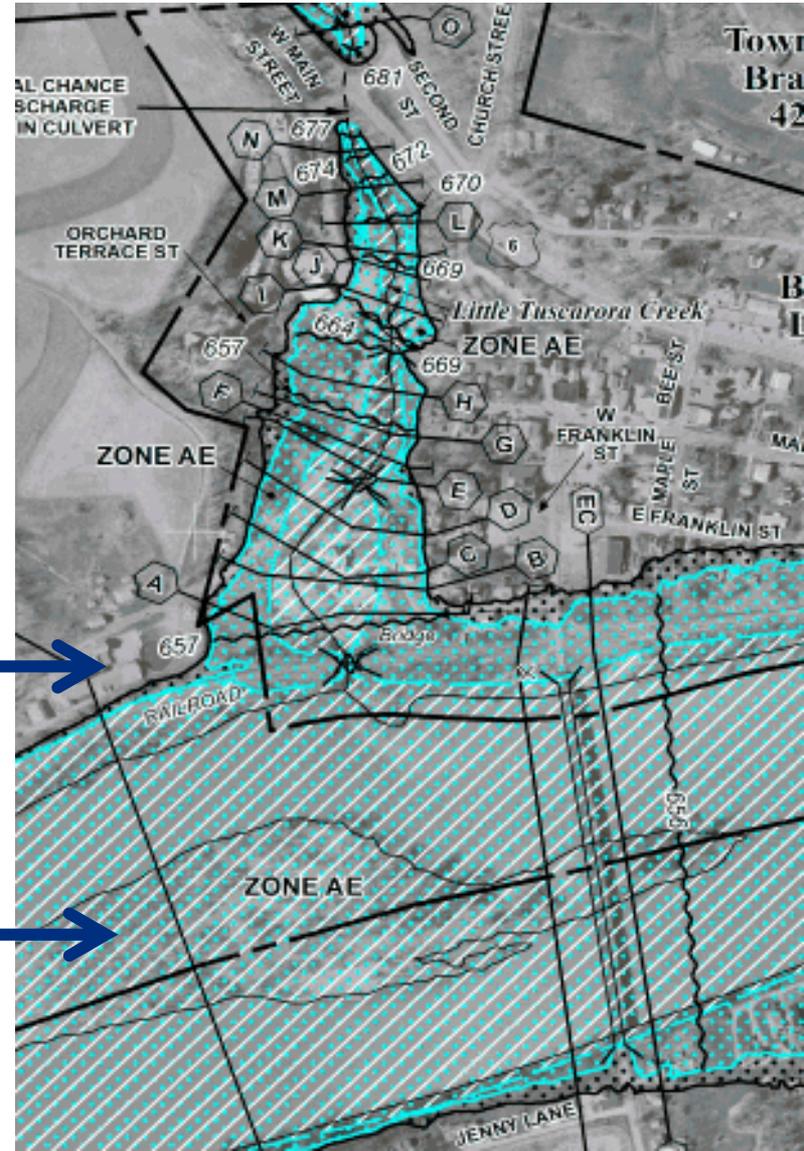
# Mandatory Purchase Requirement

**Mandatory purchase** of flood insurance for structures in or touching the SFHA

**Caveat** – although insurance may not be required, lenders have the prerogative to require insurance to cover perceived risk

Not Required

Required



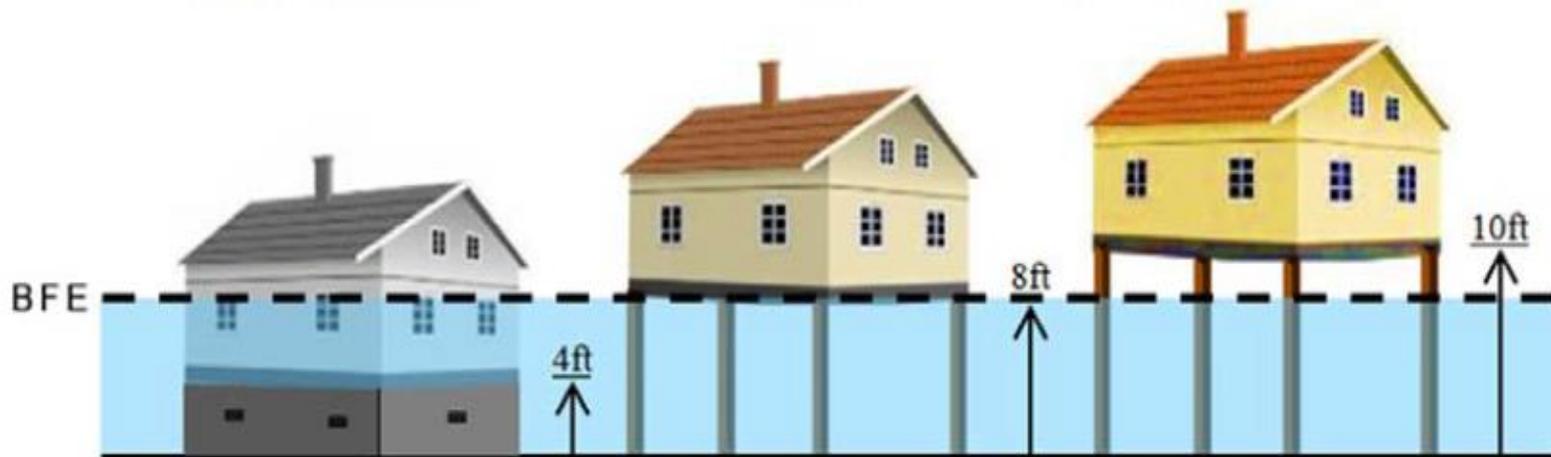
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# Reducing Flood Insurance Premiums

