



CITY OF HOUSTON

Public Works and Engineering Department

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Repairing Flood Damage in the Floodplain Frequently Asked Questions *June 1, 2015*

GENERAL INFORMATION

1. How do I tell if my house is in the floodplain?

Visit one of the interactive map websites hosted by the City of Houston, Harris County Flood Control or FEMA at the web addresses below and enter your address or zoom into your area.

www.gims.houstontx.gov
www.harriscountyfemt.org
www.msc.fema.gov

If you need help using City's interactive map or don't have internet access, you can contact the City of Houston Floodplain Management Office (FMO) for help with using an interactive map or to request map information via phone at 832.394.8854 or via email at fmo@houstontx.gov. You can also visit FMO in person at the Houston Permitting Center at 1002 Washington Avenue, Houston, TX 77002, Monday – Friday, 8am – 5pm.

2. What is FMO?

FMO is the City of Houston's Floodplain Management Office. FMO is part of the City's Department of Public Works and Engineering, Planning and Development Services Division. FMO is responsible for administering the provisions of the City's Floodplain Ordinance, http://edocs.publicworks.houstontx.gov/documents/flood_plain/chapter_19_guidelines_floodplain.pdf, including:

- Permitting and inspecting construction activity in the floodplain
- Enforcing floodplain regulations
- Providing floodplain map and flood insurance information to the public
- Coordinating with Federal Emergency Management Administration (FEMA) to maintain the City's participation in the National Flood Insurance Program (NFIP) and the Community Rating System (CRS).
- Keeping records of construction in the floodplain
- Assisting with disaster recovery in the floodplain and making substantial damage determinations for flood damaged properties.

You can contact FMO via phone at 832.394.8854 or via email at fmo@houstontx.gov. You can also visit FMO in person at the Houston Permitting Center at 1002 Washington Avenue, 3rd Floor, Houston, TX 77002, Monday – Friday, 8am – 5pm.

3. What is the purpose of the City's floodplain ordinance (Chapter 19 of the Houston City Code)?

Chapter 19 was adopted by the City of Houston to allow all citizens of Houston the opportunity to obtain federally guaranteed flood insurance, to promote sound regulations for development in flood prone areas, and to minimize property losses due to flooding. The language was based on model language provided by the Federal Emergency Management Agency (FEMA).

4. What flood zones are in the "floodplain" or SFHA?

- The Special Flood Hazard Area (SFHA) is sometimes called the "floodplain" or the "100 year floodplain". The City regulates all development in the SFHA.
- On a map showing Houston's floodplain, the SFHA maybe shown Zone A, AO or AE.
- The 0.2% chance or 500-year floodplain or Zone X Shaded is not included in the SFHA. The City of Houston only regulates critical facilities (like schools, hospitals and fire stations) in this zone. If your home is in the 500 year floodplain, your flood damage repair will not be regulated by the City's floodplain ordinance.

5. What is the difference between the floodway and the floodplain?

- The *floodway* is part of the *floodplain* or the Special Flood Hazard Area (SFHA).
- The *floodway* is the primary conveyance area for storm runoff along a bayou, river, or other watercourse. The floodway may not be contained in the banks of the watercourse and is shown on the FEMA Flood Insurance Rate Maps (FIRMs) for our community.
- The *floodplain* is the land area including and adjacent to the watercourse that stores and/or conveys water during the 100-year event (a rainstorm that has a 1% chance of occurring in a given year) that cannot be conveyed within the banks of the watercourse.

6. What is an Elevation Certificate?

- A statement from a Registered Professional Land Surveyor (RPLS), registered in the State of Texas on the most current FEMA form certifying the elevation of the lowest floor of a structure, other critical elevations and documenting the foundation type and other features of the structure. Visit <http://edocs.publicworks.houstontx.gov/all-documents/engineering-and-construction/flood-plain-guidelines/2020-elevation-certificate.html> to find a current Elevation Certificate form.
- Elevation Certificates are used by FMO to document compliance with the elevation requirements and performance standards of the City's floodplain ordinance.
- FMO maintains Elevation Certificates submitted as part of the permit process in its files. You can request your Elevation Certificate from FMO if your house was issued a floodplain Development Permit for new construction, substantial improvement or an addition, under the current surveying standards (since June 2007).
- If FMO does not have an Elevation Certificate for your house in its files, you can hire a surveyor to prepare a new Elevation Certificate for you.

