

What the !*&? When NFIP Building Violations Happen – You Must Respond Aggressively



Presented by:
Connie Perkins, PE, CFM
September 29, 2011

Presentation Overview

- What Happened in Sacramento?
- What Was at Stake?
- Immediate Steps Taken to Prevent Further Violations
- Getting Religion– Some Things Take Time to Sink In
- Final Corrective Action Plan Components
- The Outcome – Now the Work Really Begins

What Happened in Sacramento

- Setting the Stage
 - Natomas Basin remapped to an AE Zone after Corps decertified levees – December 8, 2008
 - De Facto Building Moratorium
- Floodplain Staff finds 41 permits issued in violation of NFIP and City Floodplain Ordinance
 - Including:
 - 35 Residential Homes
 - 10 Brand New Homes (9 occupied)
 - 4 Partially Built New Homes
 - 21 slabs
 - 2 Restored Fire Damaged Homes
 - 1 Detached garage

35 Residential Homes



FEMA Construction Status

Legend

Construction Status

- Complete
- Foundation
- Lath/Siding
- Stucco



35 Residential Homes



Fire Damaged Home & Garage



What Was At Stake

- Sacramento has 49,000 flood insurance policies
 - Majority are voluntary (Preferred Risk Policies)
- Sacramento Has a CRS Rating of 5
 - Equals a 10-25% reduction in flood insurance rates for mandatory policies
 - Equals a savings of \$1.7 million/yr to the community
- Large \$\$ impact to City if CRS retrograded and/or NFIP suspension

Immediate Steps Taken

- FPM Staff Immediately Informed FEMA of the Potential Violations
- Building Div. Staff Immediately placed Suspension Notices on all Permits
- Notification to Developer to Not Sell Any More Homes

COMMUNITY DEVELOPMENT
DEPARTMENT

BUILDING DIVISION

**SUSPENSION
NOTICE**

Address _____

The construction and/or structure at this site does not comply with the Sacramento City Building Code (Sacramento City Code Title 15), 2007 California Building Code (CBC), and federal regulations under the National Flood Insurance Program. This includes failure to meet Floodplain Management requirements in Sacramento City Code Title 15, Chapter 15.104, section 15.104.050 Provisions for flood hazard reduction.

Under 2007 CBC Appendix Chapter 1, section 105.6, incorporated by Sacramento City Code section 15.04.050, the permit for this construction and/or structure is suspended and no further work is to be performed on this project until further notice. Failure to comply with this order shall be considered a violation of the Sacramento City Code and shall invoke the remedies and penalties therein and under federal law.

This notice posted by:

Signed _____

Phone _____

Time _____ Date _____

DO NOT REMOVE THIS TAG

Immediate Steps Taken

- Enhanced oversight by a CFM
- Enhanced Building Permit Procedures in SFHAs
- Reviewed all building permits issued since maps changed
- Close contact with FEMA Staff
- New Management in Building Division
- Required Corrective Action Plan by FEMA

Getting Religion – Some Things Take Time to Sink In

- City's initial proposed "Corrective Actions" were underwhelming
 - Allow Unfinished Homes to be Complete
 - Promise Not to Do it Again
- FEMA formally and firmly rejected that "Plan"
 - Must remediate violations
 - Assure no future violations
 - Severe consequences for failure
- City got serious about Corrective Action Plan

Final Corrective Action Plan Components

- Section 1316 Declaration on occupied homes (9 new and 2 fire damaged homes)
 - Removes homes from the NFIP
- Private Flood Insurance provided by Developer and City for 9 occupied homes & 2 fire-damaged homes
- Demolition of the 1 new unoccupied home, 4 partially built homes, and garage

Final Corrective Action Plan Components

- Enhance Warning System for flood evacuation
 - Reverse 911 System, training, and public outreach
- Mitigate at least 4 Repetitive Loss structures
- Preferred Risk Policy Outreach Campaign
 - Increase PRP policies by 10%
- Adopt additional Floodplain Development Regulations
 - Floodplain Development Standards Task Force
- Add at least one CFM in the City's Building Division

The Outcome – Now the Work Really Begins

- Section 1316 Declarations were approved by FEMA in March 2011
- Private flood insurance has been paid for 2 years now on the 9 occupied homes & 2 fire-damaged homes
- Demolition of the 5 unoccupied new homes completed in August/September 2011

The Outcome – Now the Work Really Begins



The Outcome – Now the Work Really Begins



The Outcome – Now the Work Really Begins

- The upgrade to the Reverse 911 system was approved by the City Manager's Office
- Notice of Intents have been submitted for CalEMA grants for Repetitive Loss structures
- Additional outreach has been conducted such as community meetings, news articles, ads on Region Transit buses, brochures, etc.
- Task Force is developing new floodplain regulations
- 3 new CFMs in the Building Division (including CBO)

The Outcome – Now the Work Really Begins

- Monthly/Quarterly Status Reports to FEMA and City Council
- Sacramento Area Flood Control Agency is working on the Natomas Basin Levees to reach Zone A99
 - Violations will be remediated