



Department of Conservation & Recreation

Fact Sheet

Fact Sheet No. 4 Effects of Non-Compliance in the National Flood Insurance Program

A. Effects of Non-Compliance on a Community:

1. The National Flood Insurance Program (NFIP) enables property owners in participating communities to insure themselves against flood losses. By employing wise floodplain management, a participating community can protect its citizens against much of the devastating financial loss resulting from flood disasters. Prudent local management of development in the floodplains results in construction practices that can reduce flood losses and the high costs associated with flood disasters to all levels of government.
2. If a community fails to enforce its local floodplain management ordinance and the flood resistant construction provisions of the Virginia Uniform Statewide Building Code (VUSBC), it will likely result in non-compliant development within the FEMA designated flood hazard area (a.k.a. the 100-year floodplain). A community may be placed on probation if the non-compliant development appears willful by local officials or an endemic part of the local program.
3. Probation will last until all program deficiencies have been corrected and violations remedied to the maximum extent possible. In addition, a \$50 surcharge will be placed on all flood insurance policies in the community for at least one year. If a community doesn't address its NFIP violations within in a period specified by FEMA, the community may be suspended from the NFIP. See DCR Fact Sheet No. 5 for details of Probation and Suspension.
4. Non-compliant development within the FEMA designated flood hazard area results in violations of the NFIP regulations. Some common violations include:
 - a. Failure to adopt a floodplain management ordinance that meets the minimum requirements of the NFIP regulations. Suspension can result upon failure to update its floodplain management ordinance by the new effective date when its flood hazard maps are updated.
 - b. Failure to enforce all the provisions of the local floodplain management ordinance including:
 - (1) Require permits and a review process for permits for all proposed construction in FEMA designated flood hazard areas;
 - (2) Determine whether new building sites will be reasonably safe from flooding;
 - (3) Ensure that new construction and substantial improvements are adequately anchored to prevent flotation, collapse or lateral movement of structure resulting from hydrostatic and hydrodynamic forces;

DIVISION OF DAM SAFETY & FLOODPLAIN MANAGEMENT

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FLOODPLAIN MANAGEMENT PROGRAM:

- ✓ *Planning & Enforcement Assistance*
- ✓ *Flood Insurance*
- ✓ *Technical & Flood-proofing Assistance*
- ✓ *Cooperating Technical Partners*
- ✓ *Map Modernization & Prioritization*
- ✓ *Substantial Damages & Increased Cost of Compliance*
- ✓ *Community Rating System*
- ✓ *No Adverse Impact*
- ✓ *Workshops*

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DCR Floodplain Mgt. Program
www.state.va.us/dcr/sw/floodpln.htm



VIRGINIA'S FLOODPLAIN MANAGEMENT PROGRAM

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Effects of Non-Compliance in the National Flood Insurance Program

A. Effects on a Community (continued)

4. Common violations (cont'd)

b. Failure to enforce floodplain ordinance provisions including:

- (4) Ensure that materials below the base flood elevation are flood resistant;
- (5) Ensure that methods and practices used to construct will minimize flood damages;
- (6) Within flood-prone areas, ensure that heating, electrical, ventilation, plumbing and air conditioning equipment and other service facilities are designed and/or located to prevent water from entering or accumulating within the components during flood conditions;
- (7) Within flood-prone areas, require all water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration of flood waters into the systems or discharges from the systems into flood waters;
- (8) Within FEMA designated flood hazard areas (SFHAs), require base flood elevation (BFE) data to be established where it is currently not available;
- (9) Within flood hazard areas where flood elevation data is available, obtain the elevation of the lowest floor, obtain the elevation to which the structure has been flood-proofed (if it has been properly flood-proofed), and maintain the records of all such records indefinitely with the local floodplain manager;
- (10) Maintain the carrying capacity for the 100-yr discharge within altered or relocated portions of any watercourse;
- (11) Require all new construction and substantial improvements of residential structures within SFHAs to have the lowest floor elevated to or above the BFE;
- (12) Non-residential structures shall either (i) have the lowest floor elevated to or above the BFE or (ii) be designed so that the structure below the BFE is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads attributable to flood waters;
- (13) Non-residential structures that are intended to be watertight below the BFE shall be certified by a registered professional engineer or architect and the records of such certifications maintained for the duration of the structure;
- (14) For new construction or substantial improvements within the SFHA, require that fully enclosed areas below the lowest floor are usable solely for parking of vehicles, building access, or storage shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing the entry and exit of flood waters;
- (15) Until a floodway is designated, no development shall be permitted within the SFHA without demonstrating that the cumulative effect of the proposed development combined with all other development will not cause a rise of more than one foot within the SFHA at any point in the community;
- (16) Once a regulatory floodway is adopted, prohibit encroachments (including fill) within that area unless it has been demonstrated that there will not be any increase in flood levels resulting from that encroachment;
- (17) In coastal high hazard zones, ensure that new construction and substantial improvements be elevated on piles or columns so that the lowest horizontal structural member is elevated to or above the BFE and be anchored to resist flotation, collapse, and lateral movement;



VIRGINIA'S FLOODPLAIN MANAGEMENT PROGRAM

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Effects of Non-Compliance in the National Flood Insurance Program

A. Effects on a Community (continued)

4. Common violations (cont'd)
 - b. Failure to enforce floodplain ordinance provisions including:
 - (18) In coastal high hazard zones ensure that the space below the lowest floor is either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the structure.
5. If a community is participating in the Community Rating System, their ranking can either be reduced or they may be completely removed from CRS and the benefits of lower insurance premiums cancelled.
6. If flood damages have occurred, claims have been paid, and all or part of the damage can be attributed to acts or omissions of the community, the Federal Emergency Management Agency's (FEMA) General Counsel Office may proceed with subrogation actions against the community.
7. If it appears that a community is ignoring violations or granting unwarranted variances, FEMA may request that the Federal Insurance Administration field verify all or part of the structures within a community. If the structure were improperly rated earlier, this could lead to increased costs to individuals for flood insurance (see flood insurance example).



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Effects of Non-Compliance in the National Flood Insurance Program

B. Effects on Individual Structures

1. If an individual structure is found to be in violation of federal, state or local floodplain management regulations, flood insurance coverage may be denied. This would have the same effect on an individual structure as the effects listed in A. 2. above.
2. If an individual structure is found not to be in compliance with the local ordinance, it may be re-rated, using the actual elevation for the lowest floor (including basement).
3. If a structure is misrated due to fraudulent or willful concealment or misrepresentation of facts by the policyholder or his agent, claims may be denied and back premiums may be collected during claims adjustment.
4. If claims have been paid and damage can be attributed to acts or omissions of the individual, subrogation actions may be brought by the FEMA Office of General Counsel.

Example of Elevation Non-Compliance

Flood Insurance rates for \$80,000 structural coverage on a single family dwelling with no basement and \$30,000 contents coverage based on elevation of the lowest floor above or below the Base Flood Elevation.

+ 2 ft.	\$93.00 structure +	\$45.00 contents +	\$70.00 contents =	\$208.00
+ 1 ft.	\$115.50 structure +	\$64.50 contents +	\$70.00 contents =	\$250.00
0 ft.	\$169.50 structure +	\$115.50 contents +	\$70.00 contents =	\$355.00
- 1 ft.	\$562.00 structure +	\$397.50 contents +	\$70.00 contents =	\$1029.50
- 2 ft	any policy at an elevation of 2' or greater below the base flood elevation must be submitted to Washington to be rated at actuarial rates and may exceed \$1,250.00			

Above rates are examples that may vary slightly based on a setting of new rates, etc.

