



National Flood Insurance Program

Increased Cost of Compliance Coverage

Guidance for State and Local Officials

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FEMA

Foreword

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community will adopt and enforce a floodplain management ordinance to reduce future flood risk to new construction and substantially improved structures located in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods.

Increased Cost of Compliance (ICC) is an endorsement of the flood insurance policy that provides a claim payment directly to a property owner for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss caused by a flood. The ICC claim payment must be used toward the costs of undertaking a mitigation measure that will substantially reduce or eliminate the flood risk to flood-damaged buildings insured under the NFIP.

This manual will discuss:

- How buildings insured under the NFIP will benefit from this coverage;
- How ICC coverage relates to community administration of the local floodplain management laws and ordinances;
- The type of mitigation measures allowed under ICC; and
- The types of technical assistance available to State and local officials to help in the implementation of their floodplain management programs.

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SECTION 1: Introduction to ICC

SECTION 1 Overview

Section 1 reviews the organization of this manual and provides tips for easy usage. This section provides background on the National Flood Insurance Program (NFIP) and defines key concepts and terms that are integral to Increased Cost of Compliance (ICC) coverage. The information in this section is a valuable reference when reading other portions of this manual.

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Purpose of This Manual

The purpose of this manual is to provide guidance to local officials on ICC coverage under the NFIP and how it relates to your community's administration of floodplain management laws or ordinances. The manual is designed to serve as a quick-reference tool for local officials to consult when specific questions arise regarding ICC coverage.

This manual will discuss:

- How buildings insured under the NFIP will benefit from ICC coverage.
- How the coverage relates to community administration of the local floodplain management laws and ordinances.
- The types of mitigation measures allowed under ICC.
- The types of technical assistance available to State and local officials to help in the implementation of their floodplain management programs.

Organization

To help you find the information you need, primary topics are printed in the left-hand margin of each page, while simple, clear explanations are printed on the right-hand side.



In certain places, after a specific point of information is conveyed, you will see this icon and a “Tip” that directs you to a discussion of larger context or finer detail elsewhere in this guidance.



This icon indicates a reference to a publication or other document that may help you gain a better understanding of a particular topic.



This icon is used to indicate that supplemental material related to the current topic can be found in the Community Tool Kit (Appendix C of this guidance).

Contents

The information covered in each section of this manual is described below.

Section	Contents
Section 1: Introduction to ICC	This section begins by explaining how the manual is organized. Next, there is a review of the legislative background and programmatic context of ICC. Key concepts and terms that are useful in understanding ICC coverage are defined.
Section 2: ICC Coverage	Section 2 defines ICC coverage, outlines what kinds of structures are covered, and describes circumstances that are excluded from ICC coverage.
Section 3: The Claims Process	After briefly describing the sequence of adjusting an ICC claim, Section 3 further explains the process by delineating the responsibilities of each party involved.
Section 4: The Community's Role	Section 4 outlines the roles and responsibilities of community officials in the ICC process.
Section 5: Eligible Mitigation Measures	Section 5 describes each of the mitigation measures that are eligible under ICC, examines the requirements related to those measures, and explains how ICC payments can be packaged with other FEMA-funded programs to implement flood mitigation measures.
Appendix A: Acronyms	This appendix contains a list of acronyms that are frequently used in this guidance.
Appendix B: Coverage D— Increased Cost of Compliance	This appendix contains the coverage terms for ICC that are included in a Standard Flood Insurance Policy (SFIP).
Appendix C: Community Tool Kit	This appendix contains a valuable checklist for ICC coverage and a variety of administrative and promotional communications for community use.
Appendix D: Resources	This appendix explains how to obtain publications covering the NFIP, floodplain management, mitigation and retrofitting techniques, mitigation planning, and other flood-related subjects. It also describes some of the courses available for those who would like additional training on these topics.
Appendix E: HMGP, PDM, and FMA Program Descriptions	This appendix describes the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation (PDM) program, and the Flood Mitigation Assistance (FMA) program and answers some frequently asked questions about each.
Appendix F: FEMA Regional Offices and NFIP State Coordinating Offices	This appendix provides contact information for the FEMA Regional Offices and the NFIP State Coordinating Offices.

ICC Coverage

Increased Cost of Compliance coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a Standard Flood Insurance Policy under the NFIP sustains a flood loss and the State or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or relocate the building.

ICC coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

ICC does not place additional floodplain management regulatory requirements on States or communities. In addition, ICC utilizes the existing processes in place in States and communities responsible for administering their floodplain management ordinances or laws.

**Legislation
That Created
ICC Coverage**

The NFIP was changed by the National Flood Insurance Reform Act of 1994. This law created many tools to increase the effectiveness of the NFIP, one of which is ICC. In addition to ICC, other tools include provisions for increasing lender compliance, increasing flood insurance coverage limits, and establishing a mitigation assistance program.



Tip: For more information, refer to the NFIP Web site at www.fema.gov/nfip.

Effective Flood Mitigation

Effective flood mitigation is the result of four critical elements: public education, sound planning, safe building practices, and compliance with local codes and ordinances. Achieving each of these four elements presents challenges for all communities. One common challenge for owners of severely or repeatedly flood-damaged structures is paying the cost of bringing their buildings into compliance with local floodplain management requirements.

Whether your community has recurrent or occasional flooding, local officials and community leaders need to be knowledgeable of how and when ICC coverage is provided, what mitigation resources and measures are included under this coverage, what actions communities must take when an ICC claim is made, and what other actions communities should consider undertaking to make maximum use of other mitigation opportunities. Knowledge and understanding of the following issues will help your community become better prepared to respond to the opportunities provided by this mitigation resource in the post-flood recovery and reconstruction period:

- Where your community's flood hazard areas are located and the risk that these areas may pose to life and property.
- How many flood insurance policies are in force in your community that may be eligible for ICC coverage.
- How ICC coverage on buildings in your community relates to your community's current floodplain management laws or ordinances on substantially damaged or repetitively damaged buildings.
- How ICC coverage relates to your community's overall post-flood reconstruction goals, mitigation plans, or comprehensive plans.
- How payments under ICC coverage can be used in conjunction with other FEMA-funded programs that may become available in the post-flood recovery to achieve long-term mitigation goals.

Key Concepts of ICC Coverage

Most floodprone buildings that pre-date the existence of the NFIP or the community's participation in the NFIP were built in floodplains by individuals who did not have sufficient knowledge of the hazard to make informed decisions. Because of their exposure to and risk of flooding, many of these existing buildings will likely be repetitively or substantially damaged during their lifetimes. Mitigation actions taken to protect these buildings can significantly reduce the vulnerability of homes and businesses in your community to flooding.

An ICC claim payment provides a financial resource directly to property owners who have flood insurance. The ICC claim payment, up to \$30,000, must be used toward the costs of undertaking a mitigation measure required to comply with local and State floodplain management requirements. ICC claim payments will be made whether or not there is a Presidential declaration of a major disaster or emergency.

The key concepts of ICC coverage are presented below.

Community NFIP Participation

In order to participate in the NFIP, a local community assures the Federal Government that it will adopt and enforce a floodplain management ordinance to reduce future flood risks to new and substantially improved structures in Special Flood Hazard Areas (SFHAs).

In exchange, the Federal Government makes flood insurance available within the community as a financial protection against flood losses.



Tip: See definition of “community” on page 1-8.

Floodplain Management

Floodplain management ordinances within the SFHA are designed to:

- Prevent new development from increasing the flood threat.
- Protect new buildings and buildings built prior to Flood Insurance Rate Maps (referred to as Pre-FIRM buildings) from anticipated flood events.
- Protect buildings that are being substantially improved or being repaired as a result of being substantially damaged in a disaster.

In the local floodplain management ordinance, a participating community in the NFIP must require permits for all development in the SFHA and ensure that construction materials and methods will minimize future flood damages. FEMA publishes maps designating SFHAs and the degree of risk in those areas.

Substantial Damage Requirement

A building is eligible for an ICC payment when a community official determines that the building is substantially damaged as a result of a flood and that, when repaired, it must meet local floodplain management ordinance requirements. A floodplain management ordinance requires that a substantially damaged building be elevated to or above the level of the base flood elevation (BFE).



Tip: Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.

Section 1: Introduction to ICC

As defined in 44 CFR 59.1 of the NFIP Floodplain Management Regulations, a structure is considered to be **substantially damaged** when:

“ . . . damage of any origin [is] 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.”

The NFIP defines all substantially damaged buildings as “substantial improvements” and requires that they meet the same general NFIP requirements as new construction. This means that residential buildings must be elevated to or above the level of the BFE. Non-residential buildings may be elevated or floodproofed to or above the BFE.

Repetitive Loss Requirement

A building is eligible for an ICC claim payment if the community determines it to be a repetitive loss structure that must comply with State or community floodplain management laws or ordinances.

Under the National Flood Insurance Reform Act, a **repetitive loss structure** is:

“ . . . a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.”

Complying With the NFIP

The owner of an existing building can bring it into compliance with the local floodplain management ordinance by elevating the structure, relocating the structure to another location, or demolishing it. Or, if it is a non-residential structure, the owner may be able to floodproof the building. ICC benefits can help pay for any of these ways to comply with the local floodplain management ordinance.

**ICC Claim
Roles**

The key roles assumed when applying for ICC coverage are summarized below.

Key Roles Assumed Within the ICC Claims Process*		
Policyholder	Adjuster/ Claims Representative	Building Department/ Floodplain Administrator
1. Report flood loss to insurer.	2. Estimate flood damage and tell policyholder he/she may be eligible for ICC benefits.	3. Determine building “substantially damaged” or a “repetitive loss.” Provide written determination to policyholder. Discuss mitigation options that will comply with floodplain regulations. Issue necessary building permits for mitigation measures.
4. Provide the building department’s or local floodplain administrator’s written determination of substantial damage or repetitive loss to the adjuster.	5. Set up an ICC claims file: - Obtain damage and market value information on structure. For a repetitive loss structure, get previous claim information. - Verify that the flood-related damage for the current building claim supports community information.	
6. Obtain a signed contract that details costs to perform the mitigation activity and give it to the claims representative.	7. Provide Proof of Loss form to the policyholder.	
8. Provide Proof of Loss and copy of community permit(s) to the insurance company in order to receive the first portion of the ICC claim money.	9. Provide an initial ICC claim payment to the policyholder.	
10. Complete the mitigation measure.		11. Inspect completed mitigation work and issue a Certificate of Occupancy or Compliance or other written evidence that the work is compliant with floodplain management ordinance.
12. Provide a copy of Certificate of Occupancy or Compliance to the insurer.	13. Make final ICC claim payment upon receipt of Certificate of Occupancy or Compliance.	

* **Note:** Sequence of events may vary.

Section 1: Introduction to ICC

ICC Definitions

This topic defines terms that are used in this publication.



Tip: You may find it useful to refer back to these definitions as you read the rest of the manual.

A Zones

A Zones are areas within the Special Flood Hazard Area identified on FIRMs with one of the following designations: AE, A1–A30, AO, AH, or A. These areas include:

- Riverine floodplains.
- Lacustrine (lake) floodplains.
- Coastal floodplains landward of V Zones.

Base Flood

A **base flood** is a flood having a 1 percent chance of being equaled or exceeded in any given year.

Building

A **building** is defined as a structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; a manufactured home; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation that is regulated under the community's floodplain management and building ordinances or laws.

"Building" does not mean gas or liquid storage tank or recreational vehicle, park trailer, or other similar vehicles, except as described above.

Under the Standard Flood Insurance Policy, only buildings and their contents have coverage. Land, land values, lawns, trees, shrubs, plants, and growing crops are not covered. In addition, items such as portions of walks, walkways, decks, driveways, patios, and other surfaces located outside the perimeter exterior walls of the insured building or unit are not covered.

Community

A **community** is a governmental body with the statutory authority to enact and enforce zoning, building codes, subdivision, and other land use control measures. The authority of each unit of government varies by State. Eligible communities can include:

- Cities
- Villages
- Towns
- Townships
- Counties
- Parishes
- States
- Native American tribes and Alaskan villages

**Community
Rating
System**

FEMA's **Community Rating System (CRS)** provides reduced premiums on flood insurance to encourage community activities that reduce flood damage. Flood insurance rate reductions in communities are based on their CRS classification. This system rewards those communities that participate in floodplain management activities that exceed the minimum NFIP requirements. A community's CRS class is based on the number of credit points calculated for various activities undertaken that reduce flood losses, facilitate accurate insurance rating, and promote the awareness of flood hazards and flood insurance. One of the activities that CRS credits is the adoption of higher regulatory standards. Under this activity, a community can receive credit if it adopts and enforces a cumulative substantial damage or cumulative substantial improvement provision or a repetitive loss provision. To obtain additional information on the CRS, call (317) 848-2898 or write NFIP/CRS, PO Box 501016, Indianapolis, IN 46250-1016.

Flood

A **flood** is defined as "a general and temporary condition of partial or complete inundation of 2 or more acres of normally dry land area or two or more properties from overflow of inland or tidal waters; unusual and rapid accumulation or runoff of surface water from any source; mudflow; or a collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above."

(This definition is from the NFIP Standard Flood Insurance Policy and may differ from the definition in your local floodplain ordinance.)

Floodway

A **floodway** is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. This area is considered even higher risk than the balance of the riverine floodplain because it often is associated with high-velocity flows and debris impact.

**Historic
Structure**

A **historic structure** means any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Listed individually on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Listed individually on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - By an approved State program as determined by the Secretary of the Interior, or
 - Directly by the Secretary of the Interior in States without approved programs.
-

Section 1: Introduction to ICC

NFIP Emergency Program	The NFIP Emergency Program provides a first-layer amount of insurance at subsidized rates on all insurable buildings that existed before the effective date of the initial FIRM. A community can begin participation in the NFIP under the Emergency Program before its flood hazards have been identified or when an approximate study, or Flood Hazard Boundary Map (FHBM), has been provided to the community.
NFIP Regular Program	The NFIP Regular Program phase of a community's NFIP participation is when more comprehensive floodplain management requirements are imposed and higher amounts of flood insurance are available based on risk zones and elevations determined in a flood insurance study. The Flood Insurance Rate Map is the map used in this phase of the NFIP. To encourage community participation in the NFIP and the purchase of flood insurance by individuals, insurance premiums for buildings constructed prior to the issuance of a FIRM (referred to as Pre-FIRM) are subsidized. Buildings constructed after the date of the FIRM (referred to as Post-FIRM) are rated actuarially for flood insurance.
Post-FIRM Building	A Post-FIRM building is a building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial Flood Insurance Rate Map, whichever is later.
Repetitive Loss Structure	Under the National Flood Insurance Reform Act, a repetitive loss structure is: “ . . . a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.”
SFHA and Flood Mapping	FEMA publishes maps designating Special Flood Hazard Areas and the degree of risk in those areas. These maps, known as Flood Insurance Rate Maps or Flood Hazard Boundary Maps, identify each SFHA in each community. The limits of the SFHA are based on the area inundated during the base flood (a flood having a 1 percent chance of being equaled or exceeded in any given year; also referred to as a 100-year flood). FEMA uses commonly accepted computer models that estimate both hydrologic and hydraulic conditions to determine the base flood elevation. The BFE is a critical measurement in siting structures above potential flood levels. Floodplain areas within the SFHA are mapped either as A Zones or V Zones.
Substantial Damage	As defined in 44 CFR 59.1 of the NFIP Floodplain Management Regulations, a structure is considered to be substantially damaged when: “ . . . damage of any origin [is] 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.”

V Zones

V Zones are areas identified on FIRMs as Zones VE, V1–V30, or V. These areas, also known as Coastal High Hazard Areas, are mapped along the Nation’s coastlines. V Zones, known for their high-velocity flows, breaking waves, and water-borne debris, present a special challenge for flood damage reduction. Properties located in V Zones are highly desirable because of their proximity to water. One NFIP goal is to ensure that new development does not impact natural protective features such as frontal sand dunes and mangrove stands. NFIP regulations contain specific elevation and structural performance requirements for buildings constructed in V Zones.

SECTION 2: ICC Coverage

SECTION 2
Overview

Section 2 will define Increased Cost of Compliance (ICC) coverage, explain what kinds of structures are covered, and describe circumstances that are excluded from ICC coverage. This section will conclude with answers to frequently asked questions related to ICC coverage.

Major Topics	See Page
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Variances	2-11
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Frequently Asked Questions ➤ Map Revisions ➤ Buildings in Unnumbered A Zones ➤ Elevating Above Minimum Standards ➤ Freeboard ➤ Rebuilding at the Same Site or Another Site Within the SFHA ➤ Floodproofing of Residential Buildings ➤ Historic Structures ➤ Condominiums	2-15

Section 2: ICC Coverage

ICC Provisions

This section reviews key ICC policy provisions.

ICC Coverage

When a building covered by a Standard Flood Insurance Policy (SFIP) sustains a loss caused by a **flood**, the National Flood Insurance Program (NFIP) will pay up to \$30,000 (effective May 1, 2003) for the cost to elevate, demolish, relocate, or floodproof (non-residential buildings only) the building or any combination thereof, when any of these actions are undertaken to comply with the enforcement of State or local floodplain management laws or ordinances.

ICC coverage is available on residential and non-residential buildings (this category includes public and government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP. ICC is Coverage D in every SFIP. The premium charged for ICC coverage varies depending on the risk, whether the building is Pre-FIRM (meaning that it was built prior to Flood Insurance Rate Maps) or Post-FIRM, the risk zone, and other factors.



Tip: See definition of “flood” on page 1-9.



Tip: A copy of the ICC coverage provisions is provided in Appendix B.

Simplified Coverage Explanation

A simplified explanation of ICC coverage is as follows:

When . . .

- A building is covered by a Standard Flood Insurance Policy, and
- Sustains a loss caused by a flood (building must have substantial or repetitive damage), and
- Must now be brought into compliance with State or Local floodplain management laws or ordinances,

Then . . .

The NFIP will pay up to \$30,000 (effective May 1, 2003) to elevate, demolish, relocate, or floodproof (non-residential buildings only) the building or any combination thereof, when any of these actions are required to comply with State or local codes and floodplain ordinances.

**ICC Applies
Only to
Buildings**

ICC coverage is only provided on the building covered by an SFIP and damaged by a flood event. In the SFIP, “building” is defined as a structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site; a manufactured home; or a travel trailer without wheels, built on a chassis and affixed to a permanent foundation that is regulated under the community’s floodplain management and building ordinances or laws.

Under the SFIP, land, land values, lawns, trees, shrubs, plants, and growing crops are not covered. In addition, items such as portions of walks, walkways, decks, driveways, patios, and other surfaces located outside the perimeter exterior walls of the insured building or unit are not covered.

ICC will cover the cost for architectural and engineering fees associated with a design for elevating, relocating, or floodproofing a substantially or repetitively damaged structure.

Buildings in Regular Program communities have ICC coverage except the exclusions listed beginning on page 2-12. Buildings located in communities that participate in the Emergency Program do not have ICC coverage.

**Appurtenant/
Accessory
Buildings**

ICC coverage is available for appurtenant buildings only when a separate flood insurance policy is written on an appurtenant building. An appurtenant building means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. (Appurtenant structures are sometimes referred to as “accessory structures.”)

ICC coverage does not apply to detached garages or carports, as indicated in the “Exclusions” section of the ICC coverage. ICC coverage would only be available if the detached garage is insured by a separate SFIP Dwelling Policy.

The SFIP does not provide coverage for direct physical loss from flood for an appurtenant structure. However, the SFIP Dwelling Policy extends coverage for direct physical loss from flood for detached garages and carports located on the premises of a one- to four-family dwelling.

**Maximum
Limit of
Coverage**

The maximum ICC coverage is \$30,000 (effective May 1, 2003). This coverage is in addition to the policy’s building coverage for structural damage.

The maximum combined amount collected for both the ICC payment and the direct loss payment cannot be greater than the maximum limits of coverage for the type of building. The maximum coverage limit of \$30,000 (effective May 1, 2003) is designed to help the insured pay the costs to elevate, demolish, relocate, or floodproof (non-residential structures only) the flood-damaged building to comply with local codes and floodplain ordinances.

Maximum Combined ICC and Direct Loss Payments	
Type of Building	Maximum Limits of Coverage
Residential	\$250,000
Non-Residential	\$500,000
Residential Condominium	\$250,000 times the number of units

Section 2: ICC Coverage

No Additional Deductible Must Be Met	Although an ICC coverage claim is filed separately from a claim for direct flood damage to the building or its insured contents, there is <u>no separate deductible for this coverage</u> .
ICC Covers Compliance Measures	ICC pays policyholders to comply with a <u>State or local floodplain management law or ordinance</u> affecting repair or reconstruction of a structure that has suffered flood damage. ICC coverage does not extend to other improvements (such as remodeling or building an addition) that a policyholder chooses to make while meeting floodplain management requirements.
ICC Eligibility	Below is a summary of ICC eligibility requirements.
Flood Damage Essential for Eligibility	<u>ICC coverage only applies to flood-related damage</u>. An ICC claim may be filed as long as the building has been damaged by flood and is declared either a substantially damaged building or a repetitively damaged building under State or community floodplain management laws or ordinances. Buildings located in communities that participate in the Emergency Program do not have ICC coverage. In cases where substantial or repetitive damage is due to a <u>combination of hazards</u>, such as wind and flood, an ICC claim is only paid when the flood component of the damage equals or exceeds 50 percent of the market value of the building. (Note: In cases where a building has been damaged by a combination of hazards, an SFIP claims representative will verify that the damages were caused solely by flood or that the flood component of the damaged building equals or exceeds 50 percent of the market value of the building.)
Disaster Declaration Is Not Required	ICC coverage is available regardless of whether the flood results in a Presidential disaster declaration or not. Therefore, even for smaller flood events, an ICC claim can be filed by insured property owners to help mitigate future flood losses. The building must be declared a substantially damaged or repetitive loss structure by the community floodplain administrator.
Conditions of Eligibility	A building that has been determined by the community to be substantially damaged or a repetitive loss structure is eligible for an ICC claims payment and must now comply with State or local codes and floodplain ordinances. These conditions reflect flood losses due to either the severity or the frequency of flooding. A community must have adopted a repetitive loss provision in the local floodplain management ordinance in order to require structures that are repetitively flooded, but not substantially damaged, to meet the local floodplain management requirement.

Eligibility

Substantially Damaged Buildings

If a structure is determined by the community to be substantially damaged, the structure must be brought into compliance with the local floodplain management regulations for new construction. Every community that participates in the NFIP will have a substantial damage provision in its local floodplain management ordinance.

As defined in 44 CFR 59.1 of the NFIP Floodplain Management Regulations, a structure is considered to be **substantially damaged** when:

“... damage of any origin [is] 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.”

Conditions for Substantial Damage

A building is eligible for an ICC claim if:

- The building is located in a Special Flood Hazard Area, or SFHA (A or V Zones);
- The community determines that the cost of restoring the flood-damaged building to its before damaged condition will equal or exceed 50 percent of the market value of the building before the damage occurred, and requires the building to comply with local floodplain management ordinances.
- The community participates in the NFIP and has a substantial damage provision in their floodplain management laws or ordinances in accordance with the minimum NFIP criteria at 44 CFR 59.1 and 60.3.



Tip: See Section 4 for additional information on how substantial damage is determined.

When Flood Damage Is Less Than 50 Percent

ICC will not pay a claim on a building that is less than 50 percent damaged even if the owner is required to take actions to comply with State or community floodplain management ordinances. Buildings must be damaged to at least 50 percent or more of the market value of the building in order to be eligible for an ICC claim payment.

The criterion for determining substantial damage is the ratio of the cost of repairing the structure to its before damaged condition to the market value of the structure prior to the damage. The cost of repairs must include all costs necessary to fully repair the structure to its before damaged condition. The National Flood Insurance Reform Act of 1994 established the threshold at “50 percent of the value of the structure at the time of the flood event.”

50 Percent Damage Sustained From Combined Hazards

Because ICC may only be paid for flood-related hazards, damage equal to at least 50 percent of the pre-disaster market value must result from **flood only**. Even when the community determines a building to be substantially damaged, ICC can only be paid if the flood component alone meets the substantial damage requirement.

Eligibility

Sample of Eligible Substantial Damage

Following is an example of a structure that is eligible for ICC as a result of a single flood event:

John Smith's \$110,000 home was flooded by Tropical Storm Allison so badly that the repair estimate totaled \$63,525. The community determined that the building was substantially damaged and provided Mr. Smith a substantial damage declaration that indicated that the building had to comply with the local ordinance. After receiving an estimate, Mr. Smith and the community's building official decided that elevating his home was the best way to meet the floodplain ordinance and prevent future damages.

