



# FACTSHEET

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## FEMA Implements New Policy as Part of Disaster Reform Recovery Act



FEMA announced the release of a policy to provide communities with resources to enforce building codes and floodplain management for up to 180 days following a major disaster declaration.

The "Building Code and Floodplain Management Administration and Enforcement" policy will help governments speed the overall recovery from a disaster by providing resources to ensure compliance with codes and floodplain management.

For the first 180 days following a major declaration, the policy can provide funding for:

- Hiring and training staff to conduct activities.
- Reviewing and processing building permits and occupancy and compliance certificates.
- Conducting building inspections.
- Reviewing disaster-related development in the floodplain.
- Providing educational services to the public on floodplain requirements.

This policy is a result of the Disaster Recovery Reform Act of 2018, Section 1206. This policy applies to all major disaster declarations declared on or after Aug. 1, 2017.

(Taken from The Insider, November 2020 Issue)

**Inside this issue:**

NFIP/CRS Corner - The 2021 Addendum to the 2017 CRS Coordinator's Manual	2
NFIP/CRS Corner - Changes to Activity 310 in the 2021 Addendum	3-4
Good Flood Maps Require Good Rainfall	5-6
Preparing Floodplain Administrators for Post-Disaster Responsibilities	6-7
DRRA 2018, Section 1206	8-10
Save The Dates -ASFPM Conference -LFMA Conference	11



## The 2021 Addendum to the 2017 CRS Coordinator's Manual

As discussed in previous NFIP/CRS Update newsletters, the Federal Emergency Management Agency (FEMA) plans to issue a 2021 Addendum to the 2017 CRS Coordinator's Manual, to be effective January 2021. The Addendum will be used by communities in conjunction with the current Coordinator's Manual, and will serve as a "bridge" between the existing guidance materials and the more comprehensive update that is anticipated to be needed as FEMA continues to implement the National Flood Insurance Program (NFIP) transformation.

The 2021 Addendum will include two new prerequisite requirements, several new credit opportunities, and some updates and modifications aimed at simplifying credit and reporting requirements. Previous NFIP/CRS Update newsletters focused on the forthcoming Class 8 freeboard prerequisite and the current NFIP/CRS Update newsletter

highlights the changes to the Class 9 prerequisite for Elevation Certificates and changes to Activity 310 (Elevation Certificates). More information and guidance will be provided for the new credit opportunities in coming months. Beginning in September, the Community Rating System (CRS) Webinar Series will focus on the 2021 Addendum and new credit opportunities. Click [here](#) to view the webinar schedule and register for a webinar. ≡ ≡ ≡

### The New Class 8 Freeboard Prerequisite

A new Class 8 prerequisite will be included in the 2021 Addendum that will require communities to adopt and enforce at least a 1-foot freeboard requirement (*including equipment or mechanical items*) for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage, throughout its Special Flood Hazard Area (SFHA) where base flood elevations have been determined. Communities will need to be enforcing the freeboard prerequisite by the first CRS verification cycle visit after January 1, 2021. See [Frequently Asked Questions on the Class 8 Freeboard Prerequisite](#).

(Taken from the NFIP/CRS Update Newsletter, June/July 2020 Issue)





# NFIP/CRS Corner (cont...)



## Changes to Activity 310 in the 2021 Addendum—Class 9 Prerequisite & More

Through the 2021 Addendum to the 2017 CRS Coordinator's Manual, the CRS will be changing the Class 9 prerequisite for FEMA Elevation Certificates, and changing credit in Activity 310 (Elevation Certificates). The changes to the prerequisite and Activity 310 are to clarify and simplify the CRS requirements for communities related to Elevation Certificates.

The CRS has always required communities to collect and maintain Elevation Certificates as a Class 9 prerequisite. Details of what must be correct on them and information about other required construction certificates has traditionally been included under Activity 310. The requirement of 90% accuracy for all Elevation Certificates collected by the community since its last verification cycle visit was established with the 2013 CRS Coordinator's Manual and explained in Activity 310. With the 2021 Addendum, the Class 9 prerequisites will explicitly include the 90% accuracy threshold to assist new and participating CRS communities understand the program requirements.

In the 2021 Addendum, other Class 9 prerequisites will be unchanged. Section 211(3) of the 2017 Coordinator's Manual is expected to be revised to read:

The community must:

- (a) Maintain FEMA Elevation Certificates and other floodplain construction-related certificates on all new buildings, substantially improved buildings, and buildings reconstructed due to substantial damage in the Special Flood Hazard Area (SFHA) after the community applies for CRS credit.
- (b) Achieve 90% accuracy on its Elevation Certificates and other floodplain construction-related certificates during its annual review.
- (c) Receive credit for construction certificate management procedures (CCMP) under Activity 310 (Elevation Certificates).

