

KANSAS

FLOODPLAIN MANAGEMENT TIPS



December 2013

Biggert Waters Has Arrived

The Biggert Waters National Flood Insurance Program Reform Act (BW12) was approved in July of 2012. Certain provisions of Biggert Waters went in to effect immediately. Others didn't go in to effect until October 1, 2013. Some provisions in Section 207 of BW12, related to grandfathering, have not yet changed. There is proposed legislation that would delay some of the changes that raise flood insurance premiums. An unintended consequence of Biggert Waters has been that flood insurance for certain types of properties may no longer be affordable.

The Floodplain Management Team at Division of Water Resources noticed an increase in the number of calls related to Biggert Waters beginning in October. In discussions with floodplain managers we are told that they are also getting calls related to Biggert Waters. Here are a few examples of what we are hearing about.

- A new building was purchased in 2012. Flood insurance was \$800. A year later when the policy was renewed the insurance went to \$5000.
- The owner of a commercial property saw a \$4000 increase in the cost of her premium.
- Insurance agents are calling and asking for copies of elevation certificates on older Pre-FIRM houses that had never had one.
- Property owners are calling and asking for assistance with elevations and surveys.
- A young newly married couple purchased their first home. They signed the closing paperwork on October 1, 2013. After moving their furniture in to the home they learned the cost of flood insurance will be over \$3700 per year.

For certain types of buildings, the cost of the flood insurance is moving from a premium of hundreds of dollars to costing thousands of dollars. Floodplain managers will want to help their citizens save money on the cost of flood insurance. What can a community official do to help citizens to save money on flood insurance?

Flood insurance is required by lenders when there is a Federally backed mortgage for a property in a special flood hazard area. Banks hire flood zone determination companies to make a determination about whether or not the property is in a special flood hazard area. There have been cases when a flood zone determination was incorrect. There was special flood hazard area in a part of the property but the structure was not in it. In that situation provide your citizen with a map and tell them to notify their lender there is a dispute and ask that the property be rechecked by the flood zone determination company. Another option is to file a request for a Letter of Map Amendment with an Out As Shown determination when lenders won't cooperate.

Floodplain managers can give property owners advice about how to elevate or retrofit a building so that it can have a more favorable insurance rating. One situation that comes up is with Pre-FIRM buildings on a crawl space. Those crawl spaces do not usually have flood openings. Retrofitting to install flood openings can lower the cost of insurance.

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BW12 eliminates subsidies for flood insurance and moves toward actuarial rating. A Pre-FIRM house will need to have an elevation certificate in order to be actuarial rated. Property owners are often told to hire a surveyor to complete an elevation certificate. In the case of a house with a basement in an unnumbered zone A area a property owner can complete an elevation certificate and take their own measurements in Section E of the form. This will usually result in a slightly lower cost for the insurance than calculating a base flood elevation because of the depth of the basement below ground. It will also save on the cost of hiring a surveyor. Community officials may need to help citizens, unfamiliar with flood maps, to complete the form.

On the other hand, when a house is elevated on a crawl space, fill dirt or a natural rise of land then hiring a surveyor may be the better choice. A house that is elevated on a crawl space may turn out to have the lowest floor at or above the base flood elevation. This will result in a much better insurance rating. For unnumbered Zone A areas an insurance agent has to use the elevation certificate with the base flood elevation determined once it has been provided. Review the numbers with the property owner before handing in the elevation certificate to an insurance agent.

Floodplain managers should review elevation certificates for property owners. Make sure that the building diagram is correct and the datum used is the same in sections B and C. Mistakes on the elevation certificate can become very costly. Compare the base flood elevation in section B to the lowest adjacent grade in section C. In cases where the grade is higher than the predicted water surface elevation the property will often qualify for a Letter of Map Amendment (LOMA). The already completed elevation certificate can be used as a supporting document attached to a form requesting a LOMA. An approved LOMA can eliminate the requirement for flood insurance and make the property eligible for the low cost preferred risk policy of flood insurance.

Insurance agents who better understand Biggert Waters and National Flood Insurance Program requirements can better advise their clients. Contact insurance agents in your community. Suggest they take webinar training classes. The City of Independence invited realtors, lenders and insurance agents to a webinar training. The floodplain manager for Independence acted as a host and showed the webinar on a screen in front of a room at a community center and also provided refreshments. Division of Water Resources attended and helped to answer questions that came up. A schedule of upcoming agent trainings can be found at [http://www.h2opartnersusa.com/nfip-training/](http://www.h2opartnersusa.com/nfip-training/agent-training/) .

