FEMA Assessment of State Floodplain Management Regulations for State-Owned Properties in SFHAs.

Carol Tyau-Beam, P.E., CFM
State NFIP Coordinator
Department of Land and Natural Resources
**National Flood Insurance Program (NFIP)**

**WHAT IS THE NFIP?**
The NFIP is a voluntary program under which federal flood insurance is made available to participating communities to adhere to sound floodplain management practices.

**STATE PARTICIPATION IN THE NFIP:**
To obtain the benefit of federal flood insurance, a community must adopt and enforce minimum NFIP standards for land use and development.

A **state** is considered a community under the NFIP because it has land use authority over state-owned property.

**WHAT IS FLOODPLAIN MANAGEMENT?**
A decision-making process that encourages the wise use of the nation’s floodplains to reduce flood losses and protects the natural resources and functions of floodplains.

More information on the requirements for NFIP participation is found in Title 44 of the Code of Federal Regulation (44CFR) in Sections 59 and 60.
1 Statutory Authority
Community means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.
What?

(a) A State either shall:

◉ (1) Comply with the flood plain management requirements of all local communities participating in the program in which State-owned properties are located; or

◉ (2) Establish and enforce flood plain management regulations which, at a minimum, satisfy the criteria in §§ 60.3, 60.4, and 60.5.
(c) If any State-owned property is located in a non-participating local community, then the State shall comply with the requirements of paragraph (a)(2) of this section for the property.
How?

(b) The procedures by which a state government adopts and administers flood plain management regulations satisfying the criteria set forth in §§ 60.3, 60.4 and 60.5 may vary from the procedures by which local governments satisfy the criteria.
All our Counties are Participating in the NFIP ....

City and County of Honolulu
Regular Program Entry Date: 9/3/1980
Floodplain Management Ordinance: ROH Chapter 21A
Higher Standards? YES

Kauai County
Regular Program Entry Date: 11/4/1981
Floodplain Management Ordinance: KCC Chapter 15
Higher Standards? YES

Maui County
Regular Program Entry Date: 6/1/1981
Floodplain Management Ordinance: MCC Chapter 19.62
Higher Standards? YES

Hawaii County
Regular Program Entry Date: 5/3/1982
Floodplain Management Ordinance: HCC Chapter 27
Higher Standards? YES
Purpose of the State Assessment....
Purpose of the State Assessment

The entire nation must work as a team to increase resilience in communities.

Through interagency coordination on their floodplain management regulations and programs, States will gain a better understanding of the risks to properties in flood prone areas and their role in managing that risk.

The minimum NFIP standards for floodplain management are intended to prevent loss of life and property, as well as economic and social hardships that results from flooding.

For floodplain management practices to make a positive impact in creating loss-avoidance, communities (including states) must take a holistic approach to the application of floodplain management regulations.

Adopting and enforcing floodplain management practices result in lower disaster relief costs, as well as reduced insurance rates, due to projected lower losses from flood risks.

Through this State Assessment, FEMA intends to identify opportunities for improvements to floodplain management programs.
Objectives of the State Assessment...
The State Assessment of floodplain management regulations for state-owned properties is being initiated to:

- Confirm state-level compliance with the NFIP minimum criteria for floodplain management per 44CFR§60.12;
- Identify gaps within existing state floodplain management programs and policies and ensure that flood risk is being managed at the appropriate levels of state government;
- Optimize future Floodplain Management technical assistance engagement strategies to states; and
- Streamline necessary Floodplain Management coordination for Public Assistance grant implementation.
List of States Engaged

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<td>Region I</td>
<td>Massachusetts, Connecticut</td>
<td>New Hampshire</td>
<td>Rhode Island, Vermont</td>
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<td>Region II</td>
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<td>Region III</td>
<td>District of Columbia, Delaware</td>
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<td>Alaska</td>
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*Please note that most Self-Insured states (Florida, Georgia, Iowa, Kentucky, Maine, North Carolina, New York, Oregon, South Carolina, and Tennessee), were not included in this solicitation.*
“States that fail to adopt or enforce sufficient floodplain management regulations may be placed on probation or suspended from the NFIP, and may become ineligible for some types of federal assistance in areas of identified flood risk.”
All Governors* have been directed to do the following by Oct. 31, 2019

