

# Consultation Coordination Officer Meeting Hudson County, NJ

August 13, 2014





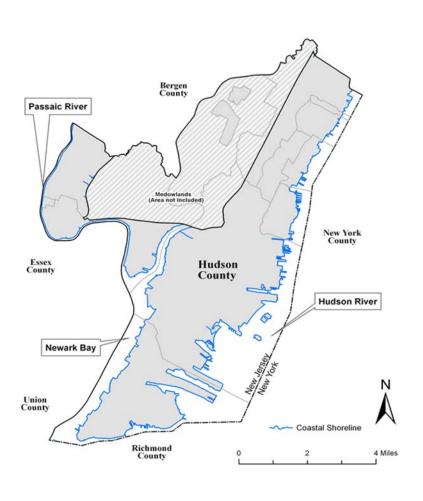
### **Agenda and Objectives**

- Map Overview
- Risk Communication
- Floodplain Management
- National Flood Insurance Program
- Next Steps: Local Ordinances, Open House, Appeals
- Review and Summary
- Breakout





## Hudson County, NJ — FIRM Overview



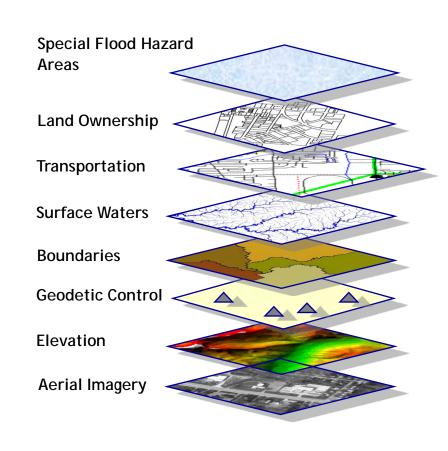
- Detailed restudy of coastal flood hazards
- Detailed riverine restudy of Passaic River
- GIS-based, countywide format
- Orthophoto base map combining floodway and floodplain data
- Datum conversion (NGVD29 to NAVD88)





### Hudson County, NJ FIRM Product

- Components of a FIRM
  - Base map
  - Topographic data
  - Flood hazard data
  - FIRM Database
  - Metadata
  - Flood Insurance Study (FIS) report
  - Back-up data (models, etc.)







## Hudson County, NJ FIRM



This map is for use in adminishering the National Flood insurance Program, if these not necessarily startify all areas subject to flooding, particularly from local darings sources of small size. The community map regostory should be consulted for possible outsided or additional flood learned information.

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Coastal Base. Flood Elevations shown on this map apply only landward of the second se

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NOAA, NINGS12 National Geodelic Survey COLIF 5 46550

1315 East-West Highway Silver Spring, Maryland 20010-3255 3011 715-5242

To obtain current deviation, description, and/or location information for bench marks shown on this map, please conject the information Services Branch of the National Geodetic Barvey at (321) 713-3242 or voit its website at fitte haven ross cose 201.

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e http://www.resc.ferne.gov/ I you have questions about this map or questions concerning the National Flo





#### FLOOD INSURANCE STUDY



#### HUDSON COUNTY, NEW JERSEY

(ALL JURISDICTIONS)

COMMUNITY NAME	NUMBER
BOROUGH OF EAST NEWARK	340219
CITY OF BAYONNE	340218
CITY OF HOBOKEN	340222
CITY OF JERSEY CITY	340223
CITY OF UNION CITY	340058
TOWN OF GUTTENBERG	340220
TOWN OF HARRISON	340221
TOWN OF KEARNY	340224
TOWN OF SECAUCUS	340226
TOWN OF WEST NEW YORK	340229
TOWNSHIP OF NORTH BERGEN	340225
TOWN SHIP OF WEEHAWKEN	340228

PRELIMINARY

REVISED:

**DECEMBER 20, 2013** 

FLOOD INSURANCE STUDY NUMBER 34017CV000B









#### LiMWA on the Map

- LiMWA sits inside of Zone AE
- LiMWA can cross Zone AE lines
- Triangles point to higher waves
  - Indicates where wave height exceeds 1.5 feet
- Also referred to as Coastal A Zone

