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Definition of Terms

Definitions used in this manual that relate to the National Flood Insurance Program (NFIP) can be found in Code of Regulations (CFR) 44 Part 59. In addition, the following definitions apply:

a. **Community Compliance Program.** The complete system developed to identify and resolve program deficiencies and violations, with the objective of obtaining community compliance with NFIP criteria. The emphasis of the system is on correcting program deficiencies and remedying violations through community assistance and consultation prior to the initiation of an enforcement action.

b. **Enforcement Action.** A measure initiated by FEMA to obtain community compliance with NFIP floodplain management criteria by ensuring that communities correct program deficiencies, remedy past violations, and enforce their ordinances for future development. The action commences when a FEMA Regional Director notifies the community that it will be placed on probation following the conclusion of a 90-day notice period. The action can continue through suspension and/or until the community’s full program status is restored.

c. **Flood Loss Reduction.** A combination of preventive and corrective measures taken by individuals or communities to mitigate the adverse consequences of flooding.

d. **Floodplain Management Regulations.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, or erosion control ordinance), and other applications of police power. The term describes such local or State regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

e. **International Building Code (IBC).** A model code that provides minimum requirements to safeguard the public health, safety and general welfare of the occupants of new and existing buildings and structures. Depending on the State, the IBC can or must be adopted by a community. It contains flood damage–resistant provisions that are consistent with the minimum design and construction requirements of the NFIP.

f. **International Residential Code (IRC).** A model code that provides complete, comprehensive regulations for the construction of single family houses, two-family houses and buildings consisting of three or more townhouse units. Depending on the State, the IRC can or must be adopted by a community. It contains flood damage–resistant provisions that are consistent with the minimum design and construction requirements of the NFIP.

g. **Probation.** Recommended by the Regional Administrator and occurring as a result of non-compliance with NFIP floodplain management criteria [44CFR §59.24(b)]. A community is placed on probation for one year (may be extended) during which time a $50.00 surcharge is applied to all NFIP policies, including Preferred Risk Policies, issued on or after the probation surcharge effective date. If a community does not take remedial or corrective measures while on probation, it can be suspended.

h. **Program Deficiency.** A defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of floodplain management regulations or the standards in 44 CFR §60.3, 60.4, or 60.6.
i. **Reinstatement.** After a period of suspension from the NFIP for failure to adopt or enforce floodplain management regulations or for repealing or amending previously compliant floodplain management regulations, a community may be reinstated into the Program. At a minimum, conditions for reinstatement may include that the community report to the FEMA Regional Office all activities on the floodplain and each variance that it grants, and that a review be conducted after a specified period of time to ensure that the community is enforcing its floodplain management regulations. Flood insurance is available in communities that have been reinstated. A community may be reinstated on probationary status, however. In communities placed on probation an additional charge of $50.00 will be added to the premium for each new or renewed policy for a period of no less than one year.

j. **Substantive.** A substantive program deficiency or violation is one that has resulted or could result in increased potential flood damages or stages during events up to or equal to the base flood in the community.

k. **Suspension.** A community shall be subject to suspension from the NFIP for failure to adopt compliant floodplain management measures [44 CFR §59.24(a)] or if it repeals or amends previously compliant floodplain management measures [44 CFR §59.24(d)]. A community can also be suspended for failure to enforce its floodplain management regulations [44 CFR §59.24(c)]. New flood insurance coverage cannot be purchased and policies cannot be renewed in a suspended community.

l. **Violation.** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(e), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.
Chapter 1 - General Information

1-1 Purpose

This manual establishes the Department of Homeland Security, Federal Emergency Management Agency (FEMA) procedures for conducting Community Assistance Contacts (CACs) and Community Assistance Visits (CAVs) with communities participating in the National Flood Insurance Program (NFIP). This is the second edition of this manual, which was originally published on August 30, 1989.

1-2 Applicability and Scope

This manual is applicable to all FEMA staff in Headquarters (HQ), FEMA Regional Offices, Joint Field Offices, and State agencies that may be conducting CACs and CAVs under the NFIP’s Community Assistance Program (CAP).

1-3 Authorities


1-4 References

Title 44, Code of Federal Regulations (CFR), Parts 59, General Provisions; 60, Criteria for Land Management and Use; 65, Identification and Mapping Special Hazard Areas; 70, Procedures for Map Correction; 72, Procedures and Fees for Obtaining Conditional Approval of Map Changes; 78, Flood Mitigation Assistance; 79, Flood Mitigation Grants; and 80, Acquisition of Flood Damaged Structures.

1-5 Background

The major objective of the CAP is to ensure that communities participating in the NFIP are achieving the flood loss reduction objectives of the program. To achieve this objective, the CAP is designed to provide needed floodplain management assistance services to NFIP communities. By providing these services, the CAP identifies, prevents, and resolves floodplain management issues before they develop into problems that require enforcement actions. The Community Assistance Program–State Support Services Element (CAP-SSSE), through its State partnering agreement, is designed to support and enhance State floodplain management programs by making State personnel available to assist and supplement FEMA Regional Office staff. The CAP is a companion program to the NFIP Community Compliance Program (CCP). If problems are encountered and cannot be resolved during the implementation of the CAP, the CCP provides an orderly sequence of enforcement options of varying severity for follow-up action by FEMA HQ and the FEMA Regional Offices.
1-6 Objectives

a. Objectives of this Manual

1. To serve as a guide and tool for selecting and conducting CACs and CAVs, and
2. To serve as a training document for staff not familiar with the procedures for conducting CACs and CAVs.

This manual describes the step-by-step process for conducting CACs and CAVs. The activities and issues listed under the CAC and CAV processes, while comprehensive, may not be inclusive of all that may be required to identify, prevent, and resolve floodplain management issues. Likewise, certain activities and issues listed under the CAC and CAV processes may not be applicable to every community or every situation. For example, if a community does not have mapped areas protected by a levee system recognized by FEMA as providing protection from the base flood, it is not necessary to discuss maintenance activities with the community under the provision 44 CFR §65.10. FEMA Regional and State staffs are expected to exercise discretion in evaluating community programs and the application of this guidance. Although NFIP regulations are referenced throughout this manual, it is not the intention of this document to supersede or replace the NFIP regulations.

b. Purpose of the CAC

1. The CAC provides a means for establishing or re-establishing contact with an NFIP community for the purpose of determining any existing problems or issues and to offer assistance if necessary. The CAC also provides the opportunity to enhance the working relationship between the State or FEMA with NFIP communities and creates a greater awareness of the NFIP and its requirements.

2. A CAC can be conducted by means of a telephone call to the community or a brief visit. Using either method of contact, the CAC is intended to be less comprehensive and less time-consuming than a CAV. The CAC should not be conducted in communities where more serious floodplain management problems or issues are known or suspected, especially in communities where growth is occurring in the floodplain, or in communities with a high potential for damage to existing development.

c. Purpose of the CAV

1. The CAV is a scheduled visit to an NFIP community for the purpose of conducting a comprehensive assessment of the community’s floodplain management program and of its knowledge and understanding of the floodplain management requirements of the NFIP. The purpose of the CAV is also to
provide assistance to the community in remedying identified program deficiencies and violations.

2. The emphasis of the CAV is on resolving issues or problems by providing floodplain management assistance; however, the subsequent findings and documentation of a CAV form the basis for taking an enforcement action if deficiencies are not resolved and violations are not remedied to the maximum extent possible given practical and legal constraints.

3. The CAV offers an opportunity to establish or reestablish working relationships between the State or FEMA and NFIP communities to create a greater awareness of the NFIP and its requirements, and to provide ongoing technical assistance.

4. The CAV also provides an opportunity to assess the effectiveness of the programmatic and regulatory aspects of the NFIP nationally by gathering information and making observations on local floodplain management programs; entering data and comparing them to the information in FEMA’s Community Information System (CIS); and identifying any issues or problems related to programmatic or regulatory aspects of the NFIP and the effectiveness of the NFIP’s flood loss reduction efforts.

5. Because of the comprehensive nature of the CAV, priority visits should be scheduled in communities experiencing rapid growth and development in the Special Flood Hazard Area (SFHA), and where floodplain management problems are known or suspected.

d. Timeframe

1. Ideally, each fiscal year, some type of contact should be made with all communities participating in the NFIP, whereby community floodplain management programs are assessed and floodplain management assistance services are provided. However, this task is virtually impossible given that more than 21,000 communities participate in the NFIP and that FEMA’s resources are limited.

2. To gain maximum benefit from available resources and to ensure the NFIP remains responsive to the needs of all participating communities, FEMA has established a “risk based” priority approach for selecting communities for CAVs, to ensure that FEMA’s limited resources are applied in the communities most in need of this level of attention. This approach is supplemented by training courses, technical assistance, floodplain management, and other flood loss reduction–related tools that are designed to reach lower growth rate communities that may not receive a CAV.

3. Community assessment and floodplain management assistance may take a variety of forms. In addition to CACs and CAVs, these activities may include consultation and coordination of new and revised Flood Insurance Studies (FISs), which require Scoping Meetings and Final Meetings for FISs; assistance to communities with updating floodplain management regulations; technical
assistance to communities that have experienced a recent disaster; and other forms of direct, one-on-one contact with communities to provide assistance.

4. By using a combination of CACs and CAVs in conjunction with all other community assessment and assistance activities, the process is designed to ensure that several thousand communities are contacted in one form or another each year so that, over time, no NFIP community is overlooked.

5. The actual number of communities contacted or visited through the formal CAC and CAV process in a given year may vary due to the following factors:

(a) The availability of staff resources within FEMA and State agencies; and

(b) Recognition that where high rates of growth and development are occurring in the SFHA and/or that where program deficiencies and violations are identified, communities may require more frequent CAVs or other forms of follow-up assistance, such as field-deployed EMI classes, Elevation Certificate workshops for surveyors, etc. This process recognizes the need for and importance of resolving and preventing, to the maximum extent possible, floodplain management problems and issues related to development in SFHAs that would be at risk to future flood damages.

1-7 Responsibilities

a. The FEMA Administrator is responsible for the establishment, development, and execution of policies and programs under the National Flood Insurance Act of 1968, as amended.

b. The Federal Insurance Administrator (FIA), Federal Insurance and Mitigation Administration (FIMA) is responsible for the following:

1. Administering the development of criteria and standards for the flood insurance, risk assessment, and loss reduction activities of the NFIP;

2. Providing guidance to FEMA Regional Offices to assist in their implementation and completion of NFIP-related duties; and

3. Acting, as necessary, to suspend or reinstate community eligibility to participate in the NFIP in accordance with the provisions of 44 CFR §59.24.

c. The Floodplain Management Unit, FIMA is responsible for the following:

1. Administering the CAP, including the CAP-SSSE partnering agreement, and the CCP;

2. Developing floodplain management policy and regulations to improve implementation of the NFIP;

CAV Triggers – High rates of growth and development in the SFHA, and/or identified program deficiencies and violations, may signify the need for more frequent CAVs.
3. Developing floodplain management guidance and training materials to improve implementation at the community level;

4. Implementing community NFIP eligibility and enrollment; and

5. Providing overall management and coordination to the States, to FEMA Regional Offices, and to communities on Community Rating System (CRS), Section 1316 (denial of flood insurance coverage), and on the CIS.

d. **The FEMA Regional Administrators** are responsible for the following:

1. Providing assistance to NFIP communities in their efforts to administer and enforce local floodplain management regulations that meet or exceed the minimum criteria of the NFIP;

2. Monitoring the floodplain management activities of NFIP communities to ensure compliance with the requirements of the NFIP;

3. Recommending imposition or removal of NFIP CRS retrogrades, as necessary, based upon community response to identified local floodplain management program deficiencies and violations;

4. Recommending the imposition or removal of NFIP community probation, as necessary, based upon community response to identified local floodplain management program deficiencies and violations; and

5. Providing subsequent recommendations to the FIA to suspend or reinstate community eligibility to participate in the NFIP.

e. **The NFIP State Coordinator** is responsible for the following:

States have a significant role in the NFIP. Many have adopted floodplain statutes and regulations and have established and funded their own State floodplain management programs. Each Governor has selected a State coordinating agency for the NFIP. While the role of this agency varies among States, common activities include the following;

1. Ensuring that communities have the legal authorities necessary to adopt and enforce floodplain management regulations;

2. Establishing minimum State regulatory requirements consistent with the NFIP;

3. Providing technical and specialized assistance to local governments and the general public;

4. Coordinating the activities of the various State agencies that affect the NFIP, including regulating State-owned property in SFHAs; and
5. Encouraging and assisting communities to qualify for NFIP participation and CRS participation, and to maintain eligibility through ongoing community monitoring and enforcement.

In addition to having an NFIP State Coordinator, most States participate in the CAP-SSSE, which funds States to provide assistance and monitoring to NFIP communities through CACs, CAVs, and ordinance reviews in support of the FEMA Regional Offices.

1-8 Reporting Requirements

a. The CIS is the management system for NFIP floodplain management activities. All CAC and CAV findings must be entered into the system within 30 days of the activity, with further updates entered as needed. Documentation, correspondence, and other pertinent information of community, State, and Federal actions must also be placed into the CIS.

b. These reports and documentation serve three purposes:

1. Provide a summary of the CAC or CAV by indicating the types of problems or assistance needed in the NFIP community;

2. Serve as an administrative tool for advancing the CAC or CAV through the assessment and assistance process by ensuring that necessary follow-up actions are taken by the NFIP community in a timely manner;

3. Use information from these reports to evaluate how well NFIP communities are achieving the flood loss reduction objectives of the program; and

   Provide information that will not only be useful for determining the overall effectiveness of the NFIP, but will also assist FEMA's efforts in determining if any programmatic or regulatory adjustments to the NFIP are needed.
Chapter 2 - Community Selection Process

2-1 General

a. Selection of CACs and CAVs. The selection of CACs and CAVs is undertaken through the CAV-CAC prioritization process described in this chapter. It is a major challenge to balance the staff resources available at the FEMA Regional Office and State level with the number of communities that require a CAV or a CAC in a given year. This chapter describes a “risk-based” approach for community selection for CACs and CAVs. The “risk based” approach is intended to help ensure that limited staff resources are applied in a cost-effective manner to the communities most in need of a CAV or CAC in each fiscal year. The process for selecting CAVs and CACs for each Federal fiscal year should occur during the last quarter of the previous Federal fiscal year. At a minimum, FEMA and the State should agree on the number of CAVs and CACs to be undertaken before the fiscal year begins. That initial agreement can be modified later based on actual funding received and other considerations.

b. Analysis of the available resources and the types of floodplain management assistance needs. Annually, FEMA analyzes the available resources and the types of floodplain management assistance needs of communities participating in the NFIP. The resource analysis includes not only FEMA resources, but other resources outside FEMA. FEMA enters into agreements with States under the CAP-SSSE to provide floodplain management assistance to NFIP communities. The CAV and CAC are two methods to assess NFIP communities’ implementation of the floodplain management program.

1. Risk-Based Selection Report. The CIS produces an annual report of the highest priority CAVs to be conducted using the risk-based criteria discussed in section 2-3, and summarized in Figure 2-1. The FEMA Regional Offices, in coordination with State CAP-SSSE representatives, will use this report to identify a list of communities for CAVs for each State prior to the fiscal year in which the CAVs are conducted. The guidelines for selecting which communities will receive a CAV are provided in sections 2-2 through 2-5.

2. Determination of Resources. Once a preliminary list of CAVs has been identified for the upcoming fiscal year, the FEMA Regional Offices, in coordination with their State CAP-SSSE representatives, will determine which resource (the FEMA Regional Office or State) will conduct specific contacts or visits, as well as other needed floodplain management services that support the goals and objectives of the NFIP. Prior to or during the negotiation process with States for development of statements of work under the CAP-SSSE, FEMA obtains State input in order to establish a list of CACs and CAVs at least three months prior to the beginning of each fiscal year.

Note: When a CAV or CAC is required for a participating Federally Recognized Tribal Government, the CAV or CAC must be done by FEMA Regional Staff, in recognition of the established sovereign government to government relationship. (See section 5-9).
2-2 Risk-Based Criteria for Selecting CAVs and CACs

A risk-based set of criteria will be used to identify communities that need a CAV and communities that need a CAC. The term “risk-based” is used to identify those areas where development has occurred or is likely to occur in the SFHA. Future Federal disaster payments and flood insurance claims could be higher in rapidly growing communities if floodplain management regulations are not effectively enforced. These are the communities where a CAV can have the greatest impact on current and future development, including both new development and substantial improvements (e.g., additions, rehabilitations, repairs, remodeling).

a. Risk-Based Community Selection Process. The risk-based community selection process will result in an annual ranking of all communities in each State. The ranking is based on a standard set of criteria to determine what level of formal NFIP attention is appropriate for each community. The list of communities can be divided into two groups. Those with the highest rate of flood risk relative to new and existing development, tempered by suspected or potential floodplain management problems, will be identified as “Tier 1.” The Tier 1 communities should have a CAV done in order of their risk ranking at least once every five years. The length of the Tier 1 list will depend on the number of CAVs the State and FEMA can reasonably accomplish over the following five years, including the need some communities may have to be visited more often. Those communities that fall below the Tier 1 list will be labeled as “Tier 2” and should be scheduled, based on their risk ranking, for a CAC, training, or other contact without regard to timeframe, subject to State and FEMA staff availability. However, FEMA Regional Offices and States do have the flexibility, depending on resources and specialized knowledge of local conditions, to perform CAVs in appropriate Tier 2 communities.

b. Communities in the Five-Year Cycle. It is anticipated that each year the highest priority (Tier 1) communities remaining in the five-year cycle identified by this process will have a CAV scheduled, and the next highest group of communities (Tier 2) will receive a CAC or other contact. It is also anticipated that new information obtained each year will result in some priority changes within and between the two Tier lists. The number of CAVs and CACs done each year will be subject to the staff resources available from the FEMA Regional Office and the State CAP-SSSE program. Given the significant amount of staff resources required to do a CAV, a reasonable allocation of available staff hours among CAVs, CACs, and other NFIP duties is essential. Of the amount of time allocated to CAVs and CACs, the majority should be spent on CAVs in Tier 1 communities. Some States with a relatively small number of communities are able to do a CAV on every community (Tier 1 and Tier 2) in five years. Those States should evaluate the comparative risk ranking of each community to determine whether some of their
higher risk communities should have a CAV more frequently than every five years, and if some of their lowest ranked communities need only a CAC. The key is to focus limited NFIP staff time conducting risk-based CAVs on those communities where disaster and NFIP claims costs will be increased should a community fail to implement its floodplain management program correctly.

c. **Risk-Based Selection Report.** The CIS provides a Risk-Based Selection Report by State and community to assist in creating and updating the annual CAV and CAC selection process. This CIS report will depend on regular updates of insurance, floodplain management, mapping, growth rates, and other data from multiple databases to ensure the annual Risk-Based Selection Report accurately reflects the latest information.

### 2-3 Selecting Communities for a CAV

The FEMA Regional Office, in coordination with the State CAP-SSSE representative, will review the CIS Risk-Based Selection Report to determine an initial list of communities to receive a CAV for the upcoming fiscal year. While the list is developed using risk-based criteria in the best interests of the NFIP, FEMA Regional Offices and States may, in partnership, substitute a few alternate high-priority communities based on any new information or localized knowledge that warrants the adjustment. For example, a surge of development around an existing military base that benefited from the closure of another base would be cause for altering risk-based rankings. A request for a CAV to accommodate a new CRS applicant is another example of an appropriate substitution. The overall criteria for selecting or modifying an initial list of CAVs are summarized in Figure 2-1. The Tier 1 and Tier 2 criteria use selected weighted factors from these criteria. Substitutions made by FEMA Regional Offices or States to the original risk-based CAV (Tier 1) priority list shall be noted in the CIS to ensure national priorities are followed, and any alternate criteria can be incorporated into future listings.

a. **Development Risk.** A CAV should be conducted in communities that are experiencing significant development activity in SFHAs. This includes both new construction in the SFHA and major rehabilitation, upgrades, renovation, or repairs to existing buildings as shown by the indicators in paragraph 2-3(a), “Indicators of High Risk to Current and Future Development”. In addition, selection must also consider high potential for damage or repetitive losses to existing construction as provided in paragraph 2-3(b), “Indicators for Communities with High Risk to Existing Buildings/Repetitive Loss Properties.” Lastly, once a preliminary list is developed based on these criteria, the highest priority in selecting a CAV for the upcoming fiscal year should be based upon those communities with “Sources and Indicators of Information for Communities with Known or Suspected Program Deficiencies or Violations” as discussed in paragraph 2-3(c).
**Figure 2-1. Criteria for Selecting an Initial List of CAVs (Summary)**

<table>
<thead>
<tr>
<th>Communities with Current and Future High Risk of Floodplain Development:</th>
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<tbody>
<tr>
<td>□ Population Growth (Current and Projected)</td>
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<tr>
<td>□ Number of building permits granted for new construction in SFHA</td>
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<tr>
<td>□ Number of CLOMRs and LOMRs</td>
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<tr>
<td>□ Annexations</td>
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<tr>
<td>□ Number of post-FIRM insurance policies</td>
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<tr>
<td>□ Number of NFIP claims in Zones B, C, and X</td>
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<tr>
<td>□ Number of State floodway permits or other higher standards (where applicable)</td>
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<td>□ Sharp increase in Policies in Force (PIF)</td>
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**Communities with a High Risk to Existing Buildings/Repetitive Loss Properties**

Other indicators that a CAV is needed:

| □ Number of structures in the SFHA |
| □ Number of variances granted in the SFHA |
| □ Number of insured repetitive loss structures |
| □ Number of substantially damaged structures (claims) |
| □ Population in the SFHA |
| □ PIF (policy count pre- and post-FIRM buildings) |
| □ Number of flood insurance claims |
| □ Ratio of claims to PIF |
| □ Percentage of community land area vs. SFHA |
| □ Number of ICC claims |
| □ Number of structures included in Flood Grant Projects (FMA, SRL, and RFC) |

**Communities with Known or Suspected Program Deficiencies or Violations**

Indicators of potential problem communities:

| □ Unresolved issues from a past CAV or CAC |
| □ State agencies’ comments |
| □ Issues identified by CRS Verification Visit |
| □ Citizen complaints |
| □ Submit-to-Rate Applications |
| □ Insurance claim files indicating potential substantial improvements |
| □ Number of variances |
| □ Probation/suspension history |
| □ Recent disasters including reports of NFIP compliance issues (SDE, etc.) |
| □ Number of CLOMRs and LOMRs that have raised apparent non-compliance issues |

**Communities with Other Requirements for a CAV**

| □ Prerequisite for CRS participation |
| □ Prerequisite for CRS Class 4 or better |
As stated in paragraph 2-2(c), a Risk-Based Selection Report is available in the CIS with Tier 1 and Tier 2 priority communities listed. However, much of the criteria for CAV selection (indicators and many sources) are available in the CIS in various reports, specific subject screens, or by link to another appropriate database, such as the NFIP Bureau and Statistical Agent. As stated previously, the Tier 1 and Tier 2 Risk-Based Selection Report uses selected factors as discussed below.

