

Plans & More, LLP

Comprehensive Floodplain Management & Planning Services

44 CFR PARTS 59 & 60 MINIMUM REQUIREMENTS

IMPACT ON LOCAL GOVERNMENT FLOODPLAIN ADMINISTRATORS

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HOW DID WE GET HERE?

The background is a dark green gradient. On the right side, there is a large, curved, lighter green shape that resembles a stylized arrow or a decorative element pointing towards the left.



**SOMETIMES PROACTIVE
BUT
GENERALLY REACTIVE**

- **PROACTIVE:**

- DUE TO CITIZEN/COMMUNITY REQUEST
- COMMUNITIES REQUEST TO BECOME A PARTICIPATING COMMUNITY IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

OR

- **REACTIVE:**

- OFTEN DUE TO A NATURAL DISASTER
- COMMUNITIES REQUEST TO BECOME A PARTICIPATING COMMUNITY IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

44 CFR, PART 59

[Link to CFR here](#)

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COMMUNITY REQUIREMENTS FOR PARTICIPATION IN THE NFIP

- APPLICATION
- LEGISLATIVE ACTION

§ 44 CFR 59.22 Prerequisites

- (a) To qualify for flood insurance availability a community shall apply for the entire area within its jurisdiction, and shall submit:
 - (1) Copies of legislative and executive actions indicating a local need for flood insurance and an explicit desire to participate in the National Flood Insurance Program;
 - (2) Citations to State and local statutes and ordinances authorizing actions regulating land use and copies of the local laws and regulations cited;
 - (3) A copy of the flood plain management regulations the community has adopted to meet the requirements of §§60.3, 60.4 and/or §60.5 of this subchapter. This submission shall include copies of any zoning, building, and subdivision regulations, health codes, special purpose ordinances (such as a flood plain ordinance, grading ordinance, or flood-related erosion control ordinance), and any other corrective and preventive measures enacted to reduce or prevent flood, mudslide (i.e., mudflow) or flood-related erosion damage;
 - (4) A list of the incorporated communities within the applicant's boundaries;

§ 44 CFR 59.22 Prerequisites

- (5) Estimates relating to the community as a whole and to the flood, mudslide (i.e., mudflow) and flood-related erosion prone areas concerning:
 - (i) Population;
 - (ii) Number of one to four family residences;
 - (iii) Number of small businesses; and
 - (iv) Number of all other structures.
- (6) Address of a local repository, such as a municipal building, where the Flood Hazard Boundary Maps (FHBM's) and Flood Insurance Rate Maps (FIRM's) will be made available for public inspection;
- (7) A summary of any State or Federal activities with respect to flood plain, mudslide (i.e., mudflow) or flood-related erosion area management within the community, such as federally-funded flood control projects and State-administered flood plain management regulations;

SO HERE YOU ARE,
NOW WHAT?

- **IN JOINING THE NFIP YOUR
COMMUNITY COMMITTED TO:**

- **Link to CFR here**

§ 44 CFR 59.22 Prerequisites

- (8) A commitment to recognize and duly evaluate flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards in all official actions in the areas having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards and to take such other official action reasonably necessary to carry out the objectives of the program; and
- (9) A commitment to:
 - (i) Assist the Federal Insurance Administrator at his/her request, in his/her delineation of the limits of the areas having special flood, mudslide (i.e., mudflow) or flood-related erosion hazards;
 - (ii) Provide such information concerning present uses and occupancy of the flood plain, mudslide (i.e., mudflow) or flood-related erosion areas as the Federal Insurance Administrator may request;

§ 44 CFR 59.22 Prerequisites

- (iii) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a FHBM or FIRM, any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed;
- (iv) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify flood plain, mudslide (i.e., mudflow) or flood-related erosion areas, and cooperate with neighboring communities with respect to the management of adjoining flood plain, mudslide (i.e., mudflow) and/or flood-related erosion areas in order to prevent aggravation of existing hazards;
- (v) Upon occurrence, notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished flood plain management regulatory authority.

§ 44 CFR 59.22 Prerequisites

- (b) An applicant shall legislatively:
 - (1) Appoint or designate the agency or official with the responsibility, authority, and means to implement the commitments made in paragraph (a) of this section, and
 - (2) Designate the official responsible to submit a report to the Federal Insurance Administrator concerning the community participation in the Program, including, but not limited to the development and implementation of flood plain management regulations. This report shall be submitted annually or biennially as determined by the Federal Insurance Administrator.
- (c) The documents required by paragraph (a) of this section and evidence of the actions required by paragraph (b) of this section shall be submitted to the Federal Emergency Management Agency, Washington DC 20472.

- TO MAINTAIN THE COMMUNITIES COMMITMENT, THE FLOODPLAIN ADMINISTRATOR MUST

44 CFR Subpart A--Requirements for Flood Plain Management Regulations

Sec. 60.3 Flood plain management criteria for flood-prone areas. (No flood data)

- (1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;**
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;**
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**

44 CFR Subpart A--Requirements for Flood Plain Management Regulations

- (4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;**
- (5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and**
- (6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.**

TENNESSEE COMMUNITIES FALL INTO THREE BROAD CATEGORIES

- COMMUNITIES WITH:
 - NO ZONING, SUBDIVISION OR BUILDING CODES
 - ZONING REGULATIONS AND NO SUBDIVISION REGULATIONS OR BUILDING CODES
 - ZONING REGULATIONS, SUBDIVISION REGULATIONS AND BUILDING CODES

BREAK – 15 MIN



COMMUNITY DEVELOPMENT REVIEW?

- HOW DO YOU KNOW WHEN DEVELOPMENT OCCURS?
- WHO REVIEWS & PERMITS DEVELOPMENT IN YOUR COMMUNITY?
- DO YOU HAVE A PROCESS TO REVIEW & PERMIT DEVELOPMENT?
- WHAT RESOURCES DO YOU HAVE FOR THE REVIEW?
- WHO CONDUCTS DEVELOPMENT INSPECTIONS?
- WHO MAINTAINS RECORDS OF DEVELOPMENT?

GROUP EXERCISE SESSION



NO ZONING, SUBDIVISION OR BUILDING CODES

- What process is used in your community for floodplain development review and permitting?

ZONING REGULATIONS - NO SUBDIVISION OR BUILDING CODES

- What process is used in your community for floodplain development review and permitting?

ZONING, SUBDIVISION AND BUILDING CODES

- What process is used in your community for floodplain development review and permitting?

REQUIRED DOCUMENTATION FOR REVIEW PROCESS

- PRE – DEVELOPMENT
- CONSTRUCTION
- POST – DEVELOPMENT
- RECORD KEEPING
- REPORTING

I HAVE IT – WHAT DO I DO WITH IT?

- TAKE THE KNOWLEDGE YOU LEARNED BACK TO YOUR COMMUNITY AND:
 - DEVELOP
 - ORGANIZE
 - EDUCATE
 - FOLLOW THROUGH

WHEW – THAT'S DONE, NOW WHAT?

- REPORTING
 - WHERE DO I GET INFORMATION
 - WHO DOES IT GO TO
 - WHAT DO I SEND
- DRIVE THROUGH
 - WHAT DO I LOOK FOR
 - WHAT IF THERE ARE ISSUES
- ENFORCEMENT
 - REGULATIONS
 - RESOURCES
 - PROCESS
 - FOLLOW UP

LEGAL ISSUES VIDEO



