

Treasurer – John Crofts, CFM

John Crofts was born and raised in the greater Salt Lake City area in Utah. He currently lives in Layton, UT and works at the Utah State Emergency Operations Center in Salt Lake City. John was elected to his first term as Treasurer at the conference this year in Oklahoma City. He is interested in serving on the Board because he wants to help contribute to the Association's long term success. He feels he could do this as Treasurer by providing important financial analysis and feedback on the Association's activities. Outside of work John enjoys spending time with his children, family, and friends. He occasionally volunteers to assist the elderly and handicapped with home improvement projects, including bathroom remodels and other vital home repairs.

[Return to Table of Contents](#)

Watershed University Training

FEMA Offers 2-Day Training in Redding, California - September 15 – 16, 2010

On September 15 and 16, 2010, approximately seventy-five community officials from Northern California counties will gather at the City of Redding's City Hall to participate in 'Watershed University.' Watershed University is a 2-day course of information designed to benefit city engineers, and planning, Geographic Information System (GIS), and emergency services staff who are interested in the Federal Emergency Management Agency's (FEMA) flood mapping efforts and flood risk management. Working in concert with FEMA, California Department of Water Resources (CA DWR) staff will also attend and present on FloodSAFE, the State's strategic initiative to improve flood protection and public safety.

Offered by FEMA Region IX for the first time, course content will focus on National Flood Insurance Program-related information and programs relevant to city staff responsible for floodplain management. Topics such as the Community Rating System, FEMA's digital tools, mitigation plans and risk reduction, Letters of Map Change, Elevation Certificates, legal issues, and flood risk management will be covered.

Given the challenges of state and local budgets, FEMA is delighted to offer this course at no cost to attendees. Participants are responsible for their own transportation and lodging. Additionally, 12 Continuing Education Credits (CECs) will be granted by the Association of State Floodplain Managers for Certified Floodplain Managers for full attendance, and Continued Maintenance credits from the American Planning Association will also be granted.

If you are interested in attending Watershed University in the City of Redding or wish to learn more, the course flyer (with the full agenda), registration form, information on CECs, and hotel accommodations can be found here: www.r9map.org/professional-development.

[Return to Table of Contents](#)



Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at rcquinn@earthlink.net. Comments welcomed!

Here's Something You Might Find Interesting . . .

It started out as a simple question from a local building official: "What code provisions can be used to require demolition of unsafe buildings and structures?"

Most communities have some sort of regulation regarding safe and sanitary housing, sometimes called a property management code or an unsafe building and abatement code. States and communities that enforce codes based on the International Code Series® (and if they retained the administrative provisions) have authority to address unsafe,

insanitary, or deficient buildings. Code officials can require that such buildings “be taken down and removed or made safe.”

Of course, when asked that seemingly simple question, those of us who deal with floodplain management regulations will immediately think about the substantial improvement/substantial damage requirements. While SI/SD might not give a community the authority to require that unsafe buildings be demolished, understanding SI/SD might help owners consider demolition as a viable option, once they realize extensive work necessary to resolve the unsafe conditions could trigger the requirement to bring the buildings into compliance with the FPM rules.

I’ve been known to advocate for demolition rather than elevation by asking this question: what do you get when you elevate a 40-year old house? The answer is obvious – an elevated 40-year old house. In contrast, by starting over the owner gets a fully code-compliant, energy efficient home that is designed not only to resist flood loads, but applicable wind, snow load, and seismic conditions. Yes, I know it costs more to build an all-new home than to elevate, but that shouldn’t stop us at least encouraging owners to think about the benefits of starting over, rather than fixing unsafe, insanitary conditions, along with bringing the building into compliance with flood requirements.

We know the basic concept of SI/SD – if a building is going to be improved (repaired, rehabbed, upgraded, added on to, etc.), and if the cost of all of the work equals or exceeds 50% of the market value of the building (excluding land), then the entire building has to be brought into full compliance with the requirements for flood hazard areas. The primary requirement we all think about is elevation; but “full compliance” means just that, so careful attention is necessary to ensure that a substantially-improved building meets all of the requirements based on flood zone.

Now, if you look at the definition of “substantial improvement,” you’ll see what might appear to be a big “out” for anyone who has to rehab an unsafe or insanitary building. The definition states that it excludes “Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.”

So now the question is this – how should a local official handle a situation where the owner of a building that has been declared unsafe now claims that virtually all of the costs of rehab fall under that exclusion?

The complete answer to that question is found in the FEMA’s recently published "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758). Section 4.4.8 explains each of the key phrases “correct existing violations . . . which have been identified . . . the minimum necessary to correct.” Order FEMA P-758 by calling 800-480-2520 or download at <http://www.fema.gov/library/viewRecord.do?id=4160>.

I’m not going to repeat the text from the SI/SD Desk Reference – you should read it all (in fact, I urge you to read the entire document – and check out the sample Notice to Property Owners and SI/SD Worksheet that are in Appendix D). But the short answer is that simply because a building is deemed "unsafe" does not automatically qualify the unsafe conditions as an "existing violation." And certainly, you can't assume that all costs to resolve all aspects of the unsafe conditions can be backed out of the total cost of improvement. In addition, that exception should not prompt the code official to seek out and cite violations in order to facilitate circumventing the substantial improvement requirement.

Here are a few of the comments local officials made when considering this question on an online discussion:

- To apply the exception in the SI definition, the project has to be implemented to cure the unsafe structure. The owner can’t invite an inspector over to do a deficiency inspection and then deduct the work required to resolve those deficiencies.
- You can’t let them make a case that every repair project is needed to resolve some kind of code violation, which would be a convenient – but illegal – way to skirt the rules. But if FEMA were to audit your community and you can’t show that you applied the rule right, that could be a problem.
- There has to be coordination. You don’t want the code official telling people to rehab unsafe structures, and then later have the floodplain manager find that the work is substantial improvement. It’d be a good idea for the floodplain manager to get a list of unsafe buildings and check to see if any are in the SFHA.