Note: Please refer to the Annual CAP-SSSE Program Guidance for any updates and policy changes to the risk-based CAV and CAC selection criteria.

b. Indicators of High Risk to Current and Future Development. Indicators of a community’s current and future development in the SFHA are important for targeting CAVs to ensure a community’s floodplain management regulations are being implemented and enforced. Increases in potential flood damages to new and existing structures will likely occur in rapidly growing communities lacking adequate regulations or enforcement requirements. The following are several major indicators for determining whether a community is experiencing development in the SFHA.

Multiple factors should be used in making this determination. Other factors may also be used in conjunction with these data to verify development activity in the SFHA (e.g., Letters of Map Revision [LOMRs]).


2. Number of building permits granted in the SFHA. Sources for this information are the historical Biennial Report, data gathered from the latest CAC or CAV, or any other source.

3. Number of Conditional Letters of Map Revision (CLOMRs) and LOMRs. The source for this information is mapping databases.

4. Annexations or boundary changes. Sources for this information are data gathered from the latest CAC or CAV, mapping “suspense” files, the U.S. Census Bureau, or any other authoritative source. However, the State Coordinator should be in contact with the State Office that processes the annexations, and this listing should be consulted prior to conducting a CAC or CAV.

5. Number of post-Flood Insurance Rate Map (FIRM) flood insurance policies. The source for this information is insurance data.

6. Number of NFIP Claims in Zones B, C, and X. The source for this information is insurance data.

7. Number of State Floodway or other more restrictive State permits. The source for this information is the NFIP State Coordinator, or the respective State permitting agency, if different.

8. A marked increase in NFIP Policies in Force (PIF). The source for this information is insurance data.
b. **Indicators for Communities with High Risk to Existing Buildings/Repetitive Loss Properties.** Because existing development is especially vulnerable to future damages, communities should be made aware of the preventive and corrective measures and the floodplain management requirements of the NFIP for regulating redevelopment, such as substantial improvements to existing structures. The following are indicators for determining whether a community has a high potential for flood damage or repetitive losses to existing development. Some of these indicators, when used alone, are insufficient for determining whether a community has a high potential for flood damage or repetitive losses to existing development. Multiple factors should be used in making this determination. Other factors may also be used in conjunction with these data to verify existing development activity in the SFHA.

1. Number of structures in the floodplain. Sources for this information are data gathered from the latest CAC or CAV, historical Biennial Report data, CRS data or data from any other known source.

2. Number of variances granted in the SFHA. Sources for this information are data gathered from the latest CAC or CAV, historical Biennial Report data, CRS verification visit, or data from any other known source.

3. Number of insured repetitive losses. The source for this information is flood insurance claim information.

4. Number of suspected substantially damaged structures. The source for this information is flood insurance claim information.

5. Population in the SFHA. This estimated computation uses Digital Flood Insurance Rate Map (DFIRM) and Census Tract data.

6. PIF. Number and dollar amount of pre- and post-FIRM flood insurance policies. The source for this information is flood insurance application data.

7. Number and dollar amount of flood insurance claims. The source for this information is flood insurance claims information.

8. Ratio of claims to PIFs. The source for this information is flood insurance claims and policy data.

9. Number of increased cost of compliance claims. The source for this information is flood insurance data.

10. Number of buildings included in HMA Flood Grant Projects (FMA, RFC, SRL).

c. **Sources and Indicators of Information for Communities with Known or Suspected Program Deficiencies or Violations.** The following are sources of information for identifying communities with known or suspected floodplain management problems or issues:

1. Unresolved Issues from previous CACs and CAVs.
2. State or local agency comments.

3. Issues identified through a CRS verification visit.

4. Citizen complaints.

5. Submit-to-Rate Flood Insurance Applications that indicate that non-elevated structures have been built with the lowest floor two feet or more below the Base Flood Elevation (BFE), and that elevated structures have been built with enclosures having the lowest floor 1 foot below the BFE. The source for this information is flood insurance data.

6. Insurance claims data that may indicate substantial improvement problems. The source for this information is flood insurance data.

7. Number of variances granted in the SFHA. Sources for this information are data gathered from the latest CAC or CAV, historical Biennial Report data, CRS verification visit, or data from any other known source.

8. Probation/Suspension history; requests to be reinstated.

9. Recent Presidentially declared disasters including reports of NFIP compliance issues.

10. Number of CLOMRs and LOMRs that have raised apparent non-compliance issues.

All of the above information, if applicable, can be found in the CIS, with the exceptions noted above.

2-4 Other Situations that Require a CAV

a. Requests to Participate in the CRS Program. A CAV will be required for a community requesting to participate in the CRS, or for one requesting reinstatement to the CRS. The community should receive a CAV by the State or FEMA Regional Office staff within six months of an incoming request from the Chief Executive Officer.

b. Changes in CRS Class. A CRS community improving to a Class 4 or better must receive a CAV.

2-5 Selecting Communities for a CAC

The following are the major criteria FEMA will use in selecting communities for CACs. Generally, all CAC locations should be identified prior to the beginning of the fiscal year at the time of CAV selections.

a. Selection Criteria for CACs. CACs should be conducted for communities based on the following:
1. All communities that are identified for a CAC on the Tier 2 Risk-Based Selection Report.

2. Communities experiencing minimal development and/or that are issuing a small number of building permits, and have not been contacted by means of a CAC, CAV, or any other type of floodplain management assistance service.

3. Communities that have requested assistance.

4. Communities that have appointed or designated a new local official with the responsibility, authority, and means to implement the NFIP.

b. Contacts through Brief Visits. Contact with communities by means of a brief visit should be conducted only in conjunction with other floodplain management assistance services for travel savings and efficiency. For example, CACs can be clustered geographically or conducted in conjunction with a CAV or other floodplain management services conducted in nearby communities. If a telephone call is used as the method of contact, communities may be selected in any logical order.

c. Communities with Serious Program Deficiencies or Violations. A CAC should not be conducted in communities where more serious floodplain management problems or issues are known or suspected, particularly in communities where one or more substantive program deficiencies or violations have been identified, or for those CAV candidates based on the risk-based CAV selection list.

Exception: An exception to the selection process for CACs and CAVs is the post-disaster environment. In an effort to assist communities in recovering more quickly in these situations, increased post-disaster staffing often allows greater opportunity to contact communities in a shorter period of time. Consequently, when appropriate disaster assistance employees, FEMA Regional Office staff, or State staff are available in the post-disaster setting, it has become standard operating procedure (and is recommended) to perform a post-disaster CAC on all affected communities, regardless of risk-based status. However, given the more intensive effort, complexity, and skill needed for a CAV, and in deference and sensitivity to community post-disaster staff resources, a CAV is not recommended sooner than one year after a disaster.
Chapter 3 - Community Assistance Contact

3-1 General

The CAC is a telephone call or brief visit to a NFIP community for the purpose of establishing or re-establishing contact to determine if any program-related problems exist and to offer assistance. A CAC consists of four distinct phases: Preparation, Community Contact, Documentation, and Follow-up. For each phase, the activities to be conducted are much less comprehensive than for a CAV. For this reason, a CAC should not be conducted in communities with known or suspected substantive program deficiencies or violations. CACs may also serve as a follow-up to ensure compliance issues have been resolved; or as part of post-disaster community coordination to determine what level of NFIP assistance beyond immediate identification of substantially damaged structures may be needed. If a CAC reveals substantive compliance issues that cannot be resolved at that level and a CAV is needed, staff should indicate in the CIS that a CAV be scheduled to fully analyze and address these issues.

3-2 The Difference between Technical Assistance and a CAC

A technical assistance contact, done in person or by phone, may require addressing one or more NFIP floodplain management issues in the community. Hundreds of these general technical assistance interactions occur each year and are recorded in the General Technical Assistance screen in the CIS. Technical assistance requests are typically generated through phone calls or e-mails from community officials, complaints from property owners, calls from building contractors, and inquiries from insurance agents. In contrast, a CAC must involve a more comprehensive discussion of the six basic CAC topics: Floodplain Management Regulations; FIS and FIRM availability and accuracy; Development Permit and Review Process; NFIP Community Information and Verification; Potential Deficiencies or Violations; and any needed follow-up or community action. This chapter addresses these topics. A discussion of these topics with the local floodplain administrator should provide FEMA or the State NFIP planner with a reasonable sense of how the community is implementing the floodplain management program. A CAC usually includes a level of technical assistance when specific issues are raised and addressed as part of the broader discussion.
3-3 Preparation

The FEMA or State staff person responsible for conducting a CAC should have a sound knowledge of the NFIP, have taken the basic floodplain management course, and attended at least three CAC interviews conducted by an experienced FEMA or State NFIP professional. Before any contact is made with a community, certain key information should be reviewed. At a minimum, the information listed in section 3-3 (a through e) should be thoroughly reviewed prior to the contact. Additional relevant data and information should be reviewed when a greater familiarity with a community is necessary. A list of suggested additional information and sources is provided in section 4-2 of this manual. A list of suggested materials to bring for brief visits is also provided in section 4-5.

a. Community Floodplain Management Regulations. State agencies conducting CACs on behalf of FEMA should contact or visit their respective FEMA Regional Office to obtain or verify the latest floodplain management regulations maintained in the community file. If new regulations are pending, it may be necessary to review both.

b. Flood Insurance Study and Maps. The latest FIS and FIRM should be reviewed.

c. CAC and CAV Reports. Review previous CAV and CAC information to provide a basis for comparison with past performance, to identify areas and issues, and to evaluate progress in implementing the listed recommendations. Identify any unresolved compliance issues from prior CAVs or CACs.

d. NFIP Community Data. Review NFIP community data contained in the CIS, including the Risk-Based Selection Report for the community. Additional insurance data may be found online through a link in the CIS. Use these data systems and other information to evaluate the following issues:

1. If the community participates in the CRS program, identify its current CRS ranking and verified activities (in the CIS).

2. Review the most recent claims, policies, or other insurance data for the community. Identify the number of repetitive loss and severe repetitive loss buildings in the community. If applicable, review the submit-to-rate flood insurance applications to identify possible violations or improper variances.

3. Review the number of LOMRs or Physical Map Revisions (PMRs) as a preliminary measure of the community’s development activity and/or to determine whether a restudy is necessary. Determine if there are any CLOMRs that have not been closed with a LOMR. Determine if an FIS is currently underway for the community, and the FIS status.

e. Recent Correspondence. Review any recent correspondence with the community that may be useful in assessing local attitudes toward land-use regulations and the
NFIP. Use this correspondence to assess the community’s level of NFIP-related activity, past history, technical assistance needs, and problems in implementing NFIP requirements; to identify those at the local level who are involved with NFIP implementation; and to determine any outstanding issues that require follow-up or site investigation.

3-4 Community Contact

The following points are a guide for discussions with the community. As you conduct the call or brief visit for the CAC, you need to use appropriate judgment as to how much detail to give regarding each aspect of the community’s program and where to focus needed attention. Remember: This is a brief visit or call to discuss overall community knowledge and implementation.

a. Purpose of Contact. Generally, the telephone call or brief visit should be with the local official who has the responsibility, authority, and means to implement the NFIP and its requirements. Before any detailed discussion of the community’s floodplain management program begins, explain the purpose of the contact. The CAC includes six areas that should be addressed: 1) floodplain management regulations; 2) map availability, accuracy, and recent flooding history; 3) development permits and review process; 4) NFIP community information review and verification; 5) potential deficiencies or violations; and 6) any follow-up and/or community action that is needed.

The recommended approach for addressing each of these areas is provided below and includes a list of issues for discussion during the contact. The discussion should be tailored to the method of contact (telephone or brief visit). A detailed set of CAC discussion topics is listed in section 3-4 (a through f), and an abbreviated checklist of these issues (shown in Appendix A) may be used during the actual contact as a reference. Several FEMA Regional Offices and States have developed their own CAC checklists tailored to their needs. Check with your State or FEMA Regional Office for other examples. If, as a result of a telephone contact with a community, program deficiencies or violations are suspected, it may be necessary to follow-up with a brief visit to the community to gain a better understanding of the problem(s) and/or to verify suspected issues.

Most CACs are done by telephone and are intended to establish or reestablish contact to determine if any program-related problems exist, provide technical assistance, and build a relationship that will encourage the community official to contact the State or FEMA Regional Office when NFIP-related questions arise. CACs that can be made by a brief visit, when practical, may provide more effective communication with the community official. Whether the CAC is done by brief visit or by telephone, preparation should be done in advance of the CAC.

Beyond planned calls, CACs may be made with little advance notice as the NFIP representative is driving through a community for other travel requirements, such as a final meeting or a CAV.

However, if the community visit is based on a passing travel opportunity, the NFIP representative can turn that visit into a CAC. The community data and other information should be reviewed later and the contact
completed by telephone if necessary.

b. **Pre-Contact Tour.** A tour of the SFHA is not a requirement of the CAC. However, a pre-contact tour may be conducted to become familiar with the community, or may be necessary following a CAC in order to address problems or issues raised during the contact or in cases when one or more substantive program deficiencies or violations are suspected as a result of the contact.

c. **Community Floodplain Management Regulations**

1. Determine whether the floodplain management regulations reviewed are the most current. If not, ask the community to either provide or send a copy of the current adopted regulations, depending on the method of the contact.

2. Ask if the community has a building code in addition to its floodplain management ordinance. If so, identify which building code it is using. Are the community floodplain management regulations administered only through a stand-alone floodplain management ordinance or through both the ordinance and the building code? If it has adopted the International Building Code, has the community also adopted Appendix G or another companion ordinance? Ask which office in the community is implementing the building code and which office is implementing Appendix G or a companion ordinance.

3. Discuss any inadequacies, omissions, or other problems identified during the prior review of the regulations.

4. If appropriate, ask if the community needs assistance in updating or revising the current floodplain management regulations. Discuss a schedule for accomplishing this requirement with the community.

5. Discuss other issues related to the community’s floodplain management regulations.

d. **Map Availability and Accuracy**

1. Determine whether the FIS and FIRM in use by the community are the most current versions. Determine whether community officials need instruction on using the DFIRM or digital mapping tools. Do officials understand what types of resources are available from the FEMA Map Service Center (MSC) website?

2. Ask whether other maps or studies are used for regulating development in the SFHA. If other maps and studies appear to have an impact on the effective BFEs, or if the community has developed BFEs in areas where elevations have not been provided by FEMA, obtain a copy of the maps or studies.

3. Determine whether the local official has any particular problems in using FEMA maps or study data (e.g., determining a BFE in A Zones without BFEs).

4. Inquire whether the community has experienced any recent flooding and ask them to briefly describe the extent (source and location) and damage (e.g., were there any structures that were substantially damaged or in areas not designated
as an SFHA?). If so, determine the general cause (e.g., stormwater/drainage problems, an event greater than the 100-year frequency flood, failure of a flood-control project, project design standards exceeded, inaccuracies in the mapping or hydrology/hydraulics).

5. Inquire whether the local official has any problems with the accuracy or completeness of the FIRM or FIS report. Try to narrow these down to specific stream segments and panels whenever possible.

6. Determine whether the boundaries of the community have been modified by annexation or if the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. If so, determine if any corporate boundary change involved an SFHA. Obtain a copy of an official community map showing the boundary changes and, if one is available, obtain a copy of any ordinance or other legal description of the community’s new boundary limits. This map may also be used by FEMA as part of a map revision.

7. Inquire whether any structural flood-control projects are planned, under construction in the community, or completed since the date of the last CAC or CAV. Ask if this project has changed or will change the boundary of the SFHA on the FIRM. If so, determine whether officials plan to submit a LOMR, as is required to update the FIRM.

8. Because many map revisions are based on channel modifications and associated channel maintenance activities, determine whether the community is aware of its maintenance responsibilities.

9. Determine whether local officials are familiar with the process for Appeals, Revisions, and Amendments to FIRMs.

10. Discuss any other map- or study-related issues.

e. Development Review Process

1. Determine what the development review, permit, and inspection procedures are for new construction and for rehabilitations, additions, or other improvements of an existing structure, particularly those that may meet the substantial improvement or substantial damage definitions.

2. Determine what the review, permit, and inspection procedures are for development other than structures, such as mining, dredging, filling, grading, paving, excavation, or drilling operations.

3. Determine what procedure is used for the following:

   (a) Obtaining the lowest floor elevation in all A-Zones where BFEs are used [44 CFR §60.3(b)(5)]:

(b) Obtaining the elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V-Zones [44 CFR 60.3(e)(2)]; and

(c) Usage of the FEMA Elevation Certificate to record and store lowest floor elevation data. (This is required for CRS communities and recommended for non-CRS communities.)

4. Determine what procedure is used to secure certifications for the following:

(a) Floodproofed, non-residential structures [44 CFR §60.3(c)(4)];

(b) Openings for fully enclosed areas below the lowest floor subject to flooding when the design differs from minimum NFIP criteria [44 CFR §60.3(c)(5)];

(c) Anchoring of a pile-and-column foundation and structure attached thereto in all V Zones [44 CFR §60.3(e)(4)]; and

(d) Breakaway walls in all V Zones when design strength exceeds the minimum NFIP criteria [44 CFR §60.3(e)(5)].

5. Determine what process the community uses to determine the following:

(a) Where floodways have not been designated, cumulative floodplain development will not increase the water-surface elevation of the base flood more than 1 foot in Zones A1-30 and AE [44 CFR §60.3(c)(10)]; and

(b) Where floodways have been designated, encroachments would not result in any increase in the flood levels within the community during the occurrence of the base flood discharge in SFHAs [44 CFR §60.3(d)(3)].

6. Determine the community’s process for ensuring that buildings are constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding [44 CFR §60.3(a)(3)].

7. Determine the community’s process for ensuring that all new construction and substantial improvements are designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Determine the process for ensuring that construction is done with materials resistant to flood damage [44 CFR §60.3(a)(3)].

8. In communities with A-Zones without BFEs, determine whether local officials require BFE data for subdivisions of at least 50 lots or 5 acres [44 CFR §60.3(b)(3)]. Indicate that BFEs must be derived from other sources or developed using methodologies comparable to an FIS, and discuss available options, such as Quick 2 described in Managing Floodplain Development in Approximate Zone A Areas (FEMA-265) with officials.
9. In communities with A Zones without BFEs, determine whether local officials obtain, review, and reasonably use any BFE and floodway data available from a Federal, State, or other source [44 CFR §60.3(b)(4)]. Discuss the option of having the community require that the permit applicant develop a BFE.

10. Have local officials describe the regulatory standards and operating procedures for enforcement, including how periodic inspections of the floodplain are conducted.

11. Have local officials describe the regulatory standards and operating procedures for variances. In cases where variances have been granted, ask whether notifications to property owners were provided concerning the effect of the variance on flood insurance rates.

12. Have local officials describe the process used to review proposals for subdivisions within the SFHA, including what flood-related issues are reviewed.

13. Inquire about the general use of land in an SFHA and the potential for future development in the floodplain.

14. Discuss any other issues related to the community’s floodplain management practices or issues that affect enforcement/compliance and development conditions in the floodplain.

15. Address any unresolved floodplain management issues from a previous CAV or CAC.

16. Ask local officials to describe the permit review process, including how the results of those reviews and determinations are recorded and maintained. For instance, some communities purge files, such as certifications on a plat map or design drawings, every five years. Remind communities that these records must be maintained in perpetuity.

f. NFIP Community Information Review and Verification

1. Review with local officials the number of policies in force and the number of flood insurance claims paid.

2. Review or verify any other relevant data contained in CIS. (e.g., name and address of CEO, address of Floodplain Administrator).

3. Ask how long the current Floodplain Administrator has been in place.

4. Ask the Floodplain Administrator the type of training that he/she has had and whether it included NFIP training. Ask whether the Floodplain Administrator is a Certified Floodplain Manager (CFM) and whether any other employees are CFMs. Describe what NFIP training is available and make recommendations for training.
g. Program Deficiencies and Potential Violations. Discuss any program deficiencies or potential violations identified during the CAC.

h. Summarize the Findings and Follow-up Actions. Discuss the findings, next steps, and any follow-up assistance you will provide. Identify any community action that will be required.

3-5 Documentation

a. The findings of the contact shall be entered in the CIS to facilitate FEMA’s evaluation of individual floodplain management programs and the NFIP nationally. It is essential that sufficient documentation and comments/notes of the CAC are entered into the CIS, as the CIS serves to document the types of problems or the assistance needed in the community. It also serves as a tool for advancing the contact through the assessment and assistance processes by ensuring that the necessary follow-up actions required by the community are made in a timely manner.

b. Document in the CIS whether a community floodplain management program deficiency has been identified. For each floodplain management program category (e.g., floodplain management regulations, administrative and enforcement process and procedures, engineering – flood maps and study, other), indicate whether the floodplain management problem is serious, minor, or non-existent. The following guidance is provided for completing this section in the CIS:

1. Floodplain Management Regulations. Review the CIS Ordinance Screens for the community and update as necessary based on your discussion with the community.

   (a) Serious. Serious program deficiencies in the community’s floodplain management regulations are defined as those not compliant with NFIP floodplain management criteria; or those that do not contain adequate enforcement provisions; or those that cannot be enforced through other mechanisms. Such deficiencies could result in the community’s suspension. For example:

   - Community land-use policies and procedures, such as the local zoning, subdivision, or building code requirements, are inconsistent with local floodplain management regulations.

   (b) Minor. Minor program deficiencies in the community’s floodplain management regulations are those that need to be corrected, but that have not impeded the community’s ability to enforce the NFIP floodplain management provisions or that are not critical to the effective implementation of the regulations. For example:

   - The community has adopted one
or more of the I-Codes (International Building Code, International Residential Codes, etc.) and also has a stand-alone floodplain management ordinance that duplicates the building standards in the adopted building code.

(c) None. “None” indicates that the community’s floodplain management regulations are compliant.


(a) Serious. Serious program deficiencies in a community’s administrative and enforcement processes and procedures are those that have resulted or could result in substantive violations that increase potential flood damages or stages in the community. Examples of such substantive violations include:

- Obstructions in floodways or stream channels that increase flood stages;
- Residential structures that are located with a lowest floor below the BFE;
- Non-residential structures having a lowest floor below the BFE and not properly floodproofed; and
- Structures in V Zones with non-breakaway walls below the BFE.