A home owner recently refinanced his home. He had an existing mortgage and flood insurance done through the lender. He was taking out a second mortgage for an equity credit line with a different lender. The second lender was going to require flood insurance also. The property owner planned to cancel his existing policy and take out a new policy through the new lender. Taking out a new policy would have triggered the requirement for actuarial rates under Biggert Waters. Do not cancel an existing policy.

Enroll your community in the Community Rating System (CRS). There are 26 cities and counties that are already approved for CRS in Kansas. These communities have a stronger floodplain management program and also get discounts on flood insurance. As flood insurance premiums increase the dollar amounts for the CRS savings will also increase.

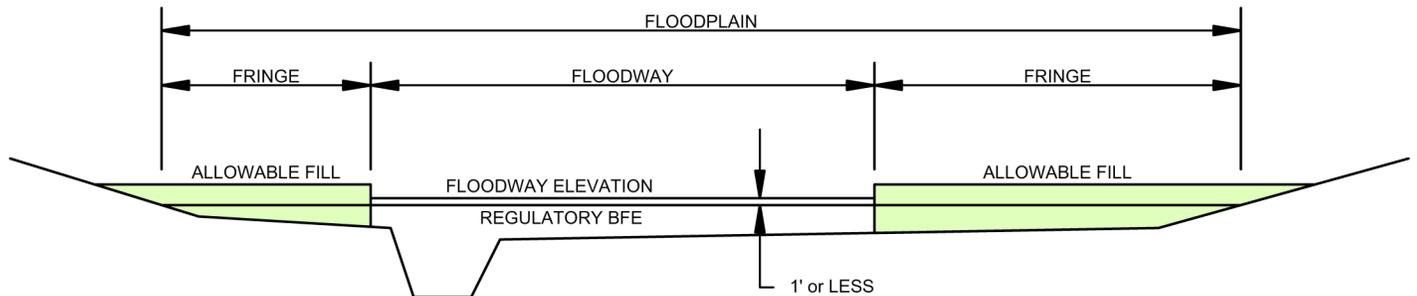
Floodplain managers can help their citizens save money on flood insurance.

Erika Stanley Changes Jobs

Erika Stanley has resigned as the Floodplain Mapping Coordinator. She will be working for the Kansas Water Office to provide technical assistance to support the High Plains Aquifer Management, Watershed Restoration and Protection and Public Water Supply Regional Strategies. Erika had this to say, "I am going to sincerely miss working with the floodplain managers! Hopefully, I will still see a lot of them being that the water resources field is a small world."

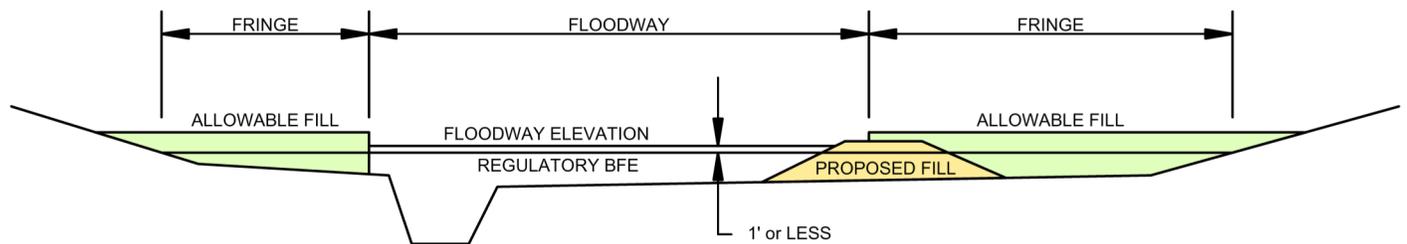
Division of Water Resources Requirements for Fill in a Floodway

Floodways may be defined within Zone AE floodplains identified on Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps. Typically, these are located within populated areas where additional detailed study is warranted to protect homes and businesses from flooding. The floodway is defined as the area that must be preserved so that floodplain development does not increase the base flood elevation (BFE) more than one foot. Fringe areas outside the floodway may be filled without a review of hydraulic effects.



DETAILED STUDY: ZONE AE FLOODWAY AND FRINGE

When fill is proposed within a Zone AE floodway, the permit application must include a hydraulic analysis showing that the floodway definition is still valid. The analysis must assume that fringe areas are completely filled, and the resulting increase in BFE cannot exceed one foot.



