

# Resolving Violations

Jennifer Scholl

FEMA V

Natural Hazards Program Specialist



FEMA

**What is a Violation?**

**What is a Program Deficiency?**



**FEMA**

# Who Benefits From Compliant Communities?

- Property owner
- Property occupant
- Future owner
- Neighbors (near and far)
- Community
- Federal and State disaster relief
- Flood insurance fund



FEMA

# The Goal = Compliance

- Full compliance
- Compliance occurs when there are:
  - No violations
  - No program deficiencies
- Minimize flood damage exposure to people and property
- “To the maximum extent possible”



FEMA

# Authorities

- NFIP Act of 1968
- Disaster Protection Act of 1973
- NFIP Reform Act of 1994
- Flood Insurance Reform Act of 2004
- Title 44, CFR
- Stated Enabling Legislation
- Community Ordinances



FEMA

# What Happens When a Community is Not in Compliance?

- Reclassification of CRS (retrograde)
- Probation
- Suspension



FEMA

# How are Violations and Program Deficiencies Identified?

- Community officials
- State or federal community assistance visit or community assistance contact
- Insurance companies
- Mapping (state or federal)
- Local residents
- Post disaster



FEMA

# Who is at Fault?



(Violation still needs to be remedied)



FEMA



# Examples of Violations

- House with the lowest floor built below the Base Flood Elevation
- Development in the floodway, such as fill placed in the floodway
- A pre-FIRM building that is more than 50% damaged by a fire that is rebuilt without elevating 1 foot above the BFE
- An addition to a home that is more than 50% improved but the addition and the existing house remains below the BFE.



FEMA

# Examples of Program Deficiencies

- Flood Insurance Rate Maps are not kept on file or available for public viewing
- No permit system
- Non-compliant ordinance
- Ordinance with no enforcement clause
- Variance that do not follow criteria
- Failure to maintain elevation data or permits



FEMA

# Resolving Violations

- Elevate
- Floodproof
- Remove
- Relocate
- Backfill to required elevation
- Don't forget – Elevate utilities
- Insurance
- Section 1316 Denial
- Title notice



Full Compliance



FEMA

# Resolving Program Deficiencies

- Update ordinance, ensure map is available to the public etc.
- Reorganize the permit review process
- Training or retraining (workshops, EMI etc.)
- Replacement of floodplain manager
- Resolution or reaffirmation of the communities interest and intent to participate in the NFIP
- Goal: Looking to ensure no future compliance issues



FEMA

# Compliance: Critical Point

- Resolutions of violations must be pursued in a manner that:
  - Upholds the integrity of the NFIP
  - Takes advantage of a community's legally established authorities governing code compliance and enforcement



FEMA

# Floodplain Manager

- Ensure structure owners are aware of the violation
  - Red Tagging
  - Certified Letter
  - Door to Door
- Enforce local ordinance
  - Penalty clause



FEMA

# Effects of Non-participation in the NFIP

- Federal flood insurance is not available
- No direct federal grants, loans, guarantees, insurance payments, rebates or subsidies
- No federal financial assistance
- No federal disaster assistance
- State financial assistance may be unavailable
- Private lender may not make loans
- Local governing body may be susceptible to forms of liability



FEMA



FEMA