Further Examples of Serious Program Deficiencies Include the Following:

- Failure to require permits for proposed construction or other development within floodprone areas or failure to review such permit applications and subdivision proposals to ensure that all such construction and development is adequately designed, located, constructed, and anchored to minimize flood damage.
- Failure to obtain and reasonably use any available flood data as criteria for setting local elevation and floodproofing requirements.
- Administrative procedures and practices that are not workable or cannot reasonably ensure compliance with the local ordinance (e.g., the community does not inspect structures for compliance; the community does not record “as built” elevation data).
- Variance procedures or variances granted that are not consistent with NFIP variance criteria.

(b) Minor. Minor program deficiencies in a community’s administrative and enforcement processes and procedures are those that are easily corrected and have not resulted in multiple and substantive violations or increased exposure to flood losses. Minor program deficiencies generally involve some type of mitigating factor and can be resolved within a relatively short period of time through the provision of technical assistance. Problems may be
considered minor if a community demonstrates a willingness to take positive action to resolve them.

Examples of Minor Program Deficiencies Include the Following:

- Permit or variance records that are not organized or easily accessible;
- The BFE is not indicated on the permit; and
- The community is unfamiliar with certain NFIP requirements (e.g., floodway encroachments, notifying property owners of the effect of a variance on flood insurance rates), but no specific violations resulted from the community’s lack of knowledge and unfamiliarity with the requirements.

(c) **None**. None indicates that no problems were identified.

3. **Engineering**: Flood Maps and FIS.

(a) **Serious**. Serious problems with the community’s flood maps or FIS are those that have communitywide impact and involve major changes in the floodway or adjustments to the BFE that can be remedied by a restudy, or those involving a boundary change that includes significant additional SFHAs. Serious problems with the community’s flood map or study generally need immediate action for a map revision. Provide as specific information as possible (FIRM Panel and Reach) to the FEMA Regional Office Engineer along with a written description of the problem.

(b) **Minor**. Minor problems with the community’s flood maps or study are those that affect only one or two map panels or one flooding source and can be remedied by a LOMR or PMR. Also, a boundary change that does not include areas in the SFHA or includes a relatively small parcel of land in the SFHA with little or no development located on the property is considered a minor problem that generally can be resolved with the next comprehensive revision.

(c) **None**. None indicates that no problems were identified.

4. Other problems or issues that do not fit into the regulations, administrative, or engineering categories.

(a) **Serious**. Serious problems are actions being taken by the community that are inconsistent with or cannot reasonably ensure compliance with local floodplain management regulations.

(b) **Minor**. Minor problems are actions being taken by the community that need to be corrected, but that have not impeded the community’s ability to enforce
the NFIP floodplain management provisions; or are not critical to the effective implementation of the regulations.

(c) None. None indicates that no problems were identified.

c. Serious and minor CIS CAC fields require additional narrative to address the details that support the findings. These comments should be entered into the CIS CAC fields under the appropriate heading, along with any other narrative findings.

d. CAC information, including the findings, should be entered into CIS within 15 days of contacting the community.

e. Any documentation related to follow-up activities should be entered into the CIS within 15 days from the date that follow-up activities are completed and the CAC is considered closed. A chronology of events or activities related to issues or problems identified during the CAC, or related promises of assistance, should be entered into the CIS “Findings” or “Follow-up” screens as appropriate and should include any other relevant follow-up documentation.

3-6 Follow-up

a. The CAC information entered into CIS should indicate whether follow-up action is required or further action is needed. A CAC is not concluded until each of the issues documented in the findings are resolved and assistance is provided. Community assistance may take a number of different forms depending on the situation and the problems and major issues discovered. It may be as simple as providing information brochures or other materials about the NFIP; or it may involve more extensive efforts, such as providing assistance in updating the community’s floodplain management regulations, a workshop on implementing the NFIP and its requirements, or a CAV. Refer to Chapter 7 for additional guidance on follow-up activities and coordinating floodplain management issues with FEMA.

b. A CAC should not be closed until each issue or problem identified has been resolved or remedied to the maximum extent possible, and any assistance promised to the community has been completed. The FEMA Regional Offices will make the final determination as to whether a CAV, enforcement action, or other extensive type of follow-up is required when such actions are recommended by an agency conducting CACs on behalf of FEMA.

c. A follow-up letter is not required to be sent to each community that has been contacted — especially those where problems appear to be non-existent. However, a follow-up letter should be sent in the following instances:

The CAC report in the CIS should provide specific examples of the mapping problems identified by the community, and the appropriate FEMA Regional NFIP engineer should be notified of those issues.
1. When a community raises a particular issue or problem and a letter would affirm the response given or provide further clarification of the issue to the community.

2. When there are promises to provide information to the community (e.g., brochures, handbooks, or other NFIP materials). If materials are mailed, a short cover letter should be included. If the information is suitable for e-mail attachments, then an e-mail message is appropriate. A copy of the letter or e-mail should be placed in the community file (and copied into the CIS) to document that the follow-up action has been completed.

3. When deficiencies in the floodplain management regulations, program deficiencies, or possible violations have been identified (3-6(b)). Document findings in a letter, along with any required follow-up, and inform the community if a CAV may be scheduled in the future.
Chapter 4 - Community Assistance Visit: Preparation

4-1 General

The CAV is a scheduled visit to an NFIP community for the purpose of conducting a comprehensive assessment of the community’s floodplain management program and its knowledge and understanding of the floodplain management requirements of the NFIP. The purpose of a CAV is also to provide assistance to the community to remedy program deficiencies and violations identified during the CAV. The CAV consists of four distinct phases: 1. Preparation; 2. Community Visit; 3. Documentation/assessment or evaluation report; and 4. Follow-up. This chapter addresses the first phase, Preparation.

a. Preparation and background work is important for three reasons:
   1. To become familiar with the community;
   2. To ensure complete coverage of the issues when the visit takes place; and
   3. To adequately characterize a community’s implementation of the NFIP by combining the information gathered during this phase with the information obtained during the actual visit.

b. Preparation and background work involves the following four important steps:
   1. Review pertinent information about the selected community;
   2. Compile a list of issues and sites;
   3. Contact the community to schedule a visit; and
   4. Compile a list of materials and equipment for the CAV.

4-2 Review Pertinent Community Information

In order to assess an NFIP community’s floodplain management needs and determine the effectiveness of a community’s floodplain management program, it is necessary to understand the individual community characteristics and NFIP background.

a. Sources of Data and Information

All sources of information should be reviewed as early as possible to determine whether flood data and other floodplain management information are available. Pertinent information for the CAV should be obtained well in advance so that issues and problems can be compiled prior to the visit. The basic source of floodplain management data for this purpose is FEMA’s CIS.

States conducting CAVs under an agreement with FEMA may acquire pertinent data using their own community files, from information obtained by a visit to the FEMA Regional Office, by using the CIS, or by requesting copies from the FEMA Regional Office via e-mail.
b. **Types of Data and Information:**

1. **NFIP Community Data.** Review NFIP community data contained in the CIS, insurance, mapping and other databases to:

   (a) Review the most recent claims, policies, or other insurance data for the community, such as substantial damage reports. If applicable, review submit-to-rate flood insurance applications to identify violations or improper variances and insurance data for Zone B, C, and X policies that may indicate rating mistakes.

   (b) Review previous CACs and CAVs.

   (c) Review FEMA grant projects showing acquisition and elevation projects by address (to develop a sample to verify that acquisition projects remain as open space and that elevation projects are NFIP compliant).

   (d) Search community websites, databases, and other online information, such as ordinances, community permits, and FEMA Elevation Certificates.

2. **Floodplain Management Regulations.** Review the latest floodplain management ordinance adopted by the community. If that ordinance is incomplete for NFIP purposes because it relies on other supporting floodplain management regulations that may be in the community’s subdivision regulations, zoning ordinances, or building code, those documents must also be reviewed for this purpose. State agencies should coordinate with the FEMA Regional Office to verify the latest version of the ordinance maintained in the community file. If new regulations are pending, it may be necessary to review both.

In reviewing Figure 4-1 “Adoption of Building Codes,” inquire whether the community has a building code in addition to its floodplain management ordinance. If so, identify which building code it is using. Are floodplain management regulations administered only through a stand-alone floodplain management ordinance or through both the ordinance and the building code? If the community has adopted the International Building Code, has it also adopted Appendix G or another companion ordinance?
### Adoption of Building Codes

With the publication of the *International Code Series (I-Codes™)* in 2000 and more recent editions, and the National Fire Protection Association (NFPA) *NFPA 5000: Building Construction and Safety Code™* in 2003 and more recent editions, more and more communities are enforcing floodplain management requirements through their building codes. Both the *I-Codes™* (2003 edition and more recent editions) and the *NFPA™ 5000* (2003 edition and more recent editions), if adopted without amendments, are consistent with the minimum flood resistant design and construction requirements of the NFIP. The *I-Codes™* includes the following series of codes:

- *International Building Code® (IBC®)*,
- *International Residential Code™ (IRC™)*,
- *International Plumbing Code®,
- *International Mechanical Code®,
- *International Fuel Gas Code®,* and
- *International Private Sewage Disposal Code®*.

Note that usually when States and communities adopt the *IBC®* they also adopt by reference the *IRC™*, which regulates detached one- and two-family dwellings and multiple single-family dwellings (town homes). However, a State or community may choose not to regulate one-and two-family dwellings and townhouses by amending the *IBC®* to exclude the reference to the *IRC™*. If a State or community specifically excludes this reference, the buildings regulated by the *IRC™* must be covered in a community's floodplain management ordinance or other regulations.

Although adoption of one of the new model building codes (either the *I-Codes™* or *NFPA™ 5000*) by States and communities should improve overall compliance with the flood-resistant design and construction requirements of the NFIP, extra effort may be required when reviewing community floodplain management regulations, to ensure compliance with the minimum requirements of the NFIP.
Figure 4-1 (cont’d). Adoption of Building Codes

<table>
<thead>
<tr>
<th><strong>Review of the State Building Code.</strong> States that adopt the I-Codes™ or NFPA™ 5000 as the basis for their State-mandated building code may also amend the base model code. Any amendments could directly or indirectly affect the flood-resistant design and construction requirements of the NFIP. For example, the State could change the flood-related provisions of the code to make them non-compliant, or exempt certain types of structures from the State-mandated building code, such as agricultural structures or one- and two-family dwellings as described above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>The first step is to determine whether States in your Region have a State-mandated building code that communities must adopt. In States that have adopted a State-mandated building code, the NFIP State Coordinator should contact the State building code office to determine whether the State has adopted either the IBC® (and other I-Codes™) or NFPA™ 5000 as the basis for the State-mandated building code. The NFIP State Coordinator should also find out whether the code was amended and determine if any of the amendments affect the flood-resistant design and construction requirements in a way that make them non-compliant with the NFIP requirements. In addition, the NFIP State Coordinator will need to make a determination of whether more restrictive State floodplain management requirements have been affected. Ongoing coordination should occur between the NFIP State Coordinator and the State building code office.</td>
</tr>
<tr>
<td><strong>Adoption of Building Codes by Individual Communities.</strong> Similarly, in communities where there are no State-mandated building codes or in communities where the State allows communities to amend the State building code, the FEMA Regional and State staff will need to determine whether the community has adopted either the IBC® (and other I-Codes™) or NFPA™ 5000. It is also necessary to find out whether the code was amended and determine whether any of the amendments make the flood-resistant design and construction provisions non-compliant with the requirements of the NFIP.</td>
</tr>
<tr>
<td><strong>NFIP Provisions not Addressed by the Building Code.</strong> While the NFIP requires communities to regulate all development in SFHAs, building codes typically apply only to the construction of buildings. Generally, they do not regulate other types of development, the location of buildings, or the subdivision of land. The community can adopt Appendix G of the IBC® or Annex C of the NFPA™ 5000, which contain the other NFIP requirements, or can address the requirements through a free-standing or companion floodplain management ordinance or other regulations. The building code, or a combination of the code and another ordinance, must address all development. The FEMA Regions will need to ensure that all development is regulated and that there are no floodplain management regulatory gaps. In addition, the FEMA Regions will need to make sure that the FIRM and FIS are appropriately referenced.</td>
</tr>
<tr>
<td>The guide, <em>Reducing Flood Losses Through the International Code Series: Meeting the Requirements of the National Flood Insurance Program, 3rd edition</em>, dated 2007, can help communities decide how to integrate the I-Codes™ into their current floodplain management regulatory processes in order to meet the requirements for participation in the NFIP. The checklists and crosswalks presented in the guide can also help in reviewing community floodplain management regulations.</td>
</tr>
</tbody>
</table>
3. **CAV and CAC Reports.** Review previous CAV and CAC reports as a basis for comparison with past performance to identify areas and issues, and to evaluate progress in implementing recommendations for follow-up.

4. **Hazard Mitigation Plans, Comprehensive Plans, Zoning and Subdivision Regulations, Building Codes, Local Stormwater Management Ordinances, Drainage Codes, Capital Improvement Programs, and other Land-use Programs and Regulations.** If available (check the community’s website), plans and regulations should be reviewed in conjunction with floodplain management regulations and flood maps, noting the community’s policies toward development both in general and specific to its floodplain, the physical setting of the community’s land-use pattern and growth pressure, type and extent of potential development in the floodplain, the consistency of these plans and regulations with the community’s floodplain management regulations, and potential problem areas.

5. **FIS and Maps.** Review the latest FIS and FEMA map. Determine whether any re-study efforts are underway. These maps can be obtained online from FEMA’s Map Service Center.

6. **Letters of Map Change.** Review Letters of Map Amendments (LOMAs), LOMRs, Conditional Letters of Map Amendment (CLOMAs), CLOMRs, and Physical Map Revisions to determine the community’s level of floodplain-related development activity; to determine changes affected by hydrologic conditions, such as dams, diversion channels, or detention basins; to determine changes affected by hydraulic conditions, such as channelization, new bridges, culverts, or levees, to estimate the accuracy of current maps, and to verify that a community is using these maps to regulate development. The addresses or locations of areas where changes have occurred since the date of the most recent map should be noted for use during the floodplain tour to verify activities, such as channel maintenance. Verify proper permits for any properties that were removed based on fill placement.

7. **Aerial Photography and Topographic Maps.** Often available online, these maps should be reviewed in conjunction with flood maps noting topography, specific land uses and land patterns, type and extent of encroachments, potential problems areas, and other characteristics.

### 4-3 Compile a List of Issues and Sites

Based on the review of background information and any available data from NFIP and Hazard Mitigation Grant resources, compile a list of issues and sites to be examined during the CAV. For example, the list might include sites that involve questionable
development in the floodplain, issues or problems related to the implementation of NFIP requirements in each flood zone, questions of map accuracy at specific sites and flood-hazard reduction projects, such as open space acquisition programs, building elevation projects, Public Assistance 406 Mitigation Projects, stream maintenance programs, drainage or stormwater management requirements, or retrofitting/floodproofing programs. Issues or questions pertaining to specific site locations should be noted on the maps used during the floodplain tour. This is important when a tour of the entire floodplain is not possible because of community size.

4-4 Contact the Community to Schedule a Visit

Complete the following two steps for scheduling a visit: Contact the designated local official who has the responsibility, authority, and means to implement the NFIP requirements to schedule the visit; and send a follow-up letter to the CEO with a copy to the designated FPA confirming the date and purpose of the visit (sample letter in Appendix B) and encouraging the CEO or FPA to invite all other community staff that may be interested in floodplain management to attend.

a. Telephone Contact. After reviewing background information and preparing a list of sites to examine and issues about which to obtain information, contact the designated local official to schedule a visit. This contact should be made at least 30 days before the visit. The designated local official responsible for implementing the NFIP requirements may vary depending on the type, size, and level of sophistication of the community. For example, in smaller communities, the local official responsible for implementing the NFIP requirements may be the mayor, city clerk, or county board chair. In a larger community with a separate zoning, building, or public works department, the designated local official may be a zoning or building administrator, building inspector, zoning compliance officer, or code enforcement officer. The following is a checklist of items that should be covered during the telephone contact to schedule the visit:

1. Describe the purpose of the meeting to the local official and summarize the agenda.

2. Establish the date, time, and location of the meeting.

3. Obtain the name, title, address, and telephone number of the CEO (mayor, county commission chair) to address the letter to the community confirming the CAV meeting.

4. Request that local officials involved in floodplain management or the development review process be present during the CAV meeting or be available for questions. Those critical to the operation of the local floodplain development review and approval process should attend. The following is a list of suggested local officials typically involved in review and approval of development proposals. This list should be used when
the local official needs assistance in deciding who should attend the CAV meeting:

(a) FPA;
(b) Building Official;
(c) Planning Official;
(d) Subdivision Review Official;
(e) Zoning Official;
(f) Public Works or Public Utilities Official;
(g) Housing and/or Community Development Official;
(h) CEO (Mayor, Council Chairman, County Board Chairman);
(i) Council Members;
(j) Planning Commissioners;
(k) Planning, Zoning, and Variance Board Members;
(l) Health Official;
(m) Transportation Official;
(n) Community Engineer/Surveyor;
(o) Community Attorney;
(p) Village, City, or County Clerk;
(q) Emergency Preparedness Official; and
(r) Designated CRS Coordinator.

5. Explain that there will be a tour of the community's floodplain prior to the CAV meeting. Depending on the circumstances, invite the local official to tour the floodplain with you before or after the meeting. In addition to the sites you previously selected from your research, ask for suggestions of additional sites to visit for typical examples of new construction, subdivisions, channel modifications or other man-made changes, natural changes in the floodplain, or areas where map accuracy is in question.

6. Confirm whether the file copy of the community’s regulations is the most up-to-date. If not, ask that a current version of the regulations be sent.
(preferably by e-mail) as soon as possible, or made available during the CAV.

7. Establish the local official’s familiarity with the NFIP (e.g., ask how long the local official has worked with the NFIP, and whether he/she has attended NFIP workshops or is a CFM).

8. Ask the local official to have the following items available during the meeting:

(a) The current FIRM and/or FIS report.

(b) Copies of the latest floodplain management regulations and any other plans, regulations, or codes that are being used to assist in floodplain development (e.g., comprehensive plans, building codes, stormwater management regulations, flood hazard mitigation plans).

(c) Any other flood-related map or studies currently in use.

(d) The community’s permit files for floodplain development for at least the past three to five years. Ask the local official how these files are organized (by address, name of property owner, tax parcel number, etc.). This knowledge may be useful when relating structures identified during the floodplain tour to the permit file. (Note: It may not be possible to review all floodplain development permit files for any given year if a substantial number of permits were issued. In this case, a critical sampling of permits or a cross section of development activity should be reviewed in order to make a determination of whether the community is properly implementing the NFIP requirements and managing its floodplain. The number of permits that should be reviewed will also depend on the extent of questionable development activity discovered during the floodplain tour.)

(e) Forms, checklists, or other documents used to record permit activities.

(f) Variance files, including the documentation justifying the granting or denial of variances.

9. Ask the local official to identify any other floodplain management issues or initiatives beyond the regulations (e.g., acquisition program, flood warning system, mitigation plans, hurricane evacuation plans, stormwater management plans).

10. Mention that a letter confirming the CAV meeting will be sent to the CEO with a copy to the local official.

11. Inquire whether any of the community information referenced here is available digitally and can be provided in advance via e-mail. These materials will aid in your preparation, and will also help you use localized information to communicate and document any concerns.
b. **Confirmation Letter.** A letter confirming the visit and information requests should be sent to the CEO with a copy to the FPA. The sample letter provided in Appendix B of this document may be revised to reflect the particular situation.

### 4-5 List of Materials and Equipment for a CAV

Figure 4.2 contains a suggested list of materials and equipment for use during the CAV. Please note that this list is not all-inclusive.

<table>
<thead>
<tr>
<th><strong>Figure 4-2 CAV Materials and Equipment List</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>• The community’s floodplain management regulations</td>
</tr>
<tr>
<td>• Flood Hazard Boundary Maps, FIRM panels, the FIS report, Digital Flood Maps, or FIRMettes</td>
</tr>
<tr>
<td>• Community Biennial Report</td>
</tr>
<tr>
<td>• Letter(s) confirming the CAV</td>
</tr>
<tr>
<td>• NFIP Regulations</td>
</tr>
<tr>
<td>• Flood insurance information for the community (e.g., number of policies in force, dollar amount of coverage, claims data, etc.)</td>
</tr>
<tr>
<td>• Blank Elevation Certificate Forms and Floodproofing Certificate Forms</td>
</tr>
<tr>
<td>• Model Floodplain Management Ordinance</td>
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<tr>
<td>• FEMA publications (See <a href="http://www.FEMA.gov">www.FEMA.gov</a> for a list of Floodplain Management related publications)</td>
</tr>
<tr>
<td>• Digital equipment such as a camera, laptop, and GPS unit (for accurate coordinate locations to be used within a Geographic Information System or digital orthophoto overlays, allowing verification of properties in the floodplain)</td>
</tr>
<tr>
<td>• Disaster history information such as public assistance and individual assistance information, or Mitigation Assessment Team reports</td>
</tr>
<tr>
<td>• Submit-to-rate flood insurance data</td>
</tr>
<tr>
<td>• Substantial damage information, repetitive loss information from flood insurance claims data, and property addresses</td>
</tr>
<tr>
<td>• Topographic maps, digital orthophoto overlays, and digital orthosite images available via the Internet</td>
</tr>
<tr>
<td>• FEMA Grant Report to verify that acquisition projects are maintained as open space, and that elevation projects are properly elevated (from SHMO)</td>
</tr>
<tr>
<td>• FEMA 406 Hazard Mitigation completed Projects under Public Assistance</td>
</tr>
<tr>
<td>• Various FEMA and State prepared outreach materials that are applicable to the community’s flooding and development conditions. Supplying levee outreach materials, brochures on Mitigation Grant Programs and the CRS would be one example.</td>
</tr>
</tbody>
</table>
Please note that most communities desire these items in digital format so they can incorporate the data into their own data systems. Many State and FEMA Regional Office staffs bring this and other “library” type documents in digital format, along with selected printed information, such as forms and brochures. Figure 4-3 provides a checklist to aid in preparing CAVs.

**Figure 4-3 Quick Reference Checklist for CAV Preparation**

- Review Pertinent Community Information
  - Floodplain management regulations
  - FIS report and maps
  - Past CAV and CAC response(s)
  - Mitigation plans, comprehensive plans, zoning and subdivision regulations, building codes, local stormwater management, drainage codes or ordinances, and other land-use regulations
  - Aerial photography and topographic maps
  - Historical Biennial Report data
  - Latest claims, policy, CRS and other insurance data
  - LOMAs, LOMRs, CLOMAs, CLOMRs, and physical map revision information

- Compile Issues and Sites List

- Contact the Community to Schedule a Visit
  - Telephone call to schedule date and time of meeting
  - Follow-up letter to CEO to confirm date and time of meeting

- Compile appropriate materials and equipment for the CAV
  - Community floodplain management regulations
  - Effective FEMA Maps and the FIS
  - CIS data
  - Letter(s) confirming the CAV
  - NFIP regulations
  - Flood insurance information on the community
  - Elevation certificate forms and floodproofing certificate forms
  - Model floodplain management ordinance
  - FEMA publications, including floodplain management and technical bulletins
  - Camera, GPS, laptop
  - Disaster history information
  - Submit-to-rate flood insurance data
  - Substantial damage information from flood insurance claims data
  - Topographic maps
Chapter 5 - Community Assistance Visit

5-1 General

The community visit is the critical part of conducting a CAV. Onsite analysis and face-to-face meetings provide the best gauge of the effectiveness of a community's floodplain management process.