7. I don't want to experience flood damage again. What options do I have to reduce my risk of flooding in the future?

- Consider contacting Harris County Flood Control District at (713) 684-4040 or 4035 or <https://www.hcfdc.org/our-programs/property-acquisition-program/voluntary-acquisition/voluntary-home-buyout/> regarding requirements or eligibility for the acquisition (buy-out) programs that may be available for some properties in our community.
- If your property has been substantially damaged, contact your insurance agent to learn more about Increased Cost of Compliance coverage. You can also visit <http://www.fema.gov/increased-cost-compliance-coverage> for ICC information.
- Learn more about federal disaster relief available to you at <http://www.disasterassistance.gov/get-assistance/find-assistance>. Affected individuals and business can begin the federal disaster application process by registering online at www.DisasterAssistance.gov or by calling 1-800-621-FEMA (3362) or by web enabled mobile device at m.fema.gov.

PERMITS FOR FLOOD DAMAGE REPAIR

- 1. Do I need a permit to remove carpet, drywall and other flood damaged materials from my flood damaged house?**
 - No. You should take immediate action to ensure that your flood loss is not made worse by leaving flood damaged building materials in your house or failing to secure your house.
 - If your property is in the floodplain, note that the cost to do this demolition work must be included in your total cost to repair your flood damaged structure that may be part of your substantial damage determination appeal and/or flood damage permit application if an appeal or permit is needed for your house later.
 - In addition, the replacement and repair of the structural components or mechanical and electrical equipment do require a permit. For more information please visit:
http://edocs.publicworks.houstontx.gov/documents/divisions/planning/enforcement/1058_residential_repair_guidelines.pdf

- 2. My house is not in the floodplain but it was damaged in the recent flood. Do I need a permit to start flood repairs?**
 - No. You will not need a floodplain Development Permit if your structure is not in the floodplain (SFHA).
 - You might need a Building Permit and/or your electrician, plumber or HVAC contractor may need a trade permit. Review residential repair permit requirements at http://edocs.publicworks.houstontx.gov/documents/divisions/planning/enforcement/1058_residential_repair_guidelines.pdf or contact Building Code Enforcement at 832.394.9494 or rmcacd@houstontx.gov for questions regarding building or trade permits.

- 3. My house is in the floodplain and was damaged in the recent flood. Do I need a permit to start flood damage repairs?**
 - It depends on the extent and type of repairs you need to make.
 - You might need a Building Permit and/or your electrician, plumber or HVAC contractor may need a trade permit. Review residential repair permit requirements at http://edocs.publicworks.houstontx.gov/documents/divisions/planning/enforcement/1058_residential_repair_guidelines.pdf or contact Building Code Enforcement at 832.394.9494 or rmcacd@houstontx.gov for questions regarding building or trade permits.
 - Whether or not you need building or trade permits, if the total cost to repair your home to its pre-damage condition is \$10,000 or more, you need a floodplain Development Permit. Keep in mind this \$10,000 threshold is based on total cost to repair your home to pre-damage conditions. For more information see below FAQ numbers 4, 5, and 6.

- 4. What is a floodplain Development Permit?**
 - A floodplain Development Permit is a permit issued under the provisions of the City's floodplain ordinance (Chapter 19 of the Houston City Code) authorizing development in the Special Flood Hazard Area (100 year floodplain and floodway)
 - Development includes most construction activities including repair of flood damage
 - Floodplain development requirements are set forth in the City's floodplain ordinance (Chapter 19 of the Houston City Code). You can review Chapter 19 at http://edocs.publicworks.houstontx.gov/documents/flood_plain/chapter_19_guidelines_floodplain.pdf.

5. What information/documents do I need to submit to obtain a floodplain Development Permit to repair the non-substantial flood damage to my house?