For item (a), when the CRS has said "Elevation Certificates," it has historically meant to capture the Floodproofing Certificates, V Zone Certificates, and Engineered Opening Certificates, discussed under Activity 310. To help ensure that communities are aware of other certificate requirements, the CRS will more frequently use the term "floodplain construction-related certificates" or "construction certificates." Item (a) also clarifies that communities must provide Elevation Certificates and other certificates for the reconstructed, substantially-damaged buildings in the SFHA.

In item (b), the required 90% accuracy is not changed, but in 2021 communities will provide construction certificates (Elevation Certificates, Floodproofing Certificates, and Engineered Opening Certificates) to Insurance Services Office (ISO) only at their annual recertifications. Communities will no longer provide all Elevation Certificates since the last cycle visit at its next cycle visit. In other words, Elevation Certificates will be submitted and reviewed annually, and not resubmitted at cycle time, as they are today.

Item (c) creates a new CRS element under Activity 310 for construction certificate management procedures. All CRS communities will be required to develop a construction certificate management procedure as part of the Class 9 prerequisite. The construction certificate management procedures will be required at the verification cycle visit and all

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# NFIP/CRS Corner (cont...)



## Changes to Activity 310 in the 2021 Addendum—Class 9 Prerequisite & More (cont...)

communities will receive 38 points. Credit for element EC—Elevation Certificates under Activity 310 will be retired with the 2021 Addendum. The Addendum will provide details of what must be included in the construction certificate management procedures. At a minimum the written procedures will need to include how a community requires, reviews, and corrects certificates, plus how a community stores and makes all certificates available to the public. Many communities already have construction certificate management procedures developed, and the CRS will provide additional guidance on developing construction certificate management procedures in the coming months.

Changes are also coming to the way Elevation Certificates and construction certificates are handled in the CRS starting January 1 with the 2021 Addendum. When SFHA permit lists and all Elevation Certificates and construction certificates are submitted at annual recertification, they will no longer receive a courtesy review, nor will they be scored for CRS credit. Instead they will be reviewed for 90% accuracy. Communities will be given two chances to meet this requirement. That is, a first review of all certificates by the CRS Resource Specialist, and one opportunity for the community to make all corrections. The 90% accuracy must be met at the second review for continued participation in the program. The CRS has always stressed reviewing construction certificates and correcting them immediately and this remains important. If you need to change internal procedures to correct final construction certificates as they are submitted, please start doing so now. Post-FIRM Elevation Certificates (element ECPO) and Pre-FIRM Elevation Certificates (element ECPR) criteria and credit in Activity 310 will not change.

Under Activity 310, credit for ECPO and ECPR will not change.

The benefit to these changes is that after January 1, 2021, communities will no longer “resubmit” Elevation Certificates at the verification cycle visit that were previously submitted at recertification, which significantly reduces the required cycle visit documentation.

In upcoming newsletters, we will provide more information about these changes. The important thing to know right now is that the community must meet the 90% threshold annually. Review ISO’s training calendar for webinar dates and times. They recently posted a 25-minute video on their Training & Videos page called “CRS Activity 310 Changes for 2021.” If you have any questions, please contact your CRS Resource Specialist. ☰ ☰ ☰

(Taken from the NFIP/CRS Update Newsletter, June/July 2020 Issue)





# AN INTERESTING READ...

## Policy Matters!

From: Larry Larson, P.E., CFM  
Director Emeritus—Senior Policy Advisor, ASFPM

## Good Flood Maps Require Good Rainfall Data

This may seem like a “duh” statement, but the reality in the United States is that we do not have up-to-date rainfall data throughout the nation. This manifests itself in, for example, Houston during Hurricane Harvey where flooding greatly exceeded not only the identified 1% chance (100 year) floodplain, but also the 0.2% chance (500 year) floodplain. All of you have likely seen instances in your community where floods in the last 10 years or so have exceeded the identified 1% chance floodplain, and when you look into it, you discover the predicted 1% chance rainfall used to calculate that flood event is now outdated. The example is again Houston, where the rainfall estimates in the National Weather Service’s Atlas 14 were just being updated while Harvey occurred. The 1% rainfall changed from 13” in 24 hours to 18”, a 38% increase. The Houston flood maps were based on the old data, so were obviously way too low.

The above example is not unusual. Increases of 30 to 40% are not unusual as we see the impacts of climate change increasing temperatures, where the warmer air holds more water.