- Seek assistance from your State NFIP Coordinator for the collection of data needed to respond to this request;
- Consult with multiple state agencies and departments as necessary to fulfill this request;
- Pursuant to 44 CFR § 60.11, provide FEMA documentation on state legislative language and authorities adopted to ensure compliance with the minimum NFIP standards and administration of existing state floodplain management programs;

* Note: with the exception of most Self-Insured states (Florida, Georgia, Iowa, Kentucky, Maine, North Carolina, New York, Oregon, South Carolina, and Tennessee).
Required Documentation

1. Citations to state and local statutes and regulations authorizing actions regulating land use and copies of the local laws and regulations cited;

2. A copy of the floodplain management regulations the state has adopted to meet the requirements of the National Flood Insurance Program (see §§ 60.3, 60.4 and/or § 60.5). This submission may include copies of any zoning, building, and subdivision regulations, health codes, special purpose ordinances (such as a floodplain ordinance, grading ordinance, or flood-related erosion control ordinance), and any other corrective and preventive measures enacted to reduce or prevent flood, mudslide (i.e., mudflow) or flood-related erosion damage;
3. State regulations requiring the state to adhere to local floodplain management regulations and permitting and procedures by which the state applies for local permits for development to satisfy the minimum National Flood Insurance Program standards;

4. An executive-level summary concerning state administration of floodplain management regulations, including program structure and implementation. The summary should address details such as:

- (i) Which state agencies are involved in Floodplain Management;
- (ii) Whether there is a central agency or POC for coordination within the state;
- (iii) If and how permits are issued for development in the Special Hazard Flood Areas (SFHAs);
- (iv) How compliance is tracked; and
- (v) How violations are identified and addressed.
Consequences of non-compliance
Non-participation in the NFIP may result in limitations on disaster assistance from FEMA, and also limits assistance from other federal agencies.
FEMA FACTSHEET on Non-Participation

Public Assistance (PA) Program

- Eligible Emergency Work
  - No restrictions apply. Eligible in Federal projects and emergency work under Sections 408, 409, 410 of the Stafford Act (42 U.S.C. 5175, 5176, and 5177) are all eligible in communities that do not participate in the NFIP.

- Not Eligible Permanent Work
  - The permanent repair, restoration, or replacement of otherwise eligible facilities under Sections 408 of the Stafford Act (42 U.S.C. 5175) are not eligible under PA for facilities located in an unselected SFHA. FEMA does not participate in the NFIP. Communities may be eligible for grants outside of the SFHA.

Individual Assistance (IA) Program

- Housing Assistance
  - Eligible: Rental assistance or buying expenses, such as the replacement of damaged vehicles or mobile homes, which are not otherwise available through disaster assistance programs.

- Non-Eligible: Assistance to permanently repair or replace damaged real and personal property.

Other Non-Eligible Assistance

- Eligible: Assistance for medical, dental, funeral costs, and other expenses authorized under Section 408(c) of the Stafford Act (42 U.S.C. 5175(c)).

For More Information

For further information on Federal disaster assistance from the SBA, the U.S. Department of Agriculture (USDA), and the Housing and Urban Development (HUD), visit the following:

- https://www.sba.gov/disasterassistance
- https://www.fsa.usda.gov/hsa/disasterassistance
- https://www.hud.gov/about/disasterassistance/housingassistance

If a community decides to participate in the NFIP, they may call 1-800-450-3022 to learn how to take advantage of the benefits.
The definition of “Community” as stated in 44CFR59.1 means any State or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

FEMA is Assessing all States
By way of the Governors of each State, FEMA has indicated their intent to evaluate the effectiveness of the state’s floodplain management regulations on state-owned structures and development in the SFHA. States are to respond to FEMA with the requested documentation by October 31, 2019.

Purpose of the request
The goal is that States will better understand the risks to properties in flood prone areas and their role in managing that risk. Also, taking to heart that the NFIP regulations are intended to prevent loss of life and property, as well as economic and social hardships that results from flooding.

Consequences –
It’s simple:
Non-compliance = Suspension
Suspension = Loss of valuable Federal Assistance
Contact Information

Carol Tyau-Beam, P.E., CFM
State NFIP Coordinator
Department of Land and Natural Resources, Engineering Division
Kalanimoku Building
1151 Punchbowl Street  Room 221
Honolulu, HI 96813
808.587.0267
carol.l.tyau@hawaii.gov

www.waihalana.gov  www.hawaiinfip.org
Mahalo!

Any questions?

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