



Kansas



Floodplain management newsletter

August 2009

Substantial Damage

Substantial damage may be one of the most misunderstood requirements of the National Flood Insurance Program. One of the most common questions we are asked after a flood is, “Who determines if a property is substantially damaged?” It is not done by insurance agents, contractors, FEMA, or state agency. The community’s floodplain manager makes the determination. This does not mean that the local floodplain administrator can’t ask a local or state agency for help making the substantial damage determinations.

FEMA has developed a software program and field checklist to estimate substantial damage. It has been tried and tested in courts. In the next two months, four classes will be offered on how to complete a checklist and use the substantial damage estimation software. If you are not already enrolled, watch for more class announcements in 2010.

Once a property in the special flood hazard area has been determined to be substantially damaged, it must be flood-protected to 1 foot higher than the base flood elevation. Local ordinances may require an even higher standard. Methods for floodproofing include elevation, relocation, demolition and floodproofing. This is not good news for a homeowner without flood insurance who has already suffered a flood. For a building owner with flood insurance, this can be good news.

If a structure is substantially damaged the property owner may qualify for Increased Cost of Compliance (ICC) money. To qualify, the building must have been damaged by a flood and the property owner must have had a flood insurance policy. The amount of money available for ICC is \$30,000 above the amount of insurance claim. This money can be used to protect the building. The most common method of flood protection is through elevation.

Once a property owner gets a letter from the floodplain manager stating the building is substantially damaged, the property owner should take that letter to his or her insurance agent. The insurance agent should file the ICC claim for the owner. The local floodplain manager will issue a permit for rebuilding. The floodplain manager should be involved in making sure the building is rebuilt or elevated in compliance with the community’s floodplain management regulations.

In this newsletter...

- Substantial Damage
- Hazard Mitigation Assistance
- Short News Items on MT-EZ, EC, Reports...
- Learning Opportunities
- Training Registration Form
- ASFPM Annual Conference Info.

Hazard Mitigation Assistance

FEMA has taken all mitigation grant programs and put them in a single unit called Hazard Mitigation Assistance or HMA. Hazard Mitigation Assistance programs present an opportunity to reduce risks from natural hazards by reducing risk to individuals and to properties through mitigation. This is a common benefit to local communities, individuals and taxpayers who provide federal disaster relief funds.

Five grant programs are now under HMA. The first is the Hazard Mitigation Grant Program or HMGP, which helps communities take action to reduce risks to loss of life and property during the reconstruction phase following a disaster. In Kansas, HMGP is managed through Kansas Division of Emergency Management, and funds are currently being used for projects like tornado shelters in schools and buying out flood-prone structures.

Flood Mitigation Assistance, or FMA, is also managed by the Kansas Division of Emergency Management. FMA grants can be used for minor, local flood reduction projects or dry floodproofing historic or nonresidential structures.

PreDisaster Mitigation, or PDM, is to reduce risks from future events. PDM funds can be used for soil stabilization or infrastructure retrofit projects.

Repetitive Flood Claims, or RFC, has the goal of reducing flood damage to properties that have had one or more flood insurance claims. The theory is that if a property has been flooded before, it likely will flood again. A typical RFC project would involve elevation or acquisition.

Severe Repetitive Loss, or SRL, expands on RFC. Its target is property that has had severe repetitive losses. Since these properties are the subject of many claims, they should have the highest cost benefit.

All of these programs have prerequisite requirements, and all require different levels of a local match. RFC is 100 percent funded without a local match. PDM can have a 90-10 (10 percent local) match for small and impoverished communities. HMGP, SRL and PDM typically have a 75-25 ratio. The 25 percent local match doesn't always have to be in cash. Sometimes it can be from materials and services provided by the grantee.

The Hazard Mitigation Assistance Fact Sheet provides a complete list of mitigation projects for each type of grant. It is available online at www.fema.gov/library/viewRecord.do?id=3648. It explains the variety of funds available and the many categories of eligible projects. For instance, eligible projects include structure demolition and relocation, mitigation reconstruction, structural retrofitting, nonstructural retrofitting, wildfire mitigation, post-disaster code enforcement, mitigation planning, and management costs. The fact sheet also explains the general requirements for applicant eligibility.

There's also an HMA helpline to answer questions you may have. You can reach the hotline by e-mailing hmagrantshelpline@dhs.gov, or by calling (866) 222-3580.

MT-EZ

The MT-EZ is the FEMA form used for Letters of Map Amendment (LOMA). This form has had a minor but very important change. The address on the last page has changed. This is where you send the form. The new address is LOMC CLEARINGHOUSE, 6730 Santa Barbara Court, Elkridge, MD 21075. Do not send this form to Alexandria, VA. If you have some of these forms, purge them and download a new one from the FEMA website.

