

Floodplain Management



**2017 Annual Conference
Atlanta, Georgia
April 2017**

Floodplain Mapping and Flood Zones

Zone Designations:

Zone A: No base flood elevations have been determined – it is an approximated 100-year flood zone boundary.

Zone AE: Base flood elevations have been determined– it is a detailed 100-year flood zone boundary.

Zone V: Coastal flood zone with velocity hazard (wave action)- No base flood elevations have been determined

Zone VE: Coastal flood zone with velocity hazard (wave action)- base flood elevations have been determined

Floodway: the channel of a stream plus any adjacent floodplain areas that must be free of encroachment

Zone X (shaded): areas of the 0.2% annual chance flood/500-year flood.

Zone X: areas outside of both the 1% and 0.2% annual chance flood.

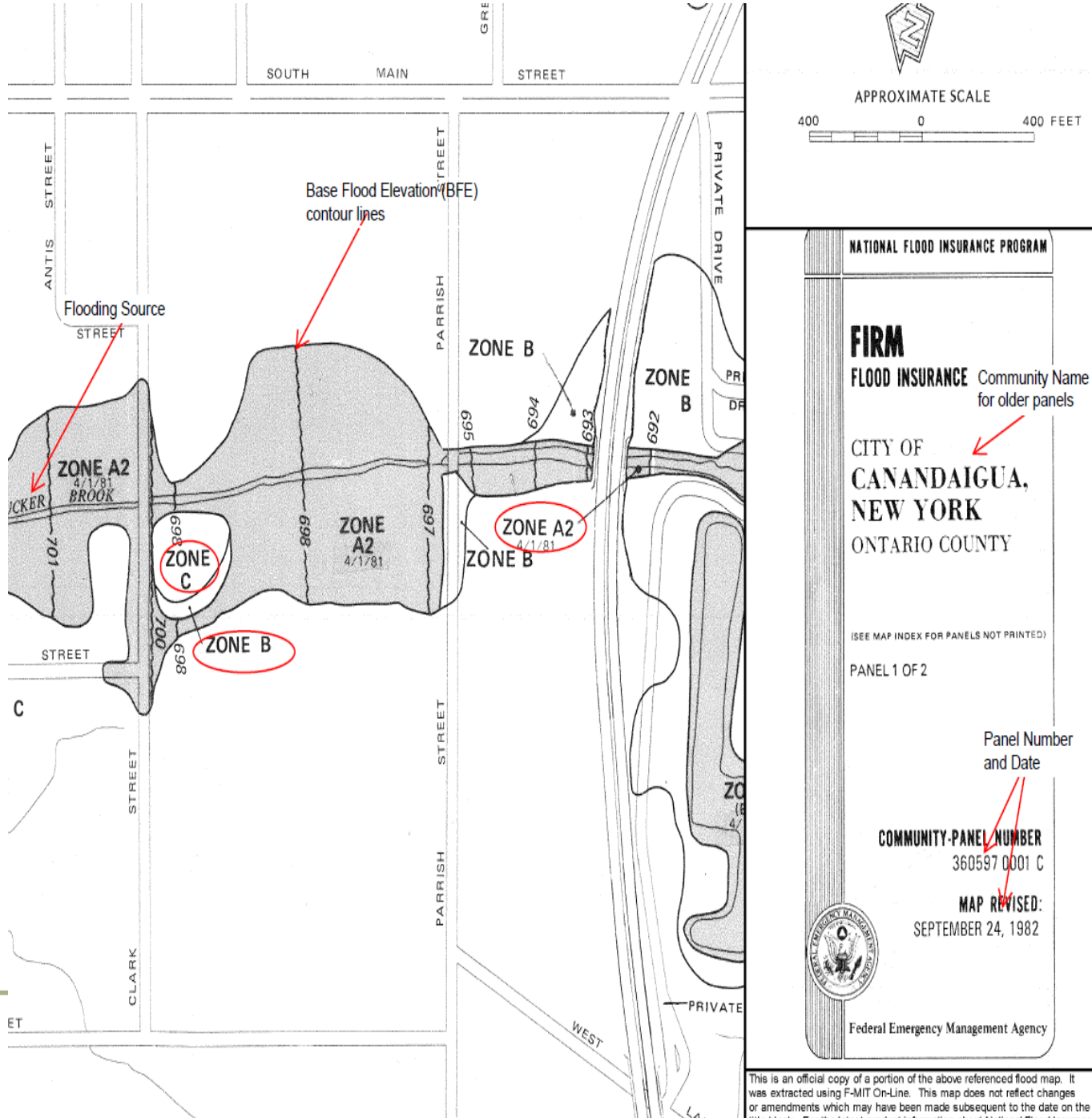
Specific Terminology:

Special Flood Hazard Areas (SFHA): areas subject to inundation by the 1% annual chance flood

Base Flood Elevation: the water surface elevation of the 1 % annual chance flood

500-year/0.2% annual chance flood: the flood that has a 0.2% chance of being equaled or exceeded in any given year.