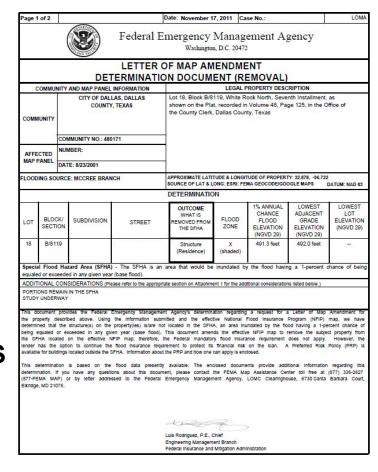






### Summary of Map Actions

- FEMA periodically issues Letters of Map Change (LOMCs)
- LOMCs are legally binding changes to the map
- Many LOMCs are not typically reflected in the new FEMA maps due to scale constraints
- Summary of Map Actions contains assessment of all existing LOMCs with respect to the new FEMA maps





#### Summary of Map Actions (continued)

- Summary of Map Actions Categories:
  - Category 1: shown on the new FIRM panel
  - Category 2: NOT shown on the new FIRM panel due to scale limitations (revalidated after the new FIRMs become effective)
  - Category 3: superseded, and no longer valid, due to revised flood hazards
  - Category 4: must be re-determined





#### Timeline for Hudson County

Preliminary Work Map Release Preliminary FIS/FIRM Release

Post-Release of Preliminary FIS/FIRM **Post-Appeals** 

**Post-LFD** 

Preliminary Work Maps released on Region 2 Coastal Website Meeting

Review

Risk

Flood

Preliminary
Flood
Insurance Rate
Maps released
to the
communities
and the general
public

Resilience Meeting

CCO/Open
House Meetings
and regulatory
formal 90 day
appeal period
will be
determined

WE ARE HERE FEMA will issue Letter of Final Determination (LFD) that initiates the 6 month adoption period before the new maps become effective – all appeals will be resolved prior to LFD

Effective FIRMs become the basis for community floodplain management and insurance requirements





## Regulatory Process: Comments & Appeals Periods

- Local constituents must submit their concerns through the local community
- The local official responsible for floodplain management, or his/her designee, will review the concerns prior to submittal to FEMA by the community Chief Executive Officer
- Duplicate concerns should be combined, and all concerns should be divided into one of two categories: appeals or comments
- An online appeals tracker will be set up on www.region2coastal.com





#### Regulatory Process: Comments

- Comments are any input and/or feedback on the Preliminary FIRMs that do not relate to new or modified BFEs, base flood depths, SFHA boundaries or SFHA zone designations
  - Comments include, but are not limited to:
    - Impacts of changes that have occurred in the floodplain and that should have been submitted to FEMA
    - Corporate limit revisions
    - Road name errors and revisions
    - Requests that changes affected by a Letter of Map Change be incorporated





#### Regulatory Process: Appeals

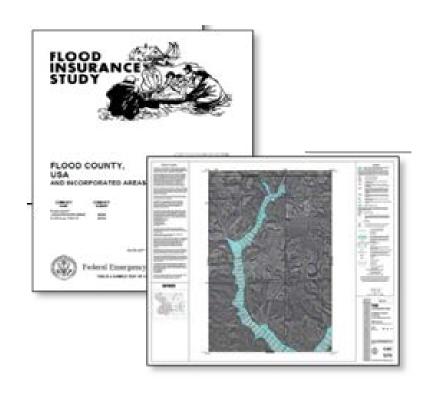
- Appeals are challenges to the Preliminary FIRMs that relate to new or modified BFEs, base flood depths, SFHA boundaries or SFHA zone designations and that are believed to be scientifically or technically incorrect
  - Appeals may result in revisions to the Preliminary FIRMs
- Appeals must be:
  - Submitted within the designated 90-day Appeals period
  - Accompanied by sufficient technical information (see *Criteria for Appeals of Flood Insurance Rate Maps*) at:
     <a href="http://www.fema.gov/media-library-data/20130726-1813-25045-4679/eap\_criteria.pdf">http://www.fema.gov/media-library-data/20130726-1813-25045-4679/eap\_criteria.pdf</a>
    - Technical information must comply with FEMA's Guidelines
       & Specifications for Flood Hazard Mapping Partners
       http://www.fema.gov/media-library/assets/documents/6998?id=2206