An Allright Insurance Company claims representative filed an ICC claim after obtaining a Proof of Loss, a detailed repair estimate, and a substantial damage declaration on Mr. Smith's home. The total cost of the elevation was \$20,500. To start the project, Allright gave Mr. Smith \$10,250 (half the total cost of elevation) to begin the elevation of his home; the final payment of \$10,250 would be paid after the work was completed and the community inspected the work and issued a Certificate of Occupancy or Compliance. The repairs must be completed within 2 years of the substantial damage declaration.

Additional Improvements

ICC coverage does not extend to other improvements, such as remodeling or construction of an addition, that are made to a substantially flood-damaged building. The ICC claim payment can only be used to help policyholders comply with State and community floodplain management laws or ordinances after a flood loss. Other improvements represent a voluntary decision by the individual to improve or add on to an existing building in an SFHA and are not covered under ICC. Although an ICC claim payment will not pay for additional improvements to buildings, such improvements can be made along with repairs to a substantially damaged building and must meet all the minimum floodplain management requirements of the NFIP.



Reference: See the FEMA publication "Answers to Questions About Substantially Damaged Buildings" (FEMA 213/May 1991) for guidance on determining whether a building has been substantially damaged. Appendix D contains instructions for ordering this publication.



Tip: Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.

Eligibility

Repetitive
Loss
Structures

The second eligible condition for an ICC claim is when local building officials determine a building to be a “repetitive loss structure.” Such repeatedly flood-damaged buildings must now comply with local codes and floodplain ordinances, per the NFIP. ICC availability under this provision applies only if the community has adopted a repetitive loss provision in the local floodplain management ordinance (see below).



Tip: A cumulative substantial damage provision in the local floodplain management ordinance may also qualify a structure for an ICC claim. The community must declare the structure to be substantially damaged, and two of the losses must meet the requirements of the repetitive loss definition.

Under the National Flood Insurance Reform Act, a **repetitive loss structure** is:

“... a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.”

Determining
Repetitive
Loss

According to the definition of “repetitive loss structure” in the National Flood Insurance Reform Act, there must be flood-related damages on two occasions during a 10-year period in which the cost of repair for each flood event, on the average, equaled or exceeded 25 percent of the market value of the building before the damage occurred. The following are examples of situations that satisfy the definition of “repetitive loss structure”:

- The first loss is 35 percent of the market value of the building and the second loss is 15 percent of the market value within a 10-year period.
- The first loss is 10 percent of the market value of the building and the second loss is 40 percent of the market value within a 10-year period.
- The first loss is 45 percent of the market value of the building and the second loss is 5 percent of the market value within a 10-year period.

Note: There are other definitions of repetitive loss which may not satisfy the definition for “repetitive loss structure” under the National Flood Insurance Reform Act. For example, if the cost of repair for two losses, when combined, are less than 50 percent, the building does not qualify for a claim payment under ICC as a repetitive loss structure.

Eligibility

Conditions for Repetitive Loss

A building is eligible for an ICC claim payment if it is in an SFHA (A and V Zones) and if it is a repetitive loss structure and is subject to State or community floodplain management laws or ordinances. There are two requirements that must be met in order for an ICC claim to be paid under the SFIP for a repetitive loss structure:

- The State or community must adopt and enforce a repetitive loss provision or a cumulative substantial damage provision requiring action by the property owner to comply with floodplain management laws or ordinances; and
- The building must have a history of claims payments that satisfy the statutory definition of repetitive loss structure.

Note: The NFIP does not mandate or require States or communities to amend their floodplain management laws or ordinances to include a repetitive loss provision. The decision to adopt a repetitive loss provision is voluntary.



Tip: See Section 4, The Community's Role.

Effective Date of ICC Coverage

The timing of the first loss is immaterial to eligibility for an ICC claim payment, even if the loss occurred before June 1, 1997. An ICC repetitive loss claim can be filed if:

- The State or community enforced a repetitive loss or cumulative substantial damage requirement on the building; and
- The insured building satisfies the definition of “repetitive loss structure” under the National Flood Insurance Reform Act of 1994.

For Example:

If a community . . .

- Has an existing repetitive loss or cumulative substantial damage provision that was in effect prior to June 1, 1997 (the effective date of ICC), and
- Has been enforcing this provision,

Then . . .

The ICC coverage becomes eligible once the community enforces its ordinance on the second qualifying loss, and a renewed or new flood insurance policy has been issued that now contains ICC coverage, and both losses have occurred within a 10-year period.

Eligibility**Repetitive
Loss
Provisions
Are Voluntary**

The NFIP does not mandate or require States or communities to amend their floodplain management laws or ordinances to include a repetitive loss provision. However, if a State or community decides to revise their ordinances and adopt a repetitive loss provision, they may do so at any time. The decision to adopt this loss provision is voluntary.



Tip: Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.

**Repetitive
Loss
Provisions
Impact
Policyholders**

There is no requirement that communities adopt a repetitive loss provision. However, if none is in place, policyholders in that community may not collect ICC benefits on an insured building that has been repetitively damaged.

ICC benefits will still be paid on eligible substantially damaged structures.



Tip: See Section 4, The Community's Role, for further guidance on deciding whether your community would benefit from amending community ordinances to include a repetitive loss provision.

**Improvements
to Repetitive
Loss
Properties**

ICC coverage does not extend to other improvements, such as remodeling or construction of an addition, when repairs are made to a repetitively damaged building. The ICC claim payment can only be used to help policyholders comply with State and community floodplain management laws or ordinances after a flood loss. Other improvements represent a voluntary decision by the individual to improve or add on to an existing building in an SFHA and are not covered under ICC. Although an ICC claim payment will not pay for additional improvements to buildings, such improvements can be made along with repairs to a repetitively damaged building but must meet all the minimum floodplain management requirements of the NFIP.

Eligibility

Sample of Eligible Repetitive Loss

Following is an example of a structure that is eligible for ICC as a result of several flood events:

Jane Doe lives in a community that has a repetitive loss provision in its floodplain ordinance. Jane's \$85,000 home was damaged by a local flood twice in the past 10 years.

- Six years ago, in the first flood, Jane's building damages equaled \$9,000 (10 percent of the market value).
- The second flood caused \$36,000 in building damages (40 percent of the market value).

Because the cost to repair the flood damage, on average, equaled or exceeded 25 percent of her home's market value at the time of each flood, and Jane collected flood insurance claim payments for each of the two flood losses, Jane was eligible for ICC.

Jane's home was declared a "repetitive loss" property by the community floodplain administrator. Jane and her floodplain administrator decided that relocating her home on the property was the best solution to her flooding problem.

Relocating Jane's home will cost \$32,000. Her ICC claim will pay the maximum available: \$30,000.

Variances

A variance is a grant of relief by a community from the terms of land use, zoning, or building code regulations. Because a variance can create an increased risk to life and property, variances from flood elevation or other requirements in the flood ordinance should be rare. Structures that have been granted a variance that meet the NFIP requirements are eligible for ICC coverage.

Adjusting ICC Claims for Post-FIRM Buildings

If . . .	And . . .	Then . . .
A variance was granted for a Post-FIRM building	- There <u>has</u> been an increase in the base flood elevation (BFE) or - There was <u>no</u> increase in the BFE	An ICC claim payment will be made to elevate or floodproof the building to the BFE or demolish or relocate the building.
No variance was issued and a Post-FIRM building is non-compliant with the local floodplain management ordinance	There <u>has</u> been an increase in the BFE	An ICC claim payment will be <u>limited to the cost of compliance to elevate or floodproof the building from the BFE at the time of construction to the current effective BFE</u> . An ICC claim payment will be made to demolish or relocate the building.
No variance was issued and a Post-FIRM building is non-compliant	There has <u>not</u> been an increase in the BFE	This Post-FIRM building is not eligible for an ICC claim payment.
A Post-FIRM building was compliant at the time of construction	There <u>has</u> been an increase in the BFE	An ICC claim will be paid to elevate or floodproof the building to the current BFE or to demolish or relocate the building.
A Post-FIRM building was compliant at the time of construction	There has <u>not</u> been an increase in the BFE	The building is not eligible for an ICC claim payment since it already complies with the local floodplain management ordinance.



Tip: Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.

Section 2: ICC Coverage

Exclusions: Buildings

Buildings in Regular Program communities have ICC coverage except under the situations listed below.

Compliant Post-FIRM Buildings

A Post-FIRM building in compliance with State or community floodplain management requirements is not eligible for an ICC claims payment, since it already meets requirements of the local floodplain management ordinance.

The NFIP defines a Post-FIRM building as “a building for which construction or substantial improvement occurred after December 31, 1974, or on or after the effective date of an initial Flood Insurance Rate Map, whichever is later.” Therefore, any new construction or substantial improvements built after a community receives its FIRM should have been built to meet the local and State floodplain management requirements. The purpose of ICC is to help policyholders comply with State or local floodplain management requirements.

The flood insurance claim for repair of direct physical damages will pay for the cost to repair the building to its pre-damaged condition.

However, if there has been an increase in the BFE that the community has adopted since the time the building was constructed, an ICC claim will be paid to elevate to the new effective BFE.



Tip: Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.

Non-Compliant Post-FIRM Buildings

A Post-FIRM building not built in compliance with the State or community laws or ordinances is not eligible if :

- There was no variance granted, and
- There was no increase in the BFE due to a FIRM revision since the time the Post-FIRM building was built.

An ICC claim will be paid on a Post-FIRM building that was not built in compliance with the BFE at the time of construction only if there has been an increase in the BFE (see “Adjusting ICC Claims for Post-FIRM Buildings” on page 2-11).

For properties that will be demolished or relocated, the ICC claim will be paid only if there was an increase in the BFE since the building was constructed.

Non-Compliant Buildings After Reconstruction	An ICC claim will <u>not</u> be paid for any rebuilding activity to standards that do not meet the NFIP minimum requirements after reconstruction. This includes a building where the policyholder has received a variance from the State or community to rebuild the property to an elevation below the BFE. Making an ICC claim payment to protect structures to less than the BFE defeats the specific purpose of the coverage, which is to provide long-term protection to the structure. Note: The NFIP Floodplain Management Regulations at 44 CFR 60.3, which are adopted by local communities as floodplain management ordinances, require that the lowest floor (including basement) of all new or substantially improved structures be protected—i.e., elevated or floodproofed (for non-residential structures only)—to or above the BFE.
Group Flood Insurance Policies	Any structure insured under an NFIP Group Flood Insurance Policy is <u>not</u> eligible for ICC. These policies generally cover recipients awarded an Individual and Family Grant for flood damage as a result of a Presidential major disaster declaration.
Condominium Unit Owner Policies	Condominium units that are insured under individual owners' policies are <u>not</u> eligible for ICC coverage.
Buildings in Communities in the Emergency Program	Buildings insured under the NFIP's Emergency Program are not eligible for ICC coverage.
Buildings in B, C, X, or D Zones	ICC does not normally cover buildings in B, C, X, or D Zones. However, if the building is in a B, C, X, or D Zone and the community requires the policyholder to undertake a mitigation action (e.g., the community has adopted and is enforcing advisory or preliminary BFEs provided by FEMA), ICC will be available if the community can document that they are regulating the area under their floodplain management ordinance. If communities have flood data for B, C, X, or D Zones, they are advised to provide this information to FEMA for a possible map revision.
Exclusions: Damage	ICC will not cover damaged buildings under the following two situations: ▪ Buildings Less Than 50 Percent Damaged: Buildings must be damaged by flood to 50 percent or more of the market value of the building in order to be eligible for an ICC claim payment. ▪ 50 Percent Damage Sustained From Combined Hazards: Because ICC may only be paid for flood-related hazards, damage equal to at least 50 percent of the pre-disaster market value must result from flood only.

Section 2: ICC Coverage

Exclusions: Improvements

Any improvements (e.g., an addition, a deck) undertaken along with compliance measures may not be funded with ICC payments. ICC payments may only pay for flood-related compliance measures.

Code upgrade requirements (e.g., plumbing or electrical wiring) not related to the State or local floodplain management ordinance may not be funded with ICC payments.

ICC does not include a garage or carport, unless the building is covered by a SFIP.

Note: Claim payments can only be used to help policyholders comply with State and community floodplain management laws or ordinances after a flood loss.

Although an ICC claim payment will not pay for improvements not related to compliance, if the improvements are made the owner must still meet all the minimum requirements of the NFIP.

Exclusions: Other Items

ICC coverage is only provided on the building covered by an SFIP. The following types of structures and items are not covered:

- Gas or liquid storage tanks.
- Land, land values, lawns, trees, shrubs, plants, and growing crops.
- Portions of walks, walkways, decks, driveways, patios, whether protected by roof or not, located outside the perimeter, exterior walls of the insured building.
- Underground structures and equipment including wells, septic tanks, and septic systems.



Tip: See Appendix B, Coverage D—Increased Cost of Compliance, for additional information on ICC exclusions and ineligible costs.

Frequently Asked Questions

This section presents answers to frequently asked questions related to ICC coverage.

Map Revisions

How are ICC claims handled in areas affected by a map revision?

An ICC claim will be paid in areas affected by a map revision, provided the community has adopted and is enforcing the revised data for reconstruction of flood-damaged buildings. Furthermore:

- An ICC claim will be paid in any risk zone to elevate or floodproof (non-residential buildings only) a structure to the advisory BFE. The BFE must either be provided by FEMA or obtained from a Preliminary Flood Insurance Study that the community has adopted. This includes instances where a BFE is being increased and a flood-damaged structure must comply with the new elevations.
- An ICC claim can be paid to elevate, floodproof (non-residential buildings only), relocate, or demolish a structure in B, C, X, or D Zones if the flood zones are being changed to A or V Zones and the community adopts the new zones. The BFE must either be provided by FEMA or obtained from a Preliminary Flood Insurance Study that the community has adopted.

Buildings in Unnumbered A Zones

How does ICC coverage apply to A Zones?

An ICC claim will be paid for elevation, floodproofing (non-residential only), demolition, or relocation of a building in Zone A when the State or community requires that the flood-damaged structure be elevated or floodproofed (non-residential buildings only) to a BFE. Zone A, also referred to as an unnumbered A Zone, is the area of the Special Flood Hazard Area where no BFEs have been determined by FEMA. However, ICC will not cover the cost to develop the BFE if no existing data is available.

Under the minimum NFIP regulations, States and communities must require the elevation or floodproofing (non-residential buildings only) of buildings in Zone A to the BFE where elevation data from a Federal, State, or other source is obtained, reviewed, and reasonably utilized.



Reference: See the FEMA publication “Managing Floodplain Development in Approximate Zone A Areas” (FEMA 265) for more information. Appendix D contains instructions for ordering this publication.

Section 2: ICC Coverage

Elevating Above Minimum Standards	Will ICC pay for the cost of elevating or floodproofing to a higher elevation than the NFIP minimum standard (100-year or base flood elevation)? Yes. Some States and communities, in the interest of sound floodplain management and in recognition of the impacts of future development on flood elevations, exceed the NFIP minimum standards by requiring new or substantially improved buildings to be elevated or floodproofed to 1 or more feet above the BFE. ICC coverage allows for an ICC claim payment, up to the \$30,000 (effective May 1, 2003) limit of coverage, to elevate or floodproof (non-residential only) buildings to any “freeboard” requirement contained in the State’s or community’s floodplain management laws or ordinances. This more restrictive requirement is generally referred to as “freeboard.”
Freeboard	If a Post-FIRM building is compliant and there has been no increase in BFE, the building would not normally qualify for ICC. However, if the community has freeboard on record, would ICC pay for “just the freeboard”? No. If the structure was built compliant with local floodplain management requirements, ICC will not cover the cost to mitigate the structure to meet the community’s freeboard requirement if the BFE has not changed. Freeboard is an additional height requirement above the base flood elevation that some communities may adopt to provide an added margin of protection from flooding and to make structures eligible for a lower flood insurance rate. However, if the structure is non-complaint with floodplain management regulations at the time of the substantial damage declaration and is then declared substantially damaged, ICC would be available to elevate the structure to the freeboard.
Rebuilding at the Same Site or Another Site Within the SFHA	Will an ICC claim be paid when a building is demolished or relocated and the property owner chooses to build a replacement building at the same or another site in the Special Flood Hazard Area? Yes. ICC coverage allows for a claim payment for the cost of demolition or relocation at the same or another site <u>within</u> the SFHA. ICC will also cover the cost to clear the site of the building. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities. ICC will also cover an incremental cost to elevate or floodproof (non-residential buildings only) the replacement structure. The elevation or floodproofing must comply with State or community floodplain management laws or ordinances. The ICC claim payment is limited to the combined costs of demolition or relocation and the costs associated with the elevation or floodproofing of the replacement building at the same or another site in the SFHA, not to exceed \$30,000 effective May 1, 2003. However, if the structure is built <u>outside</u> the SFHA, then there would be no requirement to reduce the risk of flooding, and ICC would not be paid for the replacement building.

**Floodproofing
of Residential
Buildings**

Can ICC claims payments be used to floodproof residential buildings in those communities that are permitted by FEMA to adopt standards for residential floodproofed basements?

Yes. An ICC payment can be used to floodproof a residential basement only if the building is located in a community approved for residential basement exceptions by FEMA. Under 44 CFR 60.6(b) or (c) of the NFIP Floodplain Management Regulations, communities that have been approved for residential basement exceptions by FEMA may adopt standards for floodproofed residential basements.

Under the NFIP Floodplain Management Regulations, the floodproofed design level must be an elevation of 1 or 2 feet above the BFE.

**Historic
Structures**

Are historic structures eligible to receive ICC?

ICC may be available for a historic structure covered by a Standard Flood Insurance Policy (SFIP) under the NFIP, if the community has declared the structure substantially or repetitively damaged. The building must be required to comply with the community's floodplain management ordinance. However, ICC is not available for a historic structure that is exempt under the community's ordinance from meeting floodplain management requirements or if the community grants a variance. ICC is also not available for mitigation actions that do not bring the building into full compliance with the community's floodplain management ordinance.

Condominiums

Are condominium units or single-family detached units covered under ICC?

No. Condominium unit owner policies are not eligible for ICC. However, a Residential Condominium Building Association Policy, which covers the building and all common areas, is eligible for ICC coverage.

SECTION 3: The Claims Process

SECTION 3
Overview

Section 3 describes the steps in the Increased Cost of Compliance (ICC) claims process, and the roles and responsibilities of various entities in those steps.

Major Topics	See Page
ICC Claims Process	3-2
Key Roles & Duties	3-5
Agent Role	3-6
Policyholder Role	3-6
Adjuster Role	3-7
Claims Representative Role	3-7
Community Floodplain Administrator Role	3-9
Other Supporting Roles	3-9
Frequently Asked Questions	3-10
➤ Required Claims Information	
➤ Completion of Mitigation Measures	

Section 3: The Claims Process

ICC Claims Process

This topic reviews the sequence of an ICC claim and briefly describes the responsibilities of each party involved in the process.

Flood Loss Adjusted

When a policyholder reports flood loss to the insurer, a claims representative (CR) is assigned to adjust the direct physical damages. On the adjustment visit, the CR alerts the policyholder that the structure may be eligible for ICC, if the CR believes that damages may exceed 50 percent of the value of the structure and if the building is in a Special Flood Hazard Area (SFHA).

Declaration Made

The floodplain administrator determines that the flood damages to the building result in “substantial damage” or a “repetitive loss” and require compliance with State or community floodplain management laws or ordinances. The damage declaration is generally made through the community’s permitting process.

The policyholder gives the CR the substantial damage or repetitive loss determination in writing, enabling the claims process to proceed.

Mitigation Option Chosen

The policyholder and the floodplain administrator discuss the compliance requirements and the choice of flood mitigation solutions, including:

- Elevating,
- Relocating, or
- Demolishing the structure.

If the damaged structure is non-residential, floodproofing may be another option.

Required Information Collected

The policyholder notifies the insurer that the required damage determination has been made. The CR will ask the property owner to get a signed construction contract, along with an itemized cost breakdown of the work to be done to complete the mitigation measure, and a start and completion date for the work. These items are needed for the CR to issue a Proof of Loss form.

The CR will also tell the property owner to get a permit issued by the floodplain administrator or community official that will be needed prior to making the initial ICC claim payment. For buildings that are to be elevated or floodproofed in SFHAs, the permit must indicate the level of protection to which the building is to be elevated or floodproofed.

File Opened & Eligibility Verified

After the policyholder has notified the CR of the substantial damage or repetitive loss determination, the insurer creates a claim file. The CR will:

- Obtain information from the community about the community’s substantial damage or repetitive loss determination.
- Use this information to confirm that the flood-related damages for the current building claim (and prior claim, if it is a repetitive loss structure) support the community’s substantial damage or repetitive loss determination.
- Verify whether the ICC claim meets all other eligibility requirements.

**Proof of
Loss
Provided**

After the CR confirms that the damage is eligible and the policyholder has provided a signed contract and an estimate of the itemized costs for completing the mitigation measure, the CR will give the policyholder an ICC Proof of Loss form.

**Initial ICC
Payment
Made**

The CR will tell the policyholder that ICC benefits are paid in two portions and will advise the policyholder that if the mitigation measure is not completed within 2 years of the declaration, the initial ICC money must be returned.

After a Proof of Loss form and a permit from the community have been returned to the CR, the CR will provide the property owner with an initial payment toward the ICC claim. Typically, this payment is approximately half the total benefit.

**Final
Inspection &
Final ICC
Payment**

When the mitigation measure is completed, the community official must make a final inspection and provide the policyholder a Certificate of Occupancy or Compliance, letter, or other written official notice showing that the mitigation measures are in compliance with the local floodplain management ordinance and have been satisfactorily completed and that no variance was granted.

After receipt of this documentation, the CR makes the second (and final) ICC payment.

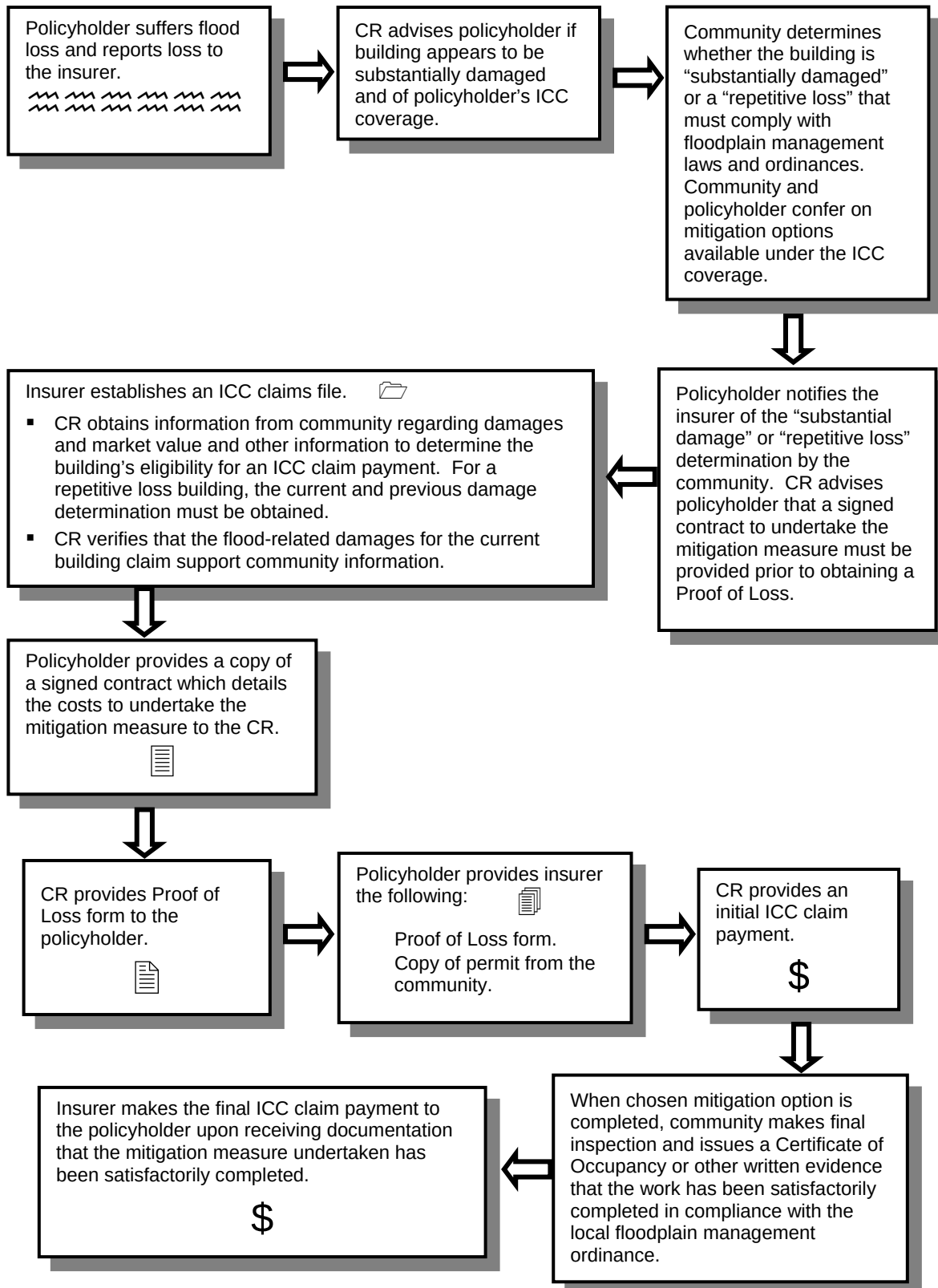
**ICC Claims
Adjustment
Process
Summary**

The flowchart on the following page illustrates the steps described above.