Why is this issue so critical? The first step in calculating flood levels is the hydrology. You start with estimates of the amount of rain that will fall and the amount that will runoff into the waterway, which you then put into your hydraulic model to establish the 1% chance flood level that will be shown on your flood map. Engineers typically get that rainfall data from Atlas 14—the National Weather Service (NWS) produces about a dozen of these publications for the nation, breaking them down in groups of states and watersheds. NWS tries to update the Atlas 14 reports on some regular basis, but they have no funding from NOAA (their parent agency) to do so. Instead, NWS tries to cobble together funding from states and federal agencies for those updates.

This hat-in-hand funding approach has been seriously failing. As a result, some of the Atlas 14 regional volumes have not been updated for decades (more than 50 years for the northwest area of the U.S.). This is especially troubling in today’s climate where hydrology is no longer stationary and where state budgets will now be even more seriously strained due to the COVID-19 pandemic (some states that had committed or hoped to commit funding to update their regional Atlas 14 are now saying that money cannot be found or may likely be pulled back). The flood map in your community may be more than 10 years old, and worse yet, the hydrology may have been pulled from an Atlas 14 that is even older. Therefore, the rainfall estimates do not include the more intense rainfall events we have experienced in the last couple of decades, making your map woefully out of date.

The floodplain management profession agrees the Atlas 14 publications need to be updated every five years. What is disappointing is that the amount of money for NWS to accomplish this is not even a blip in the federal budget, estimated in the range of \$3 million/year. For some reason NOAA has not proposed this in its budget request, so Congress is not even aware of the problem until organizations like ASFPM bring it to their attention. The issue has recently received some attention on Capitol Hill, but it competes with every other request for federal funding.

What makes this issue even more critical is that these rainfall estimates are used for much more than producing good flood maps, and includes much of the siting, designing, repairing, and rebuilding of our



# AN INTERESTING READ... (CONT.)



nation’s infrastructure. The U.S. Department of Transportation uses these estimates to design bridges and culverts as well as ensure key roadways are usable for evacuation routes; the Corps of Engineers uses this data to design flood control structures; consultants use this data for designing and building water supply treatment plants and wastewater plants; the military uses it for defense facilities; and the private sector uses it for their development. Where the data is recognized as out of date, some of these entities may decide to use other data, but we need one uniform set of data for all entities to use, so we don’t have this hodgepodge of protections or flood risk from one facility or community to the next.

The amount of funding necessary to develop this key data is small, and ASFPM is working with our partners, NOAA, and Congress to recognize this need and address it. We believe one of the key roles for the federal government in managing flood risk is developing and maintaining accurate and up-to-date precipitation and hydrologic information that provides a consistent, uniform data set to ensure resiliency for all communities and states in the nation. ASFPM will continue to push this issue and will keep all of you informed. We may reach out to ask your help at key points in the process. ≡ ≡ ≡

(Taken from ASFPM’s News&Views August 2020 Issue)



## Preparing Floodplain Administrators for Post-Disaster Responsibilities

By Mitch Paine, CFM

Floodplain administrators often wear multiple hats, serving additionally as clerks, building officials, or planners, but they all play crucial floodplain management roles in rebuilding after a disaster. This article will focus on things floodplain administrators can do before any disaster strikes to prepare for post-disaster responsibilities.

Rebuilding homes and businesses is a top priority for most homeowners and business owners after a disaster, whether flooding, earthquakes, or wildfires. The floodplain administrator’s primary role is ensuring that all the rebuilding in the special flood hazard area (SFHA) complies with floodplain management regulations, particularly the section of all local floodplain management codes related to substantial damage. Applying this section helps communities and neighborhoods become more resilient from flooding in the future.



A potentially substantially damaged house

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# Preparing Floodplain Administrators for Post-Disaster Responsibilities (cont...)



## Substantial damage responsibilities

“Substantial damage” code provisions require communities to ensure that structures damaged 50% or more of the pre-damage market value meet all floodplain requirements for new construction. The damage is from any source whether flooding, fire, earthquake, or a tree falling on a house. The floodplain administrator is responsible for making substantial damage determinations and ensuring that any permitted reconstruction work complies, which, for substantially damaged buildings, means elevating to the base flood elevation or the community’s freeboard. There are many things that communities can do before a flood event or other natural disaster to prepare for substantial damage responsibilities.

