

CONSTITUENT ASSISTANCE PACKAGE

BUILDING IN THE FLOODPLAIN
FLOOD INSURANCE
FLOOD DISASTER RESPONSE



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OKLAHOMA FLOODPLAIN MANAGERS ASSOCIATION

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Dear Legislators and Legislative Staff:

On behalf of the Oklahoma Floodplain Managers Association (OFMA), thank you for your hard work serving Oklahomans across the state.

As we welcome you to our 19th Annual Legislative Reception, we would like to offer our help as you assist constituents who might have questions or concerns about floodplain management related issues, including building in the floodplain, flood insurance, or flood disaster response. We have enclosed “quick-reference” information sheets about these topics, as well as a comprehensive list of resources for more in-depth questions and answers.

Floodplain management continues to be a hot topic with residents and business owners across the state. Recent changes to federal law have caused some insurance premiums to dramatically increase. Many areas are set to receive new Flood Insurance Rate Maps, which can lead to properties being added to or removed from the floodplain. Flooding continues to remain the most costly and dangerous disaster facing the State of Oklahoma and it often strikes areas that are least able to respond and recover. With federal policymakers set to debate the future of the federal flood insurance program in the coming months, discussion of these topics is only likely to increase.

As the state’s professional organization for floodplain management professionals from the public and private sector, OFMA provides outreach and training regarding all manners of issues related to floodplain management. OFMA is committed to education and advocacy for sound floodplain management policies that serve to reduce loss of life and damage to property while keeping in mind the economic realities faced by Oklahoma families and businesses. OFMA is recognized as a national leader in disaster response, sponsoring the nation’s first floodplain Disaster Response Team, which has assisted local communities across the state during the time of their greatest need.

In addition to helping find answers to individual constituent concerns, OFMA can assist you in arranging outreach events in your district. OFMA has a network of regional representatives and a well-established Training Cadre that are able to host training, education or discussion events in communities throughout the state. In the past, we have assisted federal and state legislators with town hall style meetings related to concerns about flood insurance and new flood maps.

If OFMA can assist you in any way, please do not hesitate to contact us. Tom Leatherbee, OFMA’s Legislative Director, serves as a central point of contact and can put you in touch with the appropriate resources. You can reach him by phone at (405) 816-8035 or by email at legislative@okflood.org.

Sincerely yours,

W.B. “Bill” Smith, P.E., CFM
Chair

Tom Leatherbee, CFM
Legislative Director



Constituent Assistance Factsheet 1: Building in the Floodplain

- When building in the floodplain, the primary regulatory guideline is that a project must comply with the local community's floodplain ordinance.
- Local ordinances must meet or exceed the minimum standards found in federal floodplain regulations (44 CFR §60.3). These minimum standards can actually vary from community to community, depending on what types of flood maps have been issued for the community.
- Adopting this ordinance and enforcing it is a requirement for a community to "participate" in the National Flood Insurance Program. If a community chooses not to participate, no federal flood insurance can be sold in that community. The community can also be ineligible for certain types of disaster assistance. Certain types of mortgages or other loans may not be available in that community.
- The most important rule that applies in all participating communities is that all "development" (loosely defined as man-made change) in the "special flood hazard area" (commonly called the floodplain, or the 100 year floodplain, or the 1% chance floodplain, or Zone A or AE) must have a permit.
- In most communities in Oklahoma, a new building in the floodplain must be elevated so that the lowest floor is at least as high as the "base flood elevation" or "BFE". Some communities require a bit of extra elevation, known as "freeboard", which can range from 12 inches to 36 inches, often because local conditions have proven prone to flooding.
- The rules for new buildings also apply to buildings that have been "substantially damaged" (damaged by more than 50% of their market value) or that are proposed to be "substantially improved" (improved by more than 50% of their market value). This acts sort of like a "circuit breaker" to make sure that buildings located in harm's way are not continually rebuilt and then damaged by the same risks and also serves to ensure that investment funds are not directed to at risk areas, all while allowing people to continue to use their homes and businesses for a reasonable period of time.
- The development regulations in community ordinances should be viewed as minimum standards and may not be sufficient to protect a building from flooding.