Section 3: The Claims Process

Summary of ICC Claims Adjustment Process

(Note: Sequence of events may vary.)



Key Roles & Duties

In addition to understanding the ICC claim from a sequential point of view, it is valuable to examine the roles and specific tasks of each key player in the claims process. Following the table below, the roles assumed by each player will be discussed.

Key Roles Assumed Within the ICC Claims Process*		
Policyholder	Adjuster/ Claims Representative	Building Department/ Floodplain Administrator
1. Report flood loss to insurer.	2. Estimate flood damage and tell policyholder he/she may be eligible for ICC benefits.	3. Determine building "substantially damaged" or a "repetitive loss." Provide written determination to policyholder. Discuss mitigation options that will comply with floodplain regulations. Issue necessary building permits for mitigation measures.
4. Provide the building department's or floodplain administrator's written determination of substantial damage or repetitive loss to the adjuster.	5. Set up an ICC claims file: - Obtain damage and market value information on structure. For a repetitive loss structure, get previous claim information. - Verify that the flood-related damage for the current building claim supports community information.	
6. Obtain a signed contract that details costs to perform the mitigation activity and give it to the claims representative.	7. Provide Proof of Loss form to the policyholder.	
8. Provide Proof of Loss and copy of community permit(s) to the insurance company in order to receive the first portion of the ICC claim money.	9. Provide an initial ICC claim payment to the policyholder.	
10. Complete the mitigation measure.		11. Inspect completed mitigation work and issue a Certificate of Occupancy or Compliance or other written evidence that the work is compliant with floodplain management ordinance.
12. Provide a copy of Certificate of Occupancy or Compliance to the insurer.	13. Make final ICC claim payment upon receipt of Certificate of Occupancy or Compliance.	

* Note: Sequence of events may vary.

Section 3: The Claims Process

Agent Role

The key responsibilities of the insurance agent include:

- Examining the policy and determining whether a given situation is eligible for payment under the ICC program.
- Educating the policyholder. An insurance agent has a responsibility to explain the ICC program to the policyholder.

The agent should inform the policyholder that under the ICC coverage, the building must be elevated, floodproofed, demolished, or relocated as soon as reasonably possible. The timeframe must not exceed 2 years.



Tip: See Exclusion (e)(2) in the ICC coverage provisions (Appendix B of this manual).

Policyholder Role

The policyholder has to take an active role in the process by:

- Selecting a mitigation option.
- Obtaining a contractor's estimate.
- Obtaining local permits.
- Monitoring and facilitating the ICC claims process.

It is important for policyholders to review their Standard Flood Insurance Policy (SFIP) to gain an understanding of ICC coverage.



Tip: If the policyholder wishes to appeal the insurance company's decision concerning the outcome of an ICC claim, he or she should provide a written request to the insurance carrier asking them to forward the claim to the National Flood Insurance Program (NFIP) Bureau and Statistical Agent for further review.

Select a Mitigation Option

Policyholders will need to work with the local building official to understand the hazard mitigation options that are available for complying with the NFIP requirements. These options include:

- Elevation.
- Demolition.
- Relocation of the building.
- Floodproofing (non-residential only).



Tip: See Section 5 for additional information on selecting mitigation measures.

**Monitor
Claims
Process**

The policyholder can play an important role by monitoring the progress of his/her ICC claim and making sure that each partner in the process performs promptly. Monitoring the claims process will help the policyholder maintain realistic expectations and plan for the receipt of ICC benefits.

It is important for the policyholder to realize that up to half can be paid following the delivery of a signed, itemized contractor's estimate and before the work is begun. The final portion of ICC benefits is paid when proof is submitted that the work is complete.



A concise, one-page ICC Checklist appears in Appendix C, Community Tool Kit.

Adjuster Role

The adjuster may be the first individual to identify that a building may be eligible for ICC coverage. While assessing damages, the adjuster will assess whether the damage appears to equal at least 50 percent of the structure's pre-flood market value.

If the structure appears substantially damaged and is located in an SFHA, the adjuster should tell the policyholder that the building might be eligible for a claim under ICC coverage. The adjuster should then educate the policyholder about how to apply for ICC.

**Claims
Representative
Role**

The primary responsibilities of the claims representative (CR) in the ICC coverage claims process are described below.

**Collect
Information**

One critical role of the CR is to collect information. The CR will obtain the following information from the local floodplain administrator or policyholder for each building determined to be substantially damaged or repetitively damaged. The information is used to verify that the claim is eligible for an ICC claim payment.

The CR must obtain:

- The basis for the local floodplain administrator's determination of substantial damage or repetitive loss, in writing. This includes the cost of repairs for the flood-related damages as well as the market value determination. For repetitive loss structures, the costs of repair and market values must be provided for both the current and previous loss.
- A copy of the applicable substantial damage or repetitive loss provision in the community's floodplain management ordinance.

Additional Information the CR May Need To Obtain:

- **If the building is in a B, C, X, or D Zone**, 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 base flood elevations (BFEs) provided by FEMA).
- **If the community requires a “freeboard,”** a copy of the applicable ordinance provision that stipulates the higher-than-BFE requirement.
- **If the building is in Zone A**, the BFE that the community is using to require compliance with floodplain management laws or ordinances.
- **If the building is a Post-FIRM building**, evidence that the building was built in compliance at the time of construction, or a copy of any variance granted on the building, and/or evidence that the BFE increased since the building was built.



Tip: Refer to Section 2 of this manual for a discussion of substantial damage and repetitive loss properties.

Provide ICC Payments

Payments for ICC claims are made in two installments.

- **First Installment:** The CR will ask the property owner to get a signed construction contract, along with an itemized cost breakdown of the work to be done to complete the mitigation measure, and start and completion dates for the work. These items are needed for the CR to issue a Proof of Loss form. A substantial damage or repetitive loss declaration is provided by the local floodplain administrator or community official. The CR will also tell the property owner to get a permit issued by the floodplain administrator or community official that will be needed prior to making the initial ICC claim payment. For buildings that are to be elevated or floodproofed in SFHAs, the permit must indicate the level of protection to which the building is to be elevated or floodproofed. The initial payment is usually about half of the total benefit. At this time, the CR explains that the initial ICC payment must be returned if the mitigation measure is not completed.
- **Final Payment:** The CR provides the final ICC payment after the policyholder has submitted a Certificate of Occupancy or Compliance, letter, or other official notice from the community that the mitigation measure has been completed without obtaining a variance.

Note: Under the ICC coverage, the building must be elevated, floodproofed, demolished, or relocated as soon as reasonably possible, but the time elapsed cannot exceed 2 years from the date of the substantial damage or repetitive loss declaration.



Tip: If the policyholder wishes to appeal the insurance company's decision concerning the outcome of an ICC claim, he or she should provide a written request to the insurance carrier asking them to forward the claim to the NFIP Bureau and Statistical Agent for further review.

Community Floodplain Administrator Role

Community representatives (often the local floodplain administrator or building department official) have a pivotal role in the success of the NFIP and specifically in the ICC coverage program. The community must enforce compliance standards and ensure that the floodplain measures and codes that have been agreed upon are upheld.



Tip: The community's role is discussed in greater detail in Section 4 of this manual.

Other Supporting Roles

There are several additional resources that should be consulted in the ICC coverage claims process.

- The **Federal Insurance and Mitigation Administration (FIMA)** is responsible for overseeing and managing the insurance aspects of the NFIP. If there is disagreement on the eligibility of an ICC coverage claim, the policyholder may submit an appeal to FIMA.
- The **FEMA Regional Office** can assist with mitigation activities, including:
 - Floodplain management.
 - Mitigation project guidance.
 - Identification of mitigation funding.
 - Cost-benefit project analysis.
 - Environmental issues and requirements.
- The **State** can provide information and assistance concerning the coordination of local and statewide mitigation planning.
- The **NFIP State Coordinating Offices** are another valuable resource for technical assistance.

Section 3: The Claims Process

Frequently Asked Questions

This topic presents answers to frequently asked questions related to the ICC coverage claims process.

Required Claims Information

What information must the claims representative obtain from the community in order to verify that the claim is eligible for an ICC claim payment?

The CR will need to obtain the following information from the community for all buildings determined to be substantially damaged or repetitively damaged in order to verify that the claim is eligible for an ICC claim payment:

- The basis for the community's determination of substantial damage or repetitive loss, in writing. This will include the cost of repairs for the flood-related damages as well as the market value determination. For repetitive loss structures, the costs of repair and market values must be obtained for both the current and previous loss.
- A copy of the applicable substantial damage or repetitive loss provision in the community's floodplain management ordinance.
- If the building is in a B, C, X, or D Zone, 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).
- A copy of the applicable ordinance provision if the community requires a "freeboard" to which the building must be elevated above the BFE.
- For Zone A areas, the BFE that the community is using to require compliance with floodplain management laws or ordinances.

In addition to the above information, the CR will need the following information for a Post-FIRM building:

- Evidence that the building was built in compliance at the time of construction; or
- A copy of any variance granted on the building; and/or
- Evidence that the BFE increased since the building was built.

Completion of Mitigation Measures

When must the mitigation measure be completed?

Under the ICC coverage, the building must be elevated, floodproofed, demolished, or relocated as soon as reasonably possible. The timeframe must not exceed 2 years from the date of the substantial damage or repetitive loss declaration.

SECTION 4: The Community's Role

**SECTION 4
Overview**

Section 4 presents the roles and responsibilities of the local community in the Increased Cost of Compliance (ICC) process.

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Section 4: The Community's Role

The Community and Floodplain Management

This section describes how ICC relates to State and community administration of floodplain management laws or ordinances and other mitigation programs following a flood event. In addition, this section provides guidance on what factors States and communities should consider when payments of ICC claims are to be made in communities. A description of the allowable mitigation measures under ICC coverage is provided in Section 5. Specifically, this section will address the following topics:

- Determining which mitigation measure should be undertaken;
- How a community's substantial damage or repetitive loss determination triggers a claim under ICC coverage;
- What ordinance language should be adopted if a community chooses to enforce a repetitive loss provision; and
- What a community's responsibilities are under the National Flood Insurance Program (NFIP) in reviewing, approving, and permitting a proposed mitigation measure under ICC.

Note: One aspect of ICC coverage that States and communities should keep in mind is that ICC claim payments are made whether or not there has been a Presidential disaster declaration. Therefore, even for smaller floods, financial assistance is still provided to insured property owners in communities to help mitigate future flood losses.

Ensure NFIP Compliance

To participate in the NFIP, communities must, at a minimum, regulate all development in the designated Special Flood Hazard Area (SFHA) in accordance with the NFIP criteria and any applicable State and community floodplain management laws. The local floodplain management administrator is responsible for the enforcement of the local floodplain management ordinance.

To ensure NFIP compliance, communities must:

- Ensure that work is not initiated without proper permits and that completed work is compliant with local floodplain management requirements.
- Require a floodplain development permit before any development or construction proceeds in the designated SFHAs of the community, including buildings that will be elevated or floodproofed under a claim for ICC.
- Ensure that the minimum NFIP requirements in the community's ordinances are met for development in the SFHA before issuing permits.
- Review proposed development to ensure that all applicable Federal, State, or local permits are obtained before construction work begins on the selected mitigation measures to existing structures or on new constructions.

Ensure NFIP Compliance

Working With Property Owners

Once a substantial damage or repetitive loss determination has been made, the local floodplain administrator can ensure code compliance by educating property owners about safe building practices and community standards. The property owners often must choose among mitigation solutions that are compliant with codes and floodplain ordinances. These options may include:

- Elevating,
- Relocating, or
- Demolishing the structure.

If the damaged structure is non-residential, floodproofing may be another option.

The local floodplain administrator should work with the building owner to identify and select a mitigation measure that is compliant.

Collect Information

The local floodplain administrator should make available compliance information on the building that will be needed by the claims representative (CR). Among the required material is:

- The basis for the community's determination of substantial damage or repetitive loss, in writing.
- A copy of the applicable repetitive loss provision in the community's floodplain management ordinance.
- **If the building is in a B, C, X, or D Zone**, documentation as to why the building is required to undertake the mitigation action.
- **If the community requires a "freeboard,"** a copy of the applicable ordinance.
- **If the building is in Zone A**, the base flood elevation (BFE) used by the community.

In addition to the above information, the CR will need the following information for a Post-FIRM building:

- Evidence that the building was built in compliance at the time of construction; or
- A copy of any variance granted on the building; and/or
- Evidence that the BFE increased since the building was built.

Section 4: The Community's Role

Exceeding the NFIP Requirements

Communities may choose to implement more stringent floodplain management ordinances than those required by the NFIP. Listed below are examples of common ways in which communities may implement a higher standard of NFIP requirements.

Higher Minimum Standards

While NFIP requirements are a minimum safety standard, many States and communities have more restrictive requirements than those established by the NFIP.

State and community officials use knowledge of local conditions to determine whether it is in the best interest of safety to exceed the levels. Some common examples of conditions that are beyond NFIP minimum standards are shown below.

Requirement	Explanation
Freeboard	Adoption of floodplain management requirements that exceed the NFIP minimum standards by requiring new or substantially improved buildings to be elevated or floodproofed to <u>1 or more feet above</u> the BFE. This more restrictive requirement is generally referred to as “freeboard” and provides an extra measure of flood protection above the design flood elevation to account for waves, debris impacts, hydraulic surge, or insufficient data.
Tracking Damage	Tracking and counting improvements or repairs cumulatively over a specified period of time to determine if a building is being substantially improved or is substantially damaged. The cumulative tracking of either substantial damage or substantial improvement may trigger the need to comply with local flood protection standards. The structure is then determined to be a repetitive loss structure. Under the National Flood Insurance Reform Act, a repetitive loss structure is: “ . . . a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.”
Land Use	Adoption of land use requirements that prohibit specified buildings or uses in certain areas, such as the floodplain, conservation zones, and/or the floodway.

**Community
Role in
Substantial
Damage**

The NFIP substantial damage requirement provides a mechanism to ensure that a significant increase in investment in flood hazard areas will receive needed protection from the flood risk. Compliance with the community's substantial damage requirement not only will reduce or eliminate the peril to lives and property of those subjected to the flood risk, it will also reduce future costs for flood-related response and recovery to the community and the State as a whole. If a substantially damaged building is rebuilt in violation of State or community floodplain management laws or ordinances and the building is not elevated or floodproofed (for non-residential buildings only) to or above the BFE, the Post-FIRM flood insurance rates and premiums will be significantly higher than Pre-FIRM rates and premiums. In addition, the property owner will not be eligible for an ICC claim payment.

**Determine
Substantial
Damage**

Making substantial damage determinations is one of the most important responsibilities of the local floodplain administrator in the immediate period following a flood disaster. The local floodplain administrator (e.g., building department official) must determine whether damage to a building equals or exceeds 50 percent of its pre-flood market value.

Local floodplain administrators must ensure that market value estimates are reasonably accurate and that the cost estimate reasonably reflects the actual costs to fully repair the damage and make any other improvements to the building.

The local floodplain administrator should ask the permit applicant or the owner of the building to assist in this effort by supplying construction cost estimates and appraisals and other documents that indicate building value.

Remember, a building is considered to be **"substantially damaged"** when:

". . . damage of any origin is 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."

The "Residential Substantial Damage Estimator" was developed to assist State and local officials in making substantial damage determinations in accordance with the local floodplain management requirements.



See the topic titled "Additional Information on Substantial Damage" on page 4-9 for a list of references on this subject.



Sample Worksheets for Determining Substantial Damage are included in Appendix C, Community Tool Kit.

Section 4: The Community's Role

Cumulative Substantial Damage

Under the NFIP, a single repair or improvement to a building the cost of which equals or exceeds 50 percent of the market value meets the criterion for a substantially damaged building or a substantially improved building. A substantially damaged structure must meet the minimum requirements of the NFIP.

Communities can reduce flood-related damages by counting repairs or improvements cumulatively (by adding the cost of each successive repair or improvement) over a period of time. Under this requirement, the structure will be brought into compliance with flood protection criteria sooner. This type of requirement in a floodplain management ordinance is generally referred to as a “cumulative substantial damage” requirement or a “cumulative substantial improvement” requirement.

If the community has a cumulative substantial damage provision in the local ordinance, the local floodplain administrator should review the history of the damaged property.

If the combined damage meets the levels specified in the local ordinance, then the floodplain administrator will notify the owner in writing that he/she must comply with the community's codes and ordinances. The structure in question must have suffered substantial damage or repetitive loss as defined by the NFIP in order to be eligible for an ICC claim.

Remember, under the National Flood Insurance Reform Act, a “**repetitive loss structure**” is:

“ . . . a building covered by a contract for flood insurance that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.”

ICC and CRS

Communities participating in the NFIP's Community Rating System (CRS) may have adopted a cumulative substantial damage provision, a cumulative substantial improvement provision, or a repetitive loss structure provision with thresholds that are less than those defined by ICC. In addition, a State's or community's cumulative substantial damage criteria or repetitive loss structure criteria may comply with the State's or community's floodplain management laws or ordinances, yet the building may not qualify for an ICC claim payment. The criteria for ICC were specifically set out in the National Flood Insurance Reform Act of 1994 and cannot be changed by FEMA.

For example, a community may have a cumulative substantial damage provision requiring that repairs made over a period of years that add up to 50 percent of the market value be considered substantially damaged so that buildings can be brought into compliance with flood-protection criteria sooner. Thus, a building could have three losses of 15 percent, 15 percent, and 23 percent that would trigger compliance with the community's floodplain management ordinance, but the losses would not qualify the building for an ICC claim payment because two of the flood events do not have damages that average at least 25 percent of the market value.

The following is a definition within a community's CRS guidance on higher regulatory standards that count repairs and improvements cumulatively. Even though CRS credits would be given, the definition does not meet the requirements for ICC.

“Substantial improvement means any combination of repairs, reconstructions, rehabilitations, additions, or other improvements of a structure, taking place during the life of the structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed.”

The decision whether to amend an existing cumulative substantial damage requirement or a repetitive loss requirement that conforms with the definition required for ICC is at the discretion of the State or community.



Tip: For further assistance, communities should contact their NFIP State Coordinating Office or FEMA Regional Office. Contact information is provided in Appendix F.

Substantial Improvement

Buildings that are determined to be substantially damaged are by definition considered to be substantial improvements, regardless of the actual repair work performed, and must meet the same NFIP requirements as new construction. If the cost necessary to fully repair the building to its before damaged condition is equal to or greater than 50 percent of that building's market value before damages, then the building must be elevated (or can be floodproofed if it is non-residential) to or above the level of the BFE.

However, an ICC claim payment can only be used to help policyholders comply with State and community floodplain management laws or ordinances after a flood loss. Even though property owners would like to make improvements when rebuilding, the flood loss alone must constitute the “substantial damage.” When the combination of the cost of repair and the cost of the improvement exceeds the 50 percent market value threshold for a “substantial improvement” under the community's ordinance, the structure does not meet the criteria for an ICC claim, yet must still meet the floodplain management requirements of new construction.

Section 4: The Community's Role

Inform Owner

A substantial damage determination letter or other written notification should have a consistent format advising the owner that the building is substantially damaged and must meet the requirements of the community's floodplain management ordinance. Along with the damage determination, the local floodplain administrator should remind the owner that ICC coverage could help offset compliance costs. If a structure is substantially damaged, the community should also offer a meeting to discuss mitigation options for rebuilding. The floodplain administrator's notification may also include a copy of the necessary permit application and permit fee schedule, as well as the appropriate community department to contact for questions. For structures that are not substantially damaged, floodplain development or building permits are still required for rebuilding activities in the floodplain.



Sample Notices of Determination for “substantial damage” and “no substantial damage” appear in Appendix C, Community Tool Kit.

**Additional
Information
on
Substantial
Damage**

FEMA has publications, software, and other materials to assist communities in determining substantial damage.

- *Answers to Questions About Substantially Damaged Buildings* (FEMA 213/May 1991) – Guidance document on NFIP regulations and policy governing substantial damage.
- *NFIP Residential Substantial Damage Estimator (RSDE) Version 2.0 and Workbook* – Software and workbook designed to assist State and local officials in determining substantial damage.
- *Guidance on Estimating Substantial Damage Using the NFIP Residential Substantial Damage Estimator* (FEMA 311/August 2001) – Manual that discusses the use and capability of the RSDE software.
- *FEMA's Residential Substantial Damage Estimator and Your Community* (FEMA, 2001) – A training video on using the RSDE software.

To order these training tools, see the NFIP Web site at www.fema.gov/nfip.

Communities may also contact their FEMA Regional Office or NFIP State Coordinating Office for assistance.

Section 4: The Community's Role

Community Role in Repetitive Loss

A building is eligible for ICC if the community has a repetitive loss provision in its floodplain management ordinance. Most of the nearly 20,000 participating NFIP communities do not have a repetitive loss provision or a cumulative substantial damage provision in their floodplain management laws or ordinances.

Repetitive Loss Provision:

The decision whether to amend an existing cumulative substantial damage requirement or a repetitive loss requirement that conforms with the definition in the National Flood Insurance Reform Act is made at the discretion of the State or community. The decision to adopt this loss provision is voluntary. Not all communities have a history of repetitive damages to existing buildings.

Making the Decision

Each community needs to evaluate its history of repetitive flood losses to existing buildings and decide whether a repetitive loss provision would significantly mitigate the flood risk to existing buildings. Communities should also evaluate the added administrative responsibilities or need for additional staff to adopt and administer this type of provision to all buildings in the SFHA in the community (not just those insured with flood coverage).



Tip: States and communities may wish to contact their FEMA Regional Office to discuss the following questions:

- Could an ICC claim be triggered under a State's or community's existing cumulative substantial damage provision or repetitive loss provision?
- To what extent, if at all, does the State's or community's definition differ from the "repetitive loss structure" definition under the National Flood Insurance Reform Act?

Consider Adopting a Repetitive Loss Provision

A State or community may revise its ordinances and adopt a repetitive loss provision at any time. States or communities are not required to amend their floodplain management laws or ordinances to include a repetitive loss provision. Adoption of the repetitive loss provision is voluntary.

In the event that a State or community decides to adopt a repetitive loss provision or a cumulative substantial damage provision, this provision must then be enforced on all buildings in the community whether or not the buildings are covered by flood insurance. Also, this requirement would apply to a building whether or not there has been a change in ownership of the building.

- **If a community has a repetitive loss provision . . .**
... then ICC is available when a structure is substantially damaged or meets repetitive loss criteria.
- **If a community does not have a repetitive loss provision . . .**
... then ICC is only available when a structure has been substantially damaged.

**Repetitive
Loss
Provision:**

**Linking Loss
to Code
Compliance**

In addition to adopting a definition for “repetitive loss” and/or amending existing definitions, the community’s ordinance must be amended to ensure that “repetitive loss” is linked to new construction and substantial improvement requirements of the ordinance, in accordance with 44 CFR 60.3 of the NFIP Regulations. An example is requiring that a residential repetitive loss structure in an A Zone shall have the lowest floor, including basement, elevated to or above the BFE.



Tip: Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.

**Repetitive
Loss
Provision:**

**Records &
Tracking**

Communities that adopt a repetitive loss requirement should develop administrative procedures in order to track repetitive losses. These procedures include systems to:

- Maintain permit records (e.g., by address).
- Document and maintain the date of repairs for a particular building so that the repair history can be checked before the next permit is issued.
- Document and maintain the flood-related cost to repair the building and the market value of the building before the damage occurred for each flood event.