## Pre-disaster preparation

There are a couple things a floodplain administrator can do before any disaster happens. First, knowing your Flood Insurance Rate Maps well is key to understanding where substantial damage determinations are going to be important. Remember that substantial damage provisions apply to any type of damage, so while a flood is likely to occur in the SFHA, a structure fire for example can happen anywhere. Having a detailed knowledge of your flood maps will help you catch these kinds of situations.

Second, take time to develop a standard operating procedure (SOP) for managing substantial damage. An SOP should specify how the community staff will inspect damage buildings, communicate to the public about permitting requirements, apply those permitting procedures, and allow applicants the ability to appeal substantial damage determinations. Reach out to your State NFIP Coordinator for help on developing an SOP or attend one of the trainings referenced below for more information.

Third, make your management and elected officials aware of the floodplain management and substantial damage requirements in your ordinance. After a natural disaster, there is often pressure to waive permits and fees to help property owners rebuild faster. While waiving fees may be OK, not requiring floodplain development permits will jeopardize the community’s standing in the National Flood Insurance Program. The more prepared your whole community is in the face of natural disasters, the better the community’s recovery will be.

## Training available

The three actions above are some of the key actions that communities should take, but there are more steps and details to preparing for substantial damage. Your state floodplain manager or your FEMA regional office can help you develop more robust substantial damage SOPs and better understand these responsibilities. They can also alert you to trainings available in your area.

ASFPM offers various training and professional development opportunities throughout the year and maintains a [calendar of upcoming chapter events](#) on its website. [Visit the ASFPM Training and Knowledge Center.](#) ≡ ≡ ≡

(Taken from ASFPM’s News & Views Newsletter, October 2020 Issue)





## **DRRA 2018 Section 1206: What Floodplain Managers Need to Know**

By Stacey D. Ricks, CFM, Mississippi State NFIP Coordinator

Floodplain managers will soon have a new tool to assist with their post-disaster responsibilities in the form of an update to the Disaster Recovery Reform Act (DRRA). Section 1206 of DRRA provides a process where state, local, tribal, and territorial (SLTT) governments may be reimbursed for certain activities associated with building/floodplain ordinances after a declared major disaster.

Eligible work includes:

- \* Building code administration
- \* Code enforcement
- \* Floodplain management ordinance administration to include substantial damage estimates

Some of the specific activities that could be reimbursed are: emergency work, purchase of additional supplies/equipment, cost of EMAC/mutual aid, ordinance enforcement, hire/train staff, substantial damage collection/enforcement, and inspections. ASFPM was a strong advocate in ensuring FEMA addressed the long-standing issue of reimbursement for these important activities.

DRRA 1206 will greatly increase the recovery process and enhance the SLTT administration of floodplain ordinances and building codes across our nation. However, it's important to keep in mind that these activities will be eligible for reimbursement for no more than 180 days after the date of a major disaster declaration and the SLTT must be participating in the National Flood Insurance Program to take part in reimbursement.

A NFIP participant should check with FEMA regarding the policy for this section before moving forward with any activities for reimbursement. There may be ineligible activities and certain constraints for reimbursement beyond what is noted here.

**On page 9, Massachusetts' Joy Duperault, CFM shares how her state is preparing for the eventual implementation of DRRA 1206 to ensure an effective post-disaster response. ≡ ≡ ≡**

(Taken from ASFPM's News & Views Newsletter, October 2020 Issue)







## **Implementing DRRA 1206 for Substantial Damage Determinations**

By Joy Duperault, CFM, Massachusetts State NFIP Coordinator

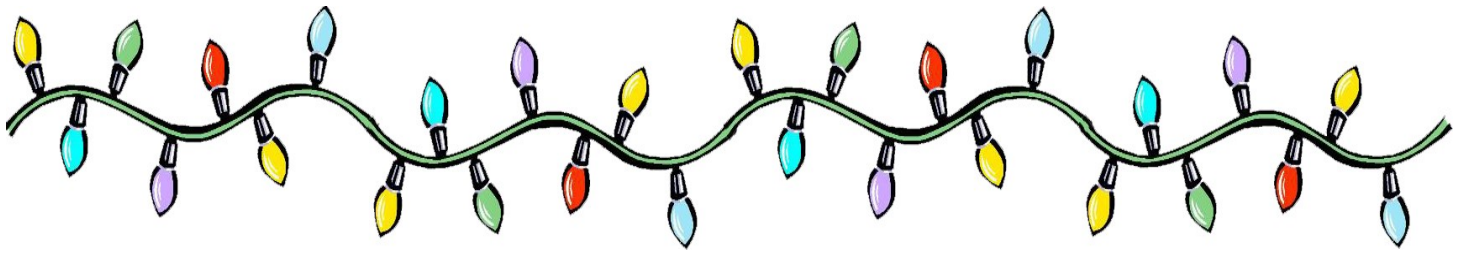
As of the date of this writing (Sept. 15, 2020), FEMA has not finalized their policy to address the Disaster Recovery Reform Act Section 1206 “Building Code and Floodplain Management Administration and Enforcement.” Included under eligible activities is this piece (Section C.1.d):