Identifying Flood Zones



This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest and most information about National Flood Insurance...

MAP Guide Highlights

ALL HUD projects are subject to regulations regarding floodplain management found at 24 CFR Part 55 implementing Executive Order 11988, “Floodplain Management.”

Project must comply with Part 55 if any part of the site *or integral offsite development* (e.g. ingress, egress, parking) is located within floodplain;

Unless an exception applies, HUD will not approve projects in:

- Floodways,

- Coastal high hazard areas, or

- Floodplains if community does not participate in NFIP (see Chapter 9.5.E.2)

New construction/major improvements: HUD strongly discourages projects in the 100-year floodplain

Refinances/minor improvements: HUD discourages projects where lowest floor, life support facilities, or egress/ingress are more than 12” below base flood elevation
HUD will consider history or evidence of flooding even if site is not in a FEMA-designated floodplain

Important HUD FEMA Term #1: Floodway

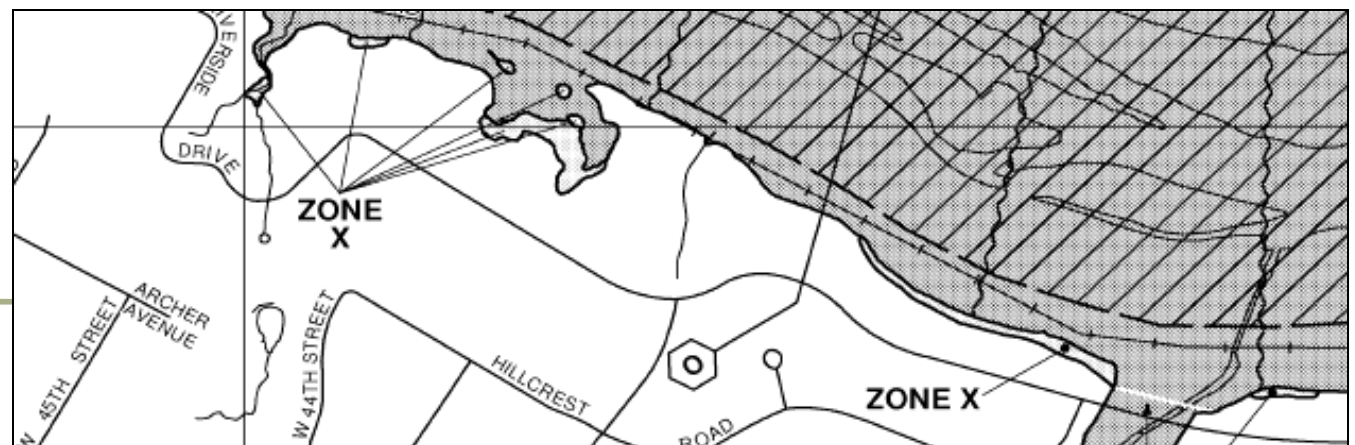
Floodway (§ 55.2(b)(5))

The portion of the floodplain which is effective in carrying flow, where the flood hazard is generally the greatest, and where water depths and velocities are the highest.

Depicted on FEMA Maps: FEMA designated as **Hatched Zone AE**

STOP - No HUD assistance may be approved for use in a floodway, except:

- Functionally dependent uses
- Floodplain function restoration activities
- Activity excepted under 55.12(c)



Important HUD FEMA Term #2: Functionally Dependent Use

Functionally dependent uses (§ 55.2(b)(6))