The community visit has the following four elements:

1. The floodplain tour;
2. Meeting with local officials;
3. Examination of the floodplain permit, variance, and subdivision files; and
4. A summary meeting of the information gathered and issues identified.

The process described in this chapter is for the meeting with local officials that occurs prior to the permit and variance file review. However, depending on circumstances, a variation of this process may be performed (e.g., permit and variance files may be reviewed prior to the meeting with local officials). While the number of days to conduct the community visit will vary depending on the size, type, and extent of floodplain management issues, in most cases, all four elements can be completed during the community visit phase.

5-2 The Floodplain Tour: Purpose and Strategy

a. The three major purposes of the community floodplain tour:

1. To become generally familiar with the community's floodplain areas, including overall land use patterns, density and type of floodplain occupancy, and availability of undeveloped land inside and outside of the floodplain.

2. To gather site-specific information on development and document potential floodplain management problems to assist in the review of the community’s permit and variance files.

3. To gather information on the accuracy and completeness of the community's effective FEMA maps. A tour of the floodplain should generally precede the meeting with local officials and the permit review. It may be necessary to tour certain floodplain areas of the community following the meeting to verify site-specific information obtained during the permit and variance file review.
b. **Tour of the floodplain with the FPA.** The floodplain locations visited during the tour will be guided by advance information obtained by reviewing community data during CAV preparation. If a community has provided digital records of floodplain permits issued since the last CAV, or in the past several years, combining these with your digital preparation files and “off-the-shelf” GPS program offer a tremendous advantage in identifying the most effective route to travel to determine how effectively the community implements its floodplain management requirements for new and existing development. However, should the number of site locations prove to be too extensive, visiting a sampling of properties for residential and non-residential buildings (new and improved) in each of the years since the last CAV (or last 5 years) is appropriate.

When the FPA is included on the floodplain tour, his or her participation should be verified in the pre-CAV confirmation letter. A joint floodplain tour can open up helpful dialogue, provide first-hand field training, may help with access to private and community property, assist with local travel routes and traffic patterns, and garner a local perspective on floodplain development issues and future development pressures that may not surface in a formal meeting. Additionally, the FPA is often able to contact his/her office and gain immediate information on the sites being visited. At the end of a joint floodplain tour, the FPA will be better able to pull appropriate records for the meeting and will understand why the information is needed. If the FPA is not available to do a comprehensive floodplain tour, the FEMA or State NFIP representative should do the pre-CAV floodplain tour without the FPA. If the FPA was not on the floodplain tour and issues arise from the CAV meeting that require additional clarification, ask if a follow-up tour of specific problem sites is possible.

c. **Helpful equipment.** Digital cameras, GPS units, laptop or tablet computers, DFIRM tools, and other supporting equipment should be used to help document the status of sites visited. GPS navigation systems that can be imported into a spreadsheet or database are particularly useful. The ability to show digital photos and precise map locations during the meeting with local officials is a major boost to communications. This digital data also becomes an essential part of the CAV report.

d. **Landowner/resident permission.** When conducting a tour of the floodplain, expressed permission of the landowner or resident must be obtained before entering private property. This is often facilitated by touring with a local official in a community-owned vehicle. Otherwise, equipment brought for site documentation should be used from the street or other public right-of-way.

e. **Focus on problem sites.** In smaller communities, it may be possible to tour the entire floodplain, but in larger communities with extensive floodplain areas and development, this may not be feasible. When a tour of the entire SFHA is not possible, emphasis should be placed on sites with known or suspected
problems and on sites and stream reaches noted during the preparation phase. Otherwise, in order to determine the effectiveness of a community’s floodplain management program, representative stream reaches should be inspected to provide sufficient examples of local floodplain management efforts.

5-3 The Floodplain Tour

Check the community’s SFHA from two standpoints:

a. Floodplain Development. Development in the floodplain should be examined for impacts of local enforcement and compliance efforts. Sites in each mapped flood zone should be visited to ensure the community understands how to issue permits for each site. Floodplain areas that have not been developed should be noted for further discussion during the meeting, and evaluated in relation to the community’s adopted comprehensive land use plans or approved development plans, if any exist. Adjacent areas to the SFHA should also be inspected for any floodplain impacts.

b. Map Accuracy. Map accuracy issues should also be examined for impacts of local enforcement and compliance efforts.

The following should be used as a guide when examining any development or map-related issues during the tour of the floodplain. A summary checklist of the items listed below is provided in Appendix C for quick reference during the actual floodplain tour.

Floodplain Tour – Development in the Floodplain

Floodplain development should be evaluated based on the level of the ordinance adopted by the community. The following items provide some examples:

(1) In A-Zones (applies to new construction and substantial improvements) [44 CFR §60.3 (a) through (d)], verify that:

- Residential structures have lowest floors (including basement) elevated to or above the BFE.
- Non-residential structures are elevated or floodproofed to or above the BFE.
- Structures with enclosures below the BFE are only used for parking, access, or limited storage. Where such enclosures exist, if possible, check for a minimum of two openings to equalize hydrostatic flood forces on exterior walls, and verify that the bottom of the openings are not more than 1 foot above grade.
- Existing structures that have indications of substantial improvements show evidence of flood protection. NOTE: Additions to structures will likely be the most identifiable substantial improvement, whereas rehabilitations to structures will be more difficult to detect. Where available, use flood insurance claim data to identify possible substantially damaged structures.
☐ Structures that have electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

☐ Manufactured homes, except in existing manufactured home parks or subdivisions, are located with the lowest floor at or above the BFE. Also check that manufactured homes are securely anchored to an adequate foundation system. (This may not be recognizable during the floodplain tour).

☐ Manufactured homes in existing manufactured home parks or subdivisions are located with the lowest floor at or above the BFE or with the lowest floor 36 inches above grade. Also check that manufactured homes are securely anchored to an adequate foundation system. (This may not be recognizable during the floodplain tour).

☐ There are no encroachments within the adopted regulatory floodway, including new construction or substantial improvements. Also check other development, such as mining, dredging, filling, grading, paving, excavation, drilling operations, or other structures (e.g., gas and liquid storage tanks).

☐ There is adequate drainage in new subdivisions that decreases exposure to flood hazards.

☐ FEMA was notified of any altered or relocated portion of a watercourse and that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained (i.e., there is no evidence of excessive vegetation growth and sedimentation in channelized and concrete lined channels).

☐ There are adequate drainage paths around structures on slopes to guide floodwater around and away from structures in areas of shallow flooding.

(2) In V-Zones (applies to new construction or substantial improvements) [44 CFR §60.3(e)], verify that:

☐ Structures are elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor is at or above the BFE.

☐ Manufactured homes (except in an existing manufactured home park or subdivision) are elevated on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor is at or above the BFE.

☐ The space below the lowest floor of an elevated structure appears to be free of obstructions or appears to have breakaway walls. Check the permit record to see whether breakaway walls are identified in the specifications and signed off on by an engineer.
Structures with enclosures below the BFE are to only be used for parking, access, or limited storage. Photograph any walls of enclosures below the BFE and determine through the permit review whether they are designed as breakaway walls, if the building is post-FIRM.

Structures that have electrical, heating, ventilation, plumbing, air- conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Post-FIRM structures are located landward (not seaward) of mean high tide.

Fill is not used for structural support of buildings.

There is no alteration of sand dunes or mangrove stands.

(3) Note vacant structures with boarded-up windows, tall grass, etc. Some of these structures, if rehabilitated, may become substantially improved and required to meet floodplain management requirements.

(4) Review FEMA grant-acquisition projects by address for sites located in the community. The Acquisition rules require that FEMA verify that the property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions (44 CFR §80.19). Include a sample of these properties with your other selected site visit properties to ensure that:

- Use of the land acquired for open space purposes is consistent with the regulations under each mitigation program and the community’s Land Use Reuse Plan for open space or recreational use.

- If a new public facility is allowed, verify that the facility is open on all sides and functionally related to open space or recreational use and

- Any public restroom or other structure compatible with open space use must be elevated/floodproofed to the BFE plus 1 foot of freeboard or greater if required by FEMA, or any state or local ordinance.

- The open space property is maintained in good condition, and all debris or other improvements, such as any concrete slabs or foundations, which are not part of the reuse plan, were removed.

(5) Review a sample of FEMA Flood Grant and NFIP Increased Cost of Compliance (ICC) for elevation projects to confirm that the selected buildings are still properly elevated and have not been compromised by enclosures below the BFE or other modifications.

(6) Check maintenance of, or physical changes to, the floodplain, such as dams, diversion channels, detention basins, channelization, new bridges, or levees that resulted in, or may require, a Map Revision (44 CFR §65.6).
(7) If there are open CLOMRs in the community that have not been closed out by an approved LOMR, visit all or sample sites to assure that no encroachments or other violations have occurred. Any new development must meet the floodplain management requirements based on the SFHA boundaries and BFEs on the effective FIRM. In some cases, a CLOMR is used to improperly allow new development before the flood-control improvements to be done under the CLOMR have been completed and accredited by FEMA through an approved LOMR. If the project detailed in the CLOMR is in place, especially if it appears that it has not been constructed in accordance with the CLOMR specifications, make sure the CAV follow-up letter notifies the community that they must complete the LOMR within 180 days of the time the development was substantially complete [44 CFR §60.3(c) and 65.3]. If there is a floodway increase, then 44 CFR §60.3 (d)(4) and 65.12 apply.

(8) For accredited levee systems, check for general maintenance of the levee system. For earthen levees, check for general conditions, such as grass cover which is manicured, animal burrows, noticeable erosion or gullies, clean watercourses, and flap gates free of debris. Note any closures and whether they are manual or automatic, structure crossings, such as railroads or roads through the levee, and mud on the landward side (signifying structural instability), among other observations. For floodwall-type levees, check for general conditions, such as a lack of noticeable cracks or settlement.

Note: For the purpose of a CAV floodplain tour, this is expected to be a very limited non-engineering check of a sample of the most significant levees (in combination with other field work) to see if there are any obvious issues that should be brought to the attention of the FEMA Regional Office Engineer (44 CFR §65.10).

(9) Sample selected structures for which a submit-to-rate flood insurance application has been submitted to FEMA.

**Map Accuracy Field Review**

Check the following sites, if identified during the preparation phase, where map accuracy appears to be in question. Additional sites may be identified during the floodplain tour.

(1) New bridges or roads, or major modifications to existing ones, in a designated floodway or an area that would divert significant flood flows from the SFHA indicated on the effective FIRM.

(2) Extensive filling or debris dumping, especially in the adopted regulated floodway, or in SFHAs where floodways have not been designated.

(3) Major new developments, especially in the floodway or an area that would divert significant flood flows from the SFHA indicated on the effective FIRM.

(4) New flood-control or related modifications, such as levees, berms, dikes, floodwalls, channel relocation, detention or retention ponds, concrete channels, hurricane protection levees, dams, reservoirs, etc.

(5) Modified channels, to ensure the watercourse is free of debris, excessive vegetation, and sedimentation.
(6) Construction of low-water crossings.

(7) Natural changes in the floodplain, such as flood-related channel relocation or modification, landslides, mudslides (i.e., mudflows), debris slides, significant erosion or sedimentation, significant vegetation or debris buildup, and other natural changes that clearly conflict with the SFHA on the effective FIRM.

(8) If using contour maps or orthophoto maps, note any obvious discrepancies between the maps and the FIRM.

(9) Identify areas suspected of posing special risks to life and property due to the depth, velocity and duration of flooding, debris in the water, or other factors. High flood hazards include: alluvial fans, areas behind unsafe or inadequate levees, areas below unsafe or inadequate dams, coastal erosion, flash flood areas, flooding due to ground failure, such as subsidence, fluctuating lake levels, ice jams, and mudslides.

5-4 Documentation of Potential Floodplain Development and Mapping Issues

Structures and sites that are questionable floodplain developments that appear to be in violation must be documented during the floodplain tour, and followed up with local officials during the CAV meeting, to verify that proper floodplain management procedures were followed. Additional research may be needed at the State or FEMA Regional Office to verify Letter of Map Change (LOMC) or insurance rating information. Map accuracy issues should also be noted during the floodplain tour. This information should be discussed with local officials and used to verify the information in conjunction with review of the community’s permit and variance files. Guidance for documenting the floodplain tour findings for both development-related issues and map-related issues is provided below.

a. Documenting Development-Related Issues

1. Mark the development location on the affected flood map by address and GPS location.

2. Photograph all inspected structures on the tour. For at least each of the “problem” sites, including street view and rear-view angles of specific problem areas will prove helpful for later office review.

3. Estimate the lowest floor elevation of questionable structures in relation to the natural ground, or at least note that the structure may be below the BFE, and document the finding if there appears to be a violation.

4. Estimate whether proper openings are present and at the correct elevation above the ground for enclosed areas below the lowest floor, and document the finding if there appears to be a violation.

5. Record information (address/GPS location of development, nature of potential violation, etc.) on the sample Development Review Worksheet
form (Appendix D), digital spreadsheet, or other similar format that best meets your needs. Although other similar worksheets may be used to document questionable structures, the information contained in Appendix D should be obtained for each structure as a minimum.

6. If the community has designated floodways, does there appear to be any post–FIRM encroachments? If so, document the site and ask about it at the CAV meeting.

b. Documenting Map-Related Issues

The general requirements for technical and scientific data needed to substantiate Appeals and Map Revisions are similar. There are, however, procedural differences that determine the amount of data required and when the data may be submitted. The specific mechanisms for maintaining, updating, revising, and appealing these flood risk data are outlined in 44 CFR Parts 65, 70, and 72. These regulations establish the mechanisms by which individuals, State and local governments, and public and private organizations can work with FEMA to effect changes to flood hazard maps, and ensure that the best available data are applied for management of the Nation's flood-prone areas. During the tour of the floodplain, any map-related issues should be documented for discussion purposes with local officials, and findings should be included in the documentation portion of the CAV process. The findings on map-related issues should be forwarded to the FEMA Regional NFIP Engineer who will ensure that it is entered into the FEMA web-based geospatial database to document and prioritize floodplain mapping needs and requests. At a minimum, the following should be recorded:

(1) The location of the site marked on the flood map;

(2) The nature of the map-related issue and/or an estimate of the scope of the needed map revision;

(3) The existence of any apparent violations;

(4) A photograph of each problem at the site and a development site review form, if applicable, to address these issues; and

(5) Data gathered from mapping/GIS tools that aid in demonstrating the deficiency.

5-5 Meeting with Local Officials

The meeting with local officials will identify most of the community's assistance needs and define any compliance problems and issues that need to be resolved to ensure that the community is achieving the flood-loss reduction objectives of the program. The CAV and this meeting have two basic purposes: to assess the community’s floodplain management program, and to provide technical assistance. This meeting is critical to developing a mutual trust in support of future FEMA/State relationships with the community.
A convenient checklist of these discussion points is provided in Appendix E for use during the meeting. Determine if there is a representative at the meeting from each community department that has a part in the permit process and for subdivision reviews.

a. Introduction

The following should be used as a guide to ensure that local officials understand the purpose of the meeting and what is to be accomplished.

1. **Explain the purpose of the meeting.** Introduce other members of the CAV team (other Federal or State personnel) and outline their role in the community visit, summarize the agenda, give an estimate of the meeting's duration, hand out an attendance list, and describe some of the preparation work, such as a tour of the floodplain and research of community flood history, to establish familiarity with the local situation.

2. **Outline the program goals.** Depending on the local officials' knowledge of the NFIP, provide a brief overview of the goals, objectives, and requirements of the program. Discuss the basic components of how the NFIP works, including non-structural means of flood damage reduction, and flood insurance availability to protect against financial loss.

3. **Existing flood insurance statistics.** Provide local officials with a printout or digital file of policies and claims (summary or by address, along with the appropriate Privacy Act Statement) and include or highlight additional community flood insurance information (e.g., number of flood insurance policies in force, dollar amount of coverage, number of flood insurance claims including Repetitive Loss, dollar amount of claims, etc.). A summary sheet from the FEMA CIS may be adequate for this purpose. Discuss characteristics of the flood insurance policy (where to purchase, policy term, examples of property covered, examples of property not covered, rate of coverage, and cases where flood insurance is required).

4. **Floodplain management procedures.** Advise local officials that they will be asked to describe the procedures they use to implement their floodplain management program, including the permit and inspection processes, subdivision reviews, floodway development reviews, variance process, etc.

5. **File review.** Confirm with local officials that permit, variance, and subdivision files will be reviewed after the meeting.

6. **Questions.** Address any questions from local officials that need immediate clarification before proceeding.
b. Floodplain Management Regulations Review

1. Determine whether the floodplain management regulations reviewed are the most current. If not, ask the community for a copy of the current adopted regulations. Keep in mind that the floodplain management regulations may be a standalone document, or included in more than one ordinance or code, such as a building code, zoning ordinance, subdivision regulations, health and safety codes, drainage codes, etc.

2. Discuss any inadequacies, omissions, or other problems identified during prior review of the regulations.

3. Ask for an explanation of anything in the regulations that appears to be unclear. Ask if local officials have any questions or problems concerning interpretation and administration of the regulations.

4. Determine if the community either has or intends to adopt the IBC or I-Codes. If the community has adopted the I-Codes, have they removed or modified any portions of the standard/standalone NFIP floodplain management ordinance? If parts of the standard ordinance have been removed, obtain a copy of the relevant sections of the I-Code used by the community to verify that all NFIP requirements are covered. The community may have the I-Codes plus the Companion Ordinance for Appendix G, the I-Codes plus an ordinance and appendices, or an alternate arrangement.

5. If, for reasons other than the I-Codes, the floodplain management regulations are segregated from other planning, zoning, subdivision, drainage regulations, or buildings codes, find out if any of the floodplain management requirements are referenced in these documents. Obtain and/or review copies of these documents to determine level of coordination and consistency with the NFIP requirements. Determine to what extent segregation of the community's floodplain management regulations is affecting the community's ability to administer the NFIP. Request copies of any other regulations or plans that relate to the community's floodplain management program.

6. Determine whether the community has adopted the latest map and study.

7. Determine whether the community's floodplain management regulations are more restrictive (e.g., freeboard), and if so, determine if the community has had any problems in implementing the more restrictive requirements. If this is a CRS community, you should discuss the activities they received credit for under higher regulatory standards.

8. In a community where the Federal Insurance Administrator has approved a community proposal to adopt standards for floodproofed residential basements below the BFE in Zones A, AR, AO, and AE, determine whether the community has adopted adequate floodplain management regulations for new construction and substantial improvements, and whether any such construction has occurred.
9. For communities with unique high-hazard flood areas (e.g., alluvial fans, subsidence, erosion), review ordinances for special construction standards and/or other regulations that address these hazards. If appropriate, ask if the community needs assistance in updating or revising the current floodplain management regulations. Discuss a schedule for accomplishing this requirement.

10. Determine if the boundaries of the community have been modified by annexation, incorporation or disincorporation, or if the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. If so, obtain either a digital version of the map, or a paper map of the community suitable for reproduction, and if available, the annexation ordinance delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

c. Map Availability and Accuracy

1. Determine whether the FIRM and FIS report in use by the community are the most current. If they are using paper FIRMs, ask where these are kept and if they are available to the public. If they are using the DFIRM, ask how they are making the maps available to the public. If a restudy is underway, discuss with the community the status of the study, when to expect a preliminary map, when to expect a final meeting, and when the community is expected to update its regulations to adopt the FEMA maps and FIS. Remind the community that it must, at a minimum, continue to regulate floodplain development consistent with the current maps and FIS until the appeals period is over and the new maps and FIS are in effect. However, if BFEs are going up and/or floodplains are widening, this is an opportunity for the community to consider a higher standard, such as freeboard, to protect new development in the interim.

2. Ask whether other maps or studies are being used for regulating development in the SFHA. Point out the community’s ability under the NFIP to use more restrictive requirements than those shown on the FIRM (such as a higher BFE and elevation requirement), but that they cannot use less restrictive requirements than those on the effective FIRM. If other maps and studies appear to have an impact on the effective BFEs, or if the community has developed BFEs in areas where BFEs have not been determined, obtain a copy of the maps or studies.

3. Determine whether local officials have any problems with using the maps, FIS report, or DFIRM tools. Ask them to describe how they present the FEMA maps to permit applicants and to the public. (If necessary, work through a sample floodplain and/or elevation determination, or demonstrate use of the DFIRM tools and advise them of any additional DFIRM training that may be available).
4. Inquire whether local officials have any problems with the accuracy or completeness of the maps or FIS. Record the areas in question and the nature of the problems (e.g., an error in the original map or physical changes that have occurred since the effective date of the map or study).

If information appears to support the need for map changes or justifies further review, determine whether local officials have available technical data to assist in making any changes.

Communities are responsible for notifying FEMA of physical changes affecting flooding conditions by submitting technical and scientific data in accordance with 44 CFR §65.3 and 65.4. Activities most likely to cause such changes include fill, watercourse modifications, flood-control projects, bridges, culverts, levees, floodwalls, etc. Ask what level of coordination the community has with the State Department of Transportation.

5. Inquire whether the community has experienced any recent flooding and ask to briefly describe the extent (source and location) and damage (e.g., were there any structures that were substantially damaged or in areas not designated as an SFHA?). If so, what was the general cause (e.g., stormwater/drainage problems, an event greater than the 100-year frequency flood, failure of a flood-control project, the design standards for the project were exceeded, inaccuracies in the mapping or hydrology/hydraulics)?

6. For mapped areas protected by an accredited levee system or for other flood protection works, such as dams, retention basins, diversions, and channelization projects, determine whether the community is aware of its maintenance responsibilities and whether such maintenance is documented. Where problems are noted, determine whether the community performs the necessary follow-up to correct the problems (44 CFR §65.10).

7. Inquire whether any structural flood-control projects are planned, under construction, or have been otherwise completed since the date of the last CAC or CAV. Inquire as to the name of the agency that assisted in implementing the structural measures and what the current operation and maintenance procedures are. Determine the effectiveness of the structures in reducing flood damage potential and whether the structure has been tested in an actual flood event.