#### Map Adoption

- After appeals are resolved, communities will receive a letter of final determination
  - Maps effective after six months
- Before FIRM effective date, communities are required by 44 CFR 59.24 to adopt the map(s) and Flood Insurance Study into their local laws
- This is a good time to update existing local laws







#### Risk Communications

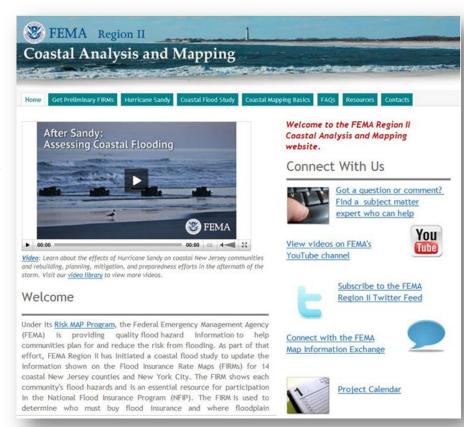
- Federal/State/Local goals:
  - Creating safer communities reducing risk to lives and property
  - Effectively communicate risk and increase public awareness, leading citizens to make informed decisions regarding risk
- Key factors contributing to successful achievement of these goals are:
  - Community engagement and exchange of flood risk information
  - Effective collaboration through partnerships
  - Strategic communications plan development





#### Risk Communciations-Resources

- Visit our Website: www.region2coastal.com
- Outreach factsheets
- Frequently Asked Questions
- Coastal Risk Educational Videos
- Best Available Data (Preliminary FIRMs)







#### Governmental Roles

#### Federal

- Risk Identification and Mapping
- Building / Development Standards
- Flood Insurance

#### State

- Building Code
- Technical Assistance

#### Local

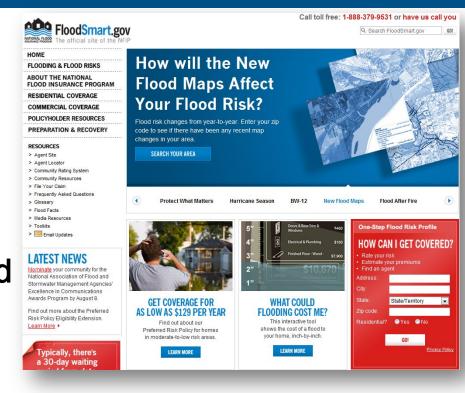
 Adoption and Enforcement of Development and Building Standards





## The National Flood Insurance Program (NFIP)

- Voluntary program based on a mutual agreement between the Federal government and the local community
- In exchange for adopting and enforcing a FPM ordinance, Federally-backed flood insurance is made available to property owners throughout the community







## Minimum Standards for NFIP Building Requirements

- The lowest enclosed area, <u>including the basement</u>, must be at or above the Base Flood Elevation
- Non-residential buildings may be flood proofed in lieu of elevation
- No development in the regulatory floodway that would raise flood elevations
- As a reminder, FEMA encourages States and Local Communities to adopt higher standards for building requirements, such as Freeboard





#### Floodplain Management Considerations

- Repetitive Loss
- Cumulative standards to address non-compliant structures
- Local Communities need to take ownership of ordinance and map adoptions
- Homeowner Flood Insurance Affordability Act (HFIAA)





## More Changes are Coming to the NFIP

- On March 21, 2014, President Obama signed the Homeowner Flood Insurance Affordability Act of 2014 into law
  - Repeals and modifies certain provisions of Biggert-Waters
  - Makes additional program changes
  - Leaves some parts of Biggert-Waters intact.
- Policyholders <u>SHOULD NOT</u> cancel policies!
- FEMA is working with our Write Your Own (WYO) insurance company partners, Congress, others to implement
  - Prior to restoring and refunding premiums, the law requires FEMA to consult with its WYO insurance companies to develop and finalize guidance and rate tables within eight months; FEMA and the WYOs have up to eight months to implement
  - To date, NFIP has held at least seven conference calls and met in person with senior company representatives





