



By Rebecca Quinn, CFM

What do you do when you have questions about how to interpret and enforce your floodplain management regulations and building codes? More than 22,100 communities participate in the National Flood Insurance Program, which means thousands of floodplain administrators, plan reviewers, building officials and inspectors could, at some point, have questions and need answers.

When faced with unusual situations, it's always better to do some homework than to wing it. It's also important to get definitive answers from reliable sources, not just opinions or guesses. Remember, not only might misinterpretations jeopardize your community's standing in the NFIP, they could easily end up exposing your property owners to increased risk of damage and costing them a lot more for NFIP flood insurance policies.

**FEMA Publications.** FEMA publishes a lot of [guidance documents](#) that should be your first choice for answers from the source. Guidance is just that – it's offered to help people interpret and apply NFIP regulations. Occasionally I hear grumbles about the length of some FEMA publications ("why does it take more than 30 pages to explain flood openings?"). Keep in mind that every scenario and permutation covered in a FEMA publication has actually come up at one time or another. This makes FEMA pubs rich resources—and I encourage you to download or order hardcopies, keep them handy and use them frequently. However, remember they're based on the minimum NFIP regulations, not your community's adopted ordinance, which may be more restrictive or have higher standards.

Below you'll see a short list of what I consider the best sources for guidance. I encourage you to read these pubs cover to cover at least once. Doing simple word searches without reading the full context can get you in trouble. And, when you rely on FEMA guidance to interpret and enforce your regulations, I think you should note the publication (and perhaps section or page number) in your plan review notes.

**NFIP State Coordinators.** The governor of each state appoints an NFIP state coordinating agency (usually called "state coordinator") that is charged with assisting in the implementation of the NFIP. State coordinators are expected to maintain the capability to perform duties and responsibilities specified in regulation, including the capability to "guide and assist county and municipal public bodies and agencies in developing, implementing, and maintaining local floodplain management regulations." (44 CFR § 60.25)

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### **Some Important Terms—keep these differences in mind.**

*"Nonconforming" is not the same as "noncompliant." A building constructed in violation of regulations or building codes is noncompliant: it does not comply with the requirements. "Nonconforming," a term commonly used in zoning, refers to buildings that pre-date the adoption of regulations or codes. So a building built before a community adopted its floodplain management regulations and FIRM (often called "pre-FIRM") is nonconforming. Because it wasn't required to comply, it is incorrect to call it noncompliant.*

*"Variance" is not the same as "waiver." A variance is official permission to do something that is not otherwise permitted. The NFIP regulations provide for variances in 44 CFR § 60.6, but if a community processes variance requests as specified in the regulation. Of particular note, variances are to be the minimum necessary to afford relief—not a wholesale permission to ignore all aspects of flood resistance. Communities shall issue variances only upon a showing of good and sufficient cause, a determination that not granting a variance would result in exceptional hardship to the applicant, and a determination that increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws and ordinances. To waive something means to give it up or relinquish it voluntarily. For example, building codes typically allow building officials to waive or modify requirements for site plans for interior work on existing buildings and when otherwise warranted. So one significant difference between variances and waivers is who initiates the action: a variance is requested by the applicant and a waiver is at the discretion of the code official.*

State coordinators are valuable resources because many of them have years of experience not only with NFIP regulations, but state-specific requirements. Plus, they're able to answer questions about local ordinances, perhaps even your community's specific regulations. If you don't already know your state coordinator, check [ASFPM's list](#) online.

If necessary to answer unusual questions, your state coordinator can turn to floodplain management specialists in FEMA regional offices for assistance. I strongly recommend you get in touch with your state coordinator rather than go directly to the FEMA regional office. State folks are there specifically to help you—plus, they're familiar with state programs that may be more restrictive than the NFIP minimums and more than likely they've already got answers to common questions. Many states have their own floodplain management, water resources, coastal zone or similar programs with their own regulations.

**FEMA Building Science Helpline.** This helpline, managed by the Building Science Branch out of FEMA Headquarters, responds to questions related to topics covered in building science publications. This, of course, takes us back to my first recommendation—check out FEMA guidance documents first. Helpline answers are based on NFIP regulations, not the more restrictive or more specific requirements of your state or local regulations. As always, any adopted requirement that exceeds the NFIP must prevail. Contact the helpline at [FEMA-BuildingScienceHelp@fema.dhs.gov](mailto:FEMA-BuildingScienceHelp@fema.dhs.gov) or (866) 927-2104.

The Building Science Helpline answers about 200 questions each year. The most common questions are about flood openings, basements/below-grade areas, substantial improvement and substantial damage, and flood damage-resistant materials. It shouldn't be a surprise those topics figure prominently in FEMA's publications.

**Short List of Guidance Publications.** Some FEMA publications are available in hardcopy (call (800) 480-2520)

1. [NFIP Technical Bulletins](#) (flood openings, flood damage-resistant materials, elevators, free-of-obstruction, breakaway walls, and more)
2. [FEMA P-758](#), Substantial Improvement / Substantial Damage Desk Reference (just about everything you need to know in 100 pages)
3. [FEMA P-499](#), Homebuilder's Guide to Coastal Construction (lots of illustrations and content that's valuable in all flood zones, including riverine communities)
4. [FEMA P-936](#), Floodproofing Non-Residential Buildings
5. [FEMA P-85](#), Protecting Manufactured Homes from Floods and Other Hazards (flood, wind and seismic loads, test data on ground anchors in saturated soils and dry-stacked piers, pattern book with prescriptive foundation designs)
6. [FEMA P-550](#), Recommended Residential Construction for Coastal Areas: Building on Strong and Safe Foundations (design guidance for several foundation types, including pattern book for typical foundations)
7. [Building Code Resources](#): Excerpts of the Flood Resistant Provisions of the 2015, 2012 and 2009 I-Codes, "Highlights of ASCE 24-05 and ASCE 24-14, Flood Resistant Design and Construction," and checklists demonstrating NFIP consistency
8. [ICC/FEMA](#), Reducing Flood Losses Through the International Codes®: Coordinating Building Codes and Floodplain Management Regulations (check out Chapter 3, which compares NFIP and I-Code requirements)

*Submit your own items or suggestions for future topics to column editor Rebecca Quinn, CFM, at [rcquinn@earthlink.net](mailto:rcquinn@earthlink.net). Comments welcomed!*