8. Has the community identified any unique high hazard flood area (e.g., uncertain flow paths, subsidence, ice jams, or coastal erosion)? Determine whether the community is having problems in regulating development in these areas.
9. Determine how familiar local officials are with the process for appeals, revisions, and amendments to flood maps. Determine whether the community has a system to log and retrieve LOMAs, LOMRs, CLOMAs, and CLOMRs. Ask local officials to describe what limitations on development exist during the period between when a CLOMR has been issued but before the LOMR for that project becomes effective.

10. Discuss any map-related issues that were raised by the CAV preparation review or during the floodplain tour.

d. Development Review Process

This portion of the meeting should include a discussion of the community’s floodplain development review process from the time a development permit is requested through the time the Certificate of Occupancy or equivalent acceptance is issued. Community enforcement procedures that support the implementation of the floodplain management ordinance should also be addressed. It is critically important to help community officials understand the difference between a “deficiency” in their regulations, procedures, or checklists versus a floodplain management violation that may result from a deficiency. Both types of problems must be identified as part of the CAV process and corrected by the community.

The following list should be used as a guide to ensure that all aspects of the development review process are covered. For each aspect, determine who is involved, his or her role, how coordination is achieved between different community departments responsible for various aspects of the development review process, and whether any forms or written procedures exist.

1. Ask local officials to describe what the development review procedure is for new construction and for any rehabilitation, addition, or other improvement of an existing structure, particularly those that qualify as substantial improvement.

2. Ask local officials if they understand the concept of substantial damage under the NFIP. Have them describe their process for determining substantial damage, their experience in making these determinations, any issues encountered, and specifically, their role in initiating ICC coverage.

3. Ask local officials what the review procedure is for development other than structures, such as mining, dredging, filling, grading, paving, excavation, or drilling operations.

4. Ask the FPA what review procedure is used to ensure that all necessary permits required by Federal or State law have been received from the responsible governmental agency, including Section 404 of the Clean
Water Act, Section 10 of the Rivers and Harbors Appropriation Act, and Sections 9 and 10 of the Endangered Species Act [44 CFR §60.3(a)(2)].

5. Ask local officials what procedure is used for the following:
   (a) Obtaining the lowest floor elevation in all SFHAs where BFEs are used [44 CFR §60.3(b)(5)], and
   (b) Obtaining the elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V-Zones [44 CFR §60.3(e)(2)].

6. Ask local officials what procedure is used to secure certifications for the following:
   (a) Floodproofed, non-residential structures [44 CFR §60.3(c)(4)];
   (b) Openings for fully enclosed areas below the lowest floor subject to flooding when the design differs from minimum NFIP criteria [44 CFR §60.3(c)(5)];
   (c) Anchoring of a pile-and-column foundation and structure attached thereto in all V-Zones [44 CFR §60.3(e)(4)]; and
   (d) Breakaway walls in all V-Zones when design strength exceeds minimum NFIP criteria [44 CFR §60.3(e)(5)].

7. Determine the community’s procedures for ensuring that all new construction and substantial improvements are designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and if constructed with materials resistant to flood damage [44 CFR §60.3(a)(3)].

8. Ask to see the process that local officials use to ensure that buildings constructed with electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding [44 CFR §60.3(a)(3)(iv)]. While this usually means elevation, evidence of waterproofing can be an alternative. Heating and air conditioning units installed at ground level are a common violation.

9. Ask local officials if they have an understanding of the floodway concept. If they do, ask what process is used to determine the following:
(a) Cumulative floodplain development will not increase the water-surface elevation of the base flood more than 1 foot in Zones A1-30 and AE where floodways have not been designated [44 CFR §60.3(c)(10)]; and

(b) Floodway encroachments that would not result in any increase in the flood levels within the community during the occurrence of the base flood discharge in SFHAs where floodways have been designated [44 CFR §60.3(d)(3)].

10. If there appear to be floodway encroachments that were identified on the floodplain tour and they may have caused increases greater than allowed under (8) above, did the community obtain a CLOMR under the provisions of 44 CFR §60.3(d)(4) and 65.12 before construction began, and follow that with a LOMR when the project was completed? At the CAV meeting, ask whether the community has documentation showing that it has prohibited floodway encroachments unless it was demonstrated through a hydrologic and hydraulic analysis that there would be no increase in flood level during the base flood discharge [44 CFR §60.3(d)(3)]. If the community does not have staff who can professionally evaluate a hydrologic and hydraulic analysis showing no rise in a floodway, does the community understand that it can request technical assistance from FEMA to determine if the analysis is adequate?

11. Based on the information gathered during the floodplain tour, determine if LOMRs have been requested, or are planned within 180 days, for development where it appears physical changes have occurred that may have increased or decreased BFEs in the community (44 CFR §65.3).

12. Does the community have any SFHAs with BFEs, but with no regulatory floodway designated? Has there been any construction, development, or fill in any of those SFHAs? If so, does the community have a formal system in place to monitor the cumulative increase in BFE for each of those SFHAs to meet the intent of 44 CFR §60.3(c)(10)? In any such A-Zone, has there been a case where, when combined with all existing and anticipated development, the cumulative increase in the surface elevation of the base flood would be increased by more than 1 foot? Does the community have a record of a CLOMR for the project in accord with 44 CFR §65.12 and did they follow that with a LOMR when the project was completed [44 CFR §60.3(c)(13)]?

13. In communities with A-Zones without BFEs: Find out whether local officials are requiring flood damage protection measures, such as elevation, anchoring, and use of proper flood damage resistant construction materials. How are they developing estimated BFEs to regulate new development? Are they requiring the development of BFE data for subdivisions of greater than 50 lots or five acres and reasonably using available data to determine flood elevations [44 CFR §60.3(b)(3)]?
14. Ask about the variance process. If there have been any variances granted, evaluate them as part of the permit-review segment of the CAV process.

15. Have the local officials describe the process used to review subdivision proposals [44 CFR §60.3(a)(4)]. Find out what flood-related issues are reviewed. Find out how many subdivisions have been approved in the floodplain since the date of the last CAC or CAV, and the estimated number of lots within the approved subdivisions. Find out whether subdivisions adjacent to the SFHA are reviewed for their impact on flooding.

16. Have local officials describe the process used to review capital improvements, such as public buildings, streets, bridges, utilities, parks, etc., which are located in the SFHA. Determine if the community has any major capital improvements planned which may impact the SFHA.

17. In a community where the Federal Insurance Administrator has approved a community proposal to adopt standards for floodproofed residential basements below the BFE in Zones A, AR, AO, and AE, determine what the procedures are for inspecting and verifying that residential structures with floodproofed basements are built according to the certified basement design [44 CFR §60.6(c)].

18. Have local officials describe the process for inspecting development permitted under the floodplain management regulations. For instance, how often do they inspect for proper floor elevations, openings, mechanical and electrical, and other points during construction? Also, determine if the community has an ongoing inspection program to discover unpermitted development.

19. Have local officials describe the formal enforcement procedures and actions the community can take to remedy building and development violations. Inquire as to actions currently being taken to remedy violations.

e. NFIP Community Information Review and Verification

Verify with local officials the community data from the CIS. In particular, the following data should be reviewed and/or verified if not already discussed:

1. The number of policies in force and the number of flood insurance claims paid, especially repetitive loss claims, and any related substantial damage issues. Ask if community officials understand the ICC process and Mitigation Grant Programs that may help reduce future flood damages.

2. Any other relevant data contained in the CIS including names, addresses, phone numbers, e-mail address of the CEO, and community contacts.
f. **Floodplain Development Issues Identified on the Floodplain Tour**

Discuss floodplain development issues identified by the CAV preparation and the floodplain tour. Use digital photos and GPS/annotated maps to help present these issues.

g. **Other Floodplain Management Issues**

1. Determine the potential for future floodplain development and to what extent the community encourages or discourages development. For example, based on the discussion with local officials, determine the community’s attitude toward growth (e.g., the community works to site and protect floodplain development from flooding or discourages certain types of development altogether).

2. How does the community address flood threats to existing development and specifically, repetitive flood losses, if applicable? What is the status of any existing FEMA flood mitigation projects in the community, including acquisitions, relocations, elevations, or flood-control projects? Ask if future flood mitigation projects are identified in the community mitigation plan, and/or if there is interest in Mitigation Grant Programs, and provide Grant contact & outreach materials.

3. Discuss any higher floodplain management standards the community may currently be using and provide information on recommended higher standards that the community can consider. Include a discussion of the CRS Program.

4. Discuss whether the community has a post-disaster plan in place, and if they have any other issues related to flood disasters or post-flood mitigation efforts.

h. **Questions and Answers**

Address any questions or concerns the community may have regarding its floodplain management program or aspects of the NFIP before going on to the permit and variance file review step.

### 5-6 An Examination of the Floodplain Development Permit and Variance Files

A review of the community’s floodplain development files, specifically its floodplain management development permits (building permit, zoning permit, subdivision files and variance files) is an excellent means of assessing the effectiveness of the community’s floodplain management program. Make a point of examining several floodplain permit files for each year since the last CAV (or at least three to five years previous) to detect any significant variations in the proper documentation of the files that may warrant further investigation. For each questionable structure or development, use the previously discussed NFIP Floodplain Development Review Worksheet (Appendix D) or
similar worksheet to document information found in the community files and to verify the information against the floodplain tour information.

In reviewing these files, the following issues should be addressed and documented:

1) Does the community maintain permit and variance files?

2) Do the files support the local official’s description of the development process and what was discovered during the floodplain tour?

3) How accessible are the permit and variance files?

4) How complete is the information contained in the files?

a. Are the BFE and the required elevation of the lowest floor for a residential or non-residential structure or the floodproofed elevation for a non-residential structure properly identified in the permit application? If a CRS community, does this information appear on the Elevation Certificate since the date of initial CRS participation?

b. Is a record of the following information maintained by the community? Ask local officials to what extent the public, such as insurance agents, has sought information on the following data:

1. Lowest floor elevation in all A-Zones where BFEs are used.

2. Elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V-Zones.

c. Are certifications by an architect or engineer on file for the following?

1. Floodproofed non-residential structures in A-Zones where BFEs are used.

2. Openings for fully enclosed areas below the lowest floor subject to flooding when the design differs from minimum NFIP criteria.

3. Anchoring of a pile-and-column foundation and structure attached thereto in all V-Zones.

4. Breakaway walls in all V-Zones, when design strength exceeds minimum NFIP criteria.

d. Is there documentation that the community is maintaining a cumulative record of past and proposed floodplain development within Zones A1-30 and AE on the community’s FIRM to ensure that proposed development will not increase the water-surface elevation of the base flood more than 1 foot in SFHAs where floodways have not been designated [44 CFR §60.3(c)(10)]?
e. Is there documentation that demonstrates through hydrologic and hydraulic analyses that the floodway encroachment would not result in any increase in the flood levels within the community during the occurrence of the base flood discharge, in communities where floodways have been designated?

f. Is there documentation that flood damage protection measures are being required for development in A-Zones without BFEs?

g. Communities must require developers of new subdivisions and other developments (including proposals for manufactured home parks and subdivisions) larger than 50 lots or five acres in A-Zones without BFEs to provide BFEs as a condition for approval. Does the community have records in the subdivision files that indicate this requirement has been implemented and BFEs have been used to require elevations per 44 CFR §60.3(b)(4)?

h. In a community in which the Federal Insurance Administrator has approved a community proposal to adopt standards for floodproofed residential basements below the BFE in Zones A, AH, AO, and AE, do the permit files indicate that the community inspects and verifies that residential structures with floodproofed basements are built according to the certified basement design?

i. Are variance justifications available and do they appear adequate? Was each affected property owner notified of the effect of the variance on flood insurance rates?

j. Is there a record indicating that the community has inspected floodplain development during or after construction to ensure that the project is built according to the approved plans?

k. Do the permit files contain any records showing that all necessary permits required by Federal and/or State law have been received from the responsible governmental agency, including Section 404 of the Clean Water Act, Section 10 of the Rivers and Harbors Appropriation Act, and Sections 9 and 10 of the Endangered Species Act [44 CFR §60.3(a)(2)], or confirming letters from agencies citing that approvals are not needed?

l. To ensure all information has been collected, check for the following after the permit file review:

1. Necessary documentation, photographs, etc., have been collected;

2. Sites have been visited, or determination made as to whether a site needs to be checked or rechecked in the field; and

3. Appropriate local officials have been interviewed.
Summary Meeting with Local Officials

a. **Summarize the Findings**

   Local officials should be given a verbal summary of the preliminary findings based on the tour of the floodplain, discussion of the community's floodplain management program, and review of the development permit files. The strengths and weaknesses of the community's floodplain management program should be discussed.

b. **Offer Technical Assistance**

   Provide technical assistance to resolve issues that need immediate attention or do not require much time to resolve (e.g., suggestions for minor changes in the community's permit procedure, instructions for filling out an Elevation Certificate, suggestions for a community flood awareness program). Any deficiencies that require extensive time to correct (e.g., the amendment of the floodplain management regulations, the community has a pattern of widespread program deficiencies or violations) should be documented in a follow-up letter. Use this opportunity to recommend training opportunities for the FPA and/or other support staff. Completion of such training may be selected as one of the corrective action items for the community. The timeframe for providing follow-up technical assistance and for the community to resolve any program deficiencies or violations should be discussed. The community should be informed that a follow-up letter summarizing the findings of the community visit will be sent to the community CEO, along with any appropriate follow-up actions and timeframes.

c. **Address CRS Options**

   If warranted by the CAV findings to this point, discuss the possibilities of either joining the CRS or upgrading an existing CRS classification. If the community appears to be a good CRS candidate, you should compliment local officials on their best management practices and activities that may qualify for the CRS. Provide them with the CIS “What-If CRS Report” showing projected policy savings for Classes 1–9 specific to the community.

d. **Be Complimentary and Answer Questions**

   There are always positive aspects of every program, many of which can be used as examples in other CAVs and training. Be sure to compliment the officials on good practices. Provide another opportunity to address any questions or concerns the community may have regarding its floodplain management program or aspects of the NFIP before ending the community visit.

The purposes of the summary meeting are to summarize the findings, offer technical assistance, and answer questions.
5-8 Specialty CAVs

Over the years, several types of “specialty CAVs” have been developed by various States and FEMA Regional Offices to address specific situations. The basic CAV process and format does not change, but the way the CAV is staffed or directed may be adjusted for a given situation. Brief descriptions of some of these specialty CAVs are given below.

a. Team CAV

The Team CAV or Group CAV is typically done for a large, densely populated city or county where one person could simply not accomplish and document an adequate floodplain tour in a reasonable amount of time. The Team CAV may consist of FEMA staff, State staff, and contractors. The team must be well organized and be consistent in its approach and documentation procedures so findings can be quickly assembled for the CAV report and meeting with local officials.

The team members are given specific assignments, and typically a grid system is used to make sure the SFHA is covered efficiently. The team members may do their floodplain tour individually or in pairs, often accompanied by a local official. Typically, all team members will meet at the end of each day to compare notes and analyze their findings. In some cases, members of the Team CAV may also be used to review the community permit files if the team leader determines that level of assistance is required. Only the CAV team leader and one or two team members will attend the community meeting to avoid overwhelming local officials. While a Team CAV is more labor intensive than a standard CAV, the format for the community meeting and the CAV report are basically the same. The key difference is that a larger number of questions and findings can be expected due to the extensive floodplain development that triggered the decision to do this community visit as a Team CAV.

b. State CAV

The State CAV, or more often the State Agency CAV, can be done for one or more State agencies. Because the State participates in the NFIP, any development that is permitted by the State must be done in accordance with the minimum floodplain management standards of the NFIP. State development and State-owned property are eligible for various types of Federal financial assistance, and are also eligible for disaster assistance if the development process meets NFIP standards.

State CAVs are led by a FEMA Regional Office staff person since only this person can present the corrective actions State agencies must take. The person leading the State CAV will request the legal basis (Governor’s Executive Order, State legislation, etc.) for that particular State’s equivalent of a floodplain management ordinance, along with the administrative processes for enforcement. In many cases, a State may implement floodplain management requirements contained in an ordinance or State Building Code...
through an Executive Order. While the State agency for floodplain permitting and oversight may be an agency, such as the State Finance or Administrative Office, often there are exemptions provided to other State agencies, including the Department of Transportation (roads and bridges), Department of Education (schools, community, and State colleges), the State Architect (hospitals and other State-developed or owned facilities), Bureau of Prisons, etc., that lead to complicated reviews.

The Office of the NFIP State Coordinator, while providing key contact, coordination, and assistance, is seldom responsible for permitting State buildings in the SFHA. The need for a State CAV is often triggered by a series of findings from the standard city and county CAVs that certain types of State development and facilities in those communities may not be meeting the minimum standards of the NFIP. Given the size and complexities of reviewing an entire State, careful planning is required. For instance, usually one State agency is responsible for permitting most State-owned buildings, or at least seeing that insurance is maintained for them. Exceptions, as mentioned earlier, vary by State and must be researched. Inventories of all State-owned buildings must be obtained before any field work is started.

The following are a few unique Advance Planning Reminders (that differ from a typical CAV) to consider before FEMA Regional Office Staff conduct a State CAV:

- Begin planning for a State CAV one year in advance.
- The NFIP State Coordinator is a key ally for coordination and assistance – ask this person to help research State Executive Orders, ordinances, and if not already done, to sponsor quarterly meetings with all State agencies that handle floodplain-management responsibilities for State buildings. Plan to attend at least the kickoff meeting.
- Once the lead State-permitting agency is established, hold an introductory meeting to explain the process and the coordination help you will need over the coming months.
- Request a digital inventory of all State-owned buildings with an appropriate breakdown by type, age, flood zone, etc.
- Contact FEMA HQ underwriting to request a list of “State-owned” insured buildings, and ask for a breakdown by Submit to Rate, repetitive loss, suspected substantially damaged, ICC, and other fields per CAV preparation in Chapter 4.
- Floodplain Tour Planning – due to the size of most States, it will save time to analyze the State inventory, DFIRM data, and insurance information to develop a manageable plan to sample buildings Statewide for the floodplain tour.
- Plan several trips to complete the floodplain tour based on your sample, or use a Team CAV approach. Coordinate with FEMA HQ’s Floodplain Management Branch, which can offer support, technical assistance, and serve as liaison with other FEMA HQ resources.
c. Tribal CAV

A key aspect of a Tribal CAV is that each tribe has its own unique form of self-governance that may bear little resemblance to the types of county and city governments that FEMA staff commonly work with.

In recognition of the sovereign government-to-government direct relationship between Federally Recognized Tribal Governments and the Federal Government, Tribal CAVs must only be led by FEMA Regional Office staff. FEMA staff conducting Tribal CAVs should coordinate with the designated FEMA Regional Office “Tribal Liaison” and other staff to see if they have worked with the tribe recently and can provide advice on points of contact, organization, and customs. The basic elements of the CAV process do not change, but the success of a Tribal CAV will depend on understanding the tribal organization, their customs and practices in managing development issues, and how they choose to coordinate with the Federal Government. You may find that additional time is necessary for NFIP training and technical assistance if previous contacts have been infrequent. Anyone planning to visit a Tribal Government should take the EMI Independent Study Class, IS-650, “Building Partnerships with Tribal Governments.”
Chapter 6 - Community Assistance Visit: Documentation

6-1 General

The amount of detail, specificity, and supportive documentation needed is based on the complexity of the issues and problems identified during the community visit. Many problems may be resolved through technical assistance efforts. However, in cases where commencement of an enforcement action is necessary (such as retrograding CRS participation, imposing probation, suspending a community from the NFIP, denying insurance to a structure under Section 1316 of the National Flood Insurance Act, or other enforcement options), detailed, accurate, and comprehensive documentation of program deficiencies and violations is required.

Documentation consists of (a) entering the CAV findings in the CIS, with supporting documentation; (b) the letter to the CEO of the community regarding the findings of the visit, and (c) any follow-up correspondence with the community.

6-2 Community Assistance Visit Findings

The findings of the CAV shall be entered in the CIS to enable FEMA’s evaluation of individual community floodplain management programs, as well as its evaluation of the NFIP. It is essential that the CAV findings contain adequate comments to document the types of program deficiencies and suspected violations identified and the assistance provided to the community. The documentation in the CIS also serves as a tool for advancing the visit through the assessment and assistance processes by ensuring that the necessary follow-up actions required by the community are completed in a timely manner. Additionally, this documentation is necessary to establish a basis for enforcement actions.

During the CAV, suspected deficiencies and violations in community floodplain management regulations or implementation procedures may be identified. Causes of suspected violations may include a deficiency in an ordinance or implementation procedure, local officials not following their own regulations and implementation procedures, or property owners ignoring the floodplain management requirements established by the permit. Therefore, an essential part of a CAV is to track down the actual cause of any suspected deficiency or violation to identify appropriate corrective actions and prevent future violations.

The CAV findings in the CIS indicate whether floodplain management program deficiencies have been identified. For each floodplain management program category (Floodplain Management Regulations, Administrative and Enforcement Process and Procedures, Engineering: Flood Maps and Study, other), indicate whether the program deficiency is serious, minor, or non-existent. The following guidance is provided for completing this section of the CAV Report in the CIS.

The CAV Report should not be completed during the contact with local officials or provided to local officials to complete. It should be completed online using the CIS.
a. **Floodplain Management Regulations**

1. **Serious.** Serious program deficiencies in the community’s floodplain management regulations are defined as those not compliant with NFIP floodplain management criteria, or those that do not contain adequate enforcement provisions, or those which cannot be enforced through other mechanisms. Such deficiencies could result in the community's suspension. For example, the community’s land-use policies and procedures, such as local zoning requirements that conflict with local floodplain management regulations.

2. **Minor.** Minor program deficiencies in the community's floodplain management regulations are those that need to be corrected, but that have not impeded the community’s ability to enforce the NFIP floodplain management provisions, or are not critical to the effective implementation of the regulations. For example, the community has adopted one or more of the I-Codes (International Building Code, International Residential Codes, etc.) and also has a standalone floodplain management ordinance where provisions or definitions conflict with the building standards in the adopted building code.

3. **None.** None indicates that the community's floodplain management regulations are compliant.

b. **Administrative and Enforcement Process and Procedures**

1. **Serious.** Serious program deficiencies in a community’s administrative and enforcement process and procedures are those that have resulted or could result in substantive violations that increase potential flood damages or stages in the community. Examples of such substantive violations include the following: obstructions to floodways or stream channels that increase the base flood elevation, residential structures that are located with the lowest floor below the BFE, non-residential structures with the lowest floor below the BFE that are not properly floodproofed, and structures in V-Zones with non-breakaway walls below the BFE. Additional examples are:

   (a) Failure to require permits for proposed construction or other development within floodprone areas and/or failure to review such permit applications and subdivision proposals to ensure that all such construction and development is adequately designed, located, constructed, and anchored to minimize flood damage.

   (b) Failure to obtain and reasonably use any available flood data as criteria for setting local elevation and floodproofing requirements.