#### Mandatory Surcharges (Sec. 8)

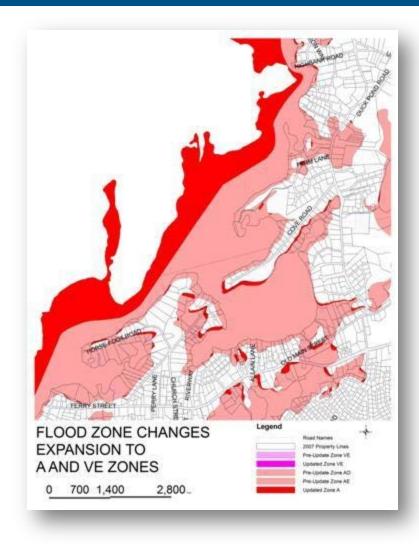
- Applies to all policies
- A policy for a primary residence will include a \$25 surcharge
- All other policies will include a \$250 surcharge
- The fee will be included on all policies, including full-risk rated policies, until all Pre-FIRM subsidies are eliminated
- Surcharges are not considered premium and therefore are not subject to premium increase caps required under Section 5 under the new Act





#### **Grandfathering (Sec. 4)**

- HFIAA restores FEMA's ability to grandfather properties into lower risk classes
- For newly identified properties, the law sets first year premiums at the same rate offered to properties located outside the SFHA (Preferred Risk Policy rates)
- With limited exceptions, flood insurance premiums cannot increase more than 18 percent annually
- Grandfathered policy holders are not entitled to refunds







#### Pre-FIRM Primary Residence Policies in High-Risk Areas

 For most pre-FIRM primary residences in high-risk areas, subsidized rates remain in effect, but with newly required minimum increases—and an 18 percent limit for any individual policy—until premiums reach their full-risk rates<sup>1</sup>

POLICYTYPE	IMPACT ON RATE			
Existing policies	Policies can be renewed at subsidized rates. <sup>2</sup>			
Newly written policies	Policies can be issued and renewed at subsidized rates.			
Policies on newly purchased buildings	Policies can be issued and renewed at subsidized rates.			
Policies re-issued after a lapse <sup>3</sup>	Policies for pre-FIRM buildings in high-risk areas that lapsed due to a late renewal payment (received after the 30-day grace period but less than 90 days after expiration) can be re-issued and renewed at subsidized rates.			

<sup>&</sup>lt;sup>1</sup>Full-risk rates are determined using data from an Elevation Certificate.

<sup>&</sup>lt;sup>3</sup>Buildings with lapsed policies are not eligible for the subsidy unless the lapse was the result of the policy no longer being required to retain flood insurance coverage.





<sup>&</sup>lt;sup>2</sup>Full-risk rates could be lower than subsidized rates.

#### Pre-FIRM Building Policies in High-Risk Areas

 For other pre-FIRM buildings in high-risk areas, subsidized rates continue, but will increase more quickly to reach full-risk rates

POLICY TYPE	IMPACT ON RATE
Policies for non-primary residences (secondary or vacation homes or rental properties)	25% annual increases at policy renewal until premiums reach their full-risk rates.
Policies for business buildings	Future 25% annual increases at policy renewal.
Policies for Severe Repetitive Loss properties	25% annual increases at policy renewal for severely or repetitively flooded properties that include 1 to 4 residences.





#### Other Policies

 For most other policy types, rates will increase by no more than 18 percent for any individual policy

POLICY TYPE	IMPACT ON RATES
Policies for newer ("post-FIRM") buildings in high-risk areas	Not affected by subsidies; already paying full-risk rates.
Policies for buildings in moderate- to low-risk areas	Not affected by subsidies; properties in these areas (shown as B, C, or X zones on flood maps) do not pay subsidized rates.
Policies for buildings "grandfathered in" when map changes show higher flood risk	Grandfathering remains in effect at this time. Buildings constructed in compliance with earlier maps or continuously covered by flood insurance stay in their original rate class when maps change or properties are sold.
Policies for buildings covered by Preferred Risk Policy Eligibility Extension (PRP EE)	Properties continue to be eligible for lower, preferred-risk rates for the first year after a map change. Starting the following year, rates will increase by no more than 18% for any individual policy until premiums reach their full-risk rate.