A land use that must necessarily be conducted in close proximity to water

- Dams, marinas, port facilities, water-front parks

Permitted in floodways and coastal high hazard areas



Wrightsville Beach, NC
October 2016

Important HUD FEMA Term #3: Coastal High Hazard Area

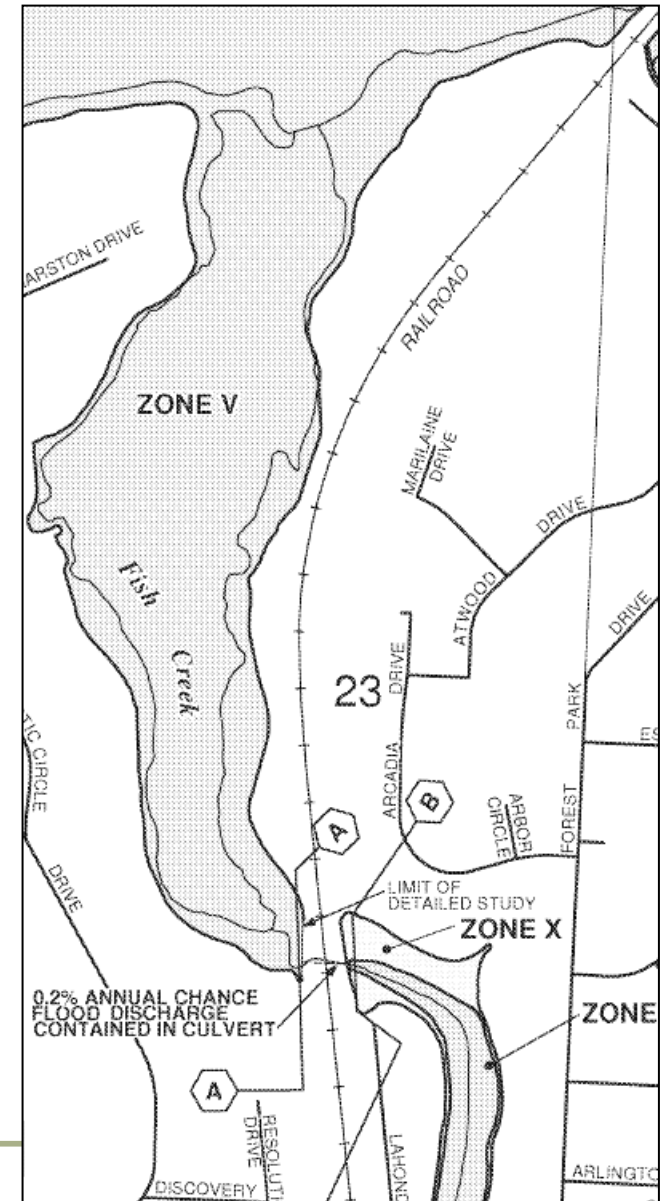
Coastal High Hazard Area (§ 55.2(b)(1))

The area subject to high velocity waters, including hurricane wave wash and tsunamis

Depicted on FEMA Maps: FEMA designated as **Zone V**

STOP - Critical Actions and New Construction are not allowed. Chapter 9 of the MAP Guide also prohibits projects involving rehab as well (9.5.E.2)

Any activities must be designed for location in a Coastal High Hazard Area under §55.1(c)(3)



Important HUD FEMA Term #4: Critical Action

Critical Action (§ 55.2(b)(3))

Any activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons, or damage to property

500-year is the minimum floodplain of concern for “Critical Actions”

Examples:

- Utilities, roadways providing sole egress from flood-prone areas
- Fire stations, police stations
- Hospitals, nursing homes, convalescent, intermediate-care facilities
- Not housing for independent living for the elderly

Critical actions **shall not** be approved in floodways or coastal high hazard areas

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS AND GUIDELINES

1. For New Construction, Substantial Improvements and Substantial Rehabilitations projects that involve a conversion of land-use, the 8-step process is required.
2. For refinances and rehabilitation improvements that do not meet the threshold of substantial improvement, a modified 8-step projects can be completed. Steps 2, 3, and 7 of the 8-step process are not required.
3. Substantial rehabilitation projects that involve a conversion of land-use are regulated as New Construction.

Substantial improvement is defined as:

- (A) Any repair, reconstruction, modernization or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the existing structure; or
 - (B) Any repair, reconstruction, modernization or improvement of a structure that results in a unit increase of more than 20%.
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HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 1:

Determine if a proposed action is in a floodplain

Determine whether the proposed action is located in the 100-year floodplain (500-year floodplain for critical actions). If the action does not occur in a floodplain, then no further compliance with this part is required.

ALTA Survey –

HUD has specific ALTA Survey requirements for both LEAN and MAP in regards to properties within the floodplain.

Additional information: acreage of the area of the property within the floodplain and impact acreage

REQUIRED FOR ALL PROJECTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 2:

Early public review.