Note: This documentation will be necessary for a repetitively damaged building to qualify for an ICC claim payment.

**Repetitive
Loss
Provision:**

**Sample
Required
Language**

States and communities that wish to adopt a repetitive loss provision so that repetitively damaged buildings can qualify for an ICC claim payment should establish criteria in their floodplain management laws or ordinances that are consistent with the definition.

In order for buildings to qualify for a claim payment under ICC coverage as a “repetitive loss structure,” the National Flood Insurance Reform Act of 1994 requires that the building be:

“ . . . covered by a contract for flood insurance and incur flood-related damages on two occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25 percent of the market value of the building at the time of each such flood event.”

Repetitive loss structures must be rebuilt to at least the minimum NFIP floodplain management requirements for substantial improvements in accordance with 44 CFR 60.3 of the NFIP Floodplain Management Regulations.

FEMA recognizes that State model floodplain management ordinances vary, and that community floodplain management laws or ordinances will vary as to which amendments or changes will be needed to include a repetitive loss provision.

Section 4: The Community's Role

Repetitive Loss Provision:

Shown below are sample definitions for “repetitive loss structure” that can be incorporated into a State model floodplain management ordinance or included in a community’s floodplain management ordinance. These examples are consistent with the definition for “repetitive loss structure” under the NFIP.

Sample Definitions

A cumulative substantial damage provision must also meet the repetitive loss criteria. See the topic titled “Cumulative Substantial Damage” on page 4-6.

Sample Repetitive Loss Definitions

There are two ways to meet the NFIP floodplain management criteria for repetitive loss:

- Adopt a repetitive loss provision in the existing floodplain management ordinance, then modify the existing substantial improvement definition currently in the floodplain management ordinance.
- Modify the existing substantial damage definition.

Adopt the following definition:

“Repetitive loss” means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

THEN . . .

Modify the “substantial improvement” definition as defined in the NFIP Floodplain Management Regulations at 44 CFR 59.1 in a State or community floodplain management ordinance as follows:

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed.

OR . . .

Modify the “substantial damage” definition as defined in the NFIP Floodplain Management Regulations at 44 CFR 59.1 in a State or community floodplain management ordinance as follows:

“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. “Substantial damage” also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damaged occurred.

Note: Communities and/or States need to make sure that these definitions are tied to the floodplain management requirements for new construction and substantial improvements and to any other requirements of the ordinance, such as the permit requirements, in order to enforce this provision.

Note: An ICC claim payment is only made for flood-related damages. The “substantial damage” part of the definition must still include “damage of any origin” to be compliant with the minimum NFIP Floodplain Management Regulations.

Inform Owner

If the property has been identified as a repetitive loss structure, the local floodplain administrator should then notify the owner in writing that the building is subject to the community's codes and floodplain management ordinances. Along with the damage determination, the community should remind the owner that ICC coverage could help offset compliance costs.



If the community adopts a repetitive loss provision, the sample Notices of Determination in Appendix C, Community Tool Kit, can be modified to accommodate repetitive loss.

**Scenarios
Illustrating
Types of Loss**

The scenarios on the following page show how the amount of a policyholder's loss and the provisions adopted by a community affect the policyholder's compliance requirements and eligibility for ICC benefits.

Section 4: The Community's Role

Scenarios Illustrating Substantial Damage, Repetitive Loss, and Cumulative Substantial Loss

Substantial Damage	Repetitive Loss	Cumulative Substantial Loss
A home has a market value of \$150,000. In 2002, the home sustained \$80,000 of flood-related damage. The property owner: ▪ Must now comply with the floodplain ordinance requirements for a substantially damaged structure. ▪ Is eligible for ICC benefits to help comply with minimum NFIP requirements.	The community has adopted a repetitive loss provision. A home has a market value of \$150,000. The home has sustained the following flood damage: ▪ 1995: \$45,000 (30% of market value) ▪ 2002: \$35,000 (23.33% of market value) The average loss equals \$40,000 (26.67% of market value) within a 10-year period. The property owner: ▪ Must comply with the community floodplain ordinance requirements for a repetitive loss structure. ▪ Is eligible for ICC benefits to help comply with minimum NFIP requirements. Note: If the community had not adopted and enforced a repetitive loss ordinance, then the property owner would not be eligible for ICC. The community's adoption of a repetitive loss ordinance is voluntary.	The community has adopted a cumulative substantial loss provision. A home is valued at \$150,000. The home has sustained the following flood damage: ▪ 1995: \$35,000 (23.33% of market value) ▪ 1998: \$15,000 (10% of market value) ▪ 2002: \$25,000 (16.67% of market value) The total cumulative damage is \$75,000, or 50% of the market value. However, when you average together the losses for any two of the years, none of the averages equals 50% or more. The property owner: ▪ May have to comply with the community's cumulative substantial damage ordinance. ▪ Is <u>not</u> eligible for ICC benefits to help cover the cost of bringing the home into compliance because the damage did <u>not</u> meet the criteria for substantial damage (50% on one loss) or repetitive loss (two losses within 10 years that, on average, equaled or exceeded 25% of the market value). The community's adoption of a cumulative substantial loss provision is voluntary. This is not an NFIP requirement.

Providing Permits

To participate in the NFIP, communities must, at a minimum, regulate all development in the designated SFHA in accordance with the NFIP criteria and any applicable State and community floodplain management laws. To do this, communities must require a floodplain development permit before any development or construction proceeds in the designated SFHAs of the community including buildings that will be elevated or floodproofed under a claim for ICC.

Before the permit is issued, the community must ensure that the minimum NFIP requirements are met for development in the SFHA.

In addition, the community must review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal, State, or community laws or regulations. It is the community's responsibility to ensure that all applicable Federal, State, or local permits are obtained before construction work begins on the selected mitigation measure.

For buildings that are to be elevated or floodproofed in SFHAs, the permit or accompanying documentation must indicate the elevation to which the building is to be elevated or floodproofed (e.g., the BFE plus any applicable "freeboard" elevation required by the State or community's floodplain management laws or regulations). It is the community's responsibility to ensure that all other applicable Federal, State, or local permits are obtained before the mitigation measure is undertaken.

Permit	Requirements
Floodplain Development Permit	This permit is required, before work begins, for any development or construction within the SFHA. Before a structure is <u>elevated</u> or <u>floodproofed</u>, a permit stating the elevation standard is required. (See Appendix C for sample elevation and floodproofing certificates.) The elevation standard is the BFE plus any applicable "freeboard" elevation required by the State's or community's floodplain management laws or regulations. A floodplain development permit is also required before a structure is <u>demolished</u> or <u>relocated</u> to a site outside the SFHA. The permit ensures that the existing site where the building is being demolished or from which it is being relocated is compliant with the State or community floodplain management ordinance.
Elevation Certificate or Floodproofing Certificate	Communities will generally require the submission of an elevation certificate or floodproofing certificate prior to the issuing of a Certificate of Occupancy or Compliance.
Certificate of Occupancy or Compliance	Most communities will issue a Certificate of Occupancy or Compliance for the building after all work has been completed and the building inspected to verify compliance with the floodplain management ordinance and other regulatory requirements.



Tip: A floodproofing certificate, an elevation certificate, and a tutorial can be viewed on-line at the NFIP Web site: www.fema.gov/nfip

Section 4: The Community's Role

Communities With Residential Basement Exceptions

Under the NFIP Floodplain Management Regulations at 44 CFR 60.3, only non-residential buildings in A Zones can be floodproofed.

However, under the NFIP Floodplain Management Regulations at 44 CFR 60.6(b) or (c), communities that have been approved for residential basement exceptions by FEMA may adopt standards for floodproofed residential basements. These approved communities are the only ones in which ICC payments may be used to floodproof a residential basement.

The claims representative should determine whether the community is one in which this exception applies.

Inspecting Work

The community must ensure that all work has been completed according to the permit and approved plans and specifications for buildings, including buildings that are demolished or relocated outside the SFHA. The floodplain management permit official must ensure that the elevation or floodproofing of a building in an SFHA is completed according to the permit and approved plans and in compliance with the community's floodplain management laws and ordinances.

A Zones: The community permit official must obtain and verify the elevation of the lowest floor (including basement) of all new or substantially improved buildings that are elevated in A and V Zones. The NFIP requirements specify that:

- All new construction and substantial improvements of residential buildings must have the lowest floor (including basement) elevated to or above the BFE.
- All new construction and substantial improvements of non-residential buildings must either have the lowest floor (including basement) elevated to or above the BFE or dry-floodproofed to the BFE. Dry-floodproofing means that the building must be designed and constructed to be watertight, substantially impermeable to floodwaters.
- Buildings can be elevated to or above the BFE using fill, or they can be elevated on extended foundation walls or other enclosure walls, on piles, or on columns.
- Foundation and enclosure walls that are subject to the 100-year flood must be constructed with flood-resistant materials and contain openings that will permit the automatic entry and exit of floodwaters. Any enclosed area below the BFE can only be used for the parking of vehicles, building access, or storage.

Floodproofing Projects: For non-residential buildings that are floodproofed, the community permit official must obtain and verify the elevation to which the building is floodproofed. In addition, a registered professional engineer or architect must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the following requirements:

- The building is watertight, with walls substantially impermeable to the passage of water.
- The attendant utility and sanitary facilities are located above the BFE, enclosed within the building's watertight walls, or made watertight and capable of resisting damage during flood conditions.
- The structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The community permit official must obtain and maintain a copy of the floodproofing certification.

**Inspecting
Work**

V Zones: In V Zones, a registered professional engineer or architect must certify that the design and construction are in accordance with the V Zone requirements at 44 CFR 60.3(e). The NFIP requirements specify that:

- All new construction and substantial improvements of buildings must be elevated on piles and columns so that the bottom of the lowest horizontal structural member of the lowest floor is elevated to or above the BFE. No fill can be used for structural support.
- All new construction and substantial improvements of buildings must be properly anchored to resist flotation, collapse, and lateral movement.
- The area below the lowest floor of an elevated building a V Zone must either be free of obstruction, or any enclosure must be constructed with open wood lattice-panels or insect screening or with non-supporting/non-load-bearing breakaway walls that meet applicable NFIP criteria. Any enclosed area below the BFE can only be used for the parking of vehicles, building access, or storage.
- Man-made alteration of sand dunes and mangrove stands is prohibited within V Zones.
- Structures must be located landward of the reach of mean high tide.

**Issuing
Certificate of
Occupancy**

Some communities specify that a new or substantially improved building cannot be used or occupied without some type of use permit or Certificate of Occupancy. A letter or Certificate of Compliance may be substituted for a Certificate of Occupancy. The official should not issue a use or occupancy permit until the building passes a final inspection.

Section 4: The Community's Role

Frequently Asked Questions

This topic presents answers to frequently asked questions related to the community's role.

Substantially Damaged Buildings

Under the NFIP Floodplain Management Regulations, if a building is determined to be substantially damaged, what must happen to that building?

All repairs to buildings that are determined to be substantially damaged are by definition considered to be substantial improvements, regardless of the actual repair work performed, and must generally meet the same NFIP requirements as new construction.

In other words, if the cost necessary to fully repair the building to its before damaged condition is equal to or greater than 50 percent of that building's market value before damages, then the building must be elevated (or can be floodproofed if it is non-residential) to or above the level of the BFE and must meet other requirements in the floodplain management ordinance.

ICC Conditions for Repetitive Loss

What are the two conditions that must be met in order for the ICC benefit to be paid for a repetitive loss?

A building is eligible for an ICC claim payment if the local floodplain administrator determines it to be a repetitive loss structure that must comply with State or community floodplain management laws or ordinances. There are two conditions that must be met in order for the ICC benefit to be paid under the SFIP for a repetitive loss structure:

- The State or community must be enforcing a repetitive loss provision or a cumulative substantial damage provision and require action by the property owner to comply with floodplain management laws or ordinances; and
- The building must have a history of claims payments that satisfy the statutory definition of repetitive loss structure (see page 4-12).

**Determining
Repetitive
Loss**

How are repetitive losses counted in order to satisfy the definition for “repetitive loss structure” for an ICC claim payment?

According to the definition of “repetitive loss structure” in the National Flood Insurance Reform Act, there must be flood-related damages on two occasions during a 10-year period in which the cost of repair for each flood event, on the average, equaled or exceeded 25 percent of the market value of the building before the damage occurred.

Described below are examples of situations that satisfy the definition of “repetitive loss structure.” Within a **10-year period**:

- The first loss is 35 percent of the market value of the building and the second loss is 15 percent of the market value.
- The first loss is 10 percent of the market value of the building and the second loss is 40 percent of the market value.
- The first loss is 45 percent of the market value of the building and the second loss is 5 percent of the market value.

Note: There are other instances of repetitive loss that may not satisfy the definition of “repetitive loss structure” under the National Flood Insurance Reform Act. For example, if the cost of repair for two losses, when combined, is less than 50 percent, the building does not qualify for a claim payment under ICC as a “repetitive loss structure.”

**Voluntary
Adopting of
Repetitive
Loss
Provision**

Are States or communities required to amend their floodplain management laws or ordinances to include a repetitive loss provision?

No. Adoption of a repetitive loss provision is voluntary. The National Flood Insurance Reform Act of 1994 does not mandate that FEMA amend the NFIP Floodplain Management Regulations at 44 CFR 59.1 and 60.3 to require communities to adopt a repetitive loss provision. Since States and communities will not be required to adopt a repetitive loss provision in their floodplain management laws or ordinances, the decision whether to adopt such a provision is made at their discretion.

Section 4: The Community's Role

Cumulative Substantial Damage	What is “cumulative substantial damage” or “cumulative substantial improvement?” Under the NFIP, a single repair or improvement to a building the cost of which equals or exceeds 50 percent of the market value meets the criterion for a substantially damaged building or a substantially improved building. A substantially damaged structure must meet the minimum requirements of the NFIP. Communities can reduce flood-related damage by counting repairs or improvements cumulatively (by adding the cost of each successive repair or improvement) over a period of time. Under this requirement, the structure will be brought into compliance with flood protection criteria sooner. This type of requirement in a floodplain management ordinance is generally referred to as a “cumulative substantial damage” requirement or a “cumulative substantial improvement” requirement. <u>Remember, the structure in question must have suffered substantial damage or repetitive flood damage, as defined by the NFIP, in order to be eligible for an ICC claim.</u>
Impact on Policyholders	What effect is there on policyholders if a community decides not to adopt a repetitive loss provision? An ICC claim cannot be paid on an insured building that has been repetitively damaged if the State or community has not adopted a repetitive loss or cumulative substantial damage requirement in its floodplain management laws or ordinances. However, the ICC benefit will still be paid for buildings that have been substantially damaged by flood. It is anticipated that most ICC claim payments will be for buildings that are substantially damaged. Communities should evaluate whether adoption of a repetitive loss provision would significantly mitigate the flood risk to existing buildings and be in the best interest of the community as a whole.
Timing for Amending Ordinances	Can a community adopt a repetitive loss or cumulative substantial damage requirement at any time? Yes. States and communities can amend their floodplain management laws or ordinances to incorporate a repetitive loss provision or cumulative substantial damage provision at any time. States and communities need to be aware that ICC coverage is only available when a property owner is required to rebuild in compliance with a community's substantial damage, repetitive loss, or cumulative substantial damage provision. Remember that the cumulative substantial damage provision is based on two losses within a 10-year period that, when combined, equal or exceed 50 percent of the market value of the building.

Timing of Losses

Must both losses occur after the effective date of the ICC coverage (June 1, 1997) in order for a repetitively damaged building to qualify for an ICC claim payment?

No. The date on which the first loss occurred, even if the loss occurred before June 1, 1997, is immaterial as to eligibility for an ICC claim payment, so long as the State or community enforced a repetitive loss or cumulative substantial damage requirement on the building and the insured building satisfies the definition of "repetitive loss structure" under the National Flood Insurance Reform Act of 1994.

For example, if a community has an existing repetitive loss or cumulative substantial damage provision that was in effect prior to June 1, 1997 and has been enforcing this provision, the ICC coverage will respond once the community enforces its ordinance on the second qualifying loss on buildings for which a renewed or new flood insurance policy has been issued after June 1, 1997, as long as both losses occur within a 10-year period. In addition to the current loss, the NFIP must have paid a claim on a previous qualifying loss.

Amending Provisions That Deviate From the National Flood Insurance Act

If my State or community currently has a cumulative substantial damage provision or a repetitive loss provision in its floodplain management laws or ordinances which deviates from the National Flood Insurance Reform Act's definition of "repetitive loss structure," will the State or community be required to amend its laws or ordinances to conform to this definition?

No. However, States and communities must be aware that there may be instances where existing State or community cumulative substantial damage criteria or repetitive loss structure criteria may require compliance with their floodplain management laws or ordinances, but the building may not qualify for an ICC claim payment.

For example, a community may have a cumulative substantial damage provision that requires that repairs made over a period of years that add up to 50 percent of the building's market value be considered substantial damage so that buildings can be brought into compliance with flood protection criteria sooner. Thus, a building could have three losses of 15 percent, 15 percent, and 23 percent that would trigger compliance with the community's floodplain management ordinance. However, this building would not qualify for an ICC claim payment because there are not two flood events within a 10-year period that together average 25 percent of the market value. In other words, the owner must bring the building into compliance with the code but will not receive ICC coverage.

This situation may apply to communities participating in the NFIP's Community Rating System that have adopted a cumulative substantial damage provision or cumulative substantial improvement provision or a repetitive loss structure provision with thresholds that are less than the one defined under the National Flood Insurance Reform Act. For additional information on CRS, call (317) 848-2898 or write NFIP/CRS, PO Box 501016, Indianapolis, IN 46250-1016.

The decision whether to amend an existing cumulative substantial damage requirement or a repetitive loss requirement that conforms with the definition in the National Flood Insurance Reform Act is made at the discretion of the State or community. States and communities may contact their respective FEMA Regional Office to determine whether an ICC claim could be triggered under a State's or community's existing cumulative substantial damage provision or repetitive loss provision and to what extent, if any, the State's or community's definition differs from the "repetitive loss structure" definition.

SECTION 5:

Eligible Mitigation Measures

SECTION 5
Overview

Section 5 will examine the mitigation measures that are eligible for Increased Cost of Compliance (ICC) coverage. After reviewing mitigation planning and selection, the section will conclude with ICC-specific criteria related to each option.

Major Topics	See Page
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Section 5: Eligible Mitigation Measures

ICC & Mitigation Planning

This part of the text discusses the role of the ICC program in community mitigation planning and specifies the ICC-related criteria when implementing eligible mitigation options.

The Value of Planning

Pre-flood mitigation planning prepares the way for community actions taken during post-flood recovery and long-term reconstruction. Planning is one of the most significant factors in achieving long-term flood hazard reduction. Communities and States that have current mitigation plans have set mitigation priorities and are poised to use available mitigation funds most efficiently.

States and communities should consider what other kinds of financial, technical, and personnel resources they may need to undertake post-disaster activities.

ICC & Community Plans

Communities should consider ICC when planning for floodplain management and post-disaster activities. Ideally, a community will have a comprehensive floodplain management plan that addresses all of the community's flood-related problems.

Even communities without extensive planning capabilities can implement one or two specific activities to reduce the flood risk. ICC can be a potential resource whether a community is implementing a specific, targeted activity or a more comprehensive effort.

Communities that include acquisition or relocation of flood-damaged buildings in their plans may want to consider combining ICC coverage with other mitigation programs. FEMA has three programs—the Hazard Mitigation Grant Program (HMGP), the Flood Mitigation Assistance (FMA) program, and the Pre-Disaster Mitigation (PDM) program—that can use ICC claim payments toward the required local match.



Tip: The use of ICC funds in combination with the HMGP, the PDM program, and the FMA program is covered later in this section. Detailed program information is provided in Appendix E.

ICC & Mitigation Outreach

All National Flood Insurance Program (NFIP) participating communities should educate citizens about flood hazards, the actions that can reduce or prevent flooding, and the community's overall planning efforts. Eligible property owners who purchase flood insurance will have the funds, through ICC coverage, to help meet substantial damage or repetitive loss ordinance requirements and support the community's plan. ICC coverage provides a significant opportunity to reduce future flood losses, including the incidence of:

- Loss of life.
- Structural and personal property damage.
- Costly outlays for flood fighting, response, and recovery.
- Taxpayer-funded disaster assistance costs.



A sample brochure, public service announcement, background sheet, flyer, and news release are included in Appendix C, Community Tool Kit.

Choosing Mitigation Measures

For an eligible structure, ICC will pay the increased cost to elevate, floodproof (non-residential only), demolish, or relocate the building up to a maximum benefit of \$30,000 effective May 1, 2003.

Types of Mitigation Methods

- **Elevation:** Elevation is a common technique for protecting an existing building in the Special Flood Hazard Area (SFHA). Various techniques are used to raise the existing building to or above the base flood elevation (BFE).
- **Floodproofing:** Floodproofing is a combination of adjustments and/or additions of features to non-residential buildings that eliminate or reduce the potential for flood damage by keeping floodwaters out of the building. (**Note:** Under the NFIP Floodplain Management Regulations at 44 CFR 60.3, only non-residential buildings in A Zones can be floodproofed.)
- **Demolition:** There will be situations in which a building is so severely damaged that it cannot be elevated, floodproofed, or relocated. For these buildings, demolition may be the only feasible alternative. It may not be technically feasible or cost effective to elevate or relocate some types of buildings, such as certain slab-on-grade buildings or masonry-type buildings. In these cases, demolition may also be the only option.
- **Relocation:** Relocation is a mitigation measure that can offer the greatest protection from future flooding. It involves moving an entire building to another location on the same lot or to another lot, usually outside the floodplain.



Tip: More detailed information on each mitigation method is presented later in this section.

Use a Collaboration Process

The local floodplain administrator and/or State should work closely with the property owner to discuss:

- Any floodplain management requirements or other factors that might impact the selection of a mitigation measure.
- Local and State mitigation priorities that should be considered in the selection of a mitigation solution. The goal is to encourage the property owner to select an option that is in the best interest of both the individual and community as a whole.

Meet NFIP Minimum Standards

Regardless of the mitigation solution, an ICC claim will only be paid if the building meets the NFIP minimum requirements after reconstruction. This requirement is designed to reduce further losses and protect structures over the long-term.

An insured building that received a variance in the past from the State or community that allowed the building to be rebuilt at an elevation below the BFE now must meet minimum NFIP standards to receive ICC coverage.



Tip: For NFIP requirements in A and V Zones, see pages 4-16 and 4-17 in Section 4, The Community's Role.

Section 5: Eligible Mitigation Measures

Consider All the Factors

Selecting a mitigation measure should be an informed choice. The following factors should be considered when making the decision:

- **Laws and Ordinances:**
 - Community and/or State floodplain management laws or ordinances, including flood-related standards in building codes, may specify rebuilding procedures (e.g., the floodplain management ordinance may restrict flood-damaged buildings from being rebuilt in the floodway).
 - Other community and/or State land-use laws (e.g., zoning ordinances) and building codes may impact rebuilding.
- **Community Plans:** A comprehensive floodplain management plan or reconstruction plan for guiding post-disaster reconstruction may specify how or whether flood-damaged areas can be rebuilt.
- **Hazard Vulnerability and Other Site/Building Factors:** The selection of mitigation strategies can be impacted by:
 - Flood hazard and risk characteristics (e.g., depth of flooding, flood velocity, flash flooding, ice and debris flow, alluvial fans, etc.).
 - Other hazards at the site (e.g., erosion, subsidence, landslides, and seismically induced hazards such as ground motion, liquefaction, and fault rupture).
 - Other site characteristics (e.g., lot size, condition of the infrastructure, etc.).
 - Building condition (e.g., severity of damage, weight and height of building, and complexity of building's design or shape).
 - Accessibility for the disabled (e.g., reconstruction of public accommodations or commercial facilities must meet requirements of the American with Disabilities Act) and similar requirements.
- **Personal and Financial Considerations:** The property owner's personal and financial considerations often influence the mitigation strategy selected.
- **Resources:** Availability of other mitigation resources can influence which option is selected.

Get Mitigation Advice

Property owners eligible for receiving an ICC claim payment may want to contact a building professional, such as an architect, an engineer, or an appropriately licensed building contractor, to discuss various mitigation options. Together with the local building department, these professionals will identify any constraints associated with the ICC mitigation measures and help the owner to comply with all applicable laws, ordinances, and permitting requirements.

