

# HOW TO ADOPT A FLOODPLAIN MANAGEMENT ORDINANCE

## For First Time Participants

The State of Georgia shares a responsibility with local officials to protect the lives and property of its citizens and visitors from the effects of natural disasters, including flooding. The Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP), based on an agreement between the Federal government and participating communities, makes **flood insurance** available to residents of participating communities provided that the community adopts and enforces adequate floodplain management regulations. These include minimum building design and construction standards for buildings located in Special Flood Hazard Areas (SFHAs) identified on the Flood Insurance Rate Maps (FIRMs). The NFIP is a **voluntary** program; however, a benefit to participation is that many types of **State and Federal assistance grants** are then available for local governments' and residents' economic recovery from flooding disasters.

Currently, there are more than 500 communities and 150 counties in Georgia that participate in the NFIP and more than 22,000 communities nationally. One of the goals of the Georgia Floodplain Management Office is to have all 159 county governments and the vast majority of the non-participating municipalities join the NFIP.

## Basics of NFIP Participation

Georgia Department of Natural Resources in partnership with FEMA is producing updated Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) data. Identifying and updating flood hazard areas creates a current awareness of the hazard and provides communities with valuable information needed for emergency management and land use planning.

Wise floodplain management is a **continuous decision-making process** that aims to protect citizens and property from flooding disasters. Floodplain management is accomplished by various methods, beginning with the adoption of local floodplain management regulations. Any community participating in the NFIP has the responsibility to review development proposals, issue permits, and ensure compliance with the Flood Damage Prevention Ordinance it adopted. Regulated development includes the construction or improvement of building structures, as well as roads, bridges, and other land disturbing activities in the floodplain. Ultimately, the responsibility for managing floodplain development lies with local officials to advise local property owners of the risk of flooding and provide guidance to build flood-resistant structures.

The State of Georgia has delegated responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizens.

## Adoption Process

1. The community may have federally-identified floodplains for the first time. The community should carefully review these maps and determine whether flood insurance and floodplain management would benefit the community and its citizens. If floodplains have previously been identified in your community, the amount of floodplain areas may have increased with the new flood maps and/or public support may motivate a community to participate in the NFIP. Even if no floodplains have been identified in your jurisdiction, your community may still join the NFIP so that local property owners may purchase flood insurance.
2. Georgia Floodplain Management Office invites the community to participate in the NFIP and provides a State *model* ordinance to use as the foundation for the local floodplain management ordinance. The floodplain management ordinance, called the Flood Damage Prevention Ordinance, is based on minimum Federal requirements of Title 44 Code of Federal Regulations (CFR) Section 60.3.
3. The community identifies appropriate parties involved in the ordinance adoption process such as the community attorney, planning department, building and zoning board/departments, local governing body, and other interested parties. Proposed regulations and procedures are discussed and finalized. The community is encouraged to set higher regulatory standards. Georgia Floodplain Management Office is available for assistance and presentation at local public or planning meetings to answer questions and provide summaries of the program.

## Effects of Non-participation in the National Flood Insurance Program (NFIP) for Flood-prone Identified Communities:

- Flood insurance is *not available* to local property owners. Remember: Most homeowners insurance does not cover flood damages.
- No Federal grants or loans for buildings or Federal disaster assistance may be provided for construction, repair, or reconstruction of buildings in identified flood hazard areas.
- No Fannie Mae, Freddie Mac, and GNMA purchase of mortgages in the secondary market may be made if the properties are located in identified flood hazard areas.
- Lenders of conventional loans must notify property owners that the property is located in a high-risk flood hazard area and the property is not eligible for Federal disaster relief in a declared Presidential Disaster. Some lenders may not make loans or may require flood insurance from non-NFIP sources, which can be prohibitively expensive.
- If flooding occurs, it is possible that the local government could be held liable by residents and/or business that could not get flood insurance because of the local government's decision not to participate in the NFIP. Possible liability caused by allowing construction that adversely increased floodwater depths and velocities by increasing flood damages may be incurred.
- Construction, which was allowed in identified flood hazard areas, will be subject to prohibitively expensive flood insurance rates when the community does enter the program.

4. The community implements its procedures for ordinance adoption (publishes the public notice, holds public hearings, etc). The community submits an application package that includes the following information:

- **Application for Participation in the NFIP (FEMA Form 81-64).** This one-page form asks for the following types of information: Community name; name of the Chief Executive Officer of the community; name of the person responsible for administering the community's floodplain management program; address of the community repository for public inspection of flood maps; and estimates of land area, population, and number of structures in and outside of the floodplain.
- **Resolution of Intent:** The community must adopt a Resolution of Intent, which indicates an explicit desire to participate in the NFIP, and a commitment to recognize flood hazards and implement the objectives of the program.
- **Floodplain Management Regulations:** The community must adopt and submit floodplain management regulations that meets or exceeds Title 44 CFR, Section 60.3 utilizing the State's *model* ordinance.

The application and the signed and dated copies of the resolution and ordinance must be sent to the State Floodplain Management Office for review. The documents are forwarded to FEMA for approval. FEMA will advise the community of acceptance into the National Flood Insurance Program.

There is **no charge** to a community for participation in the NFIP.

For more information, contact:

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