- Building Permit Application and required attachments
http://edocs.publicworks.houstontx.gov/documents/divisions/planning/enforcement/building_permit_application.pdf
- Project Number (assigned by Code Enforcement at the Houston Permitting Center)
- Documentation of total cost to repair your house to pre-damage conditions:
 - If you have flood insurance, an NFIP Final Proof of Loss Statement (see a sample of this form at <https://www.nfipservices.com/uploads/ProofofLoss.pdf>) or other cost estimate prepared, signed and dated by an insurance adjuster licensed in the State of Texas
 - If you don't have flood insurance, a City of Houston Floodplain Management Office Project Cost Estimate Worksheet (or your own document with the same information). Note your Project Cost Estimate must be signed and notarized or signed and sealed as indicated on the worksheet. Visit:
http://edocs.publicworks.houstontx.gov/documents/flood_plain/owner_self_certification_worksheet.pdf or FMO to obtain this worksheet
- Documentation of the existing market value of the structure (not including land value):
 - Central Appraisal District Records for the County in which the structure is located. For Harris County, this information may be found on the Harris County Appraisal District website at www.hcad.org OR
 - An appraisal of pre-damage market value of the structure performed by a certified real estate appraiser licensed by the Texas Appraiser Licensing and Certification Board OR
 - NFIP Final Proof of Loss Statement pre-event market value of flood-damaged structure
- Together this documentation must show that the total repair cost is less than 50% of the market value of the structure to be considered a non-substantial improvement. If the total repair cost equals or exceeds 50% of the market value, the property is substantially damaged and additional requirements apply. Note that FMO will review cost estimates to ensure that they are complete and represent fair and reasonable cost to repair the structure to pre-damage conditions. If necessary a pre-permit site visit will be conducted by FMO to evaluate your cost estimate.

6. What items should be included or excluded from an estimate of total cost to repair a structure to pre-damage condition?

Items to Include:

ALL ITEMS ATTACHED TO STRUCTURE ALL STRUCTURAL ELEMENTS, INCLUDING:

- Spread or continuous foundation footings and pilings
- Monolithic or other types of concrete slabs
- Bearing walls, tie beams, and trusses
- Wood or reinforced concrete decking or roofing
- Floors and ceilings
- Attached decks and porches
- Interior partition walls
- Exterior wall finishes (brick, stucco or siding) including painting and decorative moldings
- Windows
- Doors
- Roofing
- Hardware

ALL INTERIOR FINISH ELEMENTS, INCLUDING:

- Flooring - Tiling, linoleum, stone, laminate or wood, or carpet
- Bathroom tiling and fixtures
- Wall finishes (drywall, painting, stucco, plaster, paneling, marble, or other decorative finishes)
- Kitchen, utility, and bathroom cabinets
- Built-in bookcases, cabinets, and furniture
- Hardware

ALL UTILITY AND SERVICE EQUIPMENT, INCLUDING:

- HVAC equipment
- Repair or reconstruction of plumbing and electrical services
- Lighting fixtures and ceiling fans
- Security systems
- Built-in kitchen appliances
- Central vacuum systems
- Water filtration, conditioning, or re-circulation systems

OTHER:

- Labor and other costs associated with demolishing, removing, or altering building components
- Overhead and profit (maybe included in line item costs – please specify if this is the case)

Items to Exclude:

- Items not attached to the structure, any site items, accessory structures, loose debris.
- Plans and specifications
- Survey costs
- Permit fees
- Debris removal (removal of debris from building or lot, dumpster rental, transport fees to landfill and landfill tipping fees)
- Clean up (dirt and mud removal, building dry out, etc.)
- Items not considered real property such as throw rugs, furniture, refrigerators, stoves not built-in, etc.
- Landscaping
- Sidewalks
- Fences
- Yard lights
- Swimming pools
- Screened pool enclosures
- Sheds
- Gazebos
- Detached structures (including garages)
- Landscape irrigation systems
- Other outside improvements

7. What are my options if FMO rejects my permit application because the cost estimate I submitted is deemed “not reasonable” by FMO?

- Show that your structure is already in compliance with the elevation requirements and performance standards of the City’s floodplain ordinance (Chapter 19) by submitting an Elevation Certificate. You do not have to submit repair cost documentation for a compliant structure.
- Revise your project scope to include bringing your structure into compliance with the elevation and performance standard requirements of the City’s floodplain ordinance (Chapter 19). Submit plans and an Elevation Certificate based on construction drawings demonstrating that the structure will be brought into compliance as part of the repair project. You do not have to submit repair cost documentation for a structure that will be brought into compliance as part of the project under review.
- Request that FMO perform a Substantial Damage Estimate using software developed by FEMA. This estimate may be used to document the cost of flood damage repair. If your project includes improvements over and above repairing your house to pre-damage conditions, these items will have to be covered by an estimate you submit.
- Obtain a second opinion from a contractor, engineer or architect and resubmit.
- Apply for a variance and present your cost estimate to the General Appeals Board.

SUBSTANTIAL DAMAGE

1. What does “Substantial Damage” mean?

“Substantial damage” means that the damage of any origin (such as the recent flood event) is of sufficient magnitude that the cost of restoring the structure to its pre-damage condition equals or exceeds 50% of the market value of the structure. The market value of the structure does not include land value.