Additional information on selecting mitigation measures and the ICC program is available from the following sources:

- **The State:** The State may offer information or assistance concerning NFIP program requirements and the coordination of local and statewide mitigation planning.
- **FEMA Regional Office:** The FEMA Regional Office can assist with mitigation activities, including:
 - Floodplain management.
 - Mitigation project guidance.
 - Identification of mitigation funding.
 - Cost-benefit project analysis.
 - Environmental issues and requirements.

Project Funding

ICC funds can be combined with other mitigation funding sources to fund more extensive efforts. Some mitigation solutions, such as elevating a home or floodproofing a business, are implemented by a single property owner. Other mitigation solutions are larger in scope, and involve other partners and funding sources.

Funding Individual Mitigation Actions

In the case of an individual mitigation solution, the policyholder's ICC claim payment may or may not cover the full cost of the work that is required.

If the amount of the ICC claim payment is less than the cost of the hazard mitigation measure, the policyholder may combine the ICC payment with the following other sources of funds:

- Personal funds from Small Business Administration loans.
- Personal funds from NFIP direct damage payments.
- Federal disaster assistance funds.
- Any other source.

Section 5: Eligible Mitigation Measures

Other Funding Sources

Other mitigation solutions, such as acquisition and relocation projects, are community-sponsored through grant programs such as the HMGP, the PDM program, and the FMA program.

Hazard Mitigation Grant Program

FEMA's HMGP (authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act) is available after a Presidential disaster declaration. Funds are provided through the State to local communities to purchase and demolish or physically relocate buildings to new sites outside the floodplain. HMGP funds may also be used for other mitigation measures, such as elevation or floodproofing.

Pre-Disaster Mitigation Program

FEMA's PDM program (authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act) provides grants to States which, in turn, provide sub-grants to local governments for mitigation activities such as planning and the implementation of projects identified through the evaluation of natural hazards.

Flood Mitigation Assistance Program

FEMA's FMA program (authorized under the National Flood Insurance Reform Act of 1994) provides non-disaster funding to assist States and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings insured under the NFIP. FMA funding can be used to help fund mitigation activities such as acquisition, elevation, relocation, demolition, and floodproofing projects.

**ICC &
FEMA-Funded
Mitigation
Projects**

FEMA allows NFIP policyholders to assign their ICC claim benefits to the community when they are participating in a FEMA-funded mitigation program. The community official or floodplain administrator should coordinate closely with property owners participating in a mitigation project to determine if the property owner is eligible for an ICC claim payment. ICC is a direct contract between the policyholder and the insurer.

If the community plans to pursue a mitigation grant project, they need to coordinate closely with property owners who may be eligible for ICC benefits throughout the process. If the ICC claim payment does not cover the full cost of elevating, floodproofing (non-residential buildings), demolishing, or relocating the building, the ICC claim can be used to match a FEMA mitigation grant to cover the remaining costs. Mitigation grant funds may be used to pay that portion of the cost of elevation, floodproofing, demolition, or relocation above the \$30,000 (effective May 1, 2003) ICC coverage limit. FEMA will accept the work paid for by property owners using the ICC claim payment as a non-Federal match to the mitigation grant program. The community must provide mitigation grant funds to any property owner whose ICC payment will count towards the community match. The ICC claim can only be used for NFIP-approved costs; these can then be applied to the mitigation grant match. For example, the ICC benefits cannot pay for property acquisition, but can pay for demolition or structure relocation.

When ICC claims are used to help fund FEMA-funded mitigation projects, the following procedures apply:

- **Voluntary Participation:** Individual participation in an HMGP, PDM, or FMA project is voluntary. If an NFIP policyholder chooses to be a part of an acquisition and/or relocation project sponsored by the community, ICC payments may be used in funding the mitigation measure.
- **Assignment of Benefits:** Individual policyholders may assign their benefits to the community and enable the community to file a single claim on behalf of the full mitigation project.
- **Matching Funds:** The community may use the ICC claim payments as matching funds when applying for HMGP, PDM, or FMA. The community must then provide HMGP, PDM, or FMA grant funds to any property owner whose ICC payment will count towards the community match. FEMA will count the work paid for by property owners using the ICC claim payment as a non-Federal cash match to the HMGP, PDM, or FMA program.

Section 5: Eligible Mitigation Measures

Considerations When Using ICC in FEMA- Funded Projects

Several issues and points of coordination should be considered and addressed in order to take advantage of ICC as a financial resource in a larger mitigation project.

- **Acquiring Funding for Buildings Not Covered:** A proposed project area may include both flood-insured and non-flood-insured substantially damaged buildings. Only buildings insured under a Standard Flood Insurance Policy (SFIP) have ICC coverage. The community should consider how the combination of financial resources could be applied to these two types of buildings in cases where insured and non-insured buildings are part of the same acquisition/relocation project. There may also be buildings in a proposed acquisition/relocation project area that are not substantially damaged. Buildings are not eligible for an ICC claim payment unless the community designates them as substantially damaged or repetitively damaged. Communities will need to seek other funding resources if they wish to acquire these properties that are not covered by ICC.
- **Planning the Timing of Funding:** Community-based mitigation projects are lengthy. Claim payments for direct physical damages under an SFIP, as well as ICC claim payments, may precede the community's application for programs such as HMGP, PDM, and FMA. If the community proposes acquisition, individuals should be advised not to begin other mitigation projects prematurely.
- **Preventing New Building:** Communities will need to consider a strategy to ensure that flood-damaged buildings are not rebuilt in an area proposed for an acquisition or relocation project. Some communities have successfully established building moratoriums or have established a policy of not issuing permits for flood-damaged buildings.
- **Funding Land Acquisition:** ICC coverage is only available on buildings and does not cover the land or the lot on which a building is located. Communities considering the removal of flood-damaged buildings from the floodplain should consider how HMGP or other funds could be used to acquire this land.

When ICC Does Not Cover Total Cost

Property owners are not able to apply for mitigation grant funds directly; a community must sponsor an application on their behalf. The mitigation grant funds may be used to pay that portion of the cost of demolition, elevation, relocation, or floodproofing (non-residential only) above the \$30,000 (effective May 1, 2003) ICC coverage limit. FEMA will accept the work paid for by property owners using the ICC claim payment as a non-Federal cash match to the grant program. The community must include in the mitigation grant project any property owner whose ICC payment will count towards the non-Federal match.

Assignment of ICC Claims

When a policyholder is eligible for an ICC claim payment and decides to participate in a mitigation grant project, the policyholder and community officials should discuss how the ICC payment will be included in the mitigation project so that it may count towards the non-Federal match. If the community and policyholder agree, the policyholder may assign the eligible portion of the claim amount to the community. By doing so, the community becomes responsible for completing and submitting the necessary ICC claim documentation to the insurer. The ICC claim is paid directly to the community and should be used towards the non-Federal match for the project. The assignment of ICC claims requires close coordination with the NFIP Bureau and Statistical Agent and the insurance companies. If a community would like to pursue claim assignments, community officials should coordinate with their NFIP State Coordinating Office and FEMA Regional Office for more specific guidance.

**Claims
Assignment
Process**

It is important to understand that assignment by the policyholder to the community is completely voluntary. It is possible for a community to benefit from the ICC funds as a non-Federal match even if the ICC claim benefits are not assigned to the community. In general, there are several ways that the ICC payment can be coordinated with a community's mitigation project:

- The policyholder can assign the eligible portion of the ICC claim to the community. By doing so, the community becomes responsible for completing and submitting the necessary ICC claim documentation to the insurer. The ICC claim is paid directly to the community and is counted towards the non-Federal match for the project. Communities should note that they cannot receive one lump payment for multiple policyholders with ICC claims. Flood insurance claims are paid independently by the company that writes the policy. Each property owner may have a flood insurance policy written by a different "Write Your Own" company. Therefore, each company may adjust and pay each claim separately.
- The policyholder can handle the ICC claim himself or herself and coordinate with the community to have the part of the project covered by ICC included in the mitigation grant project. The policyholder contributes the ICC money as part of the non-Federal match.
- The policyholder may plan to participate in a mitigation project but may not think it is necessary to pursue his or her ICC claim. When making the substantial damage determination for the property, the floodplain administrator should encourage the property owner to submit an ICC claim.

Section 5: Eligible Mitigation Measures

Elevation Projects

Elevation, a common technique for protecting an existing building in an SFHA, consists of raising the building to or above the BFE.

Elevation Requirements

Under the NFIP, in A Zones buildings must be elevated so that the lowest floor is at or above the BFE (44 CFR 60.3(c)). An elevation certification is required. In A Zones elevations can be accomplished in three ways: elevation on fill; elevation on piles, posts, piers, or columns; and elevation on walls or crawl spaces. In V Zones buildings must be elevated on piles or columns so that the bottom of the lowest horizontal structural member supporting the lowest floor is at or above the BFE (44 CFR 60.3(e)) and must meet other floodplain management requirements.

Many States and communities have “freeboard” requirements. Freeboard is the additional elevation above the BFE that the building must be constructed to in order to comply with State or community laws or ordinances. A claim payment under ICC will help cover (up to \$30,000 effective May 1, 2003) the cost of elevating the building to:

- The BFE; or
- The community's flood protection level, if it enforces a “freeboard” requirement.

Elevation Process

The steps involved in elevating most buildings are essentially the same:

1. A cradle of steel beams is inserted under (or through) the structure.
2. Jacks are used to raise both the beams and the structure to the desired height.
3. A new, elevated foundation for the building is constructed and utility systems are extended and modified.
4. Finally, the structure is lowered back onto the new foundation and reconnected.

While the same basic elevation techniques are used in almost all situations, the final siting and appearance of the building will vary depending on the final elevation and the type of foundation used.

The actual elevation process is only part of the whole operation in terms of planning, time, and expense. The most critical step involves the preparation of the building for elevation and the construction of a new, adequately elevated foundation. The elevation process becomes even more complicated when the building has added weight or height, or a complex design or shape. Brick or stucco veneers may have to be removed prior to elevation. Building additions may need to be elevated independently from the main structure. Because of the complexity of elevating a building, professionals should be used who have experience in structure elevation.



Tip: There may be other elevation techniques that meet the requirements of the NFIP and will be covered by ICC. Communities may contact their NFIP State Coordinating Office or FEMA Regional Office for assistance. Contact information is provided in Appendix F.



References: See *Homeowners Guide to Retrofitting – Six Ways To Protect Your House From Flooding*, FEMA 312.

For A Zones, see Technical Bulletin 1-93, “Openings in Foundation Walls,” and Technical Bulletin 10-0, “Ensuring That Structures Built on Fill In or Near SFHAs Are Reasonably Safe From Flooding.”

For V Zones, see Technical Bulletin 5-93, “Free-of-Obstruction Requirements.”

Section 5: Eligible Mitigation Measures

Floodproofing Projects	Floodproofing is a combination of adjustments and/or additions of features to buildings that eliminate or reduce the potential for flood damage by keeping floodwater out of the building.
Types of Buildings Allowed	Under the NFIP Floodplain Management Regulations at 44 CFR 60.3: ▪ <u>Only</u> non-residential buildings in A Zones can be floodproofed. ▪ Non-residential structures in V Zones must be elevated on pilings or columns.
Floodproofing of Residential Basements	ICC claims can be used to floodproof a residential basement <u>only</u> if the building is located in a community that has obtained an exception to the NFIP's standard disallowance of floodproofed residential basements. Under the NFIP Floodplain Management Regulations at 44 CFR 60.6(b) or (c), communities that have been approved for residential basement exceptions by FEMA may adopt standards for floodproofed residential basements.
Floodproofing of Non-Residential Buildings	Floodproofed non-residential buildings must be designed so that the building, together with attendant utility and sanitary facilities, is watertight below the BFE. The walls must be: ▪ Substantially impermeable to water. ▪ Designed with structural components that resist hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification is required for all non-residential buildings to be floodproofed and is to be completed by a design professional.

Floodproofing Techniques

Floodproofing adjustments and additions include:

- Installation of watertight shields for doors and windows.
- Reinforcement of walls to withstand floodwater pressures and impact forces generated by floating debris.
- Use of membranes and other sealants to reduce seepage of floodwater through walls and wall penetrations.
- Installation of drainage collection systems and sump pumps to control interior water levels, collect seepage, and reduce hydrostatic pressures on the slab and walls.
- Installation of check valves to prevent the entrance of floodwater or sewage flows through utilities.
- Anchoring the building to resist flotation, collapse, and lateral movement.

Technical Note on Floodproofing

Buildings that are dry-floodproofed may be subject to hydrostatic pressures and other forces against the foundation and other exterior walls and surfaces. Hydrostatic and soil pressures increase with depth of flooding. For that reason, foundation walls have severe limitations with regard to the use of dry-floodproofing measures. One critical design consideration is a comparison of the ability of the existing foundation walls to withstand the expected flood-related and non-flood-related forces with and without additional strengthening measures.

Floodproofing Must Be Professionally Designed

A registered professional engineer or architect must develop and/or review the structural design, specifications, and plans for the construction of a floodproofed non-residential building. The professional must certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting the applicable provisions for floodproofed non-residential buildings in accordance with the NFIP at 44 CFR 60.3(c)(3).



Reference: See Technical Bulletin 3-93, "Non-Residential Floodproofing – Requirements and Certification."

Record Keeping

The community must maintain a record of professional certifications that includes the specific elevation (in relation to mean sea level) to which a non-residential building is floodproofed.

Section 5: Eligible Mitigation Measures

Height of Floodproofing Protection

A claim payment under ICC will cover the cost of floodproofing the building to 1 foot above the BFE or to the community's flood protection level if the community enforces a "freeboard" requirement.



Tip: A common way in which a community may exceed the minimum NFIP requirements is to enforce a "freeboard" requirement. **This requires new or substantially improved buildings to be elevated or floodproofed to 1 or more feet above the BFE.** This more restrictive requirement provides an extra measure of flood protection above the design flood elevation to account for waves, debris impacts, hydraulic surge, or insufficient data.

While non-elevated buildings need only be protected to the BFE for floodplain management purposes, the building should be floodproofed to 1 foot above the BFE in order to receive a flood insurance rate equivalent to a building with its lowest floor elevated to the BFE.

Therefore, to receive an insurance rate based on 100-year flood protection, the building must be floodproofed to an elevation at least 1 foot above the BFE. Insurance premiums will be lower if floodproofing exceeds this requirement.

Ineligible Measures

Measures such as floodwalls independent from the building, berms, and levees around buildings are not allowable floodproofing measures under the NFIP. An ICC claim will not be paid on a building that has been floodproofed using measures that do not comply with the NFIP definition.

NFIP Requirement (44 CFR 60.3(c)(3))

Under the NFIP floodplain management requirements, a floodproofed non-residential building must be watertight, with walls substantially impermeable to the passage of water.

Demolition Projects

There will be situations in which a building is so severely damaged that it cannot be elevated, floodproofed, or relocated, or the building is in such poor condition and not worth the additional investment required to elevate, floodproof, or relocate. It is not technically feasible or cost effective to elevate or relocate some types of buildings, such as certain slab-on-grade buildings or masonry-type buildings. In these cases, demolition may be the only option.

Demolition Process

All applicable permits must be obtained to demolish the building. After the building is removed from the site, steps should be taken to:

- Clear the site of any remaining materials, such as the foundation.
- Remove any utility systems.
- Grade and stabilize the site in accordance with any State or local regulations.

A site on which a building has been demolished using an ICC claim payment may be redeveloped, subject to all applicable Federal, State, and community laws and requirements.

Relocation Projects

As a mitigation measure, relocation can offer the greatest protection from future flooding. Relocation involves moving an entire building to another location on the same lot or to another lot, usually outside the floodplain.

A site from which a building has been relocated using an ICC claim payment may be redeveloped, subject to all applicable Federal, State, and community laws and requirements.

Steps Required To Relocate a Building

The steps required to relocate most buildings include the following:

- Obtain all applicable permits needed to relocate the building.
- Prepare the new site (e.g., provide utilities, construct foundation, etc.).
- Prepare the existing site (e.g., clear vegetation, prepare path to insert beams for lifting supports, etc.).
- Prepare the moving route (e.g., obtain approvals, raise or relocate utilities, etc.).
- Prepare the existing building (e.g., disconnect utilities; install beams, jacks, and bracing; separate building from foundation, etc.).
- Move the building on a trailer.
- Lower the structure onto the foundation at the new site and attach utilities. Landscape the new site.
- Restore the old site (e.g., demolish and remove foundation and pavement, disconnect and remove utilities, grade and stabilize site).

The relocation process is complex and can be further complicated when the building has added weight or height, or a complex design or shape. It is important to use only professionals who have experience in relocating a building.

Section 5: Eligible Mitigation Measures

Allowable Relocation Sites

An ICC claim payment can be used toward the relocation of a building to:

- Another location on the same site where the risk of flooding is less;
- Another site in the SFHA where the risk of flooding is less; or
- A site outside of the SFHA.

The purpose of ICC coverage is to significantly reduce the potential for future flood damages to buildings. Therefore, the community should give careful consideration to allowing the building to be relocated to a site in the SFHA. New structures within the SFHA must comply with minimum NFIP requirements.

Site Selection

The property owner typically chooses the new site, often in consultation with the community and the property owner's architect, engineer, or other building professional. Critical site selection factors include:

- Accessibility.
- Utility service and condition of infrastructure.
- Cost.
- Property owner preference.
- Esthetic considerations.
- Engineering concerns.
- Local regulatory requirements (e.g., if the new site is in the floodplain).

Relocated Structure Must Be NFIP Compliant

Relocation can eliminate or greatly reduce the risk of flooding, and it can also eliminate the need to purchase flood insurance if the building is relocated to outside the SFHA. However, if the building is relocated either on the same lot or to a different lot and the new location of the building is in an SFHA, the building must meet all of the elevation or floodproofing (if non-residential) requirements of the NFIP.

Frequently Asked Questions

This topic presents answers to frequently asked questions related to eligible mitigation measures and ICC coverage.

Elevation Projects: Other NFIP Requirements

What other NFIP requirements apply for buildings that are to be elevated?

Under the NFIP, all new and substantially improved buildings (including manufactured homes) must be adequately anchored, constructed with flood resistant materials, constructed with mechanical and electrical and other service utilities that are designed or located so as to prevent flood damage, and constructed using methods and practices that minimize flood damage [44 CFR 60.3(a)].

In A Zones, fully enclosed areas below the lowest floor that are usable solely for parking, access, or storage must have openings in accordance with the requirements at 44 CFR 60.3(c)(5).

There are additional requirements in V Zones. Buildings in V Zones must be:

- Elevated on piles and columns so that the bottom of the lowest horizontal structural member of the lowest floor is elevated to or above the BFE. No fill can be used for structural support.
- Adequately anchored to resist the effects of wind and water acting simultaneously on building components [44 CFR 60.3(e)(4)].
- Certified by a registered engineer or architect that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions in 44 CFR 60.3(e)(4)(i) and (ii).
- Have the space below the lowest floor be either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening in accordance with the standards in 44 CFR 60.3(e)(5).

There is also a prohibition on fill for structural support and a prohibition on altering sand dunes and mangrove stands [44 CFR 60.3(e)(6) and (7)].

Relocation in the SFHA

If relocation is the chosen mitigation measure, must the building be relocated to a site outside the Special Flood Hazard Area?

A building may be relocated to another location on the same site or to another site in the SFHA. However, the purpose of ICC coverage and the mitigation measures provided for under this coverage is to significantly reduce the potential for future flood damages to buildings. Therefore, the community should be careful when deciding whether to allow a building to be relocated to a site within the SFHA. Buildings should only be relocated to sites in the floodplain if sites outside the floodplain are not available or if the site in the floodplain has less flood risk than the old site.

Section 5: Eligible Mitigation Measures

ICC Cost Coverage

Will an ICC claim be paid when a building is demolished or relocated and the property owner chooses to build a replacement building at the same or another site in the Special Flood Hazard Area?

In this situation, the ICC coverage allows for a claim payment for the cost of demolition or relocation, as well as the incremental costs to elevate or floodproof the replacement building at the same or another location in an SFHA. The elevation or floodproofing must comply with State or community floodplain management laws or ordinances.

ICC will also cover the cost to clear the site of the building. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.

The ICC claim payment is limited to the combined costs of demolition or relocation and the costs associated with the elevation or floodproofing of the building at the same or another site in the SFHA, not to exceed \$30,000 effective May 1, 2003).

Floodproofing Basements

Can ICC claim payments be used to floodproof residential buildings in those communities that are permitted by FEMA to adopt standards for residential floodproofed basements?

Under 44 CFR 60.6(b) or (c) of the NFIP Floodplain Management Regulations, communities that have been approved for residential basement exceptions by FEMA may adopt standards for floodproofed residential basements. An ICC payment can be used to floodproof a residential basement only if the building is located in one of these communities approved for residential basement exceptions by FEMA. Under the NFIP Floodplain Management Regulations, the floodproofed design level must be an elevation of 1 or 2 feet above the BFE. However, it may not be technically or economically feasible to retrofit an existing basement so that it meets the requirements of the community's floodplain management ordinance.

APPENDIX A: Acronyms

**APPENDIX A
Overview**

The following is a list of acronyms that appear in this manual.

BFE	Base Flood Elevation
CFR	Code of Federal Regulations
CR	Claims Representative
CRS	Community Rating System
FBFM	Flood Boundary Floodway Map
FEMA	Federal Emergency Management Agency
FHBM	Flood Hazard Boundary Map
FIMA	Federal Insurance and Mitigation Administration
FIRM	Flood Insurance Rate Map
FMA	Flood Mitigation Assistance
ICC	Increased Cost of Compliance
HMGP	Hazard Mitigation Grant Program
NFIP	National Flood Insurance Program
PDM	Pre-Disaster Mitigation
SFHA	Special Flood Hazard Area
SFIP	Standard Flood Insurance Policy

APPENDIX B: Coverage D—Increased Cost of Compliance

APPENDIX B
Overview
STANDARD FLOOD INSURANCE POLICY
Increased Cost of Compliance
COVERAGE D

Increased Cost of Compliance coverage (Coverage D) is for the consequential loss brought on by a floodplain management ordinance or law affecting repair and reconstruction involving elevation, floodproofing (non-residential), relocation, or demolition (or any combination thereof) of a structure, after a direct loss caused by a "flood" as defined by the Standard Flood Insurance Policy (SFIP).

[Floodproofing activities eligible for Coverage D and referred to hereafter in the SFIP are limited to residential structures with basements that satisfy the criteria of 44 CFR 60.6(b) or (c) and to non-residential structures.]

The limit of liability under this Coverage D—Increased Cost of Compliance as of May 1, 2003, the limit will increase to \$30,000. This coverage is only applicable to policies with building coverage (Coverage A) and is in addition to the building limit you selected on your application and appears on the Declarations Page. No separate deductible applies. The maximum amount collectible under this policy for both Coverage A—Building Property and Coverage D—Increased Cost of Compliance, however, cannot exceed the maximum permitted under the act.

Major Topics	See Page
Eligibility	B-2
Conditions	B-3
Exclusions	B-4
Other Provisions	B-5

Eligibility

- a. A structure covered under Coverage A—Building Property sustaining a loss caused by a flood as defined by this policy must:
 - (1) Be a “repetitive loss structure.” A repetitive loss structure is one that meets the following conditions: (a) the structure is covered by a contract for flood insurance issued under the NFIP; (b) the structure has suffered flood damage on two occasions during a 10-year period which ends on the date of the second loss; (c) the cost to repair the flood damage, on average, equaled or exceeded 25 percent of the market value of the structure at the time of each flood loss; and (d) in addition to the current claim, the NFIP must have paid the previous qualifying claim, and the State or community must have a cumulative substantial damage provision or repetitive loss provision in its floodplain management law or ordinance being enforced against the structure; or
 - (2) Be a structure that has had flood damage in which the cost to repair equals or exceeds 50 percent of the market value of the structure at the time of the flood. The State or community must have a substantial damage provision in its floodplain management law or ordinance being enforced against the structure.
- b. This Coverage D pays you to comply with State or local floodplain management laws or ordinances that meet the minimum standards of the NFIP found in the Code of Federal Regulations at 44 CFR 60.3. We pay for compliance activities that exceed those standards under these conditions:
 - (1) a(1) above.
 - (2) Elevation or floodproofing in any risk zone to preliminary or advisory base flood elevations provided by FEMA which the State or local government has adopted and is enforcing for flood-damaged structures in such areas. (This includes compliance activities in B, C, X, or D Zones which are being changed to zones with base flood elevations. This also includes compliance activities in zones where base flood elevations are being increased and a flood-damaged structure must comply with the higher advisory base flood elevation.) Increased Cost of Compliance coverage does not apply to situations in B, C, X, or D Zones where the community has derived its own elevations and is enforcing elevation or floodproofing requirements for flood-damaged structures to elevations derived solely by the community.
 - (3) Elevation or floodproofing above the base flood elevation to meet State or local “freeboard” requirements (i.e., that a structure must be elevated above the base flood elevation).