## Increased Cost of Compliance (I.C.C.)

- Local community must first adopt the I.C.C definition
- Upon a letter of Substantial Damage determination from community, a NFIP insured may qualify for up to \$30,000 to relocate, elevate, or demolish their structure
- Local community must track damages for all structures in flood hazard area through Substantial Damage Estimating
- Cumulative standards, are optional but effective higher regulatory standards used to address RL properties
- I.C.C. remains available for substantial damage even if community does not adopt cumulative damage definition





## Community Rating System (CRS)

- Provides incentive for local officials to implement requirements that exceed NFIP minimum criteria
- Grants flood insurance program credits calculated for activities undertaken to:
  - Reduce flood losses
  - Facilitate accurate insurance rating
  - Promote the awareness of the benefits of flood insurance



Fact Sheet

Federal Insurance and Mitigation Administration

#### Community Rating System

The National Flood Insurance Program (NFIP)
Community Rating System (CRS) was implemented in
1990 as a voluntary program for recognizing and
encouraging community floodplain management
activities exceeding the minimum NFIP
floodplain in full compliance with the minimum
NFIP floodplain management requirements may apply
to join the CRS.

#### 1,296 Communities Participate in the CRS

Nearly 3.8 million policyholders in 1,296 communities participate in the CRS by implementing local mitigation, floodplain management, and outreach activities that exceed the minimum NFIP requirements.

Under the CRS, flood insurance premium rates are discounted to reward community actions that meet the three goals of the CRS, which are: (1) reduce flood damage to insurable property; (2) strengthen and support the insurance aspects of the NFIP; and (3) encourage a comprehensive approach to floodplain management.

Although CRS communities represent only 5 percent of the over 22,000 communities participating in the NFIP, more than 67 percent of all flood insurance policies are written in CRS communities.

#### CRS Classes

The CRS uses a Class rating system that is similar to fire insurance rating to determine flood insurance premium reductions for residents. CRS Classes\* are rated from 9 to 1. Today, most communities enter the program at a CRS Class 9 or Class 8 rating, which entitler residents in Special Flood Hazard Areas (SFHAs) to a 5 percent discount on their flood insurance premiums for a Class 9 or a 10 percent discount for Class 8. As a community

 CRS Class changes occur on May I and October 1 of each year. The data contained in this fact abset were current through May 2014.

#### March 2014

engages in additional mitigation activities, its residents become eligible for increased NFIP policy premium discounts. Each CRS Class improvement produces a 5 percent greater discount on flood insurance premiums for properties in the SFHA.

#### Best of the Best

Four communities occupy the highest levels of the CRS. Each has developed a floodplain management program tailored to its own particular hazards, character, and goals. Under these programs, each community carries out numerous and varied activities, many of which are credited by the CRS. The average discount in policyholder permiums varies according to a community's CRS Class and the average amount of insurance coverage in place. Some highlights:

Roseville, California was the first to reach the highest CRS rating (Class 1). Damaging floods in 1065 spured Roseville to strengthen and broaden its floodplain management program. Today the City earns points for almost all CRS creditable activities. The average premium discount for policies in the Special Flood Hazard Area (SFHA) is \$832.

Comprehensive planning for floodplain management has been a key contributor to Tulka, Oklahoma's progress in educing flood damage from the dozens of creeks within its jurisdiction. The City (Class 2) has cleared more than 900 buildings from its floodplains. The average premium discount for policies in the SFHA is \$583.

King County, Washington (Class 2) has preserved more than 100,000 scres of floodplain open space and receives addited CRS credit for maintaining it in a natural state. The average premium discount for policies in the SFHA is \$850.

Pierce County, Washington (Class 2) maintains over 80 miles of river levees. County officials annually mail informational brochures to all floodplain sensitives. The average premium discount for policies in the SFHA is \$866.

"FEMA's mission is to support our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards."





## **CRS Activity Categories**

- Public Information
  - Includes outreach activities
- Mapping and Regulatory Activities
  - Includes Stormwater and Building Code
- Flood Damage Reduction Activities
  - Includes acquisition
- Flood Preparedness Activities
  - Includes warning systems and dam safety





## Timing is **Critical!**Do Not Risk Program Suspension

- Present Draft Local Law to NJDEP within three months of receiving guidance
- Pass Local Law at least one month prior to final map date
- This is critical to provide time for review, and to correct any errors
- FEMA automatically issues 90 and 30 Day Suspension Reminder Letters





## Can You Buy NFIP Flood Insurance If...

You live in a Flood Hazard Area?

