

BUILDING AFTER A FLOOD AND FLOOD INSURANCE Q&A



Question: If I self-finance a new house in the Special Flood Hazard Area (SFHA) or self-finance rebuilding my house in the SFHA after it is demolished by a flood, and I will not purchase flood insurance, do I need to comply with the community National Flood Insurance Program (NIFP) requirements (first floor of living space at or above Base Flood Elevation, enclosed first floor, etc.)?

Answer: It doesn't matter the source of the money (self-finance, etc.) and whether you decline NFIP, the community won't give you a building permit unless you comply with the community's Flood Damage Prevention Ordinance.

Question: When I sell my pre-Flood Insurance Rate Map (FIRM) home, does it stay in the pre-FIRM classification for insurance premium purposes, or will the new owner be required to pay a higher premium?

ANSWER: When you sell your pre-FIRM residence, it stays in the pre-FIRM classification for insurance purposes. An insurance agent calculates the premium for a flood policy on a property.

When an owner sells and there has been an interruption of flood insurance coverage, but the zone classification does not change (i.e., it was an A99 and remains an A99), then the rating will be based on the A99 and pre-FIRM.

However, if the dwelling had been built in an A99, then there was an interruption of coverage during which a new FIRM was created resulting in the building being placed in a zone that has higher premiums, the rates for the new zone apply. The home remains pre-FIRM in the sense that the new owner is not be required to raise or flood proof the structure.

Supplemental Information:

Most Louisiana communities use one of the flood damage prevention model ordinances provided by the state. The following sections excerpted from one of the model ordinances demonstrate that all new or substantially improved structures must be built to or above the established Base Flood Elevation when placing a structure in the SFHA.

60.3 (b)

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of {State} has in {list applicable state statute(s)} delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the {governing body} of {community name}, {state}, does ordain as follows:

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of {local community}.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

NOTE: COMMUNITY MUST CHOOSE ONE OF THE FOLLOWING OPTIONS TO ADOPT DEPENDING ON LEGAL AUTHORITY

IF THERE IS A LEGAL AUTHORITY FOR THE AUTOMATIC ADOPTION BY REFERENCE OF FIRM OR FHBM, THE COMMUNITY MUST ADOPT THE FOLLOWING PROVISION:

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map (FHBM), Community Number, (Community Identification Number), dated (date of latest FIRM or FHBM), and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B (8), or (iii) Article 5, Section C (3), the following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.

(2) Nonresidential Construction - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

4) Manufactured Homes -

(a) Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:

(i) the lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

For information concerning this fact sheet, contact Jim Wilkins,
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