



STATE OF FLORIDA

# DIVISION OF EMERGENCY MANAGEMENT

RICK SCOTT  
Governor

BRYAN W. KOON  
Director

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TO: NFIP Participating Community Administrators  
FROM: Steve Martin, CFM, NFIP Coordinator and State Floodplain Manager  
RE: "Substantial Damage" in Communities Affected by Hurricanes Hermine and Matthew

Communities recovering from flood impacts caused by Hurricanes Hermine and Matthew must apply the provisions of the Florida Building Code (FBC) and the community's floodplain management ordinance regarding "substantial damage." Under the National Flood Insurance Program (NFIP), Floodplain Administrators must regulate the repair of substantially damaged/improved structures in flood zones.

To accomplish this, the community must conduct on-site damage assessments of flooded structures in flood zones to identify the extent of damage to each structure. Substantial damage occurs when a structure has sustained damage and the costs of restoring the structure to its pre-damaged condition equals or exceeds fifty (50) percent of the market value of the structure. Repairs or reconstruction of substantially damaged structures are considered "new construction" under the FBC that specifies the building standards that apply to new construction.

During assessments, information must be collected to document the extent of physical damage to structures (both inside and outside), evidence of high water marks on the property, and the pre-disaster market value of structures. Photographs of damaged structures in flood zones must be retained in community files. The local floodplain administrator and permitting official will review and use the information prior to the issuance of any permits for repairs, redevelopment, or reconstruction within flood zones. On severely damaged structures, a "Posted Notice" is usually placed advising the property owner to contact the local permitting official before owners/contractors start any repairs or reconstruction.

Communities may be heavily engaged in multiple activities immediately after a disaster but must not waive normal flood zone permitting requirements to hasten the recovery process. **The requirement to review and issue flood zone development permits cannot be waived.** Application for, and issuance of flood zone development permits, are critical documentation needed to demonstrate that the requirements of the FBC and local floodplain management ordinance have been met. Significant increases in flood insurance costs resulting from program violations may result if flood zone permits are not issued.

Continued participation in the NFIP is dependent upon consistent enforcement of flood zone regulations. A community's suspension from the NFIP for not consistently enforcing its regulations will result in denial of federal or federally-backed loans and grants in flood zones and significantly reduces the availability of FEMA's disaster assistance. Communities participating in the Community Rating System (CRS) and receiving a discounted flood insurance rate could lose the premium reduction benefit.

Floodplain administrators have a critical role in interpreting NFIP requirements for compliance with post-disaster repairs and must be available to assist residents and business owners. For additional information contact our office at 850.413.9960, or visit: <http://www.floridadisaster.org/Mitigation/SFMP/Index.htm>.