

M E M O R A N D U M

TO: Tom Harmer, Town Manager

FROM: Allen Parsons, Planning Zoning Building Director
Isaac Brownman, Public Works Director

REPORT DATE: September 23, 2021

MEETING DATE: October 4, 2021

SUBJECT: Ordinance 2021-11, Amending Chapter 154, Flood Control

Recommendation

Forward Ordinance 2021-11 to the November 1, 2021 Regular Meeting for second reading and public hearing.

Background

The Town participates in the National Flood Insurance Program (NFIP) and the supporting Community Rating System (CRS) program. Among other benefits, participation provides significant NFIP Policy discounts for the Town's citizens. The Town is currently rated a "Class 6" community, providing 20% discounts on applicable policies.

On May 29, 2020, communities throughout the State were notified by a letter from Sherry Harper, Director of Flood Mitigation, of the Insurance Services Office (ISO), the CRS administrator for FEMA, of a newly adopted CRS Manual amendment that would become effective on January 1, 2021 that all communities participating in the NFIP would be subject to a fairly significant change affecting mobile home parks. The newly adopted CRS Manual amendment requires all communities to have Codes and enforce FEMA base flood elevation requirements (plus a freeboard requirement) on all residential buildings, including mobile homes, prior to a community's next CRS Cycle Verification visit after January 1, 2021 or that community would lose its present rating status and associated insurance policy discounts.

Historically, the Town Flood Control Code (Chapter 154) has included an exemption, provided for previously by the Code of Federal Regulations; 44 60.3, allowing the installation of mobile home structures to just be 3 feet above adjacent grade, rather than at a more typical FEMA base flood elevation. This exemption is now being superseded by this CRS Manual amendment. This change will impact the two mobile home parks within the Town jurisdiction with regard to future voluntary replacements or involuntary replacements due to damage, etc.

Town staff sought clarification regarding this manual change and its implications. According to the ISO, there were no allowances for exemptions from this requirement. Absent the elimination of the FEMA base flood height exemption for mobile homes, the Town would be downgraded to Class 9 CRS community resulting in a significant reduction in NFIP policy discounts Town-wide from 20%

down to 5%. Furthermore, these changes are required by the ISO to be in effect within the calendar year 2021, before the next CRS Cycle verification visit, which will be scheduled any time after January 1, 2022.

Recognizing the implications to the tightly constrained conditions at the two mobile home parks, Town staff began notifying and meeting with Property Management and Board leadership of the two mobile home parks in August, 2020 to make them aware of these pending changes mandated by the ISO. There have been several meetings and discuss with their representatives since then. In August of 2020 the Commission was also notified the pending change and a staff report was shared in August of 2021 advising that this issue would be coming before the Commission this Fall. Feedback from the Mobile Home Parks representatives received thus far, has generally acknowledged that these changes derive from the Federal government and are being applied to communities across the Country. There is concern regarding the implications to individual units in the future as mobile homes are replaced. Staff encouraged the mobile home park leadership to seek out design input from mobile home installers to better understand implications and options.

Staff is bringing forward Ordinance 2021-11, which will address the required elimination of the FEMA base flood elevation exemption and has further taken the opportunity to provide an overall Chapter update, as it was last updated in 2014. The additional updates incorporate recommendations from the Florida Department of Emergency Management to address other requirements of the updated CRS Manual Amendments that have been adopted since 2014 and are otherwise primarily intended to improve the readability of the Chapter and provide consistency with current requirements of the Florida Building Code.

As an additional note, the latest NFIP policy report indicates the Town's CRS status as a Class 6 Community (with a 20% discount), has resulted in an average discount per policy, of \$188, and total cumulative community savings for all NFIP policies of \$1,827,530. If the Town were to drop to a Class 9 Community (with a 5% discount), it is estimated that it would result in a 75% reduction Town -wide, with a community-wide estimated negative impact of \$1,370,643. Under this scenario the average policy savings would be approximately \$47 and the aggregate savings total would be \$456,877.

Based on the many flood protection related activities, the Town is currently in the stop 10% Nationwide of communities participating in the NFIP program of CRS policy discounts¹.

Staff Recommendation

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¹ In 2021, the CRS discount top 10% communities consisted of 159 communities. The Town of Longboat Key was is ranked #42, with a CRS discount of \$1,770,989 for 9,798 policies, as a Class 6 community.

Attachments

- A. Ordinance 2021-11, Town Code Chapter 154 (Available in Town Clerk's Office)
- B. Public Correspondence (Available in Town Clerk's Office)

End of Agenda Item