Notify the public and agencies responsible for floodplain management protection at the earliest possible time of a proposal to consider an action in a 100-year floodplain (or a 500-year floodplain for a Critical Action) and involve the affected and interested public and agencies in the decision making process.

A minimum of 15 calendar days shall be allowed for comment on the public notice.

REQUIRED FOR NEW CONSTRUCTION/SUBSTANTIAL IMPROVEMENTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 3:

Identify and evaluate practicable alternatives to locating in the floodplain

Identify and evaluate practicable alternatives to locating the proposed action in a 100-year floodplain (or a 500-year floodplain for a Critical Action).

HUD's or the responsible entity's consideration of practicable alternatives to the proposed site selected for a project should include:

- (i) Locations outside and not affecting the 100-year floodplain (or the 500-year floodplain for a Critical Action);
- (ii) Alternative methods to serve the identical project objective, including feasible technological alternatives; and
- (iii) A determination not to approve any action proposing the occupancy or modification of a floodplain.

REQUIRED FOR NEW CONSTRUCTION/SUBSTANTIAL IMPROVEMENTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 4:

Identify and evaluate impacts of the proposal.

Identify and evaluate the potential direct and indirect impacts associated with the occupancy or modification of the 100-year floodplain (or the 500-year floodplain for a Critical Action) and the potential direct and indirect support of floodplain development that could result from the proposed action.

Floodplain evaluation: The focus of the floodplain evaluation should be on adverse impacts to lives and property, and on natural and beneficial floodplain values.

Grading Plans
Elevation Certificates

REQUIRED FOR ALL PROJECTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 5:

Minimize, restore, and preserve.

Where practicable, design or modify the proposed action to minimize the potential adverse impacts to and from the 100-year floodplain (or the 500-year floodplain for a Critical Action) or the wetland and to restore and preserve its natural and beneficial functions and values.

All critical actions in the 500-year floodplain shall be designed and built at or above the 100-year floodplain (in the case of new construction) and modified to include:

- (i) Preparation of and participation in an early warning system;
- (ii) An emergency evacuation and relocation plan;
- (iii) Identification of evacuation route(s) out of the 500-year floodplain; and
- (iv) Identification marks of past or estimated flood levels on all structures.

REQUIRED FOR ALL PROJECTS



HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process ***Step 5 (Continued):***

8-step (New Construction):

The MAP Guide requires an additional 1 foot free-board. Freeboard is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Many localities have a free-board requirement which are more stringent, especially within coastal communities.

Letters of Map Change – MAP and LEAN Requirements for New Construction. Except in circumstances where it would not be practicable, in order to minimize adverse impacts, the 8-step process shall require as a condition of any project approval that a CLOMA or CLOMR be issued prior to initial endorsement, a FLOMA or FLOMR be issued prior to Final Endorsement, and flood insurance be maintained on any building during the construction period until the issuance of the FLOMA or FLOMR.

REQUIRED FOR ALL PROJECTS



HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 5 (Continued):

Identify the economic costs associated with the proposed impacts to the identified floodplain areas. Documentation of adherence to local floodplain regulations

Modified 8-step: HUD discourages approval of projects if the lowest floor and/or the life support facilities, or egress and ingress of the building, are more than 12 inches below the 100-year line.

All Projects: Standard Flood Hazard Determination - at Firm Commitment Application, the lender must submit a completed Standard Flood Hazard Determination Form with proof that the new mortgagor has a commitment for flood insurance effective as of loan closing. Documentation regarding floodplain disclosure within new leases. All new and renewal leases must contain acknowledgements signed by the residents indicating that they have been advised that the property is in a floodplain and flood insurance is available for their personal property.

REQUIRED FOR ALL PROJECTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 6:

Re-evaluate alternatives.

Reevaluate the proposed action to determine:

(1) Whether the action is still practicable in light of exposure to flood hazards in the floodplain, possible adverse impacts on the floodplain, the extent to which it will aggravate the current hazards to other floodplains, and the potential to disrupt the natural and beneficial functions and values of floodplains; and

(2) Whether alternatives preliminarily rejected at Step 3 (paragraph (c)) of this section are practicable in light of information gained in Steps 4 and 5 (paragraphs (d) and (e)) of this section.

REQUIRED FOR ALL PROJECTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 7:

Findings and public explanation.

If the reevaluation results in a determination that there is no practicable alternative to locating the proposal in the 100-year floodplain (or the 500-year floodplain for a Critical Action), publish a final notice

REQUIRED FOR NEW CONSTRUCTION/SUBSTANTIAL IMPROVEMENTS

HUD'S FLOODPLAIN MANAGEMENT REGULATIONS

8-step Process/Modified 8-step Process

Step 8:

Implementation.

