

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: October 22, 2021

MEETING DATE: November 1, 2021

SUBJECT: Ordinance 2021-14, Amending Chapter 154, Flood Control

Recommendation

Adopt Ordinance 2021-14.

Background

At their October 4, 2021 Regular Meeting the Town Commission held first reading and forwarded Ordinance 2021-14 to the November 1, 2021 Regular Meeting for second reading, public hearing and adoption.

On May 29, 2020 communities throughout the State were informed by the Community Rating System (CRS) administrator for the Federal Emergency Management Agency (FEMA) and its National Flood Insurance Program (NFIP), of a newly adopted CRS Manual amendment that became effective on January 1, 2021. One of the key updates is 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 compels all communities to have their Flood Codes provide for enforcement of having all applicable structures meet FEMA base flood elevation requirements (plus a freeboard requirement). This would consist of 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 discounts¹.

Historically, the Town Flood Control Code (Chapter 154) has included an exemption, previously provided 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 This exemption is now superseded by this CRS Manual amendment. This change will impact the two mobile home parks within the Town's jurisdiction for future voluntary replacements or involuntary replacements due to damage, etc.

¹ The Town's participation in the NFIP and the supporting CRS program provides significant NFIP Policy discounts for the Town's citizens. The Town is currently rated a "Class 6" community, providing 20% discounts on over 9,700 NFIP policies within the Town.

Town staff again sought clarification regarding this manual change, and again confirmed that there are 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 reduction¹ in NFIP policy discounts which have been available Town-wide from the current 20% discount, down to 5%.

Based on the many flood protection related activities, the Town is currently in the top 10% Nationwide of communities participating in the NFIP program of CRS policy discounts².

As noted, these changes are required to be in effect within the calendar year 2021, and before the next CRS Cycle verification visit. Town staff was successful in delaying the effective date by one year (from January 1, 2021 to January 1, 2022) in which the Town's current exemption for meeting the FEMA flood zone elevation requirements for all structures would be required without being downgraded to a Class 9 CRS community.

This is an issue facing all communities that participate in the CRS. Recent ordinance changes have taken place in Manatee, Sarasota and Pinellas counties. Participating CRS communities that have not made analogous ordinance changes are likely delaying such changes until their next CRS Cycle Verification dates.

The Town Commission heard input from the public and sought information on potential ways of mitigating impacts for any future affected community members. Staff research indicates that the State of Florida Bureau of Mitigation administers several Federal mitigation grant programs including:

- Hazard Mitigation Grant Program: Severe Repetitive Loss Program
- Pre-Disaster Mitigation Program: Repetitive Flood Claims Program
- Flood Mitigation Assistance Program: Residential Construction Mitigation Program

Such funding options may be available to mobile home residents in certain circumstances. We will share information regarding these programs to the two mobile home parks so they are aware.

Staff is bringing forward Ordinance 2021-11, which addresses the required elimination of the FEMA base flood elevation exemption, and has also incorporated an overall Chapter update, as it was last updated in 2014. This adds recommendations from the Florida Department of Emergency Management to address other CRS Manual Amendment requirements that have been adopted since 2014, and are intended to improve the readability of the Chapter, and provide consistency with requirements of the Florida Building Code.

¹ 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.

² In 2021, the CRS discount top 10% communities consisted of 159 communities. The Town of Longboat Key was ranked #42, with a CRS discount of \$1,770,989 for 9,798 policies, as a Class 6 community.

Staff Recommendation

Adopt Ordinance 2021-14.

Attachments

- A. Ordinance 2021-14, Town Code Chapter 154 (Available in Town Clerk's Office)
- B. Public Correspondence (Available in Town Clerk's Office)
- C. PowerPoint Presentation (Available in Town Clerk's Office)

End of Agenda Item