



By Rebecca Quinn, CFM

FEMA reports that about two-thirds (~14,500) of National Flood Insurance Program communities enforce building codes based on the *International Codes* (I-Codes). States that adopt building codes at the state level and thousands of communities in states without mandated codes use the model I-Codes as the basis for their codes.

Regular inspections are a hallmark of community programs that enforce building codes. The I-Codes specify eight required inspections and authorizes other inspections deemed appropriate to ascertain compliance. FEMA considers effective, routine inspections to be one of the key advantages of relying on the I-Codes to govern design and construction of buildings in Special Flood Hazard Areas (see Chapter 2 of [Reducing Flood Losses Through the International Codes](#), 4th edition).

For construction in SFHAs, the I-Codes specify that “upon placement of the lowest floor, including basement, and prior to further vertical construction” the required elevation certification is to be submitted to the building official, who can then use the documentation to check compliance. Also, the codes require submission of elevation documentation prior to the final inspection. Especially when the FEMA Elevation Certificate is used, this means inspectors have information about elevations, enclosures and equipment that is valuable to determine compliance before Certificates of Occupancy are issued.

Obtaining and maintaining elevation information and floodproofing design certifications is an explicit responsibility communities accept by participating in the NFIP. Administering the I-Code provisions help communities fulfill that requirement. This brings to mind a column I wrote several years ago about records.

If you've been through a Community Assistance Visit more than likely you had to play catch-up because your records didn't have all of the documentation and certifications that communities are expected to keep. Let's talk about three aspects: collecting design and ECs, keeping records accessible, and the length of time to keep those records.

Collecting Design and ECs. The NFIP definition of “violation” clearly states that lack of elevation certificates and other certifications is sufficient for a presumption of a violation until such time as the documentation is provided. I suspect that, as part of responding to CAVs, hundreds of communities each year have to get in touch with owners, builders and surveyors—not an easy task if a couple of years have gone by since construction was completed.

NFIP Participating Communities

The number of communities in the NFIP keeps inching up. Just this month it hit 22,230, with only 1,888 communities identified as flood-prone but electing not to participate and an additional 189 suspended.

We've come a long way since 1968 when the Corps of Engineers, which had been mapping and identifying flood-prone areas since 1962, estimated there were “about 5,000 flood-prone communities in the United States.” And just a year later in mid-1969, the first communities joined the NFIP: Metairie, LA, Fairbanks, AK, and Alexandria, VA. About two and a half years later, the count reached nearly 920.

By mid-1973, the estimated number of flood-prone communities rose to 10,000, but that was adjusted up to 12,600 by the end of the year. Yet only 2,850 had adopted regulations in order to participate in the NFIP.

Then folks got busy. By mid-1975, the estimate of flood-prone communities jumped to 21,411 and 9,977 participated (but only 549 had FIRMs and were in the regular program).

For more historical tidbits through mid-2002, check out [A Chronology of Major Events Affecting the National Flood Insurance Program](#).

Every floodplain management ordinance I've seen in the past 30 years contains a clear statement that it is the local administrator's responsibility to obtain and retain certain elevation information and, depending on the building and zone, certain design certificates. I think it's gotten better in recent years, perhaps because of the I-Code requirements. But there still are community officials who don't pay close attention to records.

The I-Codes require site plans for proposed construction in SFHAs to show SFHAs, floodways, design/base flood elevations, elevation documentation, dry floodproofing designs, Zone V designs and engineered openings. Some communities give applicants copies of ECs (or the download link). Some communities require applicants/owners to sign a statement acknowledging that the EC is required before a Certificate of Occupancy is issued. But everybody is busy and building inspectors have hundreds of things to check as a building under construction nears completion. Still, the requirement is spelled out clearly, so why do we still see missing design and elevation certificates? Check your permit review procedures. Are applications required to include SFHA information and design certificates? Do the certificates get put in a permanent file (or flagged in a permit tracking system)? Check your inspection procedures. Do permittees submit elevations when the lowest floor is set and prior to further vertical construction? Do inspectors make sure completed ECs are submitted before scheduling final inspections? Do the submitted ECs get put in a permanent file?

Keeping Records Accessible. The NFIP requires communities to "maintain for public inspection and furnish upon request" information on elevations and certificates of floodproofing. The records must be accessible for inspection during CAVs. And because they are public records, the information should be accessible when owners or prospective buyers ask whether there are any records on their buildings. These days, with so many map revisions changing BFEs and flood zones, and now that many compliant buildings are 40-50 years old, it's becoming more important than ever to have documentation of compliance at the time buildings were constructed. Keep this in mind during CAVs: a building constructed years ago may have been compliant when completed, but if the BFE goes up (or zone changes), it is not a violation of current rules, it is "non-conforming" with current requirements. Having accessible records makes it easier to document that your community properly issued permits years ago.

Many communities keep paper copies of ECs in a separate file and many scan ECs and have a protocol to name files by address or tax record number to facilitate finding specific records. All CRS communities are required to maintain records and use FEMA's EC, and they must make copies of the certificates available to any inquirer (Activity 310). I know some communities make ECs available on their websites.

Length of Time to Keep Records. The NFIP regulations do not specify how long the records should be kept, suggesting there is no limit. Similarly, local ordinances specify that records must be maintained, but are silent about how long they should be kept. On the other hand, the I-Codes require retention of approved construction documents "for a period of not less than 189 days from the date of completion of the permitted work or as required by state or local laws." I'm told that many states mandate records be retained only for three or four years (and some even require disposal after a period of time!).

The question then is what are communities supposed to do? Keep in mind that some communities may issue only a handful of permits in a year, but the numbers run into the thousands for many large jurisdictions. Records retention is not a trivial matter.

In my opinion, ECs and design certifications should be kept permanently. Yes, that's a lot of work for larger jurisdictions, but they're the ones most likely to already use electronic storage. These days anyone can save scanned copies of documents. It doesn't matter whether it is a dedicated file for hardcopies or an electronic file—keeping permanent records is the easy part once it truly becomes routine to collect the certificates.

Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at rcquinn@earthlink.net. Comments welcomed!