

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Water, Bureau of Flood Protection and Dam Safety, Western Hub
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www.dec.ny.gov

July 31, 2023

RE: National Flood Insurance Program Rebuilding Requirements
July Flash Flooding

Dear County Emergency Management Officials, County Planning Department, County Soil and Water Conservation District, Local Elected Officials and Local Floodplain Administrators:

Communities across New York State suffered significant damage as a result of the heavy rains and flash flooding at the beginning of July. Residents and business owners are understandably anxious to repair damaged building components and begin the recovery process. We understand that municipalities are already burdened with the necessity to make sure that structures are safe, restore access, and repair damaged infrastructure. However, it is essential at this critical time that reconstruction and repairs are done in accordance with flood protection standards in order to reduce damages from future flood events and to maintain a good standing in the National Flood Insurance Program.

Your community has agreed to help reduce flood damages by participating in the National Flood Insurance Program (NFIP). A primary goal of the NFIP is to break the damage – rebuild – damage cycle by requiring all new, substantially improved, and substantially damaged structures within mapped Special Flood Hazard Areas to be constructed in a manner that is reasonably safe from flooding. That requires proper building elevation and protection techniques. Structures deemed to be substantially damaged that are not brought up to code, as required by the local flood damage prevention ordinance and federal regulations, are considered non-compliant structures under the NFIP and may see significant increases in their flood insurance premiums as a result.

These regulations apply to rebuilding residential structures, non-residential structures, accessory structures, reinstalling propane tanks, mobile homes and recreational vehicles. A floodplain permit, and in some cases an elevation certificate, will be required. In all cases, any man-made change to the floodplain (filling, grading, dredging or excavating) will require a floodplain permit be issued by the local floodplain administrator, typically the code enforcement officer. There is no emergency authorization or exemption from the floodplain regulations or permitting requirements. The community can decide to waive the associated fees but not the requirement for a permit.

Below is a checklist in order to provide an overview of areas that should be addressed during the post-flood recovery process.



Department of
Environmental
Conservation

Floodplain Management:

- ☐ Review local flood damage prevention ordinance
- ☐ Locate the Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for your community, visit [FEMA Flood Map Service Center | Welcome!](#) if hard copies cannot be located
- ☐ Notify property owners of permit and building requirements, especially within FEMA identified Special Flood Hazard Areas (SFHA)
- ☐ Perform substantial damage determinations for any structures located within the SFHA, review FEMA's [Substantial Improvement/Substantial Damage Desk Reference \(fema.gov\)](#) for additional guidance
- ☐ Notify property owners of substantial damage determination and rebuilding requirements in writing

Flood Insurance:

- ☐ Direct residents with questions about their flood insurance policy to their insurance agent or [FloodSmart | The National Flood Insurance Program](#)

Hazard Mitigation Assistance Grants:

- ☐ Review mitigation actions identified in the County Hazard Mitigation Plan
- ☐ Pursue mitigation of at-risk properties through the Flood Mitigation Assistance (FMA) Program or Building Resilient Infrastructure & Communities (BRIC)
- ☐ Contact the State Hazard Mitigation Office and visit their website at [NYS Division of Homeland Security & Emergency Services](#)

Many of the areas impacted by this most recent storm may be outside of a FEMA identified Special Flood Hazard Area. In that case, the local flood damage prevention ordinance and flood resistant requirements of the NYS Uniform Code would not apply. If structures were damaged, then property owners may want to take steps to reduce their risk to similar storms in the future. We recommend providing resources such as the [Homeowner's Guide to Retrofitting](#) or [Protecting Building Utility Systems From Flood Damage](#).

DEC staff is available to assist your community with these requirements; however, we cannot make the final substantial damage determinations or issue floodplain development permits on your behalf. In partnership with FEMA Region 2, DEC Floodplain Management Staff will be hosting a virtual post-disaster workshop to review the post disaster requirements, provide additional guidance, and answer questions you may have. The workshop is scheduled for **Wednesday, August 9th from 11:00 am – 12:00 pm**. If you did not receive an invite, please contact me or Thomas Song with FEMA Region 2 at thomas.song@fema.dhs.gov.

This may seem overwhelming, but DEC staff is available to assist you. Do not hesitate to contact me at Brienna.Wirley@dec.ny.gov or 585-226-5465 if there are any questions.

Sincerely,

A handwritten signature in cursive script that reads "Brienna Wirley".

Brienna Wirley, CFM
Environmental Program Specialist

Ecc: Marianne Luhrs, FEMA Region 2
Thomas Song, FEMA Region 2
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