



**By Rebecca Quinn, CFM**

**The Floodplain Manager's Notebook is 10 Years Old!** Not long ago, I realized this column debuted November 2007. My stated objective back then was to “address a wide range of topics of interest to floodplain managers, and look at some unusual questions and give you answers—or opinions—that will be thought provoking and informative.” When looking back, I see I’ve done that. In general, my plan for the future is to keep on that track and actively invite more of you to contribute ideas and stories.

By the way, I regularly use back issues of my columns to answer questions and I’ve occasionally shared them with some state coordinators. That got me to thinking of a way to make them more accessible to ASFPM members. It may take a few months to come together, but ASFPM has agreed to work with me to do just that. I’m putting together a short description of each column, with key words, and the columns will be available for download or reading. I hope this will help you when you need to find answers that aren’t readily available in FEMA guidance documents.

Perhaps influenced by nostalgia and thinking about 10 years on this beat, in this issue I get more philosophical rather than grapple with a nuts-and-bolts topic.

**Marketing Open Space and Good Floodplain Management Practices.** Mixed in with continuing reports on recent disasters and what’s going on with development in the Houston area, there are lots of “good news” stories about floodplain management, many highlighted by [ASFPM’s regular Facebook posts](#). In addition to stories about buyouts and elevation projects, I remember reports about relocating a fire station and a school. I don’t recall a recent story about avoiding SFHAs, but surely they’re out there. A good source of real-life examples of communities accomplishing exemplary floodplain management is ASFPM’s No Adverse Impact [how-to guides and other documents](#).

Not long ago a local official in a small but growing town asked my advice to help deal with pressure to build in a low-lying flood-prone area that is also regulated non-tidal wetlands. In many states and communities, simply having non-tidal wetlands that trigger federal and state requirements can be enough to discourage many developers, or at least prompt them to figure out how to stay on higher ground and minimize impacts. But given how much SFHA filling goes on, apparently it’s not enough disincentive in other areas.

It brought to mind a memorable conversation I had years ago when I was part of Maryland’s non-tidal waterway and floodplain regulatory program. The developer on the phone had just come face-to-face with the reality of satisfying not only the state’s restrictive floodplain rules, but also what at the time were the state’s early wetlands regulations. I can still hear the distress in his voice, “But it was such a good deal!” To which I didn’t hesitate to further burst his bubble, “Ya think maybe that’s because the seller knew the property is severely constrained by regulations?”

We can take this topic two ways: real estate disclosure requirements or how some developers market the “open space” created by steering buildings and infrastructure away from SFHAs and wetlands. I’ll leave

disclosure requirements for another time (suffice it to say that most states don't mandate disclosure of whether a parcel of land is in a SFHA or a building has actually been flooded, and some have disclosure requirements that seem easy to get around).

There are plenty of studies that document the economic value of open space and greenways and what floodplain managers call "natural and beneficial floodplain functions." More and more, homebuyers and even companies seek communities that work with developers to provide, enhance and protect these amenities. Not surprising, then, that some developers see double benefits if they can avoid regulated SFHAs and wetlands (often saving time and money) and, sometimes with little effort, increase the attractiveness of their latest subdivision.

I expect many of you can share examples of developers doing this. Here are my two. The first I remember ever noticing was a long time ago, also in Maryland. I was looking to buy a house and ran across an ad in the paper with a line that jumped out: "Overlooks wooded floodplain." Unstated was the fact that meant the undisturbed area behind that home would never be developed. I didn't buy that one, but it stuck with me as an example of marketing the benefits of restrictive development practices.

My next example I ran across while driving in rural Florida when a sign caught my attention. Despite running late for a meeting, I turned around to take the photo on the right. I don't know if potential buyers driving by got the same message I did by those six words ("building sites above all flood zones"), but I'll bet the developer promoted the implications when he showed the sites. What came to mind was significant reduction in potential flood damage (it is Florida, so worst-case storm surge might still affect the sites), no requirement to buy flood insurance, and no other houses would obstruct the Gulf view.

### **Speaking of disasters – what about those “pesky” permit requirements?**

It's become almost routine for one organization or another to investigate and conclude that building codes and regulations help reduce damage when communities experience flooding, high winds or seismic events. In large part based on post-disaster evaluations, FEMA made building codes the foundation of long-term mitigation many years ago. Now the International Codes® not only include requirements for buildings in SFHAs, in some respects those requirements exceed the NFIP minimums. Even some homebuilders recognize building codes contribute to disaster-resistant communities, although they also point out codes come with some increased costs (they're not so quick to point out savings in damage avoided and lower NFIP insurance premiums).

You'd think that recognition would translate into even more attention paid to administration of floodplain management requirements after flood events, whether the requirements are in building codes or



stand-alone regulations. Yet there are instances where, looking to reduce the burden on owners of damaged buildings, someone decides to weaken the requirements. I hear of floodplain managers and building officials pressured to, well, there's no other way to say it than they're pressured to "cut corners" and allow repairs and recovery without permits or perhaps without enforcing the rules to the letter. Of course, substantial damage comes to mind because once the 50% trigger is pulled, owners have to pay even more to bring buildings into compliance.

I've written a lot about substantial improvement and substantial damage over the years. One aspect I've not touched may be tough for some local officials to bring up with owners, but I think it should be part of the conversation more often. And that is rebuilding: tear down and build new. Don't get me wrong, I love older buildings with character and if I owned a good one, I'd resist demolition even if it was badly damaged. But there are plenty of nonconforming buildings that, given a clear-eyed look, don't warrant "saving" by putting lots of money into elevating on higher foundations. I've been known to ask what you get when you elevate a 40-50 year old house? Most people realize you get an elevated 40-50 year old house!



*Elevated by the U.S. Army Corps of Engineers, estimated late 1980s.*

But what do you get if you tear down a substantially damaged home (or even one that's been repetitively flooded) and rebuild? You get a fully compliant house. Not only compliant with flood requirements, but everything else in applicable regulations: wind resistance, seismic resistance, fire safety, energy efficiency, water efficiency. I hope you'll give it some thought next time you talk to an owner of a damaged building.

*Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at [rcquinn@earthlink.net](mailto:rcquinn@earthlink.net). Comments welcomed!*

## Post-Disaster Actions

It's fairly common for elected officials to waive permit fees after big disasters (although that can be challenging for building departments with budgets derived solely from fees). Unfortunately, if that message isn't carefully crafted, many people interpret it to mean a waiver to the requirement to get permits!

I have occasionally seen local regulations that give building officials authority to waive the requirement to get a permit before starting work, usually when there are dangerous conditions and buildings need to be stabilized. But that does not mean permits aren't required or that work can be noncompliant. We should all know that's not consistent with community commitments to the NFIP.

What about waiving requirements to allow emergency temporary housing? Even FEMA grapples with this one in communities that are largely SFHA. Bottom line, no waivers. Instead, work out the details with FEMA to satisfy housing needs and stay straight with the NFIP.