   (c) Administrative procedures and practices that are not workable or cannot reasonably ensure compliance with the local ordinance (e.g., the community does not inspect structures for compliance and does not record “as-built” elevation data).
(d) Variance procedures or variances granted that are not consistent with NFIP variance criteria.

2. **Minor.** Minor program deficiencies in a community's administrative and enforcement process and procedures are those that are easily corrected and have not resulted in multiple or substantive violations or increased exposure to flood losses. Minor program deficiencies generally involve some type of mitigating factor and can be resolved within a relatively short period of time through the provision of technical assistance. The community should take positive actions to resolve past problems and determine whether the problems are considered minor.

Examples of minor program deficiencies include:

(a) Permit or variance records are not organized or easily accessible;

(b) The BFE is not indicated on the permit; and

(c) The community is unfamiliar with certain NFIP requirements (e.g., floodway encroachments, notifying property owners of the effect a variance may have on flood insurance rates), but no specific violations resulted from the community's lack of knowledge and unfamiliarity with the requirements.

3. **None.** None indicates no problems were identified.

c. **Engineering: Flood Maps and Study**

1. **Serious.** Serious problems with the community's flood maps or study impact the entire community and involve major changes in the floodway or adjustments to the BFE that can be remedied by a restudy, or the issue involves a boundary change that includes significant additional SFHAs. Serious problems with a community's flood map or study generally need immediate action for a map revision. Identify, document, and summarize the problems in the CAV report by location and forward to the appropriate FEMA Regional Office Engineer for follow-up action.

2. **Minor.** Minor problems with a community's flood maps or study are those that affect only one or two FIRM panels or one flooding source and can be remedied by the LOMR or Physical Map Revision process. Minor problems with a community's flood map or study can generally be resolved with the next comprehensive restudy or revision.

3. **None.** None indicates no problems were identified.

d. **Other Problems or Issues not included in the Regulations, Administrative, or Engineering Categories**

1. **Serious.** Serious problems are actions being taken by the community that are inconsistent with, or cannot reasonably ensure compliance with, local floodplain management regulations. For example, a CLOMR is issued
based on a proposed project that will remove a portion of the effective SFHA to outside the SFHA. The community begins allowing at-grade development in the area before the project is either finished or the “as-built” condition is submitted for a LOMR to officially remove the area from the SFHA. [44 CFR §60.3(c), 65.3].

2. **Minor.** Minor problems are actions being taken by the community that need to be corrected, but that have not impeded the community’s ability to enforce the NFIP floodplain management provisions, nor are critical to the effective implementation of the regulations.

3. **None.** None indicates no problems were identified.

e. States conducting CAVs on behalf of FEMA must enter the CAV findings into the CIS within 15 days from the date of the CAV and provide any supporting documentation to the FEMA Regional Office within 30 days from the date of the CAV. The CAV becomes part of the community’s permanent record maintained in the CIS and the NFIP community files at the FEMA Regional Office.

f. Copies of documentation that supports the CAV findings (e.g., any NFIP-Floodplain Development Review Forms or similar, the community’s development permit form and review procedures, examples of floodplain development permits or variances granted, other documents related to the community’s development review process, other maps or studies used to regulate floodplain development, Elevation Certificates, and other certifications) should be included in the community file.

In addition, the following information should be included with the community file and/or in the CIS:

- Community contacts,
- The list of attendees,
- A copy of the corrected Biennial Report,
- Current floodplain management regulations, if different than the copy reviewed, and

A letter to the CEO informing the community of the findings of the visit and any follow-up correspondence with the community.
6-3 Letter to the Community CEO

The initial follow-up letter is the official method of informing the community of the CAV findings. While there is no specified format, most States and FEMA Regional Offices rely on a cover memo with an attachment detailing program deficiencies and possible violations identified as part of the CAV. The follow-up letter should be sent to the CEO, with a copy to the local official responsible for implementing NFIP floodplain management regulations, within 30 working days from the date of the CAV. If there is more than one office implementing floodplain management in the community, send a copy to those office(s). For States conducting CAVs on behalf of FEMA, a copy of the follow-up letter should be sent to the FEMA Regional Office within 30 days from the date of the CAV.

If one or more substantive program deficiencies or possible violations are identified, the follow-up letter should be sent via certified mail to the CEO. A substantive program deficiency or violation is one that has resulted or could result in increased potential flood damages or flood stages in the community. If no particular problems are identified, or if program deficiencies are relatively minor (e.g., there is no history of prior violations and the community has indicated a willingness to take positive actions to resolve the issues or problems, or only a single program deficiency has occurred), the follow-up letter to the CEO would not have to be sent via certified mail.

When one or more substantive program deficiencies or suspected violations are identified, States conducting CAVs on behalf of FEMA should coordinate with the FEMA Regional Office before the letter is sent to the CEO. In most instances, the State should prepare and send the follow-up letter to the community. When major compliance problems are found during the CAV, States may prepare a brief letter to the community informing it of the intent to notify FEMA of the findings, and that FEMA will be contacting the community. This type of follow-up letter to the community must receive prior approval from the FEMA Regional Office.

Sufficient detail should be provided in the follow-up letter so that the actions required by the community to correct any program deficiencies and possible violations are easily understandable. The follow-up letter should be very positive, thanking the community for its help, and offering assistance in the event the community has a particular flood-related problem or question about the NFIP. If no particular problems are identified in the community, and the community appears to be doing a good job in administering the NFIP and is implementing higher standards, the community should be complimented for its efforts and recommended for the CRS. It is important to make this recommendation as soon as possible, and note this in the CIS to provide appropriate CRS coordination and follow-up.

Participating CRS communities must always be in full compliance with the minimum NFIP requirements. If a CRS-participating community is identified with program deficiencies or suspected violations, it is expected to expeditiously correct program
deficiencies and remedy violations to the maximum extent possible or face retrograde out of the CRS as the first step of compliance sanctions. Please refer to Appendix F and Chapter 7 of this manual for more detail regarding CRS community retrogrades.

The initial follow-up letter to the community will contain the CAV findings. When suspected violations are found, you must provide the community with specific deadlines to submit documentation (e.g., as-built elevation data if the lowest floor appears below the BFE). Experience has shown that these examples are commonly encountered and your initial follow-up letter will need to address each situation. It is important that this initial letter bring to the CEO’s attention all of the issues he/she will have to resolve without delay. Deferring citations of suspected violations until future follow-up letters will only send the CEO a mixed message.

Where program deficiencies and possible violations are identified, the following checklist should be used as a guide in developing the follow-up letter to the CEO:

a. Restate the date of the CAV and its purpose, and include the names of the participants.

b. Include an assessment of the CAV findings, detailing specific program deficiencies and/or possible violations, if any, and the community’s background history.

c. List the required corrective actions, including preventative measures and procedural changes by the community (e.g., begin requiring permits for fill, revise the permit application form to include the posting of the BFE, revise the floodplain management regulations to incorporate NFIP regulatory changes). Also indicate the need for additional supporting data (e.g., a copy of the revised permit application form, lowest floor elevations, etc.).

A structure or other development is presumed to be in violation until the following documentation is provided:

1. Evidence that buildings constructed with electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding [44 CFR §60.3(a)(3)(iv)];

2. The lowest floor elevation of structures in A-Zones when BFEs are used [44 CFR §60.3(c)(2) and (3)];

3. Evidence of certification of floodproofed non-residential structures [44 CFR §60.3(c)(4)];

4. Evidence that openings meet the minimum openings criteria of the NFIP, or alternatively, certifications for the design of openings of a fully enclosed area below the lowest floor subject to flooding criteria [44 CFR §60.3(c)(5)];
5. Evidence of a “no rise” certification for development in the floodway [44 CFR §60.3(d)(4)];

6. The elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V-Zones [44 CFR §60.3(e)(2)];

7. Record of certification that the pile-and-column foundation and structure attached is anchored to resist flotation, collapse, and lateral movement [44 CFR §60.3(e)(4)]; and

8. Certification for a breakaway wall when design strength exceeds minimum NFIP criteria [44 CFR §60.3(e)(5)].

Note: While a structure or other development is presumed to be in violation until documentation is submitted, communities should be afforded a reasonable timeframe to provide this documentation.

d. Provide details on the assistance provided or promised.

e. Stress the importance of the community’s responsibility to monitor development in the SFHA and to enforce floodplain management regulations by emphasizing that adequate enforcement of community regulations not only guarantees a safer structure, but also results in a lower flood insurance rate.

f. If a restudy is underway, reiterate the discussion or clarify issues raised during the CAV with local officials (e.g., when to expect a preliminary copy of the study, when to expect a final meeting, and when the community should update its regulations).

g. Suspected violations that impact FEMA FIRMs/BFEs should also be copied to the FEMA Regional Office Engineer to enter into the spatial geodatabase to document and prioritize floodplain mapping needs and requests.

h. Provide the name, address, and telephone number of the person to whom the community’s actions should be reported or assistance requested. The agency that conducted the CAV should be the most likely contact for the community during the initial CAV follow-up. However, States should coordinate with the FEMA Regional Office to determine the appropriate strategy for CAV follow-up, including whether a Corrective Action Plan (when substantive program deficiencies or violations are discovered) is required.

i. Enclose information materials as promised (e.g., copies of Elevation Certificates or Floodproofing Certificates, NFIP regulations, Technical Bulletins, Floodplain Management Bulletins, or other publications). See the available publications list on the FEMA.GOV Floodplain Management Web Page under “Resources.”

**Set Specific Deadlines for all the community to respond.** If serious deficiencies and/or potential violations are identified, they must be stated in the initial follow-up letter. The letter should set specific deadlines for actions, such as adopting NFIP or regulatory requirements, correcting program
deficiencies, and providing documentation for possible violations. Depending on the requested community action, there must be specific deadlines provided e.g. 30, 45, 60, 90 days for the community to respond to the letter itself and the specific cited actions in the initial follow-up letter. After a community submits the information requested as part of the CAV follow-up, it should receive a response within 30 days.
Chapter 7 - Community Assistance Visit: Follow-Up

7-1 General

It is important that the recommendations and corrective actions indicated in the CAV findings in the CIS and as cited in the initial letter to the CEO be actively monitored and pursued to ensure that the community is complying with the NFIP floodplain management requirements. Even actions required of those other than the community (e.g., for map revisions) need to be monitored and pursued on a timely basis. It is also very important that all technical assistance promised by FEMA or the State be provided to the community on a timely basis.

Three important aspects of the CAV follow-up phase include:

1. Provision of community assistance;
2. Monitoring and oversight; and
3. Documentation through a detailed chronology of all follow-up actions; technical assistance; and contacts among and between FEMA, the State, and the community. If the deficiencies and violations identified by the CAV are not resolved in a reasonable time during the normal CAV process, this chronology will become an essential part of initiating formal compliance actions (e.g., probation and/or suspension) described in the NFIP Community Compliance Program Guidance manual (hereafter referred to as the Compliance Manual).

7-2 Provision of Community Assistance

Most CAVs will require at least some follow-up by the community, the State, or FEMA. A CAV should not be closed until each of the issues or problems identified have been resolved or remedied to the maximum extent possible and all assistance promised to the community has been provided. CAVs that do not require follow-up action or community assistance should be closed. If follow-up assistance is required, every effort must be made to provide it within 90 days from the date of the CAV. The “closed” date of the CAV will be determined by the FEMA Regional Office, in close coordination with the State, especially if the CAV is conducted by State staff.

Technical Assistance is the First Step.

Community officials want to do the right thing, if they know what the right thing is. Most deficiencies in community programs or violations of local ordinances are likely due to ignorance of NFIP criteria, lack of technical skills by the community, failure to understand the rationales behind program requirements, or lack of an appreciation of insurance implications and other consequences of a decision. Most problems should be resolved through community assistance efforts prior to commencement of an enforcement action.
a. Types of Community Technical Assistance. For many CAVs, some follow-up technical assistance will be necessary to resolve or remedy program deficiencies and/or violations. The types of technical assistance available to communities after the CAV is conducted include:

1. Assisting the community in preparing and adopting floodplain management regulations to achieve compliance.

2. Encouraging the Floodplain Administrator and/or other local officials to attend NFIP training courses as appropriate.

3. Assisting local officials in identifying any deficiencies that led to a violation.

4. Assisting local officials to identify and implement any enforcement options available to them through their own enforcement mechanisms, such as floodplain management, subdivision, or zoning regulations; building codes; or other planning and development requirements to remedy any identified violations. These options may include such actions as citing the property as a violation and indicating what action the property owner needs to take to correct the violation in a specific timeframe, pursuing with the community its ability to document the violation on the deed and/or title to the property, pursuing the violation in the courts, or requesting a Section 1316 Denial of Flood Insurance.

5. Assisting the community in developing a permit system, including use of a permit application, permit approval, certificate of occupancy, record-keeping, use of checklists, and coordination between departments involved in the planning and permit review procedures.

6. Assisting the community in obtaining and completing Elevation Certificates, Floodproofing certificates, or equivalent documentation.

7. Assisting the community in understanding the procedures for filing, reviewing, and processing variances.

8. Assisting the community in obtaining and using the FEMA Maps, FIS, and DFIRM.

9. Guiding the community on flood-loss reduction techniques and methods, such as elevation, floodproofing, retrofitting, land acquisition, development controls, higher regulatory standards, and other best management property protection measures including No Adverse Impacts.

10. Guiding the community in integrating flood-loss reduction concepts and best practices into local comprehensive development or Hazard Mitigation plans and activities.

11. Guiding the community on how to develop flood elevations in A-Zones without BFEs and how to perform floodway calculations.
12. Assisting the community in understanding the procedures for LOMCs and Physical Map Revisions.

13. Guiding communities on technical aspects of building construction, such as complying with V-Zone coastal construction standards, protecting machinery and equipment, and understanding the enclosure and openings requirements.

14. Encouraging CRS participation and providing application assistance.

7-3 Monitoring and Oversight

It is necessary to ensure that local officials pursue actions to resolve or remedy any program deficiencies and/or violations to the maximum extent possible. For example, updating floodplain management ordinances, regulations, and permitting processes are common CAV-related activities that are typically resolved in a shorter timeframe than remedying structure violations. While it can take three months to one year in some communities to amend an ordinance, remedying a structure violation can take years. It is important that local officials continue to pursue these short- and long-term activities simultaneously.

a. Corrective Action Plans

A corrective action plan is the community’s commitment (in any format, including by letter) to resolve all remaining issues identified in the CAV to the maximum extent possible, in an agreed upon timeframe. The corrective action plan is noted with a lower-case “p” and is not a formal Plan – such as a Hazard Mitigation Plan. It is also sometimes referred to as a “remediation plan.”

If the community has substantive proven violations or is not adequately proceeding towards resolution of the identified program deficiencies, a corrective action plan should be considered. In most cases, a corrective action plan should be requested after the initial CAV follow-up letter has been sent and the community has provided documentation that confirms the existence of the suspected program deficiencies and violations. The corrective action plan can also be used when the more straightforward corrective actions (for deficiencies) have been completed and only the more complex, time-consuming corrective actions (for violations) remain.
Corrective Action Plan Process. The FEMA Regional Office or State sends a letter to the community CEO with the CAV results and requests any follow-up actions per section 6-3 of this manual. The community responds to the letter with some or all requested documentation. The Region or State reviews the documentation and determines any remaining identified deficiencies and substantive violations to be included in the second follow-up letter to the CEO. This letter should request a corrective action plan with timeframes for how the community will resolve each identified serious deficiency and substantive violation to the maximum extent possible. Communities should be provided with a reasonable degree of latitude in determining how to correct a program deficiency or remedy a violation if they are operating on specific, agreed upon timeframes for resolution such as following a corrective action plan. However, the Regional Office or State should provide recommendations on a range of possible remedial actions. You may want to consider requesting a “resolution of intent to comply” from the community if the initial follow-up letter did not include it.

The corrective action plan helps ensure progress toward resolving any identified issues or problems, and all actions should be periodically reviewed by telephone contact, e-mail, or meeting with local officials as necessary. A corrective action plan helps focus the CEO and community attention in an effort to resolve these issues before FEMA initiates the formal compliance actions of probation and/or suspension. This plan acknowledges the specific program deficiencies and individual violations, and specifies what the community will do to remedy each issue and by what date the corrective action will be completed.

The letter to the CEO should set a 30- or 60-day limit on when the corrective action plan must be received, and it should include a recommended completion date for each of the corrective actions. The completion dates for

Corrective Action Plan (aka: Remediation Plan): Key Points and Benefits

- Created by the community to demonstrate community ownership of remediation and intent to comply;
- Cites all deficiencies and violations to be addressed;
- Provides specific remediation methods for all violations that ensure that each is fully corrected or mitigated to the maximum extent practicable by law;
- Provides specific revisions to administrative procedures to address all program deficiencies; and
- Provides milestones for all required actions, including the frequency of reporting progress to FEMA.
each corrective action must be set based on the knowledge/capability of local officials and their legal authorities, and on the complexity of the action. The most common timeframes for completing corrective actions for deficiencies are 30, 60, and 90 days. However, judgment must be used to set reasonable and achievable deadlines based on the nature of the problems. Keeping a timetable of expectations/milestones for completing corrective actions and documenting all follow-up is critical to the process. Once a corrective action plan is in place, the milestones should be updated in the CIS Compliance follow-up screens to track and monitor progress.

**Failure to Respond or Inadequate Response.** The FEMA Regional Office should consider pursuing an enforcement action leading to probation or suspension if:

- The community CEO does not produce an acceptable plan within 30 to 60 days of the request (or reply by addressing all issues in a letter);
- The remedies are not completed per the cited milestones (and there are no extenuating circumstances); or
- At any time in this process, one or more of the corrective actions is not resolved appropriately after several attempts to gain compliance following the issuance of the CAV report and follow-up letter(s).

Please refer to the Compliance Manual for documentation on the enforcement process for resolving identified deficiencies and violations and the process for placing a community on probation and/or suspension. States and the FEMA Regional Office should coordinate closely before the FEMA Regional Office initiates an enforcement action.

b. **CRS Retrogrades**

Participation in the CRS is a privilege. In order to participate in the CRS, communities are required to have a CAV to verify that they are fully compliant with the minimum standards of the NFIP. Once participating, they must remain in compliance to continue receiving CRS premium discounts. Therefore, when a CAV has identified any deficiencies and/or violations in a CRS community, corrective actions must be expeditiously completed by the community or the premium discount privilege must be removed by retrograding the community to a Class 10. Removing the CRS discount privilege is considered the first step in a compliance action against a CRS community. Retrograding the community from CRS removes the flood insurance discounts the community earned for its policyholders through its CRS rating. Beyond the loss of the CRS discount, the unresolved deficiencies or violations that triggered the CRS retrograde may ultimately lead toward the enforcement action of probation and suspension. The CRS
retrograde action must be done according to the CRS retrograde process as described in Appendix F, including coordination with the Regional Office CRS Coordinator.

c. Notifying FEMA Regional Offices

States should contact the FEMA Regional Office when communities have not taken the required corrective action(s) within the established and agreed-upon timeframes and after all attempts to assist the community have failed. Contacting the Regional Office should occur at the earliest possible point when the identified issues may require an enforcement action or other follow-up assistance by FEMA. The FEMA Regional Office, in consultation with the State, will determine the appropriate follow-up action.

Ensuring that communities comply with NFIP floodplain management requirements by conducting enforcement actions is ultimately a FEMA responsibility and cannot be delegated to States. FEMA supports and encourages States to provide community assistance and to consult with communities on ways to correct program deficiencies and remedy violations.

States are also expected to initiate enforcement actions based on their own statutory or regulatory authorities. The FEMA Regional Offices support State-initiated enforcement actions by providing technical assistance and initiating FEMA enforcement action, where appropriate. Based on the precedence clause in 60.1(d) of the NFIP regulations, FEMA’s position is to support these State-initiated enforcement actions even in instances where State regulations are more restrictive than NFIP minimum criteria. The precedence clause states that “any floodplain management regulations adopted by a State or a community which are more restrictive than the criteria set forth in this Part are encouraged and shall take precedence.” However, if a State chooses not to enforce its own regulation, FEMA must limit its enforcement actions to compliance with NFIP minimum criteria.

The FEMA Regional Offices will consult with State agencies conducting CAVs on behalf of FEMA prior to initiating an enforcement action and will periodically inform the agency of actions taken to achieve community compliance.

d. Notifying FEMA Headquarters (HQ)

The FEMA Regional Offices should identify enforcement actions or other issues that require FEMA HQ involvement, action, and/or assistance at the earliest stage possible. Since the CAV report will be in the GIS, the FEMA Regional Office should only forward the relevant CAV supporting documentation needed by the respective FEMA HQ program offices (Floodplain Management, Mapping, Insurance) with a brief cover memorandum or e-mail stating the issue(s) that need(s) to be addressed. The FEMA Regional Office will similarly forward State CAVs to FEMA HQ.
Guidance for forwarding CAV reports to the FEMA HQ program offices is provided below.

1. Possible Enforcement Actions. CAVs of communities with potential or ongoing enforcement actions should be forwarded to the FEMA HQ unit responsible for Floodplain Management. These CAVs should remain open until the problem or issue identified has been resolved or an enforcement action has been initiated.

2. Engineering or Mapping Issues. CAVs that identify deficiencies in an FIS report, FIRM, or other engineering issues requiring FEMA HQ action or assistance should be forwarded to the FEMA HQ unit responsible for Mapping, to ensure that the information is entered into the spatial geodatabase to document and prioritize floodplain mapping needs and requests. Otherwise, all identified mapping issues specific to a community should be forwarded to the FEMA Regional Office Engineer for appropriate follow-up.

3. Possible Flood Insurance Rating Errors. The person conducting the CAV is not an insurance underwriter and cannot specifically determine whether a structure is or is not misrated. A number of violations and/or variances in a community could be symptomatic of a serious misrating problem throughout the community. Certain information (such as Appendix D and Elevation Certificates) should be gathered for each structure and forwarded to the FEMA HQ unit responsible for insurance, for verification and possible re-rating in accordance with established procedures.

4. Programmatic Issues That May Require a Policy or Regulation Interpretation or Technical Assistance on Flood-Loss Reduction Strategies or Techniques. Occasionally, a CAV will highlight an issue that has implications broader than the individual community. A CAV could show, for example, that there is widespread misunderstanding of a rule interpretation or policy. A CAV could also demonstrate the need for developing manuals or other guidance for local officials. Programmatic issues could require a regulation change, an issuance of a statement of policy, or clarification of a regulation or policy. CAVs of communities that identify a need for a policy or regulation interpretation or a need for further technical assistance on flood-loss reduction strategies or techniques, such as a manual or NFIP Technical Bulletins, should be forwarded to the FEMA HQ Floodplain Management unit.