2. How do I obtain a substantial damage determination letter from the City of Houston?

Some property owners need a substantial damage determination letter from the City to apply for certain types of federal assistance or Increased Cost of Compliance (ICC) coverage. If you have not already received a substantial damage determination letter from the City, you may request one by completing the Substantial Damage Determination Request Form at <http://www.publicworks.houstontx.gov/notices/floodplain.html> and submitting it along with the required documentation to FMO via email at fmo@houstontx.gov, US mail or in person.

3. What are my options if I discover that FMO has determined that my home is substantially damaged?

FMO may determine that your house is substantially damaged either based on the City of Houston’s damage assessments soon after a flood event, based on your request or based on information that you or your contractor submit with your permit application. Regardless of how the substantial damage determination is initiated, you (the property owner) will receive a letter notifying you of the substantial damage determination. Also, because no permits can be issued until substantial damage is addressed, a hold on all permits will be placed in the City’s permitting system for your address.

If your structure has been determined to be substantially damaged, to obtain a floodplain Development Permit for repair of your property you have the following options:

- Demonstrate compliance with the City’s Floodplain Ordinance
Submit evidence that your structure is compliant with the elevation (12 inches above BFE in the 100-year floodplain, 18 inches above BFE in the floodway) and performance standards described in Chapter 19 or will be made compliant as part of the repair project. For most structures this will require submittal of an Elevation Certificate based on the current surveying standards. If you plan to bring your structure into compliance and you are a flood insurance policy holder, contact your

insurance agent about Increased Cost of Compliance coverage which may help cover the cost of bringing your property into compliance.

- Appeal the Substantial Damage Determination
Complete and submit the City's Appeal of Substantial Damage Determination Form <http://www.publicworks.houstontx.gov/notices/floodplain.html> along with the required documentation demonstrating that your home or building is not substantially damaged:
 - An appraisal of your home conducted by a certified real estate appraiser, licensed by the State of Texas, showing the pre-event market value of your home (structure only) OR Harris County Appraisal District (HCAD) Real Property Account Information pre-event improvement valuation.
 - A detailed repair estimate of your home prepared, signed and dated by an insurance adjuster, licensed by the State of Texas. The cost estimate should include detailed line items establishing the nature of the work to be performed. The National Flood Insurance Program (NFIP) Final Proof of Loss Statement provides adequate documentation.
 - If you do not have flood insurance and cannot obtain a repair estimate from an insurance adjuster, contact FMO for more information on acceptable alternate repair estimate documentation. If your appeal is granted, you can use the same documentation you included in your appeal to obtain a floodplain development permit for repair.

If neither of the above options is possible, consider contacting Harris County Flood Control District at (713) 684-4040 or 4035 or <https://www.hcfcd.org/our-programs/property-acquisition-program/voluntary-acquisition/voluntary-home-buyout/> regarding requirements or eligibility for the acquisition (buy-out) programs that may be available for some properties in our community.

4. What happens when a structure is damaged, but not substantially, and during the repair the owner also makes an addition, rehabilitation or other improvement to the structure?

It is not uncommon for a homeowner who has sustained damage to his/her structure to decide to simultaneously improve the structure while repairs are being made. For example, the owner of a building which was 30% damaged in a flood will, while repairing the damage, have an additional room (30% improvement) constructed. Under circumstances where two types of improvements (e.g., an addition and repair due to damage as given above) are made to a structure, and the combined total of these improvements is equal to or greater than 50% of the structure's pre-damage market value, the structure is considered a substantial improvement.

5. What if a building is substantially damaged but not fully restored, or is repaired using donated or discounted labor and/or materials such that less than 50% is actually spent on repairs?

By definition, the term substantial damage refers to the repair of all damages sustained and cannot reflect a level of repairs which is less than the amount of damages suffered. Thus, a building which sustains damages equal to or exceeding 50% of its market value is a substantial improvement, even if the "out-of-pocket" expenditures for the repair are reduced below the 50% threshold or if the structure is not fully repaired.

In order for FMO to issue a permit for phased repair work, FMO must first confirm that the structure is not substantially damaged by reviewing documentation of the total cost to repair the flood damaged structure to pre-damage condition. If the property is not substantially damaged, FMO can then issue a permit for part of the repair based on documentation of the cost of the proposed repair work that will be covered by the current permit.