Eligibility

- c. Under the minimum NFIP criteria at 44 CFR 60.3(b)(4), States and communities must require the elevation or floodproofing of structures in unnumbered A Zones to the base flood elevation where elevation data is obtained from a Federal, State, or other source. Such compliance activities are also eligible for Coverage D.
- d. This coverage will also pay for the incremental cost, after demolition or relocation, of elevating or floodproofing a structure during its rebuilding at the same or another site to meet State or local floodplain management laws or ordinances, subject to Exclusion g below.
- e. This coverage will also pay to bring a flood-damaged structure into compliance with State or local floodplain management laws or ordinances even if the structure had received a variance before the present loss from the applicable floodplain management requirements.

Conditions

The following conditions must be met to ensure ICC coverage:

- a. When a structure covered under Coverage A—Building Property sustains a loss caused by a flood, our payment for the loss under this Coverage D will be for the increased cost to elevate, floodproof, relocate, or demolish (or any combination of these activities) caused by the enforcement of current State or local floodplain management ordinances or laws. Our payment for eligible demolition activities will be for the cost to demolish and clear the site of the building debris or a portion thereof caused by the enforcement of current State or local floodplain management ordinances or laws. Eligible activities for the cost of clearing the site will include those necessary to discontinue utility service to the site and ensure proper abandonment of on-site utilities.
- b. When the building is repaired or rebuilt, it must be intended for the same occupancy as the present building unless otherwise required by current floodplain management ordinances or laws.

Exclusions

Under this Coverage D—Increased Cost of Compliance, we will not pay for:

- a. The cost to comply with any floodplain management law or ordinance in communities participating in the Emergency Program.
- b. The cost associated with enforcement of any ordinance or law that requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to or assess the effects of pollutants.
- c. The loss in value to any insured building or other structure due to the requirements of any ordinance or law.
- d. The loss in residual value of the undamaged portion of a building demolished as a consequence of enforcement of any State or local floodplain management law or ordinance.
- e. Any increased cost of compliance under this Coverage D:
 - (1) Until the building is elevated, floodproofed, demolished, or relocated on the same or to another premises; and
 - (2) Unless the building is elevated, floodproofed, demolished, or relocated as soon as reasonably possible after the loss, not to exceed 2 years.
- f. Any code upgrade requirements (e.g., plumbing or electrical wiring) not specifically related to the State or local floodplain management law or ordinance.
- g. Any compliance activities needed to bring additions or improvements made after the loss occurred into compliance with State or local floodplain management laws or ordinances.
- h. Loss due to any ordinance or law that you were required to comply with before the current loss.
- i. Any rebuilding activity to standards that do not meet the NFIP's minimum requirements. This includes any situation where you have received from the State or community a variance in connection with the current flood loss to rebuild the property to an elevation below the base flood elevation.
- j. Increased cost of compliance for a garage or carport.
- k. Any structure insured under an NFIP Group Flood Insurance Policy.
- l. Assessments made by a condominium association on individual condominium unit owners to pay increased costs of repairing commonly owned buildings after a flood in compliance with State or local floodplain management ordinances or laws.

Appendix B: Coverage D—Increased Cost of Compliance

Other Provisions

The following other provisions apply to ICC coverage:

- a. Increased Cost of Compliance coverage will not be included in the calculation to determine whether coverage meets the 80 percent insurance-to-value requirement for replacement cost coverage.
- b. All other conditions and provisions of this policy apply.

APPENDIX C: Community Tool Kit

**APPENDIX C
Overview**

This appendix contains a variety of promotional and administrative materials for community use.

Major Topics	See Page
ICC Promotional Materials	
▪ Checklist	C-2
▪ Brochures	C-3
▪ Public Service Announcements	C-4
▪ News Release	C-5
▪ Fact Sheet	C-6
▪ Flier	C-7
ICC Administrative Materials	
▪ Checklist (Full-Size)	C-8
▪ Helping Communities Determine Substantial Damage	C-9
▪ RSDE Damage Inspection Worksheet – Residences	C-10
▪ RSDE Damage Inspection Worksheet – Manufactured Homes	C-14
▪ Sample Letter of Intent To Inspect the Building	C-18
▪ Sample Letter of No Substantial Damage Determination	C-19
▪ Sample Letter of Substantial Damage Determination	C-20
▪ Sample Floodplain Development Permit	C-21
▪ Sample Elevation Certificate	C-22
▪ Sample Floodproofing Certificate	C-24

Increased Cost of Compliance Checklist

A full-size version of this checklist is provided in the second section of this appendix. Contact the FEMA Regional Office (see Appendix F) for additional copies.

Helping to ensure a safer future

Increased Cost of Compliance Checklist

Local floodplain administrators can help to ensure that eligible flood insurance policyholders collect Increased Cost of Compliance (ICC) benefits, comply with building codes and floodplain ordinances, and create safer homes and communities. Specific information is contained in *Increased Cost of Compliance Coverage: Guidance for State and Local Officials* (FEMA 301).

- **ALL eligible properties:**
 - ☐ Advise the policyholder to file an ICC claim with their flood insurance agent.
 - ☐ Review mitigation options that meet the required floodplain ordinances.
 - ☐ Ask policyholder to get itemized cost or a signed estimate from a contractor for selected mitigation option.
 - ☐ Issue a permit to implement the mitigation measure(s).
 - ☐ Inspect the completed work and issue the policyholder a certificate of occupancy.
 - ☐ Remind the policyholder to submit the Certificate of Occupancy to their insurance agent so that the second half of the ICC payment is paid to the policyholder.
- **Additionally, for a substantially damaged property:**
 - ☐ Provide written determination that the structure is substantially damaged by flood.
- **Additionally, for a repetitive flood loss property:**
 - ☐ Provide written evidence that the community has adopted a repetitive loss provision in its flood-damage prevention ordinance and that it was in effect on the second date of loss.
 - ☐ Provide written evidence of a determination that the building has been repetitively damaged by flooding and repair is allowable only if it is brought into full compliance with all requirements of the community's floodplain ordinance.
- **Additionally, for a community-sponsored mitigation project:**
 - ☐ Consider a mitigation strategy that takes into account all available options.
 - ☐ Ensure that a flood-damaged building is not rebuilt in an area proposed for an acquisition or relocation project.
 - ☐ Note that an ICC claim payment can be used as a non-Federal cash match when applying for FEMA mitigation funding sources such as the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) program, and Pre-Disaster Mitigation Program.
 - ☐ Tell policyholders that they can assign their ICC benefits to the community. If benefits are assigned to the community to integrate into the mitigation project, the community becomes responsible for submitting all of the appropriate paperwork.

**FEMA**

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This checklist will help building officials and floodplain administrators to ensure that eligible flood insurance policyholders collect ICC benefits, comply with building codes and floodplain ordinances, and create safer homes and communities.

Increased Cost of Compliance Brochures

The following brochures can be ordered from FEMA. See Appendix D for ordering information.



“Increased Cost of Compliance: Helping to ensure a safer future”

This brochure provides information to policyholders on the ICC coverage in their flood insurance policy and how it can help them comply with building codes and floodplain ordinances. It also outlines the primary roles and responsibilities of each party in filing ICC claims.



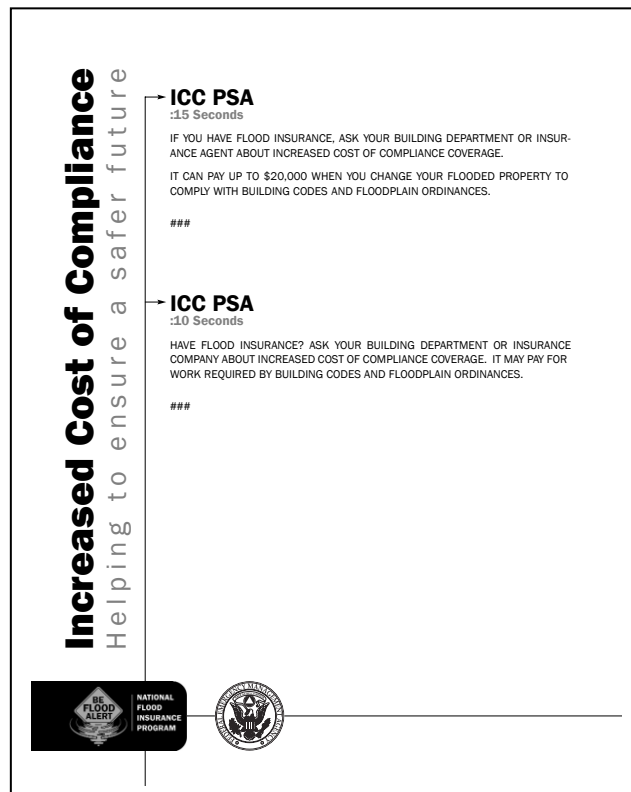
“How You Can Benefit From Increased Cost of Compliance Coverage”

This brochure outlines how homes and businesses can benefit from ICC when damaged by a flood. It covers what may be required to meet community requirements for reducing future flood damage before policyholders repair or rebuild.

Increased Cost of Compliance Public Service Announcements

The public service announcements (PSAs) shown below can be ordered from FEMA. Contact the FEMA Regional Office (see Appendix F) for copies.

The PSAs, which are designed for delivery by a radio station, will urge flood victims to call their local floodplain administrator or building department to determine whether they may be eligible for ICC.



ICC PSA **:15 Seconds**

If you have flood insurance, ask your building department or insurance agent about Increased Cost of Compliance coverage.

It can pay up to \$30,000 when you change your flooded property to comply with building codes and floodplain ordinances.

ICC PSA **:10 Seconds**

Have flood insurance? Ask your building department or insurance company about Increased Cost of Compliance coverage. It may pay for work required by building codes and floodplain ordinances.

Increased Cost of Compliance News Release

The news release shown below can be ordered from FEMA. Contact the FEMA Regional Office (see Appendix F) for copies.

Increased Cost of Compliance

Helping to ensure a safer future

Flood Insurance Can Offset Cost of Meeting Building Code Requirements

(City, State)—Increased Cost of Compliance (ICC) coverage, featured in most standard National Flood Insurance Program (NFIP) policies, may provide owners of damaged buildings with up to \$20,000 to help pay the costs of complying with local building codes and floodplain ordinances.

“Most flood policyholders know that flood insurance can replace contents and building losses, but many are unaware that their policies include ICC benefits that help pay to comply with building codes and floodplain ordinances,” Federal Coordinating Officer _____ said. “This is a valuable source of mitigation money that is sometimes overlooked.”

If a building has been severely or repeatedly flooded, and been designated by the local building department as “substantially damaged” or a “repetitive loss property,” the NFIP policyholder is eligible to file for ICC benefits. This claim, although part of the same flood insurance policy, is filed separately from the contents or building damage claim.

ICC benefits may be added to low-interest SBA loans, private funds, and disaster and mitigation assistance grants to pay for building-code compliance measures that may reduce future flooding. Community representatives can educate flood victims on a variety of mitigation measures that may include options to acquire/relocate, elevate, demolish, or floodproof (non-residential properties only) a damaged structure.

Those who own properties with extensive or repeated flood damage are encouraged to contact their building departments and ask whether they may be eligible to file an ICC claim. If eligible, the owner’s claim will be filed with his or her insurance company.

###



NATIONAL FLOOD INSURANCE PROGRAM

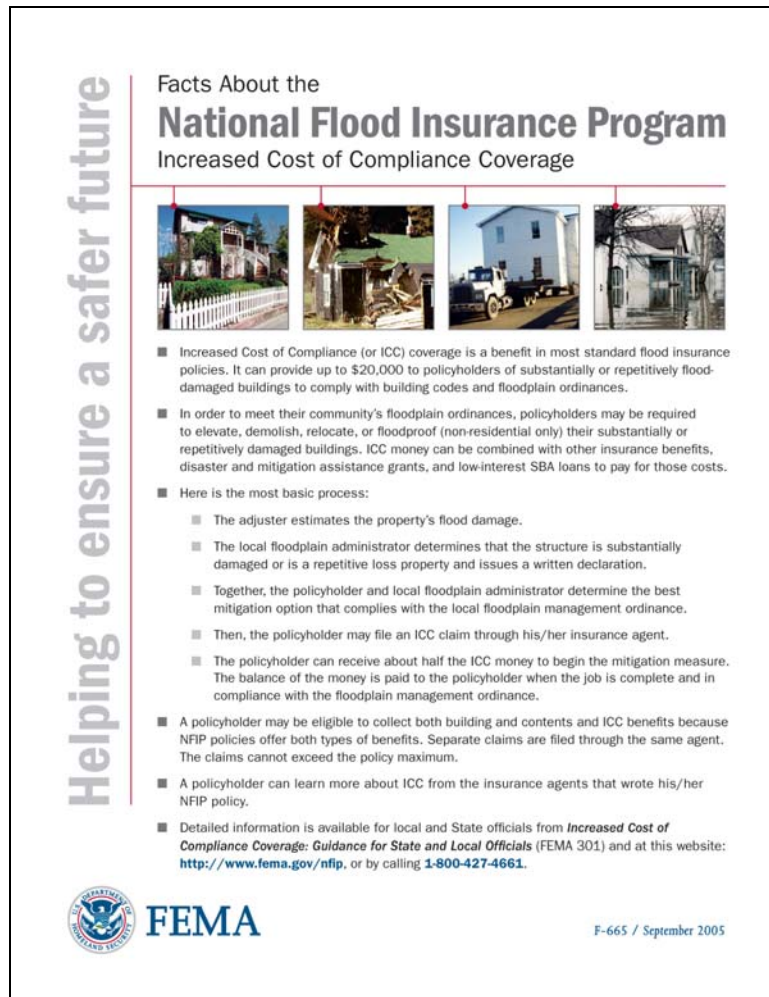


Flood Insurance Can Offset Cost of Meeting Building Code Requirements

The news release is designed to help local officials urge flood victims to call their local floodplain administrator and building department to determine whether they may be eligible for ICC. It also highlights the benefits of ICC.

Increased Cost of Compliance Fact Sheet

The item shown below can be ordered from FEMA. See Appendix D for ordering information.

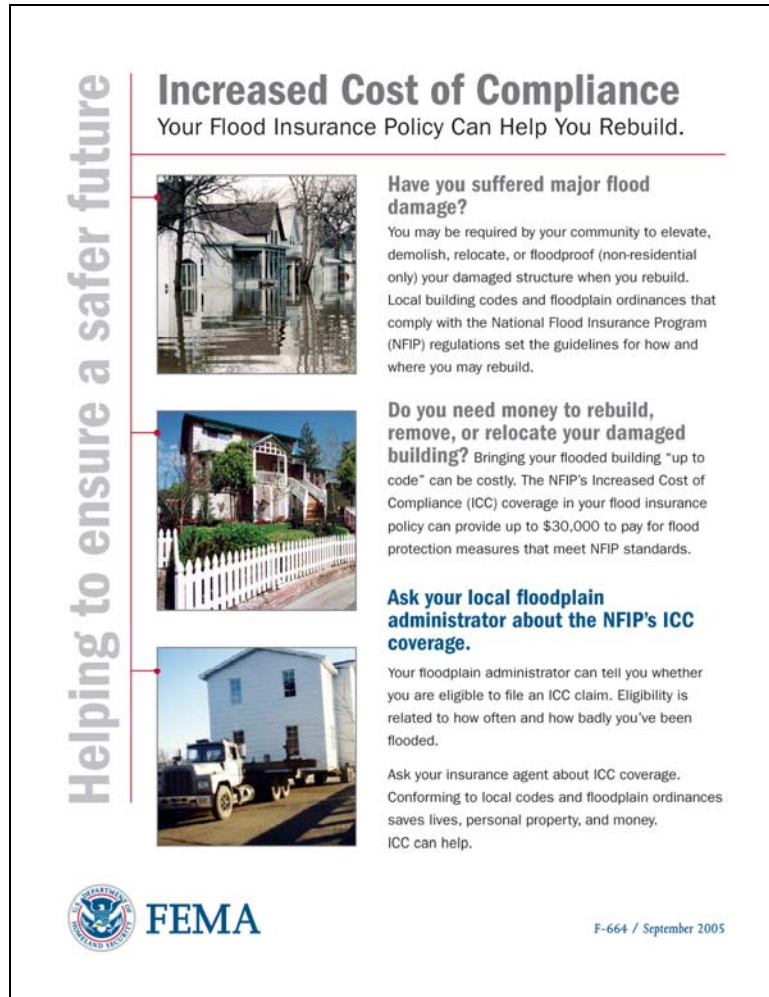


Facts About the National Flood Insurance Program's Increased Cost of Compliance Coverage

This fact sheet provides a concise explanation of ICC that can be useful when promoting ICC awareness.

Increased Cost of Compliance Flier

The item shown below can be ordered from FEMA. See Appendix D for ordering information.



Increased Cost of Compliance. Your Flood Insurance Can Help You Rebuild

This flier is designed to promote ICC and can be distributed to policyholders after a flood event.

Increased Cost of Compliance Checklist

Local floodplain administrators can help to ensure that eligible flood insurance policyholders collect Increased Cost of Compliance (ICC) benefits, comply with building codes and floodplain ordinances, and create safer homes and communities. Specific information is contained in *Increased Cost of Compliance Coverage: Guidance for State and Local Officials* (FEMA 301).

• ALL eligible properties:

- ☐ Advise the policyholder to file an ICC claim with their flood insurance agent.
- ☐ Review mitigation options that meet the required floodplain ordinances.
- ☐ Ask policyholder to get itemized cost or a signed estimate from a contractor for selected mitigation option.
- ☐ Issue a permit to implement the mitigation measure(s).
- ☐ Inspect the completed work and issue the policyholder a certificate of occupancy.
- ☐ Remind the policyholder to submit the Certificate of Occupancy to their insurance agent so that the second half of the ICC payment is paid to the policyholder.

• Additionally, for a substantially damaged property:

- ☐ Provide written determination that the structure is substantially damaged by flood.

• Additionally, for a repetitive flood loss property:

- ☐ Provide written evidence that the community has adopted a repetitive loss provision in its flood-damage prevention ordinance and that it was in effect on the second date of loss.
- ☐ Provide written evidence of a determination that the building has been repetitively damaged by flooding and repair is allowable only if it is brought into full compliance with all requirements of the community's floodplain ordinance.

• Additionally, for a community-sponsored mitigation project:

- ☐ Consider a mitigation strategy that takes into account all available options.
- ☐ Ensure that a flood-damaged building is not rebuilt in an area proposed for an acquisition or relocation project.
- ☐ Note that an ICC claim payment can be used as a non-Federal cash match when applying for FEMA mitigation funding sources such as the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA) program, and Pre-Disaster Mitigation Program.
- ☐ Tell policyholders that they can assign their ICC benefits to the community. If benefits are assigned to the community to integrate into the mitigation project, the community becomes responsible for submitting all of the appropriate paperwork.



FEMA

F-666 / September 2005

**Helping
Communities
Determine
Substantial
Damage**

Communities participating in the National Flood Insurance Program (NFIP) often have difficulty determining whether buildings are substantially damaged. This difficulty is magnified after a major flood or other disaster where large numbers of buildings have been damaged and there is a need to provide timely substantial damage determinations so that reconstruction can begin. Buildings located in a Special Flood Hazard Area (SFHA) that are determined to be substantially damaged/improved must be brought into compliance with the minimum requirements of the community's NFIP-compliant floodplain management laws or ordinances.

A computer program called the Residential Substantial Damage Estimator (RSDE) has been developed by FEMA to assist State and local officials in estimating building value and damage costs for both single-family and manufactured homes. This computer application is based on regulatory requirements of the NFIP and is intended to be used in conjunction with an industry-accepted residential cost-estimating guide.¹

The RSDE software provides a consolidated application to estimate substantial damage to residential buildings. The tool can assist State and local officials in using FEMA-accepted approaches to estimate the value of a building and determine costs to repair/reconstruct a building. From this information, a Percent Damage/Improvement can be calculated to make a substantial damage/improvement determination for each residence. The program is a valuable tool since the enforcement of the substantial improvement requirement as defined in the NFIP regulations (44 CFR 59.1) frequently becomes a major concern for local officials after a community has experienced serious damages as a result of a flood or other disaster.

The following excerpts from the RSDE workbook are provided to assist in determining substantial damage:

- RSDE Damage Inspection Worksheet – Residences
- RSDE Damage Inspection Worksheet – Manufactured Homes
- Sample Letter of Intent To Inspect the Building
- Sample Letter of No Substantial Damage Determination
- Sample Letter of Substantial Damage Determination
- Sample Floodplain Development Permit

¹ Industry-accepted residential cost-estimating guides include such materials as the *Marshall & Swift Residential Cost Handbook*©.