## Building Construction:

- Build it **right** and insurance premiums will be more affordable
- Build it **wrong** and premiums will be very expensive
- **Exceed** NFIP minimum standards and insurance will be much cheaper

Locate the structure outside of the floodplain (SFHA)



# Sample cost impacts for coverage



	Premium	Decade	30-Years	Savings over 30 years elevating from minus 1
4 Feet Above BFE	\$232	\$2,320	\$6,960	\$104,250
3 Feet Above BFE	\$268	\$2,680	\$8,040	\$103,170
2 Feet Above BFE	\$340	\$3,400	\$10,200	\$101,010
1 Foot Above BFE	\$536	\$5,360	\$16,080	\$95,130
At BFE	\$1,211	\$12,110	\$36,330	\$74,880
1 Foot Below BFE	\$3,707	\$37,070	\$111,210	\$0

# Floodplain Management Regulations

## Communities Manage Requirements Through Local Ordinance

NFIP participating municipalities agreed to **adopt and enforce** an ordinance meeting the minimum requirements of the NFIP and other state requirements

Ordinance must:

- Be **legally enforceable**
- **Applied uniformly** throughout the community

Floodplain regulations are usually found in one of, or a combination of, five types of regulations: “stand alone”, zoning ordinances, building codes, subdivision regulations and sanitary regulations.



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# State Model Ordinances

Most States have a model ordinance approved by the Region or there is a Regional model.

- Some states have more restrictive state requirements that are in law or regulation
  - PA example: PA Act 166 prohibits specific chemicals from being stored in the SFHA.
- Some states have more restrictive provisions in their model ordinances not in law or regulation that they want communities to adopt
  - PA example: options included for fill
- State specific administrative procedures and common practices

Most communities adopt an ordinance based on a model ordinance

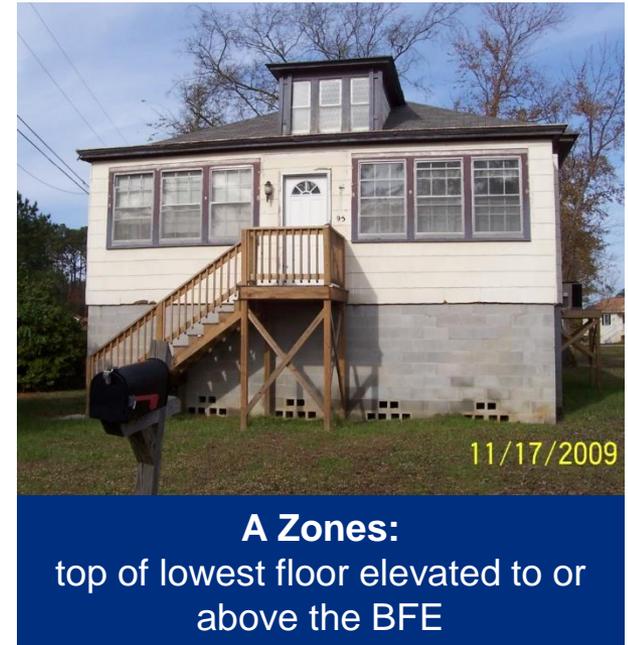


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# General Regulatory Highlights

## Communities must regulate based on FIRMs

- Development should be **reasonably safe from flooding**
- **Permits** are required
- State/federal permits are required
- Constructed with **flood-resistant materials**
- Methods and practices to minimize flood damage
- Locate and design **mechanicals** to minimize or eliminate flood damage
- Locate and design **public utilities** and facilities to minimize or eliminate flood damage



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# Common Higher Regulatory Standards

- **Freeboard**
- **Prohibit development in the floodway or entire floodplain**
- **Cumulative Substantial Improvement/Damage**
- **Community Identified Flood Hazard Areas**
- **Restrictions to Subdivision of Land**
- **Non Conversion Agreement**
- **Location Restrictions**
- **Prohibition :**
  - **Development in SFHA or Floodway**
  - **Manufactured Homes**
  - **Fill**
  - **Flood Protection Setback**
  - **Certificate of Compliance**
  - **Historic Structures**

# Permits Required for Development

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## ***Title 44 Code of Federal Regulations (CFR)***

**60.3 (b)(1):** *A permit is required for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within floodprone areas.*

**59.1. Definitions:** *"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.*

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# Minor repair language



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# Sample floodplain management questions

- Accessory structures
- Gravel driveways
- Tree planting in riparian corridors (floodway)



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# Ordinance Enforcement

**Communities are required to investigate potential violations**

Violations can be found through:

- Periodic inspections and floodplain tours
- Reports by other government agencies
- Citizen complaints

Violations not remedied can result in:

- Increased risk to life and property
- Increased insurance premiums
- **Probation** – increased insurance rates for everyone
- **Suspension** – NFIP insurance and many grants/loans unavailable



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# Questions?



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