5. Issues Related to Flood Insurance Claims, Provisions in the Flood Insurance Manual, or Routine Flood Insurance Policy Servicing. CAVs that identify issues related to flood insurance claims or provisions in the Flood Insurance Manual, or those related to routine flood insurance policy servicing, including agent instruction or complaints, should be forwarded to the FEMA HQ Insurance unit.

6. Possible Lender Issues. CAVs that identify issues related to lending practices should be sent to the Lender Compliance Coordinator in the FEMA HQ Insurance unit. The Flood Disaster Protection Act of 1973 and
the National Flood Insurance Reform Act of 2004 assigns Federal agencies the responsibility for assuring that Federal flood insurance would protect buildings in the SFHA of participating communities for which Federal financial assistance has been provided. The Act also assigns Federal financial regulatory agencies (Federal instrumentalities) the responsibility of directing lenders, subject to their jurisdiction, to require that borrowers purchase flood insurance to protect the security for mortgages on buildings located in the SFHA of participating communities. FEMA has developed a close working relationship with these Federal agencies and Federal instrumentalities and has guidelines to assist lenders in meeting these obligations.

7. Executive Order 11988 – Floodplain Management. If, during a CAV, a Federal facility appears not to have been properly protected to the 100-year flood, or a Federal critical facility does not appear to have been protected to the 500-year flood, the FEMA Regional staff person conducting the CAV may want to contact the regional office of that Federal agency to discuss their procedures for evaluating new or improved Federal facilities in the floodplain (States should forward information to the FEMA Regional Office). While Federally owned facilities are not subject to local permits, Federal agencies should be encouraged to coordinate with the community in which they are located. Note: FEMA has no authority over other Federal agencies in implementing EO 11988. However, FEMA is a consultation agency under EO 11988 and can provide technical assistance when requested by the Federal agency. Therefore, if there are particular issues concerning a Federal facility in the floodplain, the person conducting the CAV may contact or forward information from the CAV to the FEMA HQ Floodplain Management unit.

8. CAVs of Special Interest. Some CAVs are of special interest even though they may not identify significant problems or require enforcement or other follow-up action. Examples of these CAVs include communities that have implemented exemplary floodplain management programs or innovative solutions to floodplain management problems, or chronic problem communities that now have effective programs. In addition, there are some CAVs that may prove controversial, such as those conducted one year or more after a major Presidentially declared disaster (e.g., 1994 Midwest Floods, Hurricane Katrina). These CAVs should be brought to the attention of the FEMA HQ Floodplain Management unit.

7-4 Follow-up Documentation/Chronology

All follow-up activities (actions by the community and/or technical assistance promised to the community by FEMA or States) must be thoroughly documented in the CIS. Because it is impossible to know whether an enforcement action will become necessary, it is important to document relevant community activities. States should enter all documentation in the CIS in the appropriate fields, send signed correspondence via e-mail (with copies placed in the CIS CAV fields), and retain oversized documents in the
State file until requested by the FEMA Regional Office when follow-up activities have been completed.

The chronology is also critical when undertaking a formal enforcement action of probation or suspension, to demonstrate to Federal, State, and local officials (and possibly the media) that every effort has been made to obtain compliance (highlighted by all documented responses) and now a formal enforcement action follows. Please refer to the Compliance Manual for additional advice on the above issues.

Documentation of follow-up activities must include the following:

- A chronology of follow-up telephone contacts, e-mails, letters, and meetings;
- Copies of follow-up letters;
- A chronology of assistance provided to the community; and
- A chronology of actions taken by the community and supporting evidence (e.g., adopted floodplain management regulations, revised permit procedures, written evidence of certifications of lowest floor elevations for structures suspected to be in violation of community floodplain management regulations).

Completed corrective actions for floodplain management problems identified during the CAV process fall into three basic categories:

(1) Resolving the problem by making a full correction to a deficiency, such as amending the ordinance to meet NFIP minimum standards, and adding or adjusting steps/procedures/checklists in the permit implementation process to ensure all floodplain management requirements are met as part of that process.

(2) Making a full correction to a violation (e.g., elevating the lowest floor of a structure constructed below the BFE).

(3) The third, more challenging category occurs when a community cannot make a full correction to a structure in violation, but must still remedy the violation “to the maximum extent possible” as defined in 44 CFR §59.1 and discussed in detail in the Compliance Manual. For instance, in some cases a physical violation cannot be fully corrected if the community lacks the legal power to require it or is unable to persuade the property owner to do a complete correction using the enforcement powers available. If it is not possible to obtain full compliance, the community must reduce the impacts of non-compliance.
7-5 The NFIP Compliance Manual

When the CAV follow-up process, including a corrective action plan, has not resolved the substantive deficiencies and/or violations that were identified, the appropriate NFIP enforcement actions of probation and/or suspension should be initiated. It is not possible to perform appropriate CAV follow-up enforcement actions without following the guidance in the Compliance Manual. The Compliance Manual establishes the procedures for the NFIP compliance program. It describes a number of formal compliance actions tailored either to communities or property owners, depending on with whom the problem originated. The Compliance Manual also describes the steps required to implement these enforcement actions and the coordination with FEMA HQ staff that is a necessary part of the formal compliance actions. Enforcement options vary for each community situation. Therefore, enforcement actions against individual structures must be balanced against various aggravating and mitigating factors as outlined in the Compliance Manual.

The following tables from the Compliance Manual illustrate common examples of ways to remedy program deficiencies and violations.

Table 1-1

<table>
<thead>
<tr>
<th>EXAMPLES OF WAYS TO REMEDY PROGRAM DEFICIENCIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Amend ordinances to close loopholes or correct other program deficiencies that allowed the violations to occur.</td>
</tr>
<tr>
<td>• Amend ordinances to include more effective enforcement provisions or add penalty provisions.</td>
</tr>
<tr>
<td>• Change administrative procedures to improve the permitting and inspection process. This could include revisions of permit, certification, or inspection forms, changes in inspection procedures, or changes in procedural instructions given to the building inspector and other staff.</td>
</tr>
<tr>
<td>• Pass a resolution of intent to fully comply with NFIP requirements.</td>
</tr>
<tr>
<td>• Change or increase staff or resources used to enforce the local ordinances (FEMA generally does not mandate this remedial measure).</td>
</tr>
<tr>
<td>• Provide missing elevation, V-Zone, or floodproofing certificates.</td>
</tr>
</tbody>
</table>
Table 1-2

EXAMPLES OF WAYS TO REMEDY VIOLATIONS

- Demonstrate that the structure is not in violation by providing missing elevation, V-Zone, or floodproofing certificates.
- Submit engineering data showing that floodway fill results in "no increase" in flood stage.
- Rescind permits for structures not yet built or in the early stages of construction.
- Tear down or modify the non-compliant structure or remove fill in the floodway. (If the structure or other development cannot be made fully compliant, a lesser degree of protection should still be provided.)
- Develop and implement a master drainage plan or construct flood-control works to protect non-compliant structures.
- Seek civil/criminal penalties as provided for in the local ordinance or community code. In the case of a judgment in court against the community in such an action, the community is expected to appeal the decision if there are grounds for doing so.
- Initiate licensing actions against architects, engineers, builders, or developers responsible for the violations.
- Submit survey data/documentation required to verify insurance rates for existing policies.
- Issue declarations and submit them for Section 1316, denial of insurance.
- Submit evidence that the structure cannot be cited (legal constraints in State or local legislation, deficiencies in the ordinance, etc.).
- Submit sufficient data to verify the information submitted by the property owner of an uninsured building so that FEMA can ensure the building is properly rated if a policy is applied for in the future.
Appendix A - Community Assistance Contact Checklist of Issues for Discussion

A-1. Floodplain Management Regulations

- Ensure regulations reviewed are the most current.
- Is floodplain management administered through a stand-alone ordinance only, or also through the community building code?
- Identify what building code the community uses.
- If using the IBC, did the community adopt IBC Appendix G or use a Companion Ordinance?
- Discuss inadequacies, omissions, or other problems identified during prior review.
- Offer assistance in updating community’s regulations.
- Discuss any other issues related to the community’s floodplain management regulations.

A-2. Map Availability and Accuracy

- Determine availability of current FEMA maps and study.
- Determine if community needs DFIRM Training or training on supporting digital tools.
- Determine use of other maps or studies.
- Identify problems using FEMA maps or study, such as A-Zones without BFEs.
- Any recent flooding history? Ask for description of cause, extent, and damage.
- Identify problems with accuracy of FEMA maps or study.
- Identify boundary changes, annexations, or de-annexations.
- Determine community’s familiarity with LOMC and Physical Map Revision Process.
- Consider other map-or study-related issues.

A-3. Development Review Process

- Development review procedures for new construction, substantial improvements, and other development (e.g., filling, grading, dredging, etc.).
- Operating procedures for the following:
  - Obtaining the lowest floor elevation in A-Zones with BFEs.
  - Obtaining the elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V-Zones.
  - Use of the FEMA Elevation Certificate (required in CRS communities).
- Operating procedures for securing certifications for the following:
  - Floodproofed non-residential structures.
  - Openings for enclosed areas below the lowest floor when design differs from minimum NFIP criteria.
  - Anchoring of a pile-and-column foundation and structure attached thereto in all V-Zones.
  - Breakaway walls in all V-Zones when design strength exceeds minimum criteria.
- Development review procedures for floodplain/floodway development:
– 1 foot or less elevation increase in the SFHA [44 CFR §60.3(c)(10)] when no floodway mapped.
– Any elevation increase in the regulatory floodway [44 CFR 60.3(d)(3)] when mapped.

• Process for reviewing development in A-Zones without BFEs.
• Understanding of the subdivision rule of at least 50 lots or 5 acres in A-Zones without BFEs [44 CFR §60.3(b)(3)].
• Procedures for assuring that mechanical and electrical equipment (e.g., HVAC) are designed and located to prevent flood damage [44 CFR §60.3(a)(3)].
• Procedure for ensuring that buildings are constructed with materials resistant to flood damage [44 CFR §60.3(a)(3)].
• Inspections, certificates for occupancy, and other compliance activities.
• Variance procedures, including notice of the effects of the variance on flood insurance rates.
• Subdivision review process.
• General use of land in the SFHA and the potential for future development in the floodplain.
• Length of time that records of floodplain management requirements for permits are retained. Clarify that the records should be kept permanently.
• Any unresolved questions from previous CACs, CAVs, or other source?
• Other issues related to the community’s floodplain management program.

A-4. NFIP Community Information Review and Verification
• Provide the number of flood insurance policies in force, claims paid, and any other relevant CIS community data.
• Determine how long the current Floodplain Administrator has held the position, whether he/she is a CFM, and any NFIP training needed or recommended.

A-5. Discuss Any Potential Violations, Deficiencies, or Compliments
• Identify and discuss any potential violations or deficiencies identified during the CAC.
• Highlight those areas where officials deserve a compliment for implementing their floodplain management program.

A-6. Summarize the CAC Findings, Processes, and Follow-up Actions
• Summarize the findings and discuss any planned follow-up actions with the Floodplain Administrator so he or she will know what to expect, and will have the opportunity to ask questions or make suggestions about the follow-up assistance that is offered.
Appendix B - Sample Letter: Confirming CAV Meeting

<CEO Name>
<Address1>
<Address2>
<City>, <State> <Zip>

RE: COMMUNITY ASSISTANCE VISIT

Dear <CEO Name>:

A Community Assistance Visit (CAV) has been scheduled with <NAME>, Floodplain Administrator, to discuss the <COMMUNITY> participation in the National Flood Insurance Program (NFIP), and to address any questions your community may have about its NFIP responsibilities. <FEMA/STATE REP> will conduct the meeting. It is scheduled to begin at <TIME> on <DATE> in <NAME> office.

The Department of Homeland Security (DHS) Federal Emergency Management Administration (FEMA) conducts these visits to maintain periodic contact with communities participating in the NFIP and to assess these communities’ needs for technical assistance and coordination. In addition, the visits provide an opportunity for assessing the effectiveness of local floodplain management ordinances and enforcement practices. Community officials involved in the floodplain management program and development review/approval process should be present during the meeting or available for questions.

In this regard, we ask that your staff have available at the meeting:

1. Copies of your current floodplain management ordinance(s) adopted in accordance with Section 60.3 of the Code of Federal Regulation (CFR). Your staff members should review and familiarize themselves with the ordinance prior to the meeting.

2. Records of permits for all development in the designated Special Flood Hazard Areas (SFHAs) issued since <Date>(date of last CAV or five years, whichever is later).

3. Records of the as-built lowest floor elevations (in accordance with Section 59.22 (a)(9)(iii), CFR) of structures built in the designated SFHAs. Compliance records must be maintained (and presented at the meeting) on all development in SFHAs, in order to ascertain whether or not the development complies with applicable floodplain management rules.
4. Appropriate staff to explain the process the community uses to review proposed development in the SFHAs, including new buildings and other structures, new and replacement manufactured homes, improvements to existing buildings and structures, development other than buildings (e.g., dredging, filling, grading, paving, excavation, or drilling operations), and stream or channel alterations and maintenance.

5. Appropriate staff to explain the process for reviewing new subdivision proposals including manufactured home parks and subdivisions in designated SFHAs.

6. Appropriate staff to explain the Community’s enforcement procedures including variance procedures and on-site inspection of construction in the SFHAs.

7. Records of all variances requested (denied or approved) since <Date>, (date of last CAV or five years, whichever is later).

8. Any questions or concerns your community may have pertaining to the Flood Insurance Rate Map and the Flood Insurance Study including their accuracy, completeness, or need for other data.

<FEMA/STATE REP> will need to tour the floodplain areas to familiarize <Gender> with your community to determine the types of development occurring, and would like your Floodplain Administrator to accompany <GENDER>. Should you have any questions regarding the CAV, please phone <FEMA/STATE REP> at <PHONE NUMBER> or by E-MAIL at <EMAIL ADDRESS>.

Thank you.

Sincerely,

<NAME>
<POSITION>

cc: <NAME>, STATE COORDINATOR
    <NAME>, Floodplain Administrator
Appendix C - Floodplain Tour Checklist

The following checklist should be used as a guide when examining any development or map-related issues during the tour of the floodplain. Use an individual site-specific field inspection form, such as the NFIP Floodplain Tour Documentation or the NFIP Floodplain Development Review Worksheet in Appendix D, to assemble the supporting data regarding specific development sites, mapping issues or permit review findings.

**Development in the Floodplain.** Check development in each type of A- or V-Zone in the community to assure the community is implementing the correct floodplain management requirements for each type of SFHA.

In all A-Zones (applies to new construction and substantial improvements). Check for the following per 44 CFR §60.3(a) through (d):

- Residential structures have lowest floors (including basement) that are elevated to or above the BFE.
- Non-residential structures are elevated or floodproofed to or above the BFE.
- Structures with enclosures below the BFE are not used for purposes other than parking, access, or limited storage. If possible, where such enclosures exist, check for a minimum of two openings to equalize hydrostatic flood forces on exterior walls, and that the bottom of such openings are not more than 1 foot above grade.
- Existing structures that have indications of substantial improvements show evidence of flood protection. NOTE: additions to structures will likely be the most identifiable substantial improvement, whereas rehabilitations to structures will be more difficult to detect. When available, use flood insurance claims data to identify substantially damaged structures.
- Structures that have electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- Manufactured homes, except in existing manufactured home parks or subdivisions, are located with the lowest floor at or above BFE. Also check that manufactured homes are securely anchored to an adequate foundation system (this may not be recognizable during the floodplain tour).
- Manufactured homes in existing manufactured home parks or subdivisions are located with the lowest floor at or above the BFE or with the lowest floor 36 inches above grade. Also check that manufactured homes are securely anchored to an adequate foundation system (this may not be recognizable during the floodplain tour).
- There are no encroachments within the adopted regulatory floodway including new construction or substantial improvements; other development, such as mining, dredging, filling, grading, paving, excavation, or drilling operations; or other structures, such as gas and liquid storage tanks.
- There is adequate drainage in new subdivisions, which decreases exposure to flood hazards.
Ensure that FEMA was notified of any altered or relocated portion of a watercourse, and that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained, i.e., there is no evidence of excessive vegetation growth and sedimentation in channelized and concrete-lined channels.

There are adequate drainage paths around structures on slopes to guide floodwater around and away from structures in areas of shallow flooding.

In V-Zones (applies to new construction or substantial improvements) Check for the following per 44 CFR §60.3(e):

- Structures are elevated on pilings or columns so that the bottom of the lowest structural member is at or above the BFE.

- The space below the lowest floor of an elevated structure appears to be free of obstructions or appears to have breakaway walls. Check the permit record to see if breakaway walls are identified in the specifications and signed off on by an engineer.

- Structures with enclosures below the BFE are used only for parking, access, or limited storage. Photograph any walls of enclosures below the BFE and determine, through the permit review, whether they are designed as breakaway walls (if the building is post-Flood Insurance Rate Map, or FIRM).

- Manufactured homes, except in an existing manufactured home park or subdivision, are elevated on pilings or columns so that the bottom of the lowest horizontal structural member is at or above the BFE.

- Post-FIRM structures are located landward (not seaward) of mean high tide.

- Fill is not used for structural support of buildings.

- There is no alteration of sand dunes or mangrove stands.

- In all SFHAs: Note vacant structures with windows boarded up, tall grass, etc. Some of these structures, if rehabilitated, may be substantially improved and be required to meet floodplain management requirements.

- Review FEMA grant-acquisition projects by address for sites located in the community. The Acquisition rules requires that FEMA verify that the property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions (44 CFR §80.19). Include a sample of these properties with your other selected site visit properties to ensure that:
  - Use of the land acquired for open space purposes is consistent with the regulations under each mitigation program and the community’s Land Use Reuse Plan for open space or recreational use.
  - If a new public facility is allowed, verify that the facility is open on all sides and functionally related to open space or recreational use and
  - Any public restroom or other structure compatible with open space use must be elevated/floodproofed to the BFE plus 1 foot of freeboard or greater if required by FEMA, or any state or local ordinance.
The open space property is maintained in good condition, and all debris or other improvements, such as any concrete slabs or foundations, which are not part of the reuse plan, were removed.

- Visit a sample of FEMA flood grant and NFIP ICC claims elevation projects to confirm that the selected buildings are still properly elevated and have not been compromised by enclosures below the BFE or by other modifications.

- Check maintenance of physical changes to the floodplain, such as dams, diversion channels, detention basins, channelization, new bridges, or levees, which resulted in a Map Revision (44 CFR §65.6).

- For accredited levee systems, check for general maintenance of the levee system. For earthen levees, check for general conditions, such as grass cover that is manicured, animal burrows, noticeable erosion or gullies, clean watercourses, and flap gates free of debris. Note any closures and whether they are manual or automatic, structure crossings, such as railroads or roads through the levee, and mud on the landward side (signifying structural instability), among other observations. For floodwall type levees, check for general conditions, such as no noticeable cracks or settlement. For the purpose of a CAV floodplain tour, this is expected to be a very limited non-engineering check of a sample of the most significant levees.(44 CFR §65.10).

- If there are open CLOMRs in the community that have not been closed out by an approved “as built” LOMR, visit the site to assure that no encroachments or other violations have occurred based on the future condition. Any new development must meet the floodplain management requirements based on the SFHA boundaries and BFEs of the current effective FIRM [44 CFR §65.3, 65.12, and 63.3(c)(10) and (d)(3)].

- Sample selected structures for which a submit-to-rate flood insurance application has been submitted to FEMA.

**Map Accuracy:**

- Check the following sites identified during the preparation phase where map accuracy appears to be in question. Additional sites may be identified during the floodplain tour.

  - New bridges/roads or major modifications to existing ones in a designated floodway or an area that would divert significant flood flows from the SFHA indicated on the effective FIRM.

  - Extensive filling or debris dumping, especially in the adopted regulated floodway or in SFHAs where floodways have not been designated.

  - Major new developments, especially in the floodway or an area that would divert significant flood flows from the SFHA indicated on the effective FIRM.
o New flood control or related modifications, such as levees, berms, dikes, flood walls, channel relocation, detention or retention ponds, concrete channels, hurricane protection levees, dams, reservoirs, etc. In modified channels, check to ensure that the watercourse is free of debris, excess vegetation, and sedimentation.

o Construction of low-water crossings.

o Natural changes in the floodplain, such as flood-related channel relocation or modification, landslides, mudslides (i.e., mudflows), debris slides, significant erosion or sedimentation, significant vegetation or debris buildup, and other natural changes that clearly conflict with the SFHA on the effective FIRM.

☐ If using contour maps or orthophoto maps, note any obvious discrepancies between those maps and the Flood Hazard Boundary Maps, FIRMs, or Flood Boundary/Floodway Maps.

☐ Identify areas suspected of posing special risks to life and property due to the depth, velocity and duration of flooding, debris in the water, or other factors. Such high flood hazards include alluvial fans, areas behind unsafe or inadequate levees, areas below unsafe or inadequate dams, coastal erosion, flash flood areas, flooding due to ground failure, such as subsidence, fluctuating lake levels, ice jams, and mudslides.
# Appendix D - NFIP Floodplain Development Review Worksheet

<table>
<thead>
<tr>
<th>Community Name:</th>
<th>CAV Date:</th>
<th>Conducted by</th>
<th>Community ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIRM Map Date:</td>
<td>□FIRM/□FHBM Panel Number(s):</td>
<td>□FBFM:</td>
<td></td>
</tr>
<tr>
<td>Currently Insured?</td>
<td>□Yes □No</td>
<td>Claims History:</td>
<td>Policy #:</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location or Address of Development</th>
<th>Floodway □Yes □No</th>
</tr>
</thead>
<tbody>
<tr>
<td>□New Construction □Substantial Damage/Improvement □Repetitive Loss □Submit for Rate</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Development:</th>
<th>□Residential □Non-Residential □Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a Brief Description of Development:</td>
<td></td>
</tr>
<tr>
<td>Comments:</td>
<td></td>
</tr>
<tr>
<td>Permit #:</td>
<td>Permit Date:</td>
</tr>
<tr>
<td>BFE:</td>
<td>FRB:</td>
</tr>
<tr>
<td>FIRM Zone:</td>
<td></td>
</tr>
</tbody>
</table>

| Date of Construction or other development: |
| Legal Street Address or Physical Location |
| Latitude | Longitude (if available) | Tax Parcel/Parcel ID: |
| Elevation Data: □EC □Other | Lowest Floor Elevation: | Elevation Certification Date: |
| If Floodproofed non-residential building, is certification available: □Yes □No |
| If V Zone, is certification available?” □Yes □No | Proper Openings: □Yes □No |
| If in Floodway, is No Rise Certification available?” □Yes □No |
| Enclosed Area Below BFE? □Yes □No | Is Enclosed area used for access/storage/parking? □Yes □No |
| Is Mechanical/Electrical/Utilities Elevated or water resistant? □Yes □No |
| Variance Granted: □Yes □No | Was adequate justification provided? □Yes □No |

| Comments: |
| Check: □Suspected Violation □Violation □Compliant □Other (Explain) |

*Complete appropriate field for each structure or other development*
Appendix E - Community Assistance Visit: Checklist for Meeting with Local Officials and Issues Discussion

E-1. Purpose of Meeting
• Explain purpose of the meeting and the process of the CAV.
• Introduce other members of the CAV team.
• Summarize agenda.
• Give estimate of the meeting’s duration.
• Determine whether a representative from each permit-related department is present.
• Circulate attendance list.
• Provide an overview of NFIP.
• Provide NFIP community statistics.
• Advise that permit and variance files will need to be reviewed.
• Address any questions from local officials.