Upon completion of the decision making process in Steps 1 through 7, and upon completion of the NEPA process, the resulting decision is to be implemented.

8-step Completion Timing

The 8-step process shall be completed by HUD before issuance of the Firm Commitment. HUD Firm approval will be conditioned on the Borrower maintaining flood insurance on any building located in the 100-year floodplain until the issuance of the FLOMA/FLOMR.

Modified 8-step Completion Timing

Detailed information about the proposed actions, and about any plans for mitigation, must be submitted at the application phase. HUD will evaluate risks and mitigation measures. HUD discourages these actions if the lowest floor, or egress and ingress of the existing building, are more than 12 inches below the 100-year floodplain line. The abbreviated process shall be completed by HUD before Firm Commitment.

REQUIRED FOR ALL PROJECTS

Important HUD FEMA Term #5: Incidental Floodplain Exception

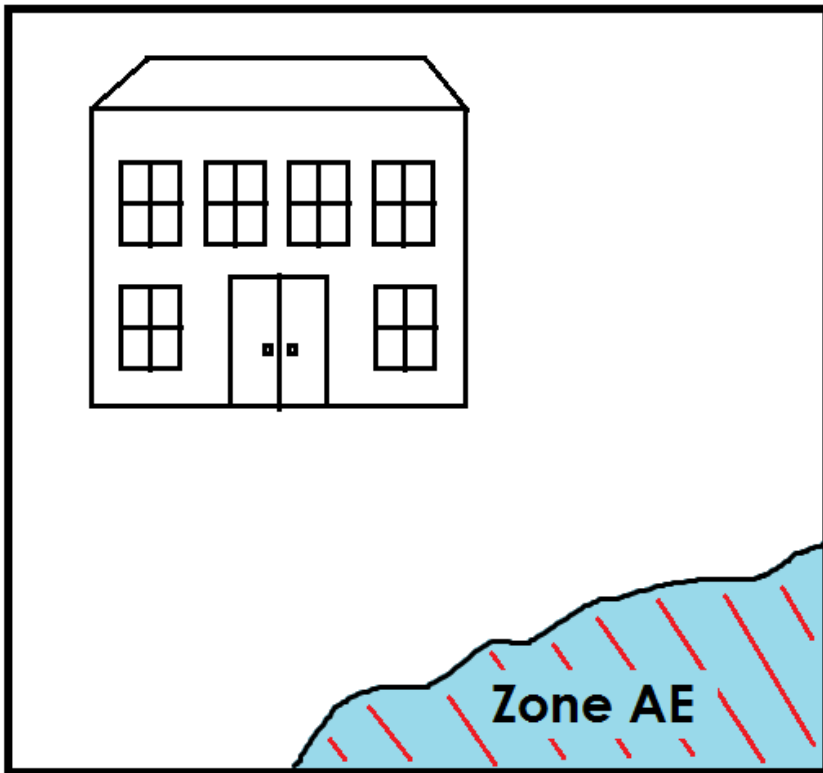
§55.12(c)(7): Part 55 does not apply to a site in which an **incidental portion** is situated in an adjacent floodplain or wetland, **but only if:**

- Proposed activities do not occupy or modify the floodplain;
- Provisions are made for site drainage that would not have an adverse effect on any wetland; **and**
- A permanent covenant or comparable restriction is placed on the property's continued use to preserve the floodplain or wetland.

