



October 27, 2017

Dear Floodplain Administrator:

As a participating community in the National Flood Insurance Program (NFIP), the provisions of your local floodplain management ordinance are very important during this period of flood recovery. The enforcement of the substantial improvement requirements contained in the NFIP regulations frequently becomes a major concern when serious damages result from a flood, which your community has experienced. In particular, many community officials ask questions about the issuance of permits for the repair of damaged structures, making substantial damage determinations, and creating an appeals process.

The Federal Emergency Management Agency (FEMA) and the Texas Water and Development Board (TWDB) stand ready to assist your community in any aspect of your floodplain management responsibilities. Please contact us with any questions or concerns. To better serve you and other floodplain managers in Texas, we have set up a Hurricane Harvey specific email address [FEMA-SDE@fema.dhs.gov](mailto:FEMA-SDE@fema.dhs.gov) and dedicated phone line (225) 571-8057 where we can discuss issues and answer questions.

As you know, participation in the NFIP is contingent upon the local adoption and enforcement of adequate floodplain management regulations that meet or exceeds the NFIP minimum criteria. In return for the adoption and enforcement of these regulations, FEMA, which administers the NFIP, makes flood insurance coverage available throughout the community.

The local floodplain management ordinance/order and the NFIP regulations are intended to prevent the unwise development or redevelopment of structures within the floodplain. The ordinance and the NFIP regulations require the following:

- Development Permits must be obtained for all proposed construction or other development, **including post-disaster repairs**, within the identified flood hazard areas of the community. Development is defined as any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- All new construction, **substantial improvement, or restoration of substantially damaged residential structures** shall have the lowest floor elevated to or above the identified base flood elevation (BFE). Substantial damage exists when the cost of restoring a structure to its pre-damaged condition equals or exceeds 50 percent of the

structure's pre-disaster market value. **"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 that have incurred "substantial damage", regardless of the actual repair work performed.

- All new construction and/or **substantial improvement of non-residential structures** shall either have the lowest floor (including basement) elevated to or above the identified BFE or be designed so that the area below the BFE is watertight with walls that are impermeable to water and are capable of withstanding hydrostatic and hydrodynamic pressures.
- Encroachments including fill, new construction, **substantial improvements, substantial restoration** and other development are prohibited within an adopted regulatory floodway if it is determined that the encroachment would result in any increase in flood levels within the community during the occurrence of the 1% annual flood. If the proposed development in an adopted floodway will cause a rise in the 1% annual flood, the provisions of 44 CFR 65.12 must be applied.

These requirements found in local floodplain management regulations are designed to mitigate future losses of life and property during times of flooding. Failure to enforce these measures will jeopardize the community's continued participation in the National Flood Insurance Program and will affect future Federal assistance.

I hope this information is useful in explaining the substantial damage/substantial improvement requirements of the NFIP to the residents of your community. If you have any questions regarding this information, please contact Michael Segner, NFIP State Coordinator with TWDB, at (512) 463-3509 or by email at [michael.segner@twdb.texas.gov](mailto:michael.segner@twdb.texas.gov) or Shawn Snyder at (512) 463-7771 [shawn.snyder@twdb.texas.gov](mailto:shawn.snyder@twdb.texas.gov). You may also reach out to a FEMA Region 6 Substantial Damage Specialist by email at [FEMA-SDE@FEMA.DHS.GOV](mailto:FEMA-SDE@FEMA.DHS.GOV) or by phone at (225) 571-8057.

Sincerely,

  
Sandra Keefe  
Mitigation Division Director