Appendix C: Community Tool Kit

RSDE DAMAGE INSPECTION WORKSHEET

Single/Multi-Family Site Built Residences

1. Subdivision: _____ Parcel #: _____ Lot #: _____
2. Elevation of Lowest Floor: _____ Datum: _____
3. NFIP Community Name: _____
4. Latitude: _____ Longitude: _____
5. Owner's First Name: _____ Last Name: _____
6. Building Address: _____ City: _____
State: _____ Zip: _____ Phone #: _____
7. County: _____
8. Mailing Address: _____ City: _____
State: _____ Zip: _____ Phone #: _____
9. Date of Construction: _____ Date Damage Occurred: _____
10. Cause of Damage: (A) Fire (B) Flood (C) Fire & Wind (D) Seismic (E) Wind
11. Duration of Flooding: (A) _____ hours or (B) _____ days
12. Description of Residential Site-Built Modular Structure:
 - (A) Quality of Construction:
(1) Low ____ (2) Fair ____ (3) Average ____ (4) Good ____ (5) Very Good ____ (6) Excellent ____
 - (B) 1-story ____ 1½-story ____ 2-story ____ More Than 2 Stories ____ 2-Story Bi-level ____ Split-level ____
 - (C) Foundation (*check one*):
Slab-on-grade _____ Basement _____ Crawl Space _____ Piers _____ Footings _____
 - (D) Overall Dimensions of Building Footprint: Size (L) _____ ft X (W) _____ ft
 - (E) Walls (*check one*):
(1) Wood Frame _____ (2) Masonry _____ (3) Concrete Walls _____
(4) Exterior Finish (Type) _____
(5) Interior Finish (Type) _____

(F) Roof:

(1) Metal/Corrugated or ribbed: _____ (2) Composition Shingles: _____ (3) Other: _____

(G) Heating/Cooling:

(1) Forced Air ____ (2) Warm and Cooled ____ (3) Wall Furnace ____ (4) Heat Pump ____

(H) Flooring

Floor Covering (Type) _____

(I) Appliances (built-in only). List: _____

(J) Fireplace: Yes ____ No ____ Quantity _____

(K) Porch/Breezeways: Yes ____ No ____

(L) Garage: Attached _____ Detached _____ No. of cars: _____

Carport: Attached _____ Detached _____ No. of cars: _____

(M) Basement (*check one*): Finished _____ Unfinished _____

(N) Deck: Yes ____ No ____

13. Name of Inspector: _____

14. Date of Inspection: _____ Time of Inspection: _____

15. Phone Number of Inspector (*including area code*) _____

16. Description of Special Flood Hazard Area (SFHA):

NFIP Community I.D.# _____ FIRM Panel #: _____

FIRM Suffix: _____ Date of FIRM Panel: _____ FIRM Zone: _____

BFE (NGVD): _____

Regulatory Floodway: Yes ____ No ____ Potential ____

17. Flood Depth Above Lowest Floor

(A) Exterior Walls _____ ft (B) Interior Walls _____ ft

Appendix C: Community Tool Kit

18. PERCENT OF DAMAGE FIELD ESTIMATE *(for single/multi-family site built homes)*

_____	% Foundations
_____	% Superstructure (Framing/Masonry)
_____	% Roofing
_____	% Insulation and Weather-stripping
_____	% Exterior Finish
_____	% Interior Finish (Plaster/Drywall)
_____	% Doors, Windows, Shutters
_____	% Lumber Finished
_____	% Hardware
_____	% Cabinets/Countertops
_____	% Floor Covering
_____	% Plumbing
_____	% Electrical
_____	% Built-in Appliances
_____	% Heating/Cooling (HVAC)
_____	% Painting

19. CONDITION OF STRUCTURE: *(Check one)*

(A) Inundation Damage Only (B) Minor Structural Damage (C) Major Structural Damage
(D) Partially Collapsed (E) Structure Moved Off Foundation (F) Totally Destroyed/Collapsed

20. DESCRIPTION OF DAMAGE: *(Answer yes or no)*

(A) Plumbing: (1) Exposed _____ (2) In need of repair _____
(B) HVAC/Electrical: (1) Submerged ____ (2) Damaged ____ (3) Repair ____ (4) Replace ____

Use numbers from the right to describe the condition of items C through F:

(C) Foundation _____	1. No visible damage	5. Dislodged/destroyed
(D) Exterior walls _____	2. Settlement/cracked	6. Submerged
(E) Interior walls _____	3. Partially missing	7. Include all of the above
(F) Roof _____	4. Sagging	8. Other (explain) _____

RSDE DAMAGE INSPECTION WORKSHEET

Manufactured Homes

1. Subdivision: _____ Parcel # _____ Lot # _____
2. Elevation of Lowest Floor: _____ Datum: _____
3. NFIP Community Name: _____
4. Latitude: _____ Longitude: _____
5. Owner's First Name: _____ Last Name: _____
6. Building Address: _____ City: _____
State: _____ Zip: _____ Phone #: _____
7. County: _____
8. Mailing Address: _____ City: _____
State: _____ Zip: _____ Phone #: _____
9. Date of Construction: _____ Date Damage Occurred: _____
10. Cause Of Damage: (A) Fire (B) Flood (C) Fire & Wind (D) Seismic (E) Wind
11. Duration of Flooding: (A) _____ hours or (B) _____ days
12. Description Of Manufactured Home:
 - (A) Quality of Construction:
 - (1) Low ____ (2) Fair ____ (3) Average ____ (4) Good ____ (5) Very Good ____ (6) Excellent _____
 - (B) Skirting: *(check one)*
 - (1) Metal/Vinyl ____ (2) Horizontal Lap ____ (3) Simulated Stone/Brick ____ (4) Lattice _____
 - (C) Foundation *(check one)*:
 - (1) Post/Piers/Piles _____ (2) Continuous Concrete _____ (3) Treated Wood _____
 - (4) Conventional Dry-Stack Block With Metal Tie-Down Installation _____
 - (D) Type: (1) Single Wide _____ (2) Double Wide _____
 - (E) Overall Dimensions of Building Foot print: Size (L) _____ ft X (W) _____ ft
 - (F) Roof: (1) Metal/Corrugated or Ribbed _____ (2) Composition Shingles _____

(G) Heating/Cooling:

(1) Forced Air ____ (2) Warm and Cooled ____ (3) Wall Furnace ____ (4) Heat Pump ____

(H) Flooring

Floor Covering (Type) _____

(I) Appliances (built-in only). List: _____

(J) Fireplace: Yes ____ No ____ Quantity _____

(K) Porch/Breezeways: Yes ____ No ____

(L) Garage: Attached _____ Detached _____ No. of cars: _____

Carport: Attached _____ Detached _____ No. of cars: _____

(M) Deck: Yes _____ No _____

13. Name of Inspector: _____

14. Date of Inspection: _____ Time of Inspection: _____

15. Phone Number of Inspector (including area code) _____

16. Description of Special Flood Hazard Area (SFHA):

NFIP Community I.D.# _____ FIRM Panel #: _____

FIRM Suffix: _____ Date of FIRM Panel: _____ FIRM Zone: _____

BFE (NGVD): _____

Regulatory Floodway: Yes _____ No _____ Potential _____

17. Flood Depth Above Lowest Floor

(A) Exterior Walls _____ ft (B) Interior Walls _____ ft

Appendix C: Community Tool Kit

18. PERCENT OF DAMAGE FIELD ESTIMATE *(for manufactured homes)*

_____	% Skirting/Forms/Piers
_____	% Superstructure (Framing)
_____	% Roofing
_____	% Insulation and Weather-stripping
_____	% Exterior Finish
_____	% Interior Finish (Plaster/Drywall)
_____	% Doors, Windows, Shutters
_____	% Lumber Finished
_____	% Hardware
_____	% Cabinets/Countertops
_____	% Floor Covering
_____	% Plumbing
_____	% Electrical
_____	% Built-in Appliances
_____	% Heating/Cooling (HVAC)
_____	% Painting

19. CONDITION OF STRUCTURE: *(Check one)*

(A) Inundation Damage Only (B) Minor Structural Damage (C) Major Structural Damage
(D) Partially Collapsed (E) Structure Moved Off Foundation (F) Totally Destroyed/Collapsed

20. DESCRIPTION OF DAMAGE: *(Answer yes or no)*

(A) Plumbing: (1) Exposed _____ (2) In need of repair _____
(C) HVAC/Electrical: (1) Submerged ____ (2) Damaged ____ (3) Repair ____ (4) Replace ____

Use numbers from the right to describe the condition of items C through F:

(C) Foundation _____	1. No visible damage	5. Dislodged/destroyed
(D) Exterior walls _____	2. Settlement/cracked	6. Submerged
(E) Interior walls _____	3. Partially missing	7. Include all the above
(F) Roof _____	4. Sagging	8. Other (explain) _____

City of Floodville

Department of Building Inspections

200 Main Street
Floodville, NY 14008

708-852-XXXX

September 8, 2001

Letter of Intent

Dear Resident:

The carrier of this letter is on official business for the City of Floodville during the hours between 8:00 AM and 6:00 PM.

As the result of the flooding that occurred between September 3rd and 4th, 2001, City staff *will be inspecting homes throughout the community for evidence of substantial damage*. This evaluation is required by our Floodplain Management Ordinance dated March 6, 1995. These inspections apply to all structures within the 100-year floodplain as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for Floodville dated June 19, 1992.

The inspectors will require approximately 15 to 20 minutes to inspect for exterior and interior damage. They will record the required information used by the Floodville Department of Building Inspections for making substantial damage determinations. After the City has completed the determination process, a written determination will be mailed to the owners of the inspected structures.

Please be advised that all repairs, reconstruction and new construction are subject to the provisions of the Floodville Building Code and may require a permit. Construction activities that occur without a proper permit are considered to be non-compliant and may result in daily fines and/or the removal of the non-compliant construction.

If you refuse admittance to the inspectors, your address will be provided to our City Attorney for processing of a formal legal request to inspect the structure during normal business hours.

Questions regarding the inspection process may be directed to me or [floodplain administrator] of the Department of Building Inspections at 708-852-XXXX between the hours of 7:30 AM and 5:00 PM, Monday through Friday.

Sincerely,

Chief Inspector
Department of Building Inspections

City of Floodville

Department of Building Inspections

200 Main Street
Floodville, NY 14008

708-852-XXXX

September 22, 2001
No Substantial Damage

Mr. Edward Smith
186 Maple Street
Floodville, NY 14008

NOTICE OF DETERMINATION

Dear Mr. Smith:

As a result of a substantial damage determination, the City has determined that **your structure received damages that were less than 50% of the pre-damage structure** value as the result of the flooding that occurred September 3rd and 4th, 2001.

Under the requirements of the City of Floodville Floodplain Management Ordinance dated March 6, 1995, structures located within the 100-year floodplain that receive damages that are less than 50% of the structure value can be rebuilt on the original site, but must obtain a floodplain development permit prior to making repairs.

Be advised that all repairs, reconstruction and new construction are subject to the requirements of the Floodplain Management Ordinance and the City Building Code. The dimensions of the original footprint cannot increase or be altered without a City permit. New construction must be evaluated in combination with any reconstruction or repairs to determine if the total value of the construction exceeds 50% of the structure value. Construction activities that occur without a proper permit are considered to be non-compliant and may result in daily fines and/or the removal of the non-compliant construction.

Members of our Department are prepared to meet with you at our office to discuss the substantial damage determination process and to provide guidance for reconstruction or repair of your structure. To schedule a meeting or discuss questions regarding this determination, please contact me or [floodplain administrator] of the Department of Building Inspections at 708-852-XXXX between the hours of 7:30 AM and 5:00 PM, Monday through Friday.

Sincerely,

Chief Inspector
Department of Building Inspections

City of Floodville

Department of Building Inspections

200 Main Street
Floodville, NY 14008

708-852-XXXX

September 22, 2001
Substantial Damage

Mr. Thomas Jones
188 Maple Street
Floodville, NY 14008

NOTICE OF DETERMINATION

Dear Mr. Smith:

As a result of a substantial damage determination, the City has determined that your **structure received damages exceeding 50% of the pre-damage structure value** as the result of the flooding that occurred September 3rd and 4th, 2001.

Damage: \$63,525

Market Value: \$110,000

Flood Zone: A10

Under the requirements of the City of Floodville Floodplain Management Ordinance dated March 6, 1995, structures located within the 100-year floodplain that receive damage of any origin, whereby the cost of restoring the structure would equal or exceed 50% of the structure value, must be brought into compliance with the Ordinance. For residential structures with more than 50% damage, the structures must either be removed from the floodplain or have the lowest floor (including basement) elevated to at or above the 100-year flood elevation. Failure to comply with this requirement will result in daily fines and/or legal action by the City against the owner of the structure.

Under the National Flood Insurance Program, the Increased Cost of Compliance (or ICC) program may provide additional financial assistance to either elevate or remove flood-damaged structures from the floodplain. ICC applies to flooded structures that are substantially damaged.

Be advised that all repairs, reconstruction and new construction are subject to the provisions of the Floodville Building Code and will require a permit. Construction activities that occur without a proper permit are considered to be non-compliant and may result in daily fines and/or the removal of the non-compliant construction.

Members of our Department are prepared to meet with you at our office to discuss the substantial damage determination process and to provide guidance for reconstruction or repair of your structure. To schedule a meeting or discuss questions regarding this determination, please contact me or [floodplain administrator] of the Department of Building Inspections at 708-852-XXXX between the hours of 7:30 AM and 5:00 PM, Monday through Friday.

Sincerely,

Chief Inspector
Department of Building Inspections

CITY OF FLOODVILLE FLOODPLAIN DEVELOPMENT PERMIT

Application/Permit# 2001-0008

Permit Fee:

Name of Applicant(s):

1. Address of Development Site:
2. Type of Development:

☐ Filling ☐ Grading
☐ Excavation ☐ Routine Maintenance

☐ Minor Improvement ☐ Substantial Improvement
☐ New Construction

3. Pre-Improvement Value of Structure: %Damage:
 Cost of Improvement:
4. Description of Development:
5. Is Property Located in a Designated Floodway?

IF YES, AND IS SUBSTANTIAL IMPROVEMENT OR NEW CONSTRUCTION, CERTIFICATION MUST BE PROVIDED PRIOR TO THE ISSUANCE OF A PERMIT TO DEVELOP THE PROPOSED DEVELOPMENT WILL RESULT IN NO INCREASE IN THE BASE (100 YEAR) FLOOD ELEVATION.

6. Is Property Located in a Designated Floodway Fringe?
7. Elevation of Base (100 year) Flood:
8. Elevation/Floodproofing Requirement:
9. Elevation of the Proposed Development Site:

THIS PERMIT IS ISSUED WITH THE CONDITION THAT THE LOWEST FLOOR (INCLUDING THE BASEMENT FLOOR) OF ANY NEW OR SUBSTANTIALLY IMPROVEMENT RESIDENTIAL BUILDING WITH BE ELEVATED A MINIMUM OF ONE (1) FLOOD ABOVE THE BASE (100 YEAR) FLOOD ELEVATION. IF THE PROPOSED DEVELOPMENT IS A NON-RESIDENTIAL BUILDING THIS PERMIT IS ISSUED WITH THE CONITION THA THE LOWEST FLOOR (INCLUDING THE BASEMENT FLOOR) WILL BE ELEVATED OR FLOODPROOFED ABOVE THE BASE (100 YEAR) FLOOD ELEVATION.

10. FIRM Panel Number: FIRM Zone: FIRM Revision Date:
11. Source of Base Flood Elevation Data (if not available on FIRM):
12. List Any Other Permits That May Be Required:

ALL PROVISIONS OF THE CITY OF FLOODVILLE FLOOD DAMAGE PREVENTION ORDINANCE NUMBER XXXX SHALL BE COMPLIED WITH.

THIS PERMIT IS ISSUED THE CONDITION THA THE DEVELOPER/PROPERTY OWNER WILL PROVIDE CERTIFICATION BYA REGISTERED ENGINEER, ARCHITECT OR LAND SURVEY OR THE "AS BUILT" LOWEST FLOOR (INCLUDING THE BASEMENT FLOOR) ELEVATION OF ANY NEW OR SUBSTANTIALLY IMPROVED BUILDING COVERED BY THIS PERMIT.

PLANS AND SPECIFICATION APPROVED:

 SIGNATURE OF DEVELOPER/
 PROPERTY OWNER

 CITYOF FLOODVILLE,
 FLOODPLAIN MANAGER

**FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
ELEVATION CERTIFICATE**

O.M.B. No. 3067-0077
Expires July 31, 2002

Important: Read the instructions on pages 1 - 7.

SECTION A - PROPERTY OWNER INFORMATION		For Insurance Company Use:
BUILDING OWNER'S NAME		Policy Number
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO.		Company NAIC Number
CITY	STATE	ZIP CODE

PROPERTY DESCRIPTION (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)

BUILDING USE (e.g., Residential, Non-residential, Addition, Accessory, etc. Use a Comments area, if necessary.)

LATITUDE/LONGITUDE (OPTIONAL) (###°-##'-###" or ###°###') HORIZONTAL DATUM: SOURCE: ☐ GPS (Type): ☐ NAD 1927 ☐ NAD 1983 ☐ USGS Quad Map ☐ Other:

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP COMMUNITY NAME & COMMUNITY NUMBER		B2. COUNTY NAME		B3. STATE	
B4. MAP AND PANEL NUMBER	B5. SUFFIX	B6. FIRM INDEX DATE	B7. FIRM PANEL EFFECTIVE/REVISED DATE	B8. FLOOD ZONE(S)	B9. BASE FLOOD ELEVATION(S) (Zone AO, use depth of flooding)

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in B9.

☐ FIS Profile ☐ FIRM ☐ Community Determined ☐ Other (Describe):

B11. Indicate the elevation datum used for the BFE in B9: ☐ NGVD 1929 ☐ NAVD 1988 ☐ Other (Describe):

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☐ No

Designation Date:

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☐ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Building Diagram Number (Select the building diagram most similar to the building for which this certificate is being completed - see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)

C3. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO Complete Items C3.a-i below according to the building diagram specified in Item C2. State the datum used. If the datum is different from the datum used for the BFE in Section B, convert the datum to that used for the BFE. Show field measurements and datum conversion calculation. Use the space provided or the Comments area of Section D or Section G, as appropriate, to document the datum conversion.

Datum Conversion/Comments

Elevation reference mark used Does the elevation reference mark used appear on the FIRM? ☐ Yes ☐ No

☐ a) Top of bottom floor (including basement or enclosure) ft.(m)

☐ b) Top of next higher floor ft.(m)

☐ c) Bottom of lowest horizontal structural member (V zones only) ft.(m)

☐ d) Attached garage (top of slab) ft.(m)

☐ e) Lowest elevation of machinery and/or equipment

serving the building (Describe in a Comments area.) ft.(m)

☐ f) Lowest adjacent (finished) grade (LAG) ft.(m)

☐ g) Highest adjacent (finished) grade (HAG) ft.(m)

☐ h) No. of permanent openings (flood vents) within 1 ft. above adjacent grade

☐ i) Total area of all permanent openings (flood vents) in C3.h sq. in. (sq. cm)

License Number, Embossed Seal, Signature, and Date

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information.

I certify that the information in Sections A, B, and C on this certificate represents my best efforts to interpret the data available.

I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME LICENSE NUMBER

TITLE COMPANY NAME

ADDRESS CITY STATE ZIP CODE

SIGNATURE DATE TELEPHONE

IMPORTANT: In these spaces, copy the corresponding information from Section A.			For Insurance Company Use:
BUILDING STREET ADDRESS (Including Apt., Unit, Suite, and/or Bldg. No.) OR P.O. ROUTE AND BOX NO.			Policy Number
CITY	STATE	ZIP CODE	Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

COMMENTS

☐ Check here if attachments**SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zone AO and Zone A (without BFE), complete Items E1. through E4. If the Elevation Certificate is intended for use as supporting information for a LOMA or LOMR-F, Section C must be completed.

- E1. Building Diagram Number _____ (Select the building diagram most similar to the building for which this certificate is being completed – see pages 6 and 7. If no diagram accurately represents the building, provide a sketch or photograph.)
- E2. The top of the bottom floor (including basement or enclosure) of the building is _____ ft.(m) _____ in.(cm) _____ above or _____ below (check one) the highest adjacent grade. (Use natural grade, if available.)
- E3. For Building Diagrams 6-8 with openings (see page 7), the next higher floor or elevated floor (elevation b) of the building is _____ ft.(m) _____ in.(cm) above the highest adjacent grade. Complete Items C3.h and C3.i on front of form.
- E4. For Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATIONThe property owner or owner's authorized representative who completes Sections A, B, C (Items C3.h and C3.i only), and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, C, and E are correct to the best of my knowledge.*

PROPERTY OWNER'S OR OWNER'S AUTHORIZED REPRESENTATIVE'S NAME

ADDRESS

CITY

STATE

ZIP CODE

SIGNATURE

DATE

TELEPHONE

COMMENTS

☐ Check here if attachments**SECTION G - COMMUNITY INFORMATION (OPTIONAL)**

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and embossed by a licensed surveyor, engineer, or architect who is authorized by state or local law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4-G9) is provided for community floodplain management purposes.

G4. PERMIT NUMBER	G5. DATE PERMIT ISSUED	G6. DATE CERTIFICATE OF COMPLIANCE/OCCUPANCY ISSUED
-------------------	------------------------	---

G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement

G8. Elevation of as-built lowest floor (including basement) of the building is: _____ ft.(m) Datum: _____

G9. BFE or (in Zone AO) depth of flooding at the building site is: _____ ft.(m) Datum: _____

LOCAL OFFICIAL'S NAME

TITLE

COMMUNITY NAME

TELEPHONE

SIGNATURE

DATE

COMMENTS

☐ Check here if attachments

O.M.B. NO. 3067-0077
Expires July 31, 1999

FEDERAL EMERGENCY MANAGEMENT AGENCY
NATIONAL FLOOD INSURANCE PROGRAM
FLOODPROOFING CERTIFICATE
FOR NON-RESIDENTIAL STRUCTURES

The floodproofing of non-residential buildings may be permitted as an alternative to elevating to or above the Base Flood Elevation; however, a floodproofing design certification is required. This form is to be used for that certification. Floodproofing of a residential building does not alter a community's floodplain management elevation requirements or effect the insurance rating unless the community has been issued an exception by FEMA to allow floodproofed residential basements. The permitting of a floodproofed residential basement requires a separate certification specifying that the design complies with the local floodplain management ordinance.

BUILDING OWNER'S NAME	FOR INSURANCE COMPANY USE
	POLICY NUMBER
STREET ADDRESS (including Apt., Unit, Suite and/or Bldg. Number) OR P.O. ROUTE AND BOX NUMBER	COMPANY NAIC NUMBER
OTHER DESCRIPTION (Lot and Block Numbers, etc.)	

CITY	STATE	ZIP CODE
------	-------	----------

SECTION I FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

Provide the following from the proper FIRM:

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM INDEX	FIRM ZONE	BASE FLOOD ELEVATION (in AO Zones, use depth)
------------------	--------------	--------	--------------------	-----------	--

SECTION II FLOODPROOFING INFORMATION (By a Registered Professional Engineer or Architect)

Floodproofing Design Elevation Information:

Building is floodproofed to an elevation of feet NGVD. (Elevation datum used must be the same as that on the FIRM.)

Height of floodproofing on the building above the lowest adjacent grade is feet.

(NOTE: for insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the Base Flood Elevation to receive rating credit. If the building is floodproofed only to the Base Flood Elevation, then the building's insurance rating will result in a higher premium.)

SECTION III CERTIFICATION (By a Registered Professional Engineer or Architect)

Non-Residential Floodproofed Construction Certification:

I certify that based upon development and/or review of structural design, specifications, and plans for construction that the design and methods of construction are in accordance with accepted standards of practice for meeting the following provisions:

The structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation indicated above, with walls that are substantially impermeable to the passage of water.

All structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

I certify that the information on this certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

CERTIFIER'S NAME	LICENSE NUMBER (or Affix Seal)
TITLE	COMPANY NAME
ADDRESS	CITY STATE ZIP
SIGNATURE	DATE PHONE

Copies should be made of this Certificate for: 1) community official, 2) insurance agent/company, and 3) building owner.

FEMA Form 81-65, FEB. 97
REPLACES ALL PREVIOUS EDITIONS
000056 (2/97)

APPENDIX D: Resources

**APPENDIX D
Overview**

This appendix explains how to obtain publications covering the National Flood Insurance Program (NFIP), floodplain management, mitigation and retrofitting techniques, mitigation planning, and other flood-related subjects. It also describes some of the courses available for those who would like additional training on these topics.

Major Topics	See Page
Primary Floodplain Management Publications	D-2
Other Publications	D-4
Training Programs	D-7

Primary Floodplain Management Publications

The following publications on NFIP floodplain management requirements, mitigation measures, and other flood-related subjects are available at no charge from the Federal Emergency Management Agency (FEMA). To order any of these publications, write to the address below. Please use the publication number and name when ordering.

Federal Emergency Management Agency
Attention: Publications
PO Box 2012
Jessup, MD 20794-2012

Publication	Description
F-300 - <i>How You Can Benefit From Increased Cost of Compliance Coverage</i>	Provides NFIP and ICC repair and rebuilding guidelines for owners of homes and businesses when property is damaged by a flood.
F-663 - <i>Increased Cost of Compliance: Helping To Ensure a Safer Future</i>	Provides information to policyholders on the ICC coverage in their flood insurance policy and how it can help them comply with building codes and floodplain ordinances. Also outlines the primary roles and responsibilities of each party in filing ICC claims.
F-664 - <i>ICC Flier</i>	Designed to promote ICC. Can be distributed to policyholders after a flood event.
F-665 - <i>Facts About the National Flood Insurance Program's Increased Cost of Compliance Coverage</i>	Provides a concise explanation of ICC that can be useful when promoting ICC awareness.
F-666 - <i>ICC Checklist</i>	Designed to help building officials and floodplain administrators ensure that eligible flood insurance policyholders collect ICC benefits, comply with building codes and floodplain ordinances, and create safer homes and communities.
FEMA-54 - <i>Elevated Residential Structures</i>	Covers proper design and construction methods for elevating residential buildings in floodprone areas.
FEMA-102 - <i>Floodproofing Non-Residential Structures</i>	Describes a variety of floodproofing strategies for commercial and industrial structures.
FEMA-114 - <i>Design Manual for Retrofitting Floodprone Residential Structures</i>	Presents floodproofing techniques that can be used for existing residential structures. This publication is intended primarily for use by design professionals such as architects or engineers.
FEMA-213 - <i>Answers to Questions About Substantially Damaged Buildings</i>	Provides guidance on determining whether a building has been substantially damaged.

Publication	Description
FEMA-311 - <i>Guidance on Estimating Substantial Damage Using the NFIP Residential Substantial Damage Estimator</i>	Discusses the use and capability of the RSDE software.
FEMA-312 - <i>Homeowner's Guide to Retrofitting: Six Ways To Protect Your House From Flooding</i>	A guide to help homeowners take steps to protect homes damaged by flooding. Also provides protective steps for homeowners where flooding is likely to occur.
Technical Bulletin 1-93 - <i>Openings in Foundation Walls</i>	Provides guidance on the NFIP regulations concerning the requirement for openings in below-base-flood-elevation (BFE) foundation walls for buildings located in Zones A, AE, A1–A30, AR, AO, and AH.
Technical Bulletin 3-93 - <i>Non-Residential Floodproofing – Requirements and Certification</i>	Provides guidance on the NFIP regulations concerning watertight construction and the required certification for floodproofed non-residential buildings in Zones A, AE, A1–A30, AR, AO, and AH whose lowest floors are below the BFE.
Technical Bulletin 5-93 - <i>Free-of-Obstruction Requirements</i>	Provides guidance on the NFIP regulations concerning obstructions to flood waters below elevated buildings and on building sites in Coastal High Hazard Areas (Zones V, VE, and V1–V30).
Technical Bulletin 10-01 - <i>Ensuring That Structures Built on Fill In or Near SFHAs Are Reasonably Safe From Flooding</i>	Discusses building techniques, including the use of fill, that can be employed to ensure that structures are reasonably safe from flooding.
<i>Avoiding Flood Damage: A Checklist for Homeowners</i>	Homeowner checklist for determining ways to protect property from flooding.