Constituent Assistance Factsheet 2: Flood Insurance

- Federal flood insurance is available through the National Flood Insurance Program only in “participating communities”.
- Participating communities agree to enforce certain land use and development regulations in exchange for reasonable cost flood insurance being available to homes and businesses.
- Primary flood insurance is very difficult to obtain outside of the National Flood Insurance Program. Rates tend to be very expensive if the coverage is available at all.
- Some private insurers do offer excess flood insurance to insure losses beyond the maximum limits of the NFIP policies. Rates tend to be very reasonable.
- Federal law contains a provision known as the “mandatory purchase requirement” which requires that properties located within mapped floodplains that are financed using federally-backed loans be covered by flood insurance.
- Flood insurance is available for homes, businesses and condominiums. Contents coverage is also available.
- A coverage known as Increased Cost of Compliance (ICC) is available and pays the cost of modifying a severely flood damaged building so that it meets today’s regulations, such as floor elevation.
- The primary factor that determines flood insurance premium is location-based risk, which is shown on the community’s Flood Insurance Rate Map.
- Properties built before a Flood Insurance Rate Map was issued for the area are known as “pre-FIRM” and insurance policies are rated using special rate tables that do not require that floor elevation in order to determine the premium. Newer properties require an Elevation Certificate in order to determine the flood insurance premium.
- Special policies for low-risk structures known as “Preferred Risk Policies” are available at very low cost.
- An entire community can obtain a flood insurance premium discount by joining the Community Rating System, which awards points based on the community’s commitment to floodplain management and its willingness to enact regulations to reduce future flood damage.





Constituent Assistance Factsheet 3: Flood Disaster Response

- In recent years, Oklahoma has had more flooding disasters than any other type of federal disaster declaration.
- Flooding is not only a hazard for structures, but proves fatal for motorists on Oklahoma roadways each year. Do not drive into floodwater – TURN AROUND DON'T DROWN®.
- Homeowners insurance does not cover flood damage. Flood insurance is a separate coverage. In most cases, the only flood insurance that is reasonably affordable and readily available is through the National Flood Insurance Program.
- Disaster assistance does not replace flood insurance. Disaster assistance can help in a time of great need, but not all floods qualify. When individual disaster assistance is available, it is often in the form of loans that must be repaid.
- Immediately following a flood, conditions can be hazardous. Unseen hazards, such as structural, electrical and biological can be present. Later, mold and other long-term damage can make structures uninhabitable.
- It is human nature to want to help those affected by disaster get back on their feet as soon as possible. However, encouraging repairs in at risk areas is not compassionate – it is putting life and property at greater risk.
- Hazard mitigation and risk reduction are important concepts. Unfortunately, funding for these efforts often does not become available until after the disaster occurs.
- Objective “outsiders” such as OFMA’s Disaster Response Team can help to remove emotion and politics from disaster response, providing residents and communities with recognized experts who can access federal and state resources in order to conduct proper damage evaluation and organize the rebuilding process.





Constituent Assistance Factsheet 4: Additional Resources

- Oklahoma Floodplain Managers Association
<http://www.okflood.org>
- Oklahoma Water Resources Board
<http://www.owrb.ok.gov>
- FEMA Region VI
<https://www.fema.gov/region-vi-arkansas-louisiana-new-mexico-oklahoma-texas>
- Floodsmart
<http://www.floodsmart.gov>
- Association of State Floodplain Managers
<http://www.floods.org>
- National Weather Service Turn Around Don't Drown
<http://tadd.nws.gov>
- US Army Corps of Engineers – Tulsa District Floodplain Management Services
<http://www.swt.usace.army.mil/Missions/Environmental/Floodplain-Management/>