#### YES!!!

You Don't Live in a Flood Hazard Area?

#### YES!!!

- As long as your community participates in the NFIP, you can purchase flood insurance
  - Except when structure has been placed in Section 1316





#### Insurance FAQs

- Will new maps increase flood insurance rates?
  - Possibly "yes" for some structures effected by a flood hazard zone change, flood elevation increase, or both
- Will flood insurance become unavailable?
  - No, as long as community maintains program participation, flood insurance remains available
- Mandatory Flood Insurance Purchase Requirements
  - Applies to structures within SFHA where the owner has a federally - backed mortgage





## Goal of Ordinance Adoption

- Remember that <u>all</u> development in a Special Flood Hazard Area requires a local floodplain development permit
  - Local Community has final responsibility
- Community Remains in Good Standing with the NFIP: A voluntary program based on a mutual agreement between the Federal government and the local community:

In exchange for adopting and *enforcing* a Flood Damage Prevention Ordinance, Federally-backed flood insurance is made available to property owners throughout the community.





#### Common Local Law Mistakes

- Failure to provide map repository location
- Failure to name a floodplain administrator office (must be an office; not a name)
- Mistakes in map or Flood Insurance Study reference
- Naming Town/Village/City Board or Council as appeals board
- Consistent section numbering
- Include <u>all</u> sections





### Higher Than Minimum Standards

- New Jersey Department of Environmental Protection (DEP) will provide some options; these will be noted as optional
- Higher than minimum standards can increase safety, decrease flood insurance rates, and provide the community with points in the CRS







## Compliance and Map Adoption Period

- Begins at date Letter of Final Determination is sent, and ends at map effective date
- Community officials review and revise the community's flood damage prevention ordinance to ensure compliance with NFIP regulations
- To avoid suspension from the NFIP, the community must adopt a compliant Flood Damage Prevention Ordinance and submit its ordinance to the NJDEP for approval prior to the end of this period





### The Road to Ordinance Re-Adoption

- 6 month: FEMA 6-month LFD Letter
- 5 month: NJDEP Assistance Letter
- 3 ½ month: Draft Ordinance
- 3 month: NJDEP review of draft ordinance
- 3 month: FEMA 90-day Reminder Letter
- 1 month: FEMA 30-day Reminder Letter

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Sun	Mon	Tue	Wed	Thu	Fri	Sat		
					1	2		
3	4	5	6	7	8	9		
10	11	12	13	14	15	16		
17	18	19	20	21	22	23		
24	25	26	27	28	29	30		
31								
31								





## What is the responsibility of the community during this period?

#### **Local Flood Damage Prevention Ordinance to include:**

- Updated FIS and FIRM Panel #'s
- Local Floodplain Administrator Designation
- Updated Map Effective Date
- Appeal Board Designation
- Penalties for Noncompliance





#### Questions? Need Ordinance Assistance?

#### Visit our website:

www.nj.gov/dep/floodcontrol

Contact our office:

NJDEP, NJ State NFIP Coordinator's Office

(609) 292-2296

Alan.gould@dep.nj.gov







### **Review and Summary**

- Map Overview
- Risk Communication
- Floodplain Management
- National Flood Insurance Program
- Next Steps: Local Ordinances, Open House, Appeals
- Review and Summary
- Breakout





#### Conclusion: Community Resilience

Risk Changes Over Time FEMA Provides
Best Available
Data

Community Officials Adopt Higher Standards Property Owners Build to Higher Standards

More Resilient Communities Created











Together, we all can create stronger and safer communities.





### Questions







#### **Break-Out Session Guidance**

- Contact Info for Community Chief Elected Official
- Contact Info for local Floodplain Administrator
- Map Repository Address
- Initial Comments on Maps
  - Take the time to thumb through your map panels
  - There is still time to provide further comments

Break Out 1: Jersey City, Hoboken, Kearny, County

Break Out 2: Bayonne, Harrison, North Bergen