REQUIRED ANALYSIS FOR FILL IN FLOODWAY

Favorable hydraulic analyses are possible in certain cases, including:

- The published floodway may be based on a BFE rise less than one foot. The proposed development will be permissible as long as the resulting BFE rise does not exceed one foot.
- The proposed analysis may be based on more accurate topography, showing greater capacity available within the remaining floodway.
- Based on upstream and downstream sections, the proposed fill may be located in an area that is not as effective in conveyance.

A project may also meet these requirements by increasing capacity with the remaining floodway. For example, areas adjacent to the stream channel could be lowered to offset the effects of the proposed fill.

Questions about floodway regulations can be directed to the Water Structures Program in the Division of Water Resources, phone 785-296-2933.

Training Opportunities

The Floodplain Management Program will host the following training sessions throughout Kansas. If you are interested in any of the no-cost training opportunities, please contact Tom Morey at 785-296-5440 or Steve Samuelson at 785-296-4622. A training registration form is in this newsletter.

Post Flood Responsibilities

This free class is intended for community officials responsible for administering floodplain management regulations. The course focuses on what to do during and after a disaster event. Topics include substantial damage, permitting, Increased Cost of Compliance and violations. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Dodge City - Feb. 13, 2013 8:00 a.m.-12:00 p.m.

Elevation Certificates and Letters Of Map Amendment

This free class is designed for community officials responsible for administering floodplain management as well as surveyors and engineers who complete Letters Of Map Amendment (LOMA) and Elevation Certificate forms. The course will focus on accurate completion of Federal Emergency Management Agency (FEMA) technical forms, building diagrams and base flood elevation. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Parsons - Feb. 6 2014 8:30 a.m.-12:30 p.m.

Basics of the National Flood Insurance Program

This class is for officials responsible for administering their local floodplain management ordinance. The focus is on the National Flood Insurance Program (NFIP) and concepts of floodplain management, maps and studies, ordinance administration, and the relationship between floodplain management and flood insurance. Approved 3.5 hours toward CFM. Limited to 20 participants.

- Frontenac - Jan. 16, 2014 8:30 a.m.-12:30 p.m.

View Biggert Waters Flood Insurance Reform Act resources at:
<http://www.fema.gov/flood-insurance-reform-act-2012>

Email saves money on postage. The electronic newsletter also has links and the photos are in color. If you are getting this newsletter by postal mail and would prefer email please contact Steve Samuelson at steve.samuelson@kda.ks.gov.

Mark your calendar. The Kansas Association for Floodplain Management 2014 conference will be September 3 and 4 in Wichita. More information will be posted at the website www.kafm.org. Registration will be done through a link on the website. If you have questions about registration please contact Don Slone, Chairman, at 913-667-1708.

Kansas Department of Agriculture
Division of Water Resources
Floodplain Program
Training Registration Form

Name _____

Title _____

Organization _____

Address _____

City _____ State _____ Zip _____

Telephone _____ Fax _____

E-mail _____

Name, date and location of training you will attend _____

*Please share this invitation with anyone else who could benefit from the training.

**Classroom locations will be sent to registered participants one week before the training.

Please mail or fax your registration to:

KANSAS DEPARTMENT OF AGRICULTURE
FLOODPLAIN MANAGEMENT PROGRAM
109 SW 9th STREET, 2nd FLOOR
TOPEKA, KS 66612-1283
Fax to: 785-296-1176

If you have questions about training, please contact Steve Samuelson by email to steve.samuelson@kda.ks.gov or by phone 785-296-4622, or contact Tom Morey at tom.morey@kda.ks.gov and 785-296-5440.

Please help us keep our records current. If the name that appears on this newsletter is for an individual no longer with your organization, please call 785-296-4622, or email steve.samuelson@kda.ks.gov to report the change.

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Kansas Department of Agriculture
Division of Water Resources
Floodplain Management
109 SW 9th St 2nd Floor
Topeka, KS 66612-1283

ASFPM 2014 National Conference in Seattle

The 2014 Association of State Floodplain Managers National Conference will be June 1-6 2014 in Seattle, Washington. This conference is an excellent opportunity for floodplain managers to receive training on mapping technologies, regulations, permitting, outreach and best practices. It is estimated the conference will be attended by more than 1,000 floodplain management professionals. This conference is great chance to meet people for networking and to learn the latest news in floodplain management. Funds may become available to subsidize attendance at this conference. Contact Tom Morey to inquire about scholarships to the ASFPM conference at 785-296-5440.

KDA/DWR Water Structures Floodplain Program Staff

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