Clendenin, WV
June 2016

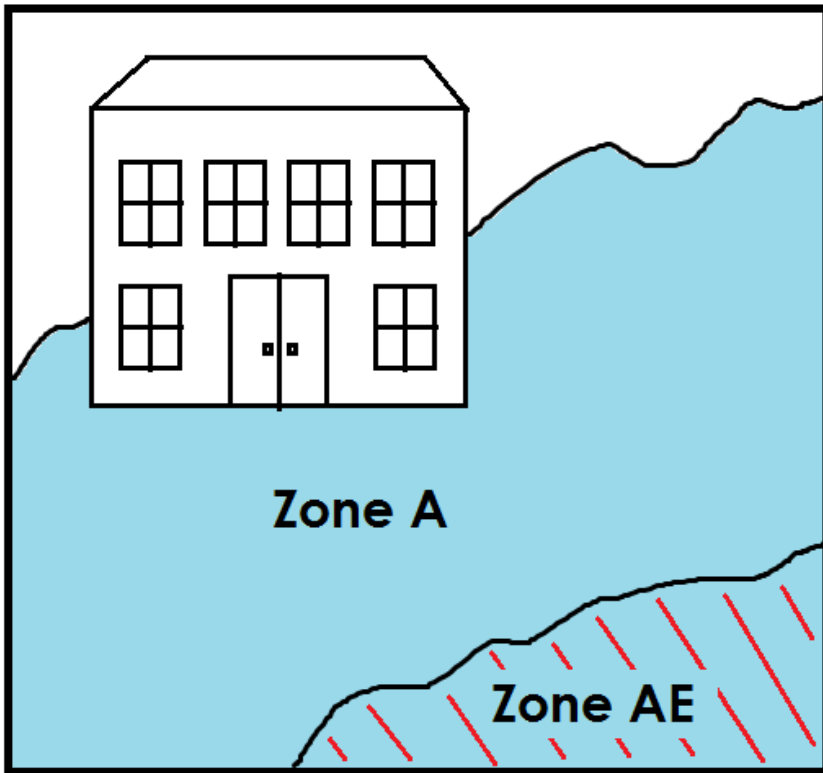


Incidental Floodplains, Cont.



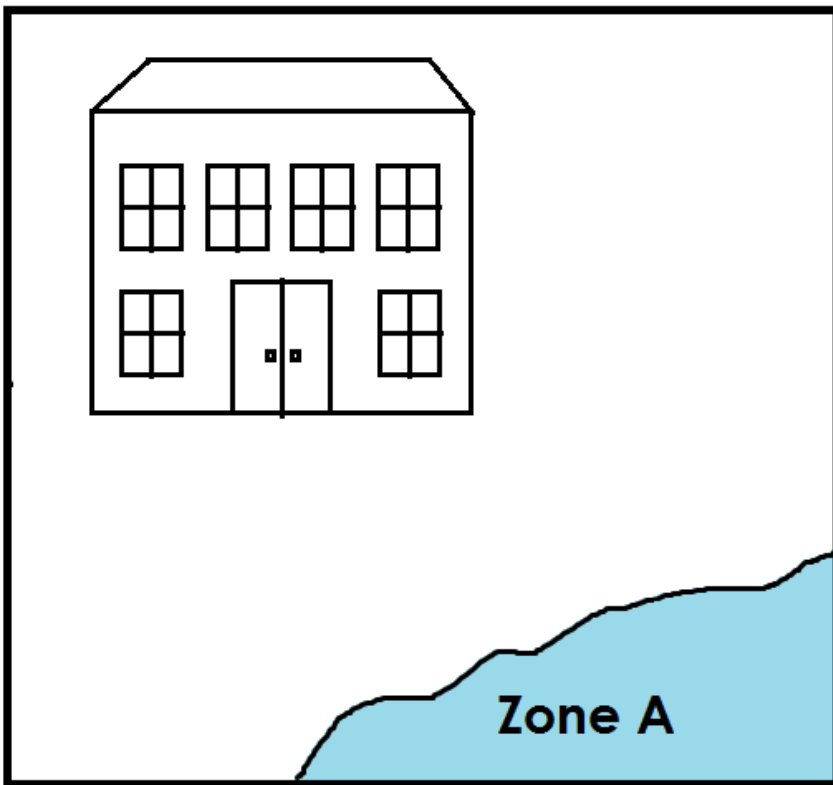
Site contains floodway
Floodplain is incidental
Project may proceed IF all
conditions in § 55.12(c)(7)
are met

Incidental Floodplains, Cont.



Site contains a floodway and
a 100-year floodplain
Floodplain is NOT incidental
Project must be rejected

Incidental Floodplains, Cont.



Site contains 100-year floodplain

Floodplain is incidental

Project may proceed either:

By meeting conditions in §
55.12(c)(7), OR

By completing 8-Step Process

News Flash: Proposed FEMA and Executive Order

- President Obama's Executive Order 13690, "The Federal Flood Risk Management Standard" for federal agencies, which amended E.O. 11988, Floodplain Management, issued in 1977.
 - FEMA has updated their regs per the new EO; but HUD has not yet implemented. However a federal agency can determine the BFE by adding 2 feet to the elevation listed on the FIRM and adding 3 feet for critical actions. This may be separate from the current freeboard requirement as this would require that they elevate the structure 2 feet not just the low floor.
 - Will this proceed?
 - Will HUD Implement?
 - What could this mean to the FHA multifamily loan programs?
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