Biennial Report

If you have not completed your biennial report, you may get a reminder from FEMA. Turn those reports in as soon as possible. Call (785) 296-4622 if you need assistance.

Elevation Certificates

The Division of Water Resources frequently gets calls from floodplain managers, insurance agents and property owners asking about elevation certificates. The call is often tied to a new property owner being required to purchase flood insurance as a condition of a federally backed mortgage. For a house built after the community joined the National Flood Insurance Program, the local floodplain manager should have an elevation certificate on file with the original floodplain development permit. In some cases, the previous homeowner may have a copy of the elevation certificate. In smaller communities, there may be only one surveyor and that surveyor may have a copy.

We recommend that original forms, such as elevation certificates or letters of map amendment, be filed with the register of deeds. The forms must contain a legal description of the property so that when the property changes hands, the title search will discover the document. The register of deeds will return to the original form to you after it is filed.

Lowest Floor Elevation

Homeowners and floodplain managers sometimes have differing views of a basement and a crawlspace. The homeowner may have good intentions, but he or she could end up violating the community's floodplain regulations if he or she does not understand the difference. This can lead to a violation notice from the community and possibly very expensive insurance.

At the local level, it is important to communicate some key points when approving a floodplain development permit. If a crawl space is subgrade on all four sides, it will be rated for insurance purposes just like a basement. The dirt floor at the bottom of the crawlspace will become the lowest floor elevation for insurance rating purposes. It won't matter if the crawlspace is finished or unfinished. It also won't matter if it is tall enough to stand up in.

Good communication early can save headaches later.

Training Opportunities

The Floodplain Management program will host the following training sessions throughout Kansas. If you are interested in any of these no-cost training opportunities, please contact Tom Morey at (785) 296-5440 or Steve Samuelson at (785) 296-4622.

Basics of the National Flood Insurance Program

This class is for officials responsible for administering their local floodplain management ordinance. The focus is on the NFIP and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. Limited to 20.

Hays, Nov. 5, 8 a.m. to 12 p.m.

New FEMA Elevation Certificate

DWR has contracted to have Scott Samuels, P.E., CFM teach this class. This class is for surveyors, engineers, and floodplain managers. Surveyors and engineers will learn correct methods for completing the elevation documentation. Community officials will become familiar with how to review the certificate. Course topics are NFIP acronyms, roll of the

Garden City, Sept. 22, 8 a.m. to 12 p.m. Wichita—Sept. 23, 8 a.m. to 12 p.m.

elevation certificate, building diagram review, recent changes in the form, and definitions.

Residential Substantial Damage Estimation

FEMA, KAFM and DWR are working together to offer this class in October and September. At this time, all four classes are full.

Goodbye Sherry

Sherry Fergel is leaving the floodplain management program to take a better position with Division of Water Resources. Sherry has helped a lot of floodplain managers with flood mapping questions and ordinances.

Currents Newsletter Online

The Division of Water Resources newsletter, "Currents," can be read online at:
www.ksda.gov/appropriation/mailing_list/id/68

KAFM 2010 Conference

Mark your calendar! The Kansas Association for Floodplain Management 2010 conference will be September 1 and 2 in Wichita. Contact Jon Bristor, Treasurer, 110 E. 10th Street, Wellington, KS 67152, (620) 326-2207, for registration information. Additional information will be available at www.ekafm.org.

Kansas Department of Agriculture
Division of Water Resources
Floodplain Program
Training Registration Form

Name _____

Title _____

Organization _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail _____

Name, date and location of training you will attend _____

*Please share this invitation with anyone else who could benefit from the training.

**Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

KANSAS DEPARTMENT OF AGRICULTURE
FLOODPLAIN MANAGEMENT PROGRAM
109 SW 9th STREET, 2nd FLOOR
TOPEKA, KS 66612-1283
Fax to: (785) 296-4835

please contact Steve Samuelson at
296-4622, or Tom Morey at
5440.

If you have questions about training,
steve.samuelson@kda.ks.gov, or (785)
tom.morey@kda.ks.gov, or (785) 296-

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please report the change by calling (785) 296-4622, or send an e-mail to steve.samuelson@kda.ks.gov

Funds available to attend ASFPM National Conference in Oklahoma

The Association of State Floodplain Managers 2010 national conference will be May 16-21 in Oklahoma City. This conference is an excellent opportunity for Kansas floodplain managers to receive premier training on mapping technologies, adopting new flood hazard maps, and to discuss topics directly related to mapping and map modernization. The conference will be attended by more than 1,300 floodplain management professionals and officials.

Funds may be available to attend this conference. If you are interested in attending the conference and would benefit from financial assistance, please contact Tom Morey at tmorey@kda.state.ks.us, or (785) 296-5440, for more information. Assistance awards will be granted on a first-come, first-served basis once funding has been approved.

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