Other Publications

FEMA offers additional publications on flood-related topics. To order any of these publications, write to the address below. Please use the publication number and name when ordering.

Federal Emergency Management Agency
Attention: Publications
PO Box 2012
Jessup, MD 20794-2012

Publication	Description
F-206 - <i>Coping With a Flood—Before, During & After</i>	Lists actions that can be taken to protect families and keep property losses to a minimum.
F-209 - <i>Flood: Are You Protected From the Next Disaster?</i>	Provides facts and information about flood insurance available through the NFIP.
FEMA-55 - <i>Coastal Construction Manual</i>	Illustrates design and construction techniques for construction in Coastal High Hazard Areas.
FEMA-85 - <i>Manufactured Home Installation in Flood Hazard Areas</i>	Contains information about how to properly site and install a manufactured home in a flood hazard area, with emphasis on design of elevated foundations.
FEMA-116 - <i>Reducing Losses in High-Risk Flood Hazard Areas: A Guidebook for Local Officials</i>	Designed to help local government officials improve their floodplain management programs for high-risk flood hazard areas.
FEMA-258 - <i>Guide to Flood Insurance Rate Maps</i>	Provides information on how to read and use a FEMA Flood Insurance Rate Map (FIRM).
FEMA-265 - <i>Managing Floodplain Development in Approximate Zone A Areas</i>	A guide for use by community officials, property owners, developers, surveyors, and engineers who may need to determine BFEs in Special Flood Hazard Areas (SFHAs) designated as approximate Zone A on FIRMs.
FEMA-268 - <i>Protecting Floodplain Resources</i>	A guidebook for officials and citizens at the local level on protecting natural resources in floodplains. The guidebook offers suggestions on creating strategies for wisely managing floodplain natural resources.

Publication	Description
FEMA-347 - <i>Above the Flood: Elevating Your Floodprone House</i>	Includes technical and regulatory guidance, case studies, common techniques, and benefits of elevating a floodprone house.
FIA-2 - <i>Answers to Questions About the National Flood Insurance Program</i>	A pamphlet intended to acquaint the public with the NFIP.
IS-279 - <i>Engineering Principles and Practices for Retrofitting Flood Prone Residential Buildings</i>	Provides engineering design and economic guidance to engineers, architects, and local code officials about what constitute technically feasible and cost-effective retrofitting measures for floodprone residential structures.

Other Publications

The National Flood Proofing Committee, U.S. Army Corps of Engineers (USACE), has compiled a bibliography of selected floodproofing publications. In addition, the publications listed below are available from the Corps of Engineers.

To obtain copies of these publications, write to the following address:

U.S. Army Corps of Engineers
Publications Depot
Attn: CEIM-IM-PD
2803 52nd Avenue
Hyattsville, MD 20781-1102

Publication	Description
<i>Flood Proofing Regulations</i> U.S. Army Corps of Engineers, Pittsburgh District, 1992 (Corps Publication EP 1165 2-314)	Provides construction specifications for floodproofing new buildings.
<i>Flood Proofing Systems & Techniques</i> U.S. Army Corps of Engineers, L.N. Flanagan, editor, 1984	An illustrated, easy-to-read review of 40 different buildings that have been elevated, floodproofed, or otherwise protected.
<i>Flood Proofing: Techniques, Programs, and References</i> U.S. Army Corps of Engineers, National Flood Proofing Committee, with French and Associates, Ltd., February 1991	Describes retrofitting techniques and government retrofitting programs, references, and terminology.
<i>Flood Proofing: How To Evaluate Your Options</i> U.S. Army Corps of Engineers and National Flood Proofing Committee, July 1993	Intended as a tool to assist in the preliminary evaluation of whether floodproofing is appropriate and what may be the best floodproofing measure to consider.
<i>Raising and Moving the Slab-on-Grade House With Slab Attached</i> U.S. Army Corps of Engineers and National Flood Proofing Committee, 1990	Presents an overview of the raising and relocation process including methods and techniques, advantages of each, the steps involved, foundation design considerations, and costs.

**Training
Programs**

FEMA has developed a floodplain management course, ***Managing Floodplain Development Through the National Flood Insurance Program***, to provide an organized training opportunity for local officials responsible for administering their local floodplain management ordinances. The course focuses on the NFIP and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. This 1-week resident course is offered several times a year at FEMA's Emergency Management Institute (EMI) in Emmitsburg, MD. The course number is E273.

FEMA also has developed a technical training course on proper methods of retrofitting residential buildings. The course is titled ***Retrofitting Floodprone Residential Buildings***. The intended audience is design professionals and building officials as well as floodplain management officials, NFIP State Coordinators, planning and zoning officials, public works officials, and hazard mitigation officials that have building sciences knowledge. The course is available in two formats: 1) a 1-week course offered several times a year at EMI (course number E279) and 2) a 2-day field-deployed version. FEMA will provide all materials for the field course free of charge and may be able to provide, under certain circumstances, expert trainers at no charge. For technical assistance in offering the field course, contact your NFIP State Coordinator, FEMA Regional Office, or Disaster Field Office.

For courses at EMI, FEMA will reimburse customary travel expenses for State and local government officials to attend resident courses. To register, all applications must be submitted through your State Emergency Management Training Office. For more information, upcoming course dates, or an application, call (301) 447-1000 or (800) 238-3358.

APPENDIX E: HMGP, PDM, and FMA Program Descriptions

**APPENDIX E
Overview**

This appendix describes the Hazard Mitigation Grant Program (HMGP), the Pre-Disaster Mitigation (PDM) program, and the Flood Mitigation Assistance (FMA) program and answers some frequently asked questions about each.

Major Topics	See Page
Hazard Mitigation Grant Program	E-2
Pre-Disaster Mitigation Program	E-4
Flood Mitigation Assistance Program	E-5

Appendix E: HMGP, PDM, and FMA Program Descriptions

Hazard Mitigation Grant Program	This section describes the policies and procedures for FEMA's Hazard Mitigation Grant Program.
What is the HMGP?	The HMGP was created in November 1988 by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended. (Amendments include the Hazard Mitigation and Relocation Assistance Act of 1993 and the Disaster Mitigation Act of 2000.) The HMGP assists States, tribes, and local communities in implementing long-term hazard mitigation measures following a major disaster declaration.
What is the purpose of the HMGP?	The program's objectives are to: ▪ Significantly reduce or permanently eliminate future risk to lives and property from severe hazards. ▪ Provide funds to implement projects previously identified in State, tribal, or local Hazard Mitigation Plans. ▪ Enable mitigation measures to be implemented during the immediate recovery from a disaster.
Who is eligible?	Federal funding under the HMGP is activated following a Presidential disaster declaration. Generally, the State is the grantee for the HMGP; however, after a declaration, an Indian tribal government also may choose to be the grantee. The grantee is responsible for selecting projects consistent with the FEMA-approved State or tribal Hazard Mitigation Plan, and for administering the HMGP program consistent with the grantee's Administrative Plan. Eligible applicants under the HMGP are: ▪ State and local governments. ▪ Indian tribal governments. ▪ Certain private nonprofit organizations or institutions. Individuals and businesses may not apply directly to the State (grantee) or to FEMA, but applicants may apply on behalf of local citizens.
What types of projects can be funded?	The HMGP can be used to fund projects to protect either public or private property, as long as the project is identified in the State's, tribe's, or local government's overall mitigation strategy to address areas of risk and complies with program guidelines. Examples of projects include: ▪ Acquiring and relocating structures from hazard-prone areas. ▪ Retrofitting structures to protect them from floods, high winds, earthquakes, or other natural hazards. ▪ Constructing certain types of minor and localized flood control projects. ▪ Constructing "safe rooms" inside schools or other buildings in tornado-prone areas. ▪ Developing State, tribal, or local mitigation plans.

Appendix E: HMGP, PDM, and FMA Program Descriptions

How do I apply?	Eligible applicants must apply for the HMGP through the State, since the State is responsible for setting priorities for funding and administering the program. The applicant should contact the State Hazard Mitigation Officer (SHMO) for specific details. If you are an individual or a business or other organization, contact your local government officials and the State for more information.
What is the deadline for applying for funds?	The State must submit all local HMGP applications and funding requests to the FEMA Regional Director within 12 months of the date of the disaster declaration. Check with your SHMO to confirm the specific timeline for each disaster.
How much money is available in the HMGP?	HMGP funds are based on 15 percent of the estimated Federal funds to be spent on the Public and Individual Assistance programs (minus administrative expenses) for each disaster. These grant funds may be used to fund up to 75 percent of the eligible project costs. The non-Federal match does not need to be cash; in-kind services or materials may be used. Effective November 1, 2004, a State must have a FEMA-approved Standard State Mitigation Plan to be eligible for 15 percent of the total estimated eligible Federal assistance provided; a State with an approved Enhanced State Mitigation Plan is eligible for 20 percent of the estimated eligible Federal assistance provided.
How are potential projects identified and selected for funding?	Projects are identified and selected as part of an overall State mitigation strategy or plan. FEMA reviews projects selected by the State to determine eligibility and ensures compliance with environmental laws, Executive orders, and all HMGP criteria. If the application is approved, the State will notify the applicant and provide guidance regarding project implementation. As of November 1, 2004, HMGP projects selected for funding by the State must be consistent with the FEMA-approved Standard or Enhanced Mitigation Plan. HMGP projects submitted to the State must be consistent with the FEMA-approved tribal or local plan.
Where can I obtain further information on HMGP?	For more information on the HMGP, contact your SHMO or the FEMA office in your Region. Detailed information about managing the program can be found in FEMA's HMGP Desk Reference (FEMA-345). To order a copy, call 800-480-2520. You can also access the Desk Reference at FEMA's Web site: http://www.fema.gov (under Federal Insurance & Mitigation). Regulations for the HMGP are published in Title 44 of the Code of Federal Regulations, Part 206, Subpart N. Regulations for Mitigation Planning are published in Title 44 of the Code of Federal Regulations, Part 201.

Pre-Disaster Mitigation

This section describes the policies and procedures for FEMA's Pre-Disaster Mitigation program.

What is PDM?

The PDM program was authorized by Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C., as amended by Section 102 of the Disaster Mitigation Act of 2000.

Funding is provided to assist States, tribes, and communities in implementing cost-effective hazard mitigation activities that complement a comprehensive mitigation program and reduce injuries, loss of life, damage, and destruction of property. FEMA provides PDM grants to States which, in turn, provide sub-grants to local governments for mitigation activities such as planning and the implementation of projects identified through the evaluation of natural hazards. Federally recognized Indian tribal governments may choose to apply for PDM grants either through the State or directly to FEMA.

To be eligible for a "brick and mortar" PDM project grant, a FEMA-approved plan is required by November 1, 2003. To determine funding levels and application requirements, please contact your SHMO or FEMA Regional Office.

**Flood
Mitigation
Assistance**

This section describes the policies and procedures for FEMA's Flood Mitigation Assistance program.

**What is the
overall goal of
FMA?**

The FMA program provides funding to assist States, tribal governments, and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP). FMA was created as part of the National Flood Insurance Reform Act of 1994 (42 U.S.C. 4101) with the goal of reducing or eliminating claims under the NFIP. FMA is a pre-disaster grant program.

**What are the
three types of
grants funded
under FMA?**

Planning Grants: Planning is the foundation of FMA. Approved plans make a community eligible to apply for FMA project grants. Communities that have Flood Mitigation Plans can request approval of their plans from their FMA State Point of Contact (POC) and FEMA. Plans must assess the flood risk and identify actions to reduce the risk.

Project Grants: States, tribal governments, and communities can apply for project grants to implement measures to reduce flood losses. Projects that reduce the risk of flood damage to structures insurable under the NFIP are eligible. Such activities include:

- Elevation of insured structures.
- Acquisition of insured structures and real property.
- Relocation or demolition of insured structures.
- Dry-floodproofing of insured non-residential structures.
- Minor, localized structural projects that are not fundable by State programs or other Federal programs that reduce flood risk to insured structures.
- Beach nourishment activities that reduce flood risk to insured structures.

Technical Assistance Grants: States may apply for these grants to help fund technical assistance to communities in the development of Flood Mitigation Plans, preparation of applications, or implementation of approved project grants.

**Who is
eligible?**

Any State agency, participating NFIP community (including tribal governments), or qualified local organization is eligible to participate in the FMA program. Communities that are suspended or on probation from the NFIP are not eligible. Individuals wishing to participate in the FMA program should contact their community officials.

Appendix E: HMGP, PDM, and FMA Program Descriptions

What are the project grant eligibility criteria?	A project must, at a minimum, be: ▪ Cost effective; ▪ Cost beneficial to the NFIP; ▪ Technically feasible; and ▪ Physically located in a participating NFIP community, or must reduce future flood damages in an NFIP community. A project must also conform with: ▪ The minimum standards of the NFIP Floodplain Management Regulations; ▪ The applicant's Flood Mitigation Plan; and ▪ All applicable laws and regulations, such as Federal and State environmental standards or local building codes.
How does FMA work?	FEMA distributes FMA funds to States, which in turn provide funds to communities. The State serves as the grantee and program administrator for the FMA. The State: ▪ Sets mitigation priorities. ▪ Provides technical assistance to communities applying for FMA funds. ▪ Evaluates grant applications based on minimum eligibility criteria and State priorities. ▪ Awards planning grants. ▪ Works with FEMA to approve projects and awards funds to communities. ▪ Ensures that all community applicants are aware of their grant management responsibilities.
What are the cost-share and funding limits?	FEMA may contribute up to 75 percent of the total eligible costs. At least 25 percent of the total eligible costs must be provided by a non-Federal source. Of this 25 percent, no more than half can be provided as in-kind contributions from third parties. There are limits on the frequency of grants and the amount of funding that can be allocated to a State or community in any 5-year period.

**APPENDIX F: FEMA Regional Offices
and NFIP State
Coordinating Offices**

Appendix F: FEMA Regional Offices and NFIP State Coordinating Offices

APPENDIX F Overview

This appendix provides contact information for the FEMA Regional Offices and the NFIP State Coordinating Offices.

Major Topics	See Page
FEMA Regional Offices	F-2
NFIP State Coordinating Offices	F-3

Appendix F: FEMA Regional Offices and NFIP State Coordinating Offices

FEMA Regional Offices

Contact information for FEMA Regional Offices is listed below.

REGION I <i>Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont</i>	99 High Street 6 th Floor Boston, MA 02110 (617) 223-9540
REGION II <i>New Jersey, New York, Puerto Rico, and Virgin Islands</i>	26 Federal Plaza Suite 1307 New York, NY 10278-0001 (212) 680-3609
REGION III <i>Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia</i>	One Independence Mall, 6 th Floor 615 Chestnut Street Philadelphia, PA 19106-4404 (215) 931-5608
REGION IV <i>Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee</i>	3003 Chamblee Tucker Road Atlanta, GA 30341 (770) 220-5200
REGION V <i>Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin</i>	536 S. Clark Street, 6 th Floor Chicago, IL 60605 (312) 408-5500
REGION VI <i>Arkansas, Louisiana, New Mexico, Oklahoma, and Texas</i>	Federal Regional Center 800 North Loop 288 Denton, TX 76209 (940) 898-5399
REGION VII <i>Iowa, Kansas, Missouri, and Nebraska</i>	2323 Grand Boulevard Suite 900 Kansas City, MO 64108-2670 (816) 283-7061
REGION VIII <i>Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming</i>	Denver Federal Center Building 710 PO Box 25267 Denver, CO 80225-0267 (303) 235-4800
REGION IX <i>Arizona, California, Hawaii, Guam, and Nevada</i>	1111 Broadway Suite 1200 Oakland, CA 94607 (510) 627-7100
REGION X <i>Alaska, Idaho, Oregon, and Washington</i>	Federal Regional Center 130 228 th Street, SW Bothell, WA 98021-9796 (425) 487-4600

NFIP State Coordinating Offices

Contact information for the State Coordinating Offices (SCOs) for the National Flood Insurance Program is listed below.

ALABAMA

Alabama Emergency Management Agency
P. O. Box 5690, 401 Adams Avenue
Montgomery, AL 30103-5690
(334) 353-1966

ALASKA

Alaska Division of Community and Business Development
550 W. 7th Avenue, Suite 1770
Anchorage, AK 99501-3510
(907) 269-4567

ARIZONA

Arizona Department of Water Resources
5636 E. McDowell
Phoenix, AZ 85008
(602) 392-7539

ARKANSAS

Arkansas Soil and Water Conservation Commission
101 E. Capitol Avenue, Suite 350
Little Rock, AR 72201-3823
(501) 682-3907

CALIFORNIA

California Department of Water Resources
National Flood Insurance Program Coordinator
1416 9th Street, Room 1623
Sacramento, CA 95814
(916) 653-5440

COLORADO

Colorado Water Conservation Board
State Centennial Building, Room 721
1313 Sherman Street
Denver, CO 80203
(303) 866-3441

CONNECTICUT

State Department of Environment Protection
79 Elm Street
Hartford, CT 06106
(860) 424-3537

DELAWARE

Delaware Department of Natural Resources and Environmental Control
Division of Soil and Water Conservation
89 Kings Highway
Dover, DE 19901
(302) 739-4411

NFIP SCOs

DISTRICT OF COLUMBIA

Department of Consumer and Regulatory Affairs
941 North Capital Street, NE
Washington, DC 20002
(202) 535-2248

FLORIDA

Florida Division of Emergency Management
William E. Sadowski Building
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9960

GEORGIA

Georgia Department of Natural Resources
Environmental Protection Division
7 Martin Luther King, Jr. Drive, SW
Atlanta, GA 30334
(404) 656-6382

GUAM

Guam Office of Civil Defense
PO Box 2877
Hagatna, Guam 96932
(011) 671-475-9600

HAWAII

Hawaii Board of Land and Natural Resources
PO Box 621
Honolulu, HI 96809
(808) 587-0248

IDAHO

Idaho Department of Water Resources
State House
1301 N. Orchard Street
Boise, ID 83706
(208) 327-7993

ILLINOIS

Illinois Department of Natural Resources
Office of Water Resources
One Natural Resources Way
Springfield, IL 62702-1271
(217) 782-4428

INDIANA

Indiana Department of Natural Resources
Division of Water
Room W264
402 W. Washington Street
Indianapolis, IN 46204-2641
(317) 232-4160

NFIP SCOs

IOWA

Iowa Department of Natural Resources
Water Resource Section
Wallace State Office Building
502 E. 9th Street
Des Moines, IA 50319-0034
(515) 281-8942

KANSAS

Kansas Department of Agriculture
Division of Water Resources
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-2933

KENTUCKY

Kentucky Department of Natural Resources
Division of Water
Frankfort Office Park
14 Reilly Road
Frankfort, KY 40601
(502) 564-3410

LOUISIANA

Louisiana Department of Transportation and Development
Public Works and Water Resources Section
PO Box 94245
Baton Rouge, LA 70804-9245
(225) 274-4354

MAINE

Maine State Planning Office
38 State House Station
184 State Street
Augusta, ME 04333-0038
(207) 287-8050

MARYLAND

Department of the Environment
Flood Hazard Mitigation Division
2500 Browning Highway
Baltimore, MD 21224
(410) 537-3914

MASSACHUSETTS

Massachusetts Department of Environmental Management
Flood Hazard Management Program
251 Causeway Street
Boston, MA 02114
(508) 820-1447

MICHIGAN

Michigan Land and Water Management Division
Michigan Department of Environmental Quality
PO Box 30458
Lansing, MI 48909-7958

NFIP SCOs

MINNESOTA

Minnesota Flood Plains/Shoreline Management Section
Division of Waters
Department of Natural Resources
500 LaFayette Road, Box 32
St. Paul, MN 55515-4032
(651) 296-0444

MISSISSIPPI

Mississippi Emergency Management Agency
1410 Riverside Drive
PO Box 4501, Fondron Station
Jackson, MS 39296-4501
(601) 366-6325

MISSOURI

Missouri State Emergency Management Agency
PO Box 116
Jefferson City, MO 65102
(573) 526-9141

MONTANA

Montana Department of Natural Resources and Conservation
Resource Development Bureau
1625 11th Avenue
Helena, MT 59620-1601
(406) 444-6654

NEBRASKA

Nebraska Department of Natural Resources
PO Box 94676
Lincoln, NB 68509-4676
(402) 471-3934

NEVADA

Nevada Department of Conservation and Natural Resources
Division of Water Resources
123 W. Nye Lane, Suite 246
Carson City, NV 89706-0818
(775) 687-4380

NEW HAMPSHIRE

New Hampshire Governor's Office of Emergency Management
State Office Park South
107 Pleasant Street
Concord, NH 03301
(603) 223-3639

NEW JERSEY

New Jersey Department of Environmental Protection
Floodplain Management
PO Box 402
Trenton, NJ 08625-0402
(609) 292-2296

NFIP SCOs

NEW MEXICO

New Mexico Emergency Management Bureau
PO Box 1628
Santa Fe, NM 87504-1628
(505) 476-9600

NEW YORK

New York Department of Environmental Conservation
Flood Protection Bureau
625 Broadway
Albany, NY 12233-3507
(518) 402-8147

NORTH CAROLINA

North Carolina Department Division of Emergency Management
4713 Mail Service Center
Raleigh, NC 27699
(919) 715-8000 x273

NORTH DAKOTA

North Dakota State Water Commission
900 East Boulevard
Bismark, ND 58505-0850
(701) 328-4898

OHIO

Ohio Department of Natural Resources
Division of Water
Flood Plain Management
1939 Fountain Square, Court Building E
Columbus, OH 43224-1336
(614) 265-6754

OKLAHOMA

Oklahoma Water Resources Board
3800 N. Classen Boulevard
Oklahoma City, OK 73118
(405) 530-8800

OREGON

Department of Land Conservation and Development
635 Capital Street NE, Suite 150
Salem, OR 97310-2540
(503) 373-0050

PENNSYLVANIA

Pennsylvania Department of Community and Economic Development
Commonwealth Keystone Building, 4th Floor
Harrisburg, PA 17120-0225
(717) 720-7300

PUERTO RICO

Puerto Rico Planning Board
PO Box 41119
San Juan, PR 00940-1119
(787) 723-6200

NFIP SCOs

RHODE ISLAND

Rhode Island Executive Department Military Staff
Rhode Island Emergency Management Agency
645 New London Avenue
Cranston, RI 02920
(401) 946-9996

SOUTH CAROLINA

South Carolina Department of Natural Resources
Flood Mitigation Program
2221 Devine Street, Suite 222
Columbia, SC 29205
(803) 734-9103

SOUTH DAKOTA

South Dakota Disaster Assistance Programs
Emergency and Disaster Services
500 East Capitol
Pierre, SD 57501
(605) 773-3231

TENNESSEE

Tennessee Department of Economic and Community Development
Division of Community Development
312 8th Avenue North, 10th Floor
Nashville, TN 37243-0405
(615) 741-2211

TEXAS

Texas Commission of Environmental Quality
Capitol Station
PO Box 13087
Austin, TX 78711-3087
(512) 239-6155

UTAH

Utah Department of Public Safety
Division of Comprehensive Emergency Management
State Office Building, Room 1110
Salt Lake City, UT 84114
(801) 538-3750

VERMONT

Vermont Agency of Natural Resources
103 South Main Street, Center Building
Waterbury, VT 05671
(802) 241-3759

VIRGIN ISLANDS

Department of Planning and Natural Resources
Cyril E. King Airport
Terminal Building, 2nd Floor
St. Thomas, VI 00802
(304) 774-3320

NFIP SCOs

VIRGINIA

Virginia Department of Conservation and Historic Resources
Division of Soil and Water Conservation
203 Governor Street, Suite 206
Richmond, VA 23219
(804) 786-8073

WASHINGTON

Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6000

WEST VIRGINIA

West Virginia Office of Emergency Services
1900 Kanawha Boulevard, East
Room EB-80, Building 1
Capitol Building
Charleston, WV 25305-0360
(304) 558-5380

WISCONSIN

Wisconsin Department of Natural Resources
Flood Plain-Shoreland Management Section
PO Box 7921
Madison, WI 53707
(608) 266-8037

WYOMING

Wyoming Emergency Management Agency
5500 Bishop Boulevard
Cheyenne, WY 82009-3320
(307) 777-4900