E-2. Floodplain Management Regulations Review
• Ensure that the regulations reviewed are the most current and, if not, obtain a copy.
• Is floodplain management administered through a stand-alone ordinance only, or also through the community building code?
• Identify what building code the community uses.
• If using the IBC, did the community adopt Appendix G or use a Companion Ordinance?
• Discuss inadequacies, omissions, or other problems identified during prior review.
• Determine whether the community has adopted the latest FEMA map and study.
• Do they have any problems concerning interpretation or administration of the regulations?
• Determine if the community has any more restrictive floodplain management requirements and any problems implementing them.
• Identify boundary changes, annexations, or de-annexations causing changes in regulatory authority.
• Offer assistance in updating the community's regulations.
• Identify other issues related to the community's floodplain management regulations.

E-3. Map Availability and Accuracy
• Determine availability of current FEMA FIRMs and FIS.
• Determine if community needs DFIRM training or training on supporting digital tools.
• Determine if other maps or studies are used for regulating development.
• Identify problems using FEMA FIRMs or FIS, such as A-Zones without BFEs, floodways, etc.
• Any recent flooding history? Ask for description of cause, extent, and damage.
• Identify problems with the accuracy of FEMA FIRMs or FIS.
• Determine flood-control projects and associated maintenance responsibilities.
• Has the community identified any unique hazards (e.g., subsidence, ice jams, erosion, etc.) or any issues in regulating?
• Determine community's familiarity with LOMCs or physical map revision processes.
• Any CLOMRs issued without follow-up LOMRs based on as-builds? Do they understand the development limitations of a CLOMR?
• Other map-or FIS-related issues.

E-4. Development Review Process: Ask the community officials to describe the following procedures. Obtain actual copies of issued permit forms, as well as other related checklists, instructions, policies, etc. for the development process.
• Development review procedures for new construction, substantial improvements, and other development (e.g., filling, grading, dredging, etc.).
• Process for determining substantial damage — relate to ICC role.
• Process to ensure that all other necessary permits required by Federal/State laws have been received (e.g., ESA Section 9/10, 404 Wetlands, etc. per [44 CFR §60.3 (a)(2)]).
• Operating procedures for the following:
  – Obtaining the lowest floor elevation in all A-Zones with BFEs.
  – Obtaining the elevation of the bottom of the lowest horizontal structural member of the lowest floor in all V-Zones.
  – Use of the FEMA Elevation Certificate (required in Community Rating System communities).
• Operating procedures for securing certifications for the following:
  – Floodproofed, non-residential structures.
  – Openings for enclosed areas below the lowest floor when design differs from the minimum NFIP criteria.
  – Anchoring of a pile-and-column foundation and structure attached thereto in all V-Zones.
  – Breakaway walls in all V-Zones when design strength exceeds minimum criteria.
• Review procedures for floodplain/floodway development:
  – Cumulative development not to increase BFE more than 1 foot in the SFHA [44 CFR §60.3(c)(10)] when no floodway is designated, or
  – Any BFE increase in the designated regulatory floodway [44 CFR §60.3(d)(3)].
• Process for reviewing development in A-Zones without BFEs.
• Understanding the subdivision rule of at least 50 lots or five acres in A-Zones without BFEs [44 CFR §60.3(b)(3)].
• Procedures for ensuring that mechanical and electrical equipment (e.g., HVAC), are designed and located to prevent flood damage [44 CFR §60.3(a)(3)].
• Procedure for ensuring that all new construction and substantial improvements are designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads,
including the effects of buoyancy, and are to be constructed with materials resistant to flood damage [44 CFR §60.3(a)(3)].
• Inspections, certificates of occupancy, and other compliance activities.
• Variance procedures, including notice concerning the effects of the variance on flood insurance rates.
• Subdivision review process, including:
  – Number of subdivisions approved since last CAC, CAV, or, at a minimum, within the calendar year.
  – Number of lots within approved subdivisions.
  – Requiring developers of new subdivisions larger than 50 lots/5 acres to develop BFEs when none are provided on FIRM.
• Inquire about the general use of land in the SFHA and the potential for future development in the floodplain.
• Inquire about how long records of floodplain management requirements for permits are retained. Clarity that those records should be kept permanently.
• Inspection procedures for development in SFHA — whether permitted or not.
• Enforcement procedures to remedy any discovered violations.
• If applicable, procedure for inspecting/verifying residential structures with floodproofed basements (when previously approved by Federal Insurance Administrator).
• Any unresolved issues from previous CAC, CAV.
• Other issues related to the community’s floodplain management program.

E-5. NFIP Community Information Review and Verification
• Provide the number of flood insurance policies in force and claims paid, and review/verify any other relevant data contained in the CIS, such as contact information.
• Determine how long the current Floodplain Administrator has held the position, if he or she is a CFM, and any NFIP training needed or recommended.

E-6. Other Floodplain Management Issues
• Does the community have a flood or all-hazard mitigation plan in place?
• Do community officials understand the Increased Cost of Compliance program and their role in that process?
• Are there any acquisition, elevation, or relocation programs in existence? Are they interested in future projects?
• Determine the community’s comprehensive plan and attitude toward development.
• Determine any higher floodplain management standards and relate to CRS activities.

E-7. Summarize the CAV Findings, Processes, and Follow-up Actions
• Summarize the preliminary findings and discuss any potential deficiencies or violations.
• Discuss CRS options and compliment local officials on positive aspects of their floodplain management program.
• Discuss the follow-up process, including providing technical assistance.
• Ask whether there are any questions.
Appendix F - The Community Rating System

The Community Rating System

The NFIP CRS is administered by the Department of Homeland Security's FEMA. The CRS was implemented in 1990 to recognize and encourage community floodplain management activities that exceed the minimum NFIP standards. The National Flood Insurance Reform Act of 1994 codified the CRS in the NFIP. Under the CRS, flood insurance premium rates are adjusted to reflect the reduced flood risk that results from community activities that meet the three goals of the CRS:

- Reduce flood damage to insurable property,
- Strengthen and support the insurance aspects of the NFIP,
- Encourage a comprehensive approach to floodplain management.

Although premium discounts are one of the benefits of CRS participation, it is more important that communities carry out activities that save lives and reduce property damage.

There are ten CRS classes: Class 1 requires the most credit points and gives the largest premium reduction while Class 10 receives no premium reduction.

The CRS recognizes 18 creditable activities, organized under four categories numbered 300 through 600: Public Information, Mapping and Regulations, Flood Damage Reduction, and Flood Preparedness.

The purpose of this Appendix is to update and replace existing CRS compliance policy guidance for new, reapplying, and currently participating CRS communities.

The CRS Coordinator's Manual cites two prerequisites to becoming a Class 9 community or better:

- The Community must have been in the Regular Phase of the NFIP for at least one-year

<table>
<thead>
<tr>
<th>Class</th>
<th>SFHA*</th>
<th>Non-SFHA</th>
</tr>
</thead>
<tbody>
<tr>
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<td>45% 10%</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>40% 10%</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>35% 10%</td>
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<td>30% 10%</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>25% 10%</td>
<td></td>
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<tr>
<td>6</td>
<td>20% 10%</td>
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</tr>
<tr>
<td>7</td>
<td>15%  5%</td>
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<td>10%  5%</td>
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<tr>
<td>9</td>
<td>5%   5%</td>
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</tr>
<tr>
<td>10</td>
<td>0%   0%</td>
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</tr>
</tbody>
</table>

• The Community must be in full compliance with the minimum standards of the NFIP. At any time, if a CRS community is determined to not be in full compliance, it will revert to a CRS Class 10.

To maintain the credibility of the CRS, FEMA requires every community in the CRS to be fully compliant. This means that FEMA must determine that a community is compliant under the minimum NFIP requirements (the terms "minimal" or "substantial" compliance are, therefore, inapplicable). Compliant communities are expected to have an updated ordinance, have remedied violations to the maximum extent possible, and have corrected deficiencies in floodplain management programs or be moving rapidly in that direction.

Since 1996, FEMA has required a “clean” CAV before a new community may participate in the CRS. In 2002, the following “retrograde” policy was added to provide guidance in dealing with situations for communities already in the CRS, but following the discovery of substantial unresolved problems by a CAV. A number of CRS communities were found in this situation, and based upon recommendations from the FEMA Regional Offices, these communities were subsequently retrograded to Class 10.

It is expected that a CRS community with a large amount of floodplain development may have some minor program deficiencies and possible violations. However, once these program deficiencies and violations are identified and brought to the community’s attention in the CAV follow-up letter, CRS communities are expected to move expeditiously to correct the program deficiencies and remedy the violations to the maximum extent possible.

National Flood Insurance Program Community Rating System Compliance and Retrograde Procedures

(a) A community applying to, reapplying to, or participating in the CRS is not in full compliance if any of the following apply:

(1) Within the previous two years, the community has been suspended or put on probation for lack of enforcement. For the purposes of the CRS, a community that has corrected previous violations or deficiencies and has been taken off probation or suspension is not deemed to be in full compliance for two additional years. This is to ensure that it has actually "changed." (Applies to CRS Applications Only).

(2) An enforcement action has been initiated or is underway against the community at any time during the past two years. The term "enforcement action" is as defined in the Community Compliance Program Manual. (Applies to CRS Applications Only).

(3) The community's ordinance does not meet all current NFIP criteria.

(4) There are outstanding program deficiencies or violations from a CAC or CAV.

(5) There are outstanding compliance issues, such as unanswered inquiries from the FEMA Regional Office involving citizen complaints or submit-to-rate properties.

A CAV must be conducted by the FEMA Regional Office or State before the FEMA Regional Office can provide a community with the positive compliance determination letter required for initial CRS participation, or for improvement to Classes 1–4 (See Situation Sample D-1). In addition, applicant communities (including those who reapply after retrogrades) cannot be
considered in full compliance if they have not had a recent CAV (within the past year). It is recommended (given the resource issues of doing CAVs), that FEMA Regional Offices ask the Chief Executive Officer of a community to put his or her request for this determination in writing.

Every attempt should be made to schedule the visit within 90 days of the community request or upon receipt of the actual CRS application. FEMA Regional Offices should remind States of the FEMA Community Assistance Program (CAP) policy that allows States to change locations of previously scheduled CAVs due to unexpected priorities, such as requests for CRS CAVs. If the CAV identifies program deficiencies or possible violations, the positive compliance determination should not be provided until the issues are remedied and the CAV is closed.

CRS-participating communities should be scheduled for a CAV or CAC based on selection criteria as described in Chapter 2 of this manual. If possible violations or program deficiencies are identified by the CAV or CAC, the community must correct the program deficiencies and remedy the violations to the maximum extent possible within time frames established by the FEMA Regional Office. Timeframes for CRS communities are discussed in part (b) of this procedure.

The FEMA Regional Office, in close cooperation with the State, judges the community’s compliance with NFIP requirements. The FEMA Regional Office must maintain documentation as to why it determined a community to not be in full compliance.

(b) Due Process Community Timeframes.

Once suspected violations or program deficiencies are reported, the community must be allowed a reasonable timeframe to respond to the CAV report findings and either prove there are no deficiencies/violations or correct them. CRS communities are expected to show immediate action - to remedy the problems.

The FEMA Regional Office may allow up to six months after the date of the CAV follow-up letter for a community to correct program deficiencies or remedy all violations to the maximum extent possible. This six-month period allows for an initial response from the community and additional follow-up on the part of the FEMA Regional Office. Extensions may be granted to the community if remedial measures are underway but not completed.

However, FEMA Regional Offices should recommend retrograde to Class 10 prior to the completion of the six months (see subparagraph (c)(2) below) if, at any time, a community is not responsive (insufficient or no remedial actions undertaken), or the community does not have a fully functioning floodplain management program. A non-responsive community is one that has not met deadlines established in the initial CAV follow-up letter or subsequent letters, and has not initiated the necessary actions to correct the identified program deficiencies or remedy the violations.
A non-fully functional floodplain management program means that the community has not required floodplain management permits, does not have a Floodplain Administrator, or otherwise does not have a functioning system. While not generally expected in the CRS, there may be small communities where this could be encountered, especially if exacerbated through staff turnover.

Finally, CRS discounts are add-on benefits for communities that have exemplary floodplain management programs built upon a fully compliant base program. Therefore, when deficiencies and or violations are discovered and proven, it is CRS policy to withhold any improved class until the community remedies these problems, and when necessary, to retrograde non-compliant communities to Class 10.

(c) Deadlines for Processing CRS Retrogrades.

CRS class changes become effective twice a year, on May 1 and October 1. Insurance companies (Write Your Own (WYO) companies) and internal processing requires that all class changes, including Class 10 retrogrades, be final no later than 120 days prior to these CRS effective dates. Accordingly, all FEMA Regional Office recommendations for retrograde of a community to Class 10 must be made at least 180 days prior to the CRS effective date. If the community’s deadlines fall after that date, the recommendation must be delayed to coincide with the next CRS effective date.

FEMA Regional Office (RO) recommendations for retrogrades to Class 10 must adhere to the following schedule:

1. RO sends one or more CAV follow-up letters with ascending CRS warnings;
2. At least seven months prior to May 1/Oct 1 (Oct 1/Mar 1): RO notifies community of recommended CRS retrograde (advance copy to HQ CRS Program Manager);
3. At least six months prior to May 1/Oct 1 (Nov 1/April 1): RO sends memo to HQ recommending retrograde;
4. At least five months prior to May 1/Oct 1 (Dec 1/May 1): HQ sends official notice to community of CRS retrograde;
5. At least four months prior to May 1/Oct 1 (Jan 1/June 1): HQ notifies BSA to process all CRS classes for WYO companies;
6. At least three months prior to May 1/Oct 1 (Feb 1/July 1): WYO companies program data and process renewals;

Note: The 30-day period between the FEMA Regional Office’s recommendation of retrograde to Class 10 and the FEMA HQ notice to the community is not a formal appeals period, but does allow time to resolve issues raised by the community.
(d) To encourage communities to take corrective actions and to provide ample warning and chronology supporting a possible CRS retrograde, all follow-up CAV or CAC correspondence to communities MUST contain CRS statements (or appropriate variations) tailored to fit at least the following situations:

(1) The community is a CRS participant, and minor compliance issues warrant a warning citing the CRS standing (Situation Sample D2).

(2) The community is a CRS participant, serious issues were identified, and the community is clearly warned that unless the violations are resolved to the maximum extent possible and program deficiencies are corrected by a specific date, the FEMA Regional Office will recommend that the community be retrograded to Class 10 (Situation Sample D3).

(3) The community is a CRS participant that has not adequately met the established deadlines as cited in previous correspondence that included Samples D2 and D3. The FEMA Regional Office formally states to the community its intention to recommend to FEMA HQ that the community be retrograded to a CRS Class 10. This may be a separate letter notifying a community of this recommendation, or it may be added to the latest of several CAV follow-up letters. **This memo must be coordinated in advance of mailing with FEMA HQ CRS Program Management** (Situation Sample D4).

(4) The community is a CRS participant that has not adequately met the established deadlines and the FEMA Regional Office formally recommends to HQ that the community be retrograded to a CRS Class 10. (Situation Sample D5).

It is recognized that imperfect situations exist and a community may be limited in what it can do to remedy a violation. However, the community must remedy violations to the maximum extent possible. "Maximum extent possible," according to the Community Compliance Manual, means that the community has gone so far as to take the issue to court, has otherwise done all it can do to remedy the violations, and has corrected all administrative procedures related to the problems.

While there will always be issues to be addressed, such as national/regional and State consistency, strengthening the compliance program, and problems of perception, fairness and avoidance of community embarrassment when a rating is pulled, the judgments used in CRS retrogrades have been no different than those in NFIP probation and suspension decisions. FEMA Regional Offices, in cooperation with States, must use common sense and judgment.

For this reason, FEMA does not support the concept of “zero tolerance” as applied to CRS communities, since it does not allow for FEMA Regional Office judgment or an opportunity for communities to remedy any identified violations. While CRS communities should always be in full compliance, they cannot be held to such a concept if they are doing everything possible to remedy the problems within the FEMA Regional Office timeframe. This does not mean, however, that while communities are correcting their violations they should receive the benefit of a pending CRS class. As stated previously, it is CRS policy that any pending class improvement will be held in abeyance until compliance issues are resolved.
CRS Verification Visits Are Not CAVs

FEMA uses consultants to process applications and provide technical assistance to FEMA, States, and communities. Consultants schedule a verification visit to review the community’s activities according to the scoring criteria in the CRS Coordinator’s Manual. The visit is conducted both in the office and in the field with the community’s designated CRS Coordinator. Documentation is required for all activities, and the community can submit any missing pieces to help verify its credit. A final report is prepared showing the awarded points by activity and the awarded CRS class.

While a CRS verification visit shares some of the same general attributes of a CAV, it varies in one key area. A CAV primarily evaluates the community’s implementation of the minimum NFIP criteria, while the CRS verification visit assumes full compliance and only measures activities that are above and beyond the minimum NFIP requirements. However, there is sufficient crossover to allow for information sharing, primarily from data gathered on the CRS visit. For example, the CRS visit examines sample Elevation Certificates (EC) to ensure there is sufficient information to rate a policy. When applicable, partial to full credit is provided based on the verified sample, regardless of floor elevations. However, even though the EC has been correctly completed for CRS rating purposes and points are awarded, if the lowest floor is below the Base Flood Elevation, these specific samples will be shared with FEMA Regional Office staff and placed in a suspense file for a possible follow-up CAC or CAV. There are over 1,100 CRS-participating communities, who in addition to their original verification visit for joining the CRS, will also receive another field verification on a 3- to 5-year cycle (sooner if they submit a two-class improvement), depending on their CRS Class.

Sample CRS Paragraphs

The following paragraphs contain sample wording for the five situations you may encounter. They are listed in progressive order of severity. As samples, you may desire to adjust them to better fit each unique situation. You may also want to cite a community’s CRS discount and how they will be affected by losing it, by including the “What-If” Data from the CIS.

However, a community cannot be retrograded without the warning or similar wording as contained in Situation Samples D3 and D4, and the recommendation to FEMA HQ in Sample D5. You are encouraged to share any drafts with FEMA HQ CRS Program Management for coordination.

(Situation Sample D1). The community is not a CRS participant and the CAV findings and community program are such that they are recommended for CRS participation.

After reviewing your floodplain management program and the quality manner in which it is implemented, we recommend your community (to the FEMA Regional office - if a State is writing the letter) for participation in the NFIP’s Community Rating System (CRS). The CRS is a program that rewards…

(Situation Sample D2). The community is a CRS participant, and minor compliance issues warrant a “friendly” warning citing its CRS standing.
We would like to remind your community that the basic requirement for participation in the CRS is a community’s full compliance with the NFIP. Because of the compliance deficiencies cited, we encourage you to provide us with the all the requested information showing corrective actions by X date, in order to remain in full compliance and continue to be eligible for CRS participation.

(Situation Sample D3). The community is a CRS participant and serious issues were identified. The community is clearly warned that unless the deficiencies/violations are resolved to the maximum extent possible and the program deficiencies corrected by a specific date, the FEMA Regional Office will recommend that the Federal Insurance Administrator retrograde them to Class 10.

Section 211 of the CRS Coordinator’s Manual states that the basic requirement for CRS participation is that “the community must be in full compliance with the minimum requirements of the NFIP. If a community is determined at any time to not be in full compliance, it will revert to a Class 10.” Due to identified serious compliance issues (deficiencies and/or violations), we will be recommending that your community’s participation in the CRS be withdrawn if we do not receive (the requested information, a plan addressing your corrective actions for the deficiencies/violations, or other data) by X date. You should note that this is the first step in a series of compliance actions that could lead to probation and eventual suspension from the NFIP.

(Situation Sample D4). The community is a CRS participant that has not adequately met the established deadlines as cited in previous correspondence that included Situation Samples D2 and D3. At least seven months prior to Oct 1/May 1, the FEMA Regional Office formally states to the community that it is recommending to the Administrator that the community be retrograded to a CRS Class 10. This may be a separate letter notifying a community of this recommendation or it may be added to the latest of several CAV follow-up letters. This memo must be coordinated in advance with FEMA HQ CRS Program Management.

As you are aware, the CRS rewards NFIP communities for exemplary practices in floodplain management. These practices go beyond minimum requirements of the NFIP and are aimed at reducing the Nation’s flood losses. Your community has not remedied, to the maximum extent possible, the identified violations of your community’s floodplain management ordinance (and/or you have not corrected deficiencies in your administrative procedures). Therefore, we have found that the “City of X” is no longer fully compliant with the minimum requirements of the NFIP, and are recommending to the Administrator that your CRS rating be retrograded to a Class 10, at the next possible opportunity. The Federal Insurance Administrator will notify you soon to confirm the CRS retrograde and effective date.

We cannot continue to provide your community with CRS reductions in flood insurance rates now that we have determined that your community is no longer fully compliant with the minimum requirements of the NFIP.

(Situation Sample D5). At least six months prior to Oct 1/May 1, the FEMA Regional Office provides FEMA HQ with the formal recommendation to retrograde a community due to the previously cited violations, as found in prior correspondence that used Sample D2 or D3.
Please be advised that we are recommending that “No Discount Community” be retrograded to Class 10 because it is no longer in full compliance with the minimum standards of the NFIP. Deficiencies and violations were noted in various correspondence (copies attached), as follow-up to the Community Assistance Visit conducted on 00/00/0000. We will continue to work with the community to resolve the issues.

**Note:** While only FEMA Regional Offices may recommend CRS retrogrades, States and FEMA Regional Offices must coordinate closely as some variation of these paragraphs must be included in all follow-up correspondence with a CRS community. States can and should send Samples D1 and D2. States with more regulatory authority could even send Sample D3 if they are recommending the retrograde to their FEMA Regional Office. However, only FEMA Regional Offices can send Samples D4 and D5. Also, while FEMA Regional Offices determine compliance standings and recommend CRS retrogrades, only FEMA HQ can retrograde a CRS community (due to insurance rating implications). Conversely, it is highly recommended that States help prospective communities by recommending CRS participation during the meeting, and by adding appropriate language in the follow-up letter.