- d) Substantial Damage Determinations: For existing buildings located in areas regulated by the community’s floodplain management ordinance or building code, eligible work may include work to:
  - I) Conduct initial field surveys to determine extent of damage and establish damage trends to identify areas to focus building-specific assessment efforts.
  - II) Prepare cost information on repairs and pre-disaster market value estimates for substantial damage estimates.
  - III) Hire, train, supervise, certify, and license staff, as required to conduct eligible activities, collect field data for damage assessments.
  - IV) Enter administrative data into the Substantial Damage Estimator.
  - V) Track cumulative substantial damage and repetitive loss for communities, if required.
  - VI) Conduct damage inventory of structures.
  - VII) Inform property owners of damage determination and provide compliance requirements.
  - VIII) Perform inspections to ensure compliance with repair and substantial damage construction requirements.
  - IX) Determine whether proposed improvements are “substantial improvements” and trigger requirements for compliance, including a building permit.
  - X) Review, adjudicate, and resolve substantial damage determination appeals.

While this policy/process change has been long awaited by state and local permitting authorities across the nation, it is not necessarily easy to implement. Local building officials and their staff are not usually versed in the reimbursement processes of FEMA’s post-disaster Public Assistance (PA) Program, under which this activity lives. The PA reimbursement process can include documentation procedures that are time-consuming and open to disagreement, so it’s a good idea to get everything ironed out ahead of time with the right federal, state, and local team.

In this article, I share a few strategies to help states prepare for the eventual implementation of DRRA 1206 to ensure an effective post-disaster response.

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## **Implementing DRRRA 1206 for Substantial Damage Determinations (cont...)**

The first thing to consider is the certification required to allow auxiliary code enforcement assistance in a local community. Does the state or community have specific accreditation requirements for visiting code officials? If so, how can “outsiders” (e.g. code officials from other states or consultants) be vetted quickly and effectively to allow them to participate when there’s an immediate local need? Often a state has state building officials who can step in and assist, but even this team may be overwhelmed after a large disaster event.

Secondly, what kind of federal-state-local team needs to be developed so that all the details are addressed pre-disaster? Questions to answer include: who specifically will decide if the municipality needs assistance with substantial damage determinations? Is there a certain number of floodplain structures that must be impacted? If so, does the municipality have all of their floodplain structures flagged in a database for a quick estimate? If assistance is warranted, what specific roles will the auxiliary staff fulfill? Will they only conduct windshield assessments, or will they go all the way with full structural analysis and substantial damage permitting assistance? How will they fit into the local authority—will they need badges and credentialing, city trucks, or local equipment such as tablets and other tools? Will these things be ready immediately post-disaster?

The federal-state-local team should meet and make these types of decisions during blue sky times so that when the disaster approaches (or happens suddenly) there is a plan in place with a list of each authority and their specific responsibilities. What can be expected of each partner?

Finally, excellent documentation is the key to a smooth reimbursement process. Certifiable time sheets with fringe benefits, documentation for equipment use, allowable hotel and per diem costs—all eligible expenses must be clearly submitted with the PA worksheets in proper order. There may not be an experienced FEMA coordinator available to process these requests, so it’s a good idea to learn how to work with your local and state recovery offices for the best outcome.

FEMA expects to finalize the DRRRA 1206 policy later this fall, and any type of federally declared disaster that impacts floodplain structures is an opportunity to use this new federal resource. If you haven’t yet started your team discussions, now is the time to do so. ≡ ≡ ≡

(Taken from News & Views, October 2020 Issue)





# SAVE THE DATES



## May 9—13, 2021

### ASFPM's 45th Annual National Conference

### Raleigh, North Carolina

Please visit [www.asfpmconference.org](http://www.asfpmconference.org) for more information



## LFMA's 37th Annual State Conference

Houma, Louisiana

April 15—17, 2021

For more information please visit [www.lfma.org](http://www.lfma.org)





LOUISIANA DEPARTMENT OF  
TRANSPORTATION & DEVELOPMENT

Our goal is flood loss reduction . . .

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Cindy, Pam, Susan and Jeanette

would like to wish you all a



*Merry Christmas*

